

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite, City Hall, Salisbury, SP2 7TU  
**Date:** Thursday 15 July 2010  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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### Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

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### Substitutes:

Cllr Ernie Clark	Cllr Leo Randall
Cllr Russell Hawker	Cllr Paul Sample
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	

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# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 24 June 2010 (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Salisbury & South Wilts Sports Club, Wilton Road, Salisbury, SP2 9NY - Proposed Amendment to Design Of Proposed Sports Pavilion, Subject of Application S/2008/2089.** (*Pages 13 - 40*)

To inform Members on the proposed changes to the design of the proposed sports pavilion building, previously considered as part of application S/2008/2089.

7. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James** *(Pages 41 - 44)*

To update the Committee in respect of progress towards resolving the various breaches of planning control at this site.

8. **Planning Appeals** *(Pages 45 - 46)*

To receive details of completed and pending appeals (copy herewith).

9. **Planning Applications** *(Pages 47 - 48)*

To consider and determine planning applications in the attached schedule.

9a **92A Queen Alexandra Road Salisbury** *(Pages 49 - 60)*

9b **Land Adjacent To Butterfield Drive Amesbury Salisbury** *(Pages 61 - 72)*

9c **London Road Amesbury Salisbury** *(Pages 73 - 92)*

9d **140 London Road & Land & Buildings To Rear Amesbury Salisbury** *(Pages 93 - 106)*

10. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **SOUTHERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 JUNE 2010 AT ALAMEIN SUITE, CITY HALL, SALISBURY.**

#### **Present:**

Cllr Richard Britton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale (Reserve), Cllr Ian West and Cllr Fred Westmoreland (Chairman)

#### **Also Present:**

Cllr Richard Clewer

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#### **53. Apologies for Absence**

Apologies were received from Councillors Mary Douglas and Graham Wright. Councillor John Smale substituted for Councillor Douglas.

#### **54. Minutes**

The minutes of the meeting held on 3 June 2010 were approved and signed as a correct record by the Chairman.

#### **55. Declarations of Interest**

Councillors Richard Britton, Christopher Devine, Jose Green, Mike Hewitt, George Jeans, Ian McLennan, Ian West and Fred Westmorland declared personal interest in item 7c as they had served on a planning committee with the applicant in the past.

Councillor Richard Clewer (non member of the committee) declared a prejudicial interest in item 7c and left the room during consideration of this item.

#### **56. Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public

57. **Public Participation**

The committee noted the rules on public participation.

58. **Planning Appeals**

The committee received details of the following appeals;

**Decisions**

S/2009/1029 - Unit 6 Stockport Business Park, Amesbury – dismissed – delegated.

S/2009/1786 - 2A Albany Road Salisbury – allowed – delegated

**New Appeals**

S/2009/1543 - Adjacent 19 Victoria Road, Wilton

S/2009/0732 - 44 York Road, Salisbury

S/2010/0112 - Land adjacent to Ebbleway, Crouchston Drove. Bishopstone

**Resolved**

**That the report be noted**

59. **Planning Applications**

59a **S/2010/0053 - Whiteparish Village Store Ltd The Street Whiteparish**

Public participation:

Mr Brian Cosstick spoke in support of the application

Mr Eric Chase spoke in support of the application

Mr Andrew Lax spoke in support of the application

Councillor Richard Clewer representing Whiteparish Parish Council spoke in support of the application.

With the Chairman's agreement, this application was considered together with the associated application for conservation area consent referred to at minute 59b below.

The application had been recommended for refusal, however members felt that the proposed shop building would actually result in a visual

improvement compared to the existing shop building and would enhance the Conservation Area. Concerns were expressed regarding the protected species and it was requested that, should issues arise following the phase 2 ecological survey, then the application should come back to the committee for further consideration.

**Resolved:**

**That the application be approved, subject to the completion within three months of a phase 2 ecological survey and a unilateral agreement in relation to policy R2 (public open space), and the following conditions:**

Reasons for approval

Members considered that the proposed shop building would result in a visual improvement compared to the existing building and would enhance the Conservation Area in accordance with policies CN8 and CN11. Therefore conditioned to ensure that the amenities of the neighbours and the Conservation Area were preserved, members considered that the scheme would provide an enhanced local facility and provide much needed modest housing, without affecting surrounding amenities in accordance with national guidance as expressed in PPS1, PPS3, PPS5 and policies CN8, CN11, G2 and PS3

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. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

Drawing ref.no. 0712/103

Drawing ref.no. 0712/01 rev A

Drawing ref.no. 0712/02 rev A

Drawing ref.no. 0712/03 rev C

Drawing ref.no. 0712/101 rev E

Archaeological evaluation Ref no. ACW275/2/0 dated May 2010

ECOSA Phase 1 Ecological Survey

3 No development shall commence on either the erection of the dwellings or the demolition of the shop until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

#### POLICY D2 Design criteria and CN8 Development in Conservation Areas

4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) treatment of the boundaries of the site and the boundaries between the different uses of the land, hereby approved;
- (d) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development

#### POLICY G2 General criteria and CN11 protection of views in Conservation Areas.

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

REASON In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on Achieving Sustainable Development promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

#### POLICY Salisbury District Council's Supplementary Planning Guidance on Achieving Sustainable Development

6 The three houses hereby permitted shall not be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.



POLICY Policy G2 General criteria for development

7 The demolition of the existing shop hereby permitted shall not commence until the three houses hereby approved are erected, fully completed and capable of habitation, as agreed in writing with the Local Planning Authority

REASON To ensure that the proposed replacement shop is provided in a timely manner in the interests of the community .

POLICY PS3 Community facilities

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-C or Class E shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY G2 General criteria and CN11 Protection of views in Conservation Areas.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY G2 General criteria for development, D2 Design criteria and CN11 protection of views in Conservation Areas.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be

inserted in the above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY G2 General criteria for development, D2 Design criteria and CN11 protection of views in Conservation Areas

11 During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

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

POLICY G2 General criteria for development

59b **S/2010/0098 - Whiteparish Village Store Ltd The Street Whiteparish**

**Resolved:**

**That the application be approved subject to the following conditions:**

**Reasons for approval**

**Members considered that the proposed shop building would result in a visual improvement compared to the existing building and would enhance the Conservation Area in accordance with policies CN8 and CN11. Therefore conditioned to ensure that the amenities of the neighbours and the Conservation Area were preserved, members considered that the scheme would provide an enhanced local facility and provide much needed modest housing, without affecting surrounding amenities in accordance with national guidance as expressed in PPS1, PPS3, PPS5 and policies CN8, CN11, G2 and PS3**

**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.This decision relates to documents/plans submitted with the application,

listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

Drawing ref.no. 0712/103

Drawing ref.no. 0712/01 rev A

Drawing ref.no. 0712/02 rev A

Drawing ref.no. 0712/03 rev C

Drawing ref.no. 0712/101 rev E

Archaeological evaluation Ref no. ACW275/2/0 dated May 2010

ECOSA Phase 1 Ecological Survey

REASON For the avoidance of doubt

3 During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

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

POLICY G2 General criteria for development

4 No works for the demolition of the existing shop building or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission has been granted under application reference S/2010/0053 or such other application(s) approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

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

POLICY CN8 and CN9 Conservation Area

**5 Within three months of the demolition of the existing shop, all debris and materials arising from the demolition shall be permanently removed from the site, unless otherwise agreed in writing by the Local Planning Authority.**

**REASON In the interests of the amenity of the Conservation Area**

**POLICY G2 General criteria and CN8 Conservation Area**

59c **S/2009/1916 - Bathcroft House Morgans Vale Road Redlynch**

Public participation

Mrs Zoe Clewer spoke against the application

Mr Amrik Chahal spoke in support of the application

Mr Guy Anderson spoke in support of the application

Members considered the application which was recommended for approval. Issues regarding odours from the take-aways and also parking issues were raised however it was acknowledged that the application would provide much needed affordable housing in the area.

**Resolved:**

**That planning permission is granted subject to the completion of a unilateral agreement. For the following reasons**

**The site was historically used for employment purposes but it has been demonstrated that the premises were no longer viable for an employment generating use and therefore the site's redevelopment for a non employment generating use would be in accordance with the criteria of Policy E16 and supported by PPS3. Moreover as the site is located within the designated Morgan's Vale and Woodfalls Housing Policy Boundary its redevelopment for residential purposes would comply with the criteria of Local Plan Policy H16. This acceptance in principle would however, be subject to the proposal complying with national guidance as expressed in PPS4 which seeks to protect rural services/facilities. Whilst the proposed flats would be close to restaurants/takeaways and an industrial estate the internal design of the flats has been amended to overcome the noise and odour concerns of the Environmental Health Officer (policy G2). Therefore whilst the design of the apartment building would be unlike any of the other houses in the vicinity, (Policy D2) it will reflect the design of the building to the front of the site. would create a greater variety of accommodation in the area and therefore whilst the building would be out of character with the housing to the east and west, it would not be so incompatible with the appearance of the locality as to adversely affect its character and therefore on balance it is considered that the proposal would be in accordance with national and local guidance.**

**And subject to the following conditions**

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

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

2 No works shall commence until details of all materials and finishes, and where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roof and the parking areas of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To secure a harmonious form of development.

POLICY G2 General criteria for development

3 During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

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

POLICY G2 General criteria for development

4 The development shall be undertaken in accordance with the detailed recommendations of the Report from 24 Acoustics and the drawings ref.nos. 3328/02 Rev S, 3328/03 Rev R, 3328/04 Rev D and 3328/06 Rev Q received on 14 May 2010.

REASON: To secure a harmonious form of development.

POLICY G2 General criteria for development

5 Prior to the commencement of development the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority.

The investigation must include

A full desktop survey of historic land use data

A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages)

A risk assessment of the actual and potential linkages identified  
A remediation programme for contaminates identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.  
The remediation programme shall be fully implemented and the validation report shall be forwarded to the Local Planning Authority, prior to the first occupation of the dwellings.

REASON: In the interests of public health and safety

POLICY G2 General criteria for development.

### **INFORMATIVES**

#### **1: PARTY WALL ACT**

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

60. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James**

Members considered a report on progress made in resolving the various breaches of planning control at the above site.

**Resolved:**

- 1. That the report be noted**
- 2. That a further report be brought to the next meeting of the committee to include the terms of the section 106 agreement.**

61. **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 7.40 pm)

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, of Democratic Services, direct line (01225) 718371, e-mail [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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## Report

Report Subject: SALISBURY & SOUTH WILTS SPORTS CLUB, WILTON ROAD, SALISBURY, SP2 9NY - PROPOSED AMENDMENT TO DESIGN OF PROPOSED SPORTS PAVILLION, SUBJECT OF APPLICATION S/2008/2089.

Report to: **Southern Area Planning Committee**

Date: **15/07/2010**

Author: **Mr Richard Hughes, Team Leader**

### 1. Report Summary:

- 1.1 To inform Members on the proposed changes to the design of the proposed sports pavilion building, which was previously considered by Members as part of application S/2008/2089, at the previous Southern Area Committee meeting on 27<sup>th</sup> August 2009.

### 2. Background

- 2.1 The background to this report is the previous committee report attached as Appendix 1 to this report. Members resolved that the Area Development Manager should be delegated to approve the development of a replacement sports pavilion and 5 new dwellings subject to the completion of a S106 legal agreement. However, the legal agreement remains uncompleted at this time and hence, planning permission for the development has yet to be issued.
- 2.2 The applicant has now approach the LPA (see letter appended), and has requested that the LPA consider a re- design of the sports pavilion building as a result of funding issues. Revised plans have been submitted.

### 3. Planning considerations

3.1 As the planning permission has not yet been formally issued, the LPA can consider whether it wishes to accept the applicants revised drawings as part of the ongoing application.

3.2 The revised design for the sports pavilion results in a building which is shorter in length than the previously submitted building, and there have been alterations to the design of the southern front façade of the building and balcony area. Internally, the proposed facilities have been re-jigged, with a reduction in the number of changing rooms, and a simplification to the communal facilities. The following paragraph summarises the changes:

#### 3.3 GROUND FLOOR

- Number of changing rooms reduced from 8 to 6 but each is capable of being used for cricket and meets ECB minimum standards
- All changing rooms have corridor access from within the building (as required by SE/ECB).
- The 2 x main cricket changing rooms also have exit doors to exit and windows for access/sight toward the playing area.

- - Observation windows added to all changing rooms the ones within the main cricket changing rooms giving a view onto the square.
- - The 4 x lesser changing rooms exit the building via the rear/escape door or main entrance
- - All changing Rooms to ECB/SE standards (floor finishes to be agreed)
- - Draught/Entrance Lobby added to Main Entrance (energy conservation/SE/ECB requirement).
- - Cantilevered/propped projecting viewing balcony from approved (Planning) scheme omitted (see 1<sup>st</sup> floor plan)
- - An additional store has been added to the west elevation (toward the all-weather pitch). There is never enough but this would be a minimum.
- - Ambulant WCs off entrance corridor reduced to minimum requirements.

#### FIRST FLOOR

- - 1st Floor area reduced to suit reduced ground floor area and accommodation/rooms replanned to fit.
- - Cantilevered/propped/wrap round viewing balcony from approved (Planning) scheme omitted
- - Reduced viewing balcony created by setting back glazed curtain walling to Social/Bar Room by 2.0m approx and omitted the section of zinc roofing to the forward/south facing section of curved roof in lieu of slate (see plans)
- - To give shading to the balcony and so as to overcome any heat gain problems to the 1<sup>st</sup> floor Social Room we have introduced have lightweight plastic coated fabric canopy sections between extended principle rafters. These may be taken down when not in use and for maintenance purposes. These will be an economic solution to the heat gain issue whilst still allowing “white light” to enter the Social/Bar Room space whilst at the same time giving the building a distinctive feature.
- - Both ECB and SE publications point out the importance of creating good architectural spaces so we propose that the ceiling over the Social/Bar Room be “opened up” to give height/volume and drama to this important space.
- - Ceilings behind the Social/Bar Room (including the rear Committee Room) would only need a plasterboard or suspended ceiling fixed to the u/s of the trussed rafters that would form the bulk of the roof structure
- - WC numbers have been based on the reduced occupancy generated by the reduced functions room sizes. (0.5m<sup>2</sup>/person)

#### TOTAL FLOOR AREAS (INTERNAL GROSS)

- - Ground Floor 382.0m<sup>2</sup> (including Bins/External Stores)
- - First Floor 326.0m<sup>2</sup>  
708.0m<sup>2</sup>

#### EAST ELEVATION

- - Building reduced in length
- - Projecting balconies omitted
- - Recessed balcony + fabric canopy (as noted above) indicated

- - Entrance Lobby indicated
- - Escape stair moved to this elevation
- - Fenestration amended to suit omission of ground floor social spaces in lieu of principle changing rooms

#### NORTH/REAR ELEVATION

- - Rear exit door added
- - Escape stair repositioned (to exit on east elevation)
- - External stores indicated (to west elevation)

#### SOUTH/FRONT ELEVATION

- - Projecting balconies omitted
- - Recessed balcony + fabric canopy (as noted above) indicated
- - Escape stair moved indicated to eastern side
- - Fenestration amended to suit omission of ground floor social spaces in lieu of principle changing rooms

#### WEST ELEVATION

- - Building reduced in length
- - Projecting balconies omitted
- - Recessed balcony + fabric canopy (as noted above) indicated
- - Fenestration amended to suit omission of ground floor social spaces in lieu of principle changing rooms
- - Enclosed Bin/General Store indicated

3.3 The main consideration is whether the redesigned building results in any significant impacts which would change the assessment and judgment outlined by the previous officers report as attached.

3.4 Whilst the design of the building has altered, in officers opinion, the building as revised would remain an attractive structure, which would be a significant improvement compared to the existing sports club, and would have a similar impact on the wider landscape as the previous design, which was considered acceptable by Members. Equally, it is considered that the proposal would have a similarly limited impact on the amenities of the area, particularly surrounding dwellings, given the significant distances between the planned pavilion site and adjacent dwellings.

3.5 In highway terms, a slightly smaller pavilion use is unlikely to have any significantly different effects to the building previously deemed acceptable. Indeed, it could be argued that traffic may be slightly reduced as a result of a smaller building. The Highways Agency has been reconsulted and has confirmed it has no additional concerns or comments beyond those offered in relation to the previous building design.

3.6 Similarly, Sport England has been reconsulted regards the suggested amended design, and has indicated that the redesign has the full support of Sport England and meets the English

Cricket Board and Sport England technical guidance.

3.7 It is therefore considered that the amendments suggested to the proposed sports pavilion are acceptable, and would have similar impacts to that of the previously considered pavilion design. The revised proposal therefore meets the requirements of PPG17, and hence accords with Local Plan policy R5. As no other changes are proposed to the previously considered scheme, the recommendation of APPROVAL as indicated on the officers previous report as attached still apply.

#### **4. Options for consideration:**

4.1 Members have a number of options. They could either:

- a) Resolve to Approve the application with the amended plans for the sports pavilion, and subject to the previously requested S106 agreement and conditions (or any revised terms and conditions thought appropriate due to the change of design)
- b) Resolve to Approve the application, but subject to the proposed design being altered in some manner.
- c) Confirm that the previous resolution of Approval still stands, but based on the original plans.
- d) Resolve to Refuse the application, giving sound planning reasons why the alterations to the design of the sports pavilion are now considered unacceptable.

#### **5. Recommendation:**

5.1 With regards options c), which effectively leaves the application as original submitted, if members choose this option, it would appear that due to the funding issues, the applicant would not be able to continue with the scheme. Similarly, option d) would refuse planning permission for any development of the site.

5.2 Members will recall that the originally proposed scheme would result in the creation of a pathway from Lower Road, and that the provision of this was something that was locally desirable. If the development does not occur, it would therefore seem likely that such a pathway would not occur. Option a) or b) would however seem to achieve such a gain, and the applicant has indicated that he is happy to consider any design changes suggested by members. It is however recommended that option (a) above is accepted.

#### **6. Background Papers:**

- 6.1 The original report to Southern Area Committee on in Appendix 1
- Letter from the applicant in Appendix 2
- The minutes for the meeting in Appendix 3.

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

The Director of EDPH does not consider it prudent to exercise delegated powers given the significant public interest and that part of the development site is located outside the HPB, on recreational land protected by policy R5 of the Salisbury District Local Plan.

**1. Purpose of Report**

To consider the above application for 5 dwellings and replacement clubhouse, netting and scoreboard, and to recommend that planning permission be GRANTED subject to conditions

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) A commuted sum towards the provision of public open space in accordance with policy R2 of the Local Plan
- (ii) The production of a travel plan which would encourage the use of sustainable modes of transport in association with the sports pavilion use
- (iii) That the existing sports pavilion use is not removed until a suitable replacement facility is constructed and made available for use.

Following completion of which within 3 months of the resolution of Members, the Area Development Manager be authorised to GRANT Planning Permission subject to conditions (and that should no agreement be completed with this time frame, the ADM be authorised to determine the application under his/her delegated powers)

**2. Main Issues**

- 1. Principles of development outside HPB and loss of sports club/recreational facility/land
- 2. Impact on wider landscape
- 3. Impact on residential amenities
- 4. Impact on highway system
- 5. Ecological and drainage issues

**3. Site Description**

The site is located in defined open countryside on the western edge of Salisbury city, adjacent to and with access off the busy A36 trunk road, which bounds the north of the site. The land to which the application relates forms part of the South Wiltshire Sports ground, which contains a number of sports facilities/pitches, together with an existing sports hall/clubhouse building. A driving range and pitch and putt course is located to the west of the sports ground.

To the immediate east of the application is located two residential dwellings and an existing hotel. To the south of the site is a linear housing development, the local school, and St John's church. There is also a small wooden secondary changing room/pavilion for use with the second cricket pitch only, located adjacent the southern boundary of the application site.

#### 4. Planning History

Various applications for sports/recreation related structures.

#### 5. The Proposal

It is proposed to demolish the existing club house situated adjacent the eastern boundary of the site, and build a bigger, replacement sports facility adjacent to the existing all weather pitch, on the western edge of the application site (to the north of the cricket pitch), adjacent to the existing parking area. 13 parking spaces would be provided adjacent the building, including some bike spaces.

On the site of the demolished sports building (and part of the existing grassed area), it is proposed to construct 5 two storey dwellings, with an associated driveway leading to the existing A36 access. 8 parking spaces would be provided. Following concerns expressed by third parties and the Local Planning Authority, the housing scheme has been adjusted to reposition the dwellings further away from the eastern boundary of the site, and the overall design adjusted to reduce the impact of the scheme on adjacent residential amenity.

As part of the proposal, it is also proposed to erect a new scoreboard to serve the cricket pitch. A new path is also shown dotted on the proposed plans, running from the school to the south of the site, through the church grounds, and across the playing pitches. 7.5m high safety netting is also proposed between the cricket pitch and the proposed dwellings (this would be lowered and stored away when not in use).

It is understood that part of the monies generated by the sale of the housing will in part be funding the new sports pavilion. However, it should note that this a private matter between the parties concerned, as this scheme does not warrant a formal “enabling” situation, as outlined by policy G10 of the local plan, which relates largely to nationally significant listed/protected buildings.

A transport report has been submitted as part of the application, as has a waste audit, and an ecological report.

#### 6. Planning Policy

The following policies are considered relevant to this proposal

PPG17	Sports and recreation
PPS3	Housing
PPS1	Sustainability
PPS13	Sustainable transport
PPS9	Biodiversity and ecology
Policy C7	Landscape setting of Salisbury and Wilton
Policy R1A & R5	Recreational open space protection
Policy D1	Design

Policy G2  
Policy H22

General impacts of development  
Use of brownfield land

## **7. Consultations**

### **Highways Agency**

Further to additional information being submitted, and a travel plan being drawn up to encourage sustainable transport to the site, no objections and withdrawal of Direction.

### **City Council**

None

### **WC Highways**

No objections, provided visibility from the access onto the A36 is improved and maintained.

### **Environment Agency**

No objections subject to conditions water efficiency, and pollution prevention

### **Wessex Water**

General information and advice regards connection to existing systems

### **Sport England**

No objections to the proposal to replace the existing sports club facilities, and no objections to new dwellings being erected on site of former clubhouse. Consider that the proposals meet the various criteria in PPG17. The new clubhouse should be provided and made available for use prior to the commencement of the housing.

### **Wiltshire Fire and Rescue**

General information regards fire safety

### **WC Archaeology**

No comments. No known archaeological features within the area of the pavilion, and the clubhouse area is disturbed.

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## 8. Publicity

The application was advertised by site notice/press notice /neighbour notification  
Expiry date: 11/02/09

281 letters/emails (including support from Bemerton St John School) received indicating that:

Fully support improved sports facilities  
Will have wider community and health benefits  
New pathway across site will help access and safety

1 letter of objecting/raising concerns:

New houses will adversely affect the amenities of occupiers of adjacent properties  
Part of new housing/parking area is on R5 land outside HPB  
Will affect the setting of Cherbury, a listed building  
New scoreboard should be resited to limit impact on adjacent residential amenities and views

**COGS** – Welcome footpath link, but use and times should not be restricted, and should be accessible to cyclists. Such a path is necessary for safety. There is a need for a green travel plan in order to encourage sustainable access to the site.

**Design Forum** - The proposal is for a new sports' pavilion to replace the existing single-storey cricket pavilion and build 5 new houses. The sports' pavilion will be in a new location and the new houses located in the area of the existing pavilion.

The proposed sports' pavilion is a contemporary building. Part of the building (two thirds) is proposed to have a slate roof and the rounded end (that faces the cricket pitch) is proposed to have a zinc roof. Larch horizontal boarding is now being proposed for the elevations, rather than oak as was originally suggested. The boarding would be an engineered solution rather than shiplap and would be highly insulated.

The Forum welcomed the proposals but still had reservations about the proposed handling of the roof on the sports' pavilion. It was felt that the two elements needed to be better integrated and the general consensus was that the whole of the roof should be zinc rather than the mix of slate and zinc. The architect explained that the client was insisting on slate but that he did not consider that the junction would look uncomfortable in view of the over-sailing eaves detail of the slates.

The Forum welcomed the design of the cottages, which are conceived in the Wilton estate style.

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## 9. Planning Considerations

### ***9.1 Principles of development outside HPB and loss of sports club/recreational facility/land***

a) Replacement of existing clubhouse facility



Policy R1A of the Local Plan encourages the expansion of existing recreational facilities on the edge of settlements, subject to the landscape impact of such proposals, and subject to the sustainable accessibility of the proposals.

Policy R5 of the Local Plan covers the site of the proposed sports pavilion and the surrounding playing pitches, but specifically excludes the existing sports clubhouse. The policy states that:

“Development which would lead to the loss of public or private sports fields, other recreational open space, or school playing fields, will not be permitted unless:

- (i) sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of the site; or
- (ii) alternative equivalent provision is made available in the locality; or
- (iii) there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

The supporting text of the above policy also indicates that “..the redevelopment of private sites will only be allowed where the sports and recreation facilities can be best retained, and improved (including greater access for the public where appropriate) through the redevelopment of part of the site...”

The existing clubhouse is in a rather dilapidated condition and is showing its age, and has poor access arrangements for those with disabilities and poor standards of accommodation within existing changing rooms and associated facilities. The existing building also apparently suffers from increasing maintenance costs, and is poorly sited with respect to the cricket pitch which results in spectators looking into the glare of the sun in the evening.

The proposed replacement building would incorporate similar but enhanced facilities, including a social room with viewing gallery/balcony, a lift, a function room, a players lounge and bar, and several changing rooms. The intention is to build a new facility which is fully compliant with Sport England guidance standards, and to locate it in an easily accessible location adjacent the existing facilities which will encourage greater use of the building and sports field. The pavilion location will also allow good views over both the cricket ground and all weather pitches, and minimise existing “sun blinding” issues.

The replacement sports pavilion building would be sited on land currently designated within policy R5, and its construction would therefore in theory result in the loss of some existing open grassed play area. However, as the use of the pavilion building would be inherently tied to the improvement of the existing recreational area, and the exact site of the pavilion actually relates to ancillary grassed area adjacent to the formal cricket pitch, it is considered that the erection of the pavilion building in the chosen location accords with the aims of the recreational policies, in that no actual playing pitches are affected, and that overall recreational facilities will be improved.

As the existing sports clubhouse site is not within policy R5, it is also considered that it would be difficult to argue that the site should be used to provide replacement playing pitch area which would be taken up by the new sports pavilion, particularly as the site of the existing club is located in a rather awkward corner location which is not entirely suited for use as formal playing pitches.

Consequently, the replacement of this building to provide better/improve recreational facilities would in officers opinion, accord with the aims of the recreational policies of the Local Plan, particular R5 (i). It would also accord with central government guidance on sporting facilities contained within PPG17, on which our policy R5 is based. Sport England has confirmed that this replacement is acceptable, (and indeed, as a separate funding agency, are funding part of the proposal).

#### b) Erection of dwellings outside the HPB

The proposed dwellings would be erected on land vacated by the demolished sports pavilion (which is not covered by policy R5), and also incorporate some areas of existing land around the existing building which are currently laid to grass, which fall within the policy R5 designation. All the land on which the dwellings and parking area are proposed is located outside the defined HPB (which covers the dwellings to the immediate east of the application site and the rest of the city centre).

Consequently, the proposed dwellings would be sited on land which would normally be only acceptable for housing in exceptional circumstances, and on land which forms an albeit small part of a wider recreational area, which is protected by policy R5.

Whilst the site of the existing sports club would ordinarily be referred to as “brown field” or “previously developed” as defined in PPS3, in this instance, as the land forms part of the wider recreation area, the site is covered by the guidance contained within PPG17. This document indicates that recreational land should not be regarded as brownfield land, in order to protect recreational land from development.

Therefore, on the face of it, given that the dwellings are not required for any “exceptional” purposes related to rural pursuits as explained in PPS7, the development of this site for housing would seem contrary to the aims of PPS17 and PPS7.

However, the planning arm of Sport England have not objected to the proposal, and indeed, as part of its role as a funding body, have actually played a part in funding the proposal to replace the existing sports club building. The body has also indicated that in its opinion, this proposal complies with the PPS17 guidance and that the land on which the existing sports pavilion is located could, in its opinion, be considered as being “previously developed”. As a consequence, given that Sport England are intrinsically involved in the guidance in PPG17, being the main consultee for that document, in officers opinion, it would be difficult to reject this application on the basis that it does not appear to comply with the guidance in PPG17.

Furthermore, whilst outside the defined HPB, the site does bound the HPB, and is in just as sustainable a position as the housing immediately adjacent, with easy access to the local services and the city centre. Therefore, given the positive stance of PPS3 to sustainable new housing development within or adjacent to existing main settlements, it would also seem difficult to object to the application on sustainability grounds.

Similarly, SDLP policy H22 also advises that dwellings will be permitted on previously developed land, (i) where such land is accessible by public transport, (ii) well related to the existing pattern of development, and (iii) not identified for an alternative form of development. (Whilst a small part of the land lies within the policy R5 designation, it is considered that for the reasons highlighted above, that this would be difficult to support on appeal)

Consequently, as the principle of dwellings on the proposed site would seem difficult to refute in reality, an assessment of the impacts of the proposal in other terms should now be undertaken. The following report addresses these issues.

However, without control, it would be possible for the existing sports clubhouse building to be replaced by the proposed housing, without the replacement sports pavilion being provided. This would result in the loss of part of the recreational facility, contrary to recreational planning policies. As a result, a condition or other mechanism is required to be imposed which ensures that the proposed clubhouse is provided prior to the existing facilities being permanently removed.

## **9.2 Design and visual impact on wider area**

### **9.2.1 Sports pavilion/scoreboard and netting**

The wider recreational land falls with the Landscape Setting of Salisbury and Wilton, and is covered by Policy C7, which states that:

“Within the Landscape Setting of Salisbury and Wilton as defined on the proposals map, new development will not be permitted during the lifetime of this plan to ensure there would be no detriment to the visual quality of the landscape and to enable allocated developments to be assimilated”

Policy C7 of the Local Plan seems on the face of it to allow no development within such an area. However, the supporting text of this policy is less equivocal, and indicates at para 7.16 that “..more positively , the LPA will actively encourage enjoyment of the countryside....through the extension of public access....”

However, given that it would be somewhat unreasonable to have a “blanket ban” on any/all development in such a locally designated area when we allow in principle some development within a nationally designated area such as the AONB, officers have for a number of years been taking a more pragmatic view, and assessing any proposed development for its actual impact and harm caused in a similar fashion as is done in the AONB.

Furthermore, the land covered by policy C7 in this instance is not in fact open countryside in the traditional sense, but is a collection of playing fields and a golf course, with a selection of paraphernalia associated with the sports use. In officers opinion, it would not be reasonable to impose a blanket ban on development in this area, as the area already contains various sporting paraphernalia. Instead, it would seem more reasonable to assess any proposal on this site against their impact on the generally open, recreational character of the site.

The existing sports pavilion is not of any particular architectural quality and its removal will generally improve the appearance of the site. However, given the relatively modest scale of the building, and its relatively secluded location, the existing building has no significant visual impact on the wider area, as adjacent buildings such as the hotel are more prominent.

Conversely, the replacement sports pavilion would be sites in a more open part of the site, and be of a larger scale than the existing building. Clearly, therefore, the new building will be more prominent in the landscape, and will be far more visible from the A36 road to the north of the

site, and the road system to the south of the site.

However, in conjunction with the LPA and its design forum, the applicant has sought to design a building which would be robust in use and low in maintenance. This will include the introduction of a standing seam pre oxidised zinc roof on the southern end of the building facing the cricket square so as to minimise/resist any damage by balls. The remainder of the roofing would be natural slate, with untreated oak boarding on the upper elevations and brickwork at lower level (which would be in a contrasting buff colour with blue/black banding).

In officers opinion, the new sports pavilion would be an attractive building, which blends traditional pavilion/recreational building design cues such as a clock, pitched roofing, and balcony, on a contemporary building. It is considered that whilst the building would be prominent, it would be a positive addition to the site, and would not unduly detract from or be harmful to the open recreational character of the area.

In sustainability terms, the applicant has indicated that the building will meet or exceed building regulation requirements, and the large eaves will provide solar shading to upper floor rooms. The main function room will be naturally ventilated through adjustable baffles within the rooftop ventilators.

It is similarly considered that the proposed scoreboard, whilst relatively large and visible, would be a visual feature which one would expect to see adjacent to a sports pitch such as a cricket field. As a consequence it would not look out of place or unusual in this setting, and hence, it is not likely to detract from the character of the area.

It is also proposed to erect netting between the proposed dwellings and the cricket field. Whilst erected, it is conceded that such a structure would not be particularly attractive. However, as this is a temporary structure, its visual harm is somewhat limited. It is noted that there is a large amount of permanent fencing/netting already on the playing fields at the moment, and as a consequence, it is considered that the proposed netting would not look out of place or unusual in this setting, and hence, it is not likely to detract from the character of the area.

Whilst the netting and the scoreboard would be located within close proximity to Cherbury and would alter the character of the setting of the listed building when seen from the west, the existing setting of the listed building already contains the poor quality sports clubhouse and other recreational paraphernalia, and in a way, this development improves the setting of the listed building. Given that it is considered that the most important setting of this listed building is actually the environment around Church Lane and not the area around the rear of the building, it is considered that the proposed development would not adversely affect the general setting of the listed building in a manner which would warrant refusal.

### **9.2.2 Houses**

As stated, the proposed houses would be located on the site of the existing sports club building. In officers opinion, they are attractively designed, and would utilise materials which would reflect the traditional vernacular of the area, namely slate, with a sandy colour/buff colour brick, reminiscent of other dwellings in the area, including Wilton estate cottages.

Whilst the properties would be present a much larger massing than the single storey clubhouse building currently on the site, and whilst they would ultimately be more prominent than the

existing building, it is therefore considered that the houses would be a positive addition to the area, and would not unduly detract from the open character of the area, particular given their secluded siting, in the eastern corner of the playing field, and adjacent to the much larger hotel building.

Whilst the housing and their parking area would be located within close proximity to Cherbury and would alter the character of the setting of the listed building when seen from the west, the existing setting of the listed building already contains the poor quality sports clubhouse and other recreational paraphernalia, and in a way, this development improves the setting of the listed building. Given that it is considered that the most important setting of this listed building is actually the environment around Church Lane and not the area around the rear of the building, it is considered that the proposed development would not adversely affect the general setting of the listed building in a manner which would warrant refusal.

As a result, it is also considered that the proposals would not have such an adverse impact on the setting of Cherbury, a grade II listed building, as to warrant a refusal on that basis.

### **9.3 Impact on amenities**

#### **9.3.1 Sports club**

Currently, the existing sports club facilities are located directly adjacent to the eastern boundary of the site, adjacent to both the hotel and a residential property. It is considered that in general terms, the relocation of this use away from this boundary and existing neighbours will result in some form of improvement to existing amenities, through the reduction in general noise and disturbance. The removal of the building which is very close to the neighbouring garden area is also considered to be an improvement.

#### **9.3.2 Houses**

Concerns and objections have been raised by the owner of the dwelling immediately adjacent to the eastern boundary of the site for the planned houses (Cherbury). The objections relate to the loss of privacy and the creation of overshadowing, particularly in respect of the garden of Cherbury, which is located to the north of the dwelling, and which is directly adjacent to the planned housing site.

In an attempt to reduce the impact of the dwellings on this property, the LPA has sought to amend not only the general design of the dwellings, but also their location. As a result, the dwellings would now be sited between 10.2 metres (plots 1 & 2), 8.73m (plots 3 & 4), and 9.5m (plot 5) from the garden area of Cherbury. Furthermore, in order to reduce the impact of the scheme in terms of overlooking, some of the first floor windows at the rear of the houses have been relocated to the side elevations of the dwelling. Thus there would now be only 4 bedroom windows, and one bathroom window, facing directly towards the garden area of Cherbury. As well as these changes, the original rear projections on the dwellings have been softened from a full gable design to a hipped design, which softens the built form, and reduces the massing of the buildings, as seen from Cherbury. The applicant has also confirmed that the proposed car parking area would utilise a bound (not loose gravel) material, thus helping to reduce noise disturbance from vehicles.

Whilst it is acknowledged that (compared to the existing situation) the residential dwellings as

planned would result in some loss of privacy to the occupiers of Cherbury, particularly caused by overlooking from the remaining bedroom windows, and the general introduction of residential noise and disturbance, it is considered that the impact of the housing would not be so significant as to warrant refusal of the application, given that the level of amenity currently experienced by occupiers of Cherbury is already limited by the presence of the sports clubhouse and the sports pitches.

Given the distance of the dwellings from the garden area of Cherbury, and their positioning to the west of that dwelling and garden area, it is considered that the amount of overshadowing caused by the new houses to the adjacent dwellings and garden area is unlikely to be significant. The applicants submitted shadow diagrams support this view, and seem to indicate that any overshadowing will be confined to the rear gardens of the existing dwellings, and will not affect Cherbury.

#### c) Netting and scoreboard

Whilst objections have been raised to the proposed scoreboard, these seemed to be based on the fact that the scoreboard will be visible from adjacent dwellings to the immediate east of the site, which have traditionally enjoyed a relatively open view across the recreational land. Whilst it is considered that the scoreboard would be visible from the existing (and proposed) dwellings, the scoreboard is a relatively modest sized structure, and would be located some distance from the dwellings. As a result, the scoreboard would not be unduly prominent or oppressive, and would cause no overshadowing issues. The loss of what is a private view is not a material consideration which can be used to reject a planning application, although it remains officers opinion that whilst the scoreboard will be visible, it will only form a small part of the outlook which will remain available to existing and proposed housing.

The proposed netting would be visible from both the existing and proposed dwellings, and during times when the netting is erected, the outlook of the future occupiers of the proposed dwellings would be impaired in terms of a reduction in private view. However, the netting would be taken down when not in use, and the purpose of the netting would be to protect the proposed dwellings from ball strikes during cricket matches. As a result, the impact of this scheme on neighbour amenity is not considered so significant as to warrant refusal.

### **9.4 Impact on highway system**

#### (i) Traffic generation and access issues

The development would be serviced via the existing northern vehicular access into the site via the A36, adjacent to Skew bridge. The road in this area is within the 30mph designation. The existing vehicular access is utilised by users of the existing sports pitches, the existing clubhouse and the golf course, as well as the adjacent hotel. The access is therefore well used at the present time, and the Highway Authority or Highways Agency has not indicated that there is any significant accident record related to this stretch of road.

It is intended to reutilise the existing vehicular access onto A36, with only modest changes to remove some existing foliage around the access which currently restricts the site lines. The existing avenue of trees will remain unaffected.

The Highways Agency served a Direction of non approval on the LPA early in the lifetime of the

application. The Agency were concerned that the proposed development, in particular the likely increase in the usage of the site resulting from the improved sports pavilion and facilities. Following protracted negotiations and discussions, further additional supporting information was submitted by the applicant, which in summary, indicated that there would not be a significant change to the access demands for the site. (The applicants letter explaining the traffic generation issue from the applicants point of view is attached as an appendix)

Following the applicants reassurances, the Highways Agency now considers that subject to the drawing up of a travel plan which would encourage the accessing of the site by sustainable transport means, the likely increase in traffic resulting from this site as a result of the new proposals and the likely increase in popularity and use of the enhanced facilities, would be offset, and would not harm the highway system. The HA has now withdrawn its direction, and has indicated that it is happy for the application to be approved if the LPA wish it.

WC Highways has also confirmed that it is happy for the application to be approved, subject to a travel plan and visibility from the existing A36 access being improved and maintained.

It should also be noted that such a travel plan would seem to address most of the concerns of COGS.

#### (ii) Proposed path

The majority of the letters/emails of support relating to this application relate to the provision of a new pathway, across the application site from the school in the south, to the A36 road in the north.

An indicative path is shown on the submitted plans, leading from the proposed clubhouse site southwards across the existing open space, through the existing churchyard, and exiting onto the highway opposite the existing school. The provision of such a path has apparently resulted from local discussions between the landowners/applicants and the local people and the school, who wish to improve the safety of pupils accessing the school. The idea is that the proposed new path would be safer route than using the existing narrow highway system, much of which has no pavement.

It is acknowledged that such a path, for which there seems to be considerable local support, is not necessarily objectionable in planning terms, and it could be argued that a path in that location could enhance public access to the new sports pavilion, and improve access to and from the school and church for the future occupiers of the proposed new houses.

However, the Council's highways department has indicated that it does not require such a path as part of this application scheme, and that if it did, any path would have to be designed to adoptable standard, which would probably require a surfaced track with lighting, as well as a stipulation that it would be available for public access at all times.

It is understood that that the landowners and applicant would not necessarily wish such a path to be open at all times, largely for security reasons (the supporting information indicates 8am to 5pm Monday to Friday at school times). Instead, it is understood that there is agreement locally that any path would be made available only during the daytime, and in particular at school times, but would not be available for use in the evenings or night. It is further understood that the applicants would not wish to have a formally surfaced path way with lighting running

through their open space. The Local Planning Authority agrees with this concern, as any formalised surfaced path would probably result in a visual intrusion into the landscape. Consequently, any path that is created will be a private path, not a public right of way, which would not be intended to be used for general public use in association with either the proposed houses or the new sports pavilion.

As a result, the officers are unable to “insist” on such a pathway being created as part of this proposal, as the need for it is not generated by the development but by the school. Furthermore, any such details would have to meet the requirements of the highway authority as outlined above. However, given the clear level of demand for such a path locally and the apparent willingness of the landowner/applicant to provide such a path, it is considered that a condition can be imposed which simply requests that the details of any path which is to be constructed be submitted to and agreed in writing by the Local Planning Authority, in order to control the visual impact of any such works on the surrounding area. Members should however note that such a condition would not control the timing of the provision of such a path.

### **9.5 Ecological issues**

Whilst the vast majority of the site is laid to cut grass, and will be unlikely to be capable of supporting protected species, the clubhouse has some potential to harbour bats.

An ecological assessment was submitted as part of the application. No evidence of protected species were found, although in officers opinion, the proposal should be conditioned so that it is carried out in accordance with the recommendation made by the bat report.

The site is located some distance from the AHEV, which includes the SSSI/SAC river system. Given the modest scale of the development proposed, and the fact the applicant has indicated that the development would be connected into the existing drainage system serving the clubhouse (which feeds into the drainage system in church lane, it is considered that the proposal would be unlikely to have any adverse impact on the sensitive area, as defined by the Habitat Regulations 1994, and EIA regulation 1999. The proposal would also therefore accord with the guidance given in PPS9.

## **10. Conclusion**

The existing sports clubhouse building is of a generally poor standard, and the replacement of the facilities with new improved facilities is in accordance with the aims of the recreational policies of the Local Plan, in particular policies R1A and R5. Furthermore, the proposed sports pavilion is considered to be of an attractive design which would generally enhance the appearance of the area, and cause no detriment to the wider landscape, in accordance with the aims of policy C7 of the Salisbury District Local Plan. Given the relocation of the sports building away from adjacent properties, it is considered that the proposal would also result in a general improvement to the amenities of adjacent properties. The removal and replacement of the sports clubhouse facilities will however need to be controlled, to ensure that the facilities are provided.

The erection of new dwellings on the site of the sports clubhouse building is considered acceptable in principle, as most of the land on which the dwellings would be sited are not covered by restrictions of policy R5 of the Salisbury District Local Plan. Whilst a small



percentage of the other land forming part of the housing site is covered by policy R5, the land in question is not used as formal playing pitches but instead makes up the ancillary grassed areas around the existing cricket pitch. Sport England support the proposals, and as a result, the proposals are considered to be in accordance with PPG17 and the similar aims expressed by the recreational policies of the Local Plan including R1A, and R5. Whilst the erection of the dwellings in the chosen location will have some affect on the amenities of the adjacent dwellings and its garden area, taking into account the relocation of the clubhouse use away from this boundary, the increased distance between the new dwellings and the boundary, and the reduction in fenestration and overlooking, it is considered that the dwellings would not have such a significant impact on residential amenities as to warrant refusal.

Both the Highways Agency and the Council's Highway Authority have stated that subject to a Travel Plan to encourage future accessing of the site by sustainable modes of transport, and the maintenance of suitable visibility from the vehicular access onto the A36, it is considered that any likely increase in use of the existing site and facilities, and proposed new sports pavilion, would be unlikely to have a significant impact on the adjacent highway system or highway safety.

The proposed scoreboard and netting is considered to have a minimal visual impact on the wider landscape, as the existing site already has a strong recreational character and contains various sports related structures. Neighbouring amenity would not be so significantly affected by the proposals as to warrant refusal.

The proposed footpath through the site to the adjacent school appears to be part of discussions between the applicant, landowner and local population, and is not being requested as a formal right of way by the Local Plan Authority or highway authority as part of this planning application scheme. Details of this path can however be secured via condition, to ensure that it would be of simple construction and have no adverse impact on the landscape.

Therefore, subject to several restrictive conditions, including a Travel Plan to encourage sustainable transport, and a scheme related to ensuring the continuation and replacement of the recreational pavilion use, it is considered that the proposal would be acceptable.

## Recommendation

Following completion of a legal agreement to secure the following:

- (i) A commuted sum towards the provision of public open space in accordance with policy R2 of the Local Plan
- (ii) The production of a travel plan which would encourage the use of sustainable modes of transport in association with the sports pavilion use;

It is recommended that planning permission be granted for the following reasons:

The existing sports clubhouse building is of a generally poor standard, and the replacement of the facilities with new improved facilities is in accordance with the aims of the recreational policies of the Local Plan, in particular policies R1A and R5. Furthermore, the proposed sports pavilion is considered to be of an attractive design which would generally enhance the appearance of the area, and cause no detriment to the wider landscape, in accordance with the aims of policy C7 of the SDLP. Given the relocation of the sports building away from adjacent properties, it is considered that the proposal would also result in a general improvement to the amenities of adjacent properties. The removal and replacement of the sports clubhouse facilities will however need to be controlled, to ensure that the facilities are provided.

The erection of new dwellings on the site of the sports clubhouse building is considered acceptable in principle, as most of the land on which the dwellings would be sited are not covered by restrictions of policy R5 of the SDLP. Whilst a small percentage of the other land forming part of the housing site is covered by policy R5, the land in question is not used as formal playing pitches but instead makes up the ancillary grassed areas around the existing cricket pitch. Sport England support the proposals, and as a result, the proposals are considered to be in accordance with PPG17 and the similar aims expressed by the recreational policies of the Local Plan including R1A, and R5. Whilst the erection of the dwellings in the chosen location will have some effect on the amenities of the adjacent dwellings and its garden area, taking into account the relocation of the clubhouse use away from this boundary, the increased distance between the new dwellings and the boundary, and the reduction in fenestration and overlooking, it is considered that the dwellings would not have such a significant impact on residential amenities as to warrant refusal.

Both the Highways Agency and the Council's Highway Authority have stated that subject to a Travel Plan to encourage future accessing of the site by sustainable modes of transport, and the maintenance of suitable visibility from the vehicular access onto the A36, it is considered that any likely increase in use of the existing site and facilities, and proposed new sports pavilion, would be unlikely to have a significant impact on the adjacent highway system or highway safety.

The proposed scoreboard and netting is considered to have a minimal visual impact on the wider landscape, as the existing site already has a strong recreational character and contains various sports related structures. Neighbouring amenity would not be so significantly affected by the proposals as to warrant refusal.

The proposed footpath through the site to the adjacent school appears to be part of discussions between the applicant, landowner and local population, and is not being requested as a formal right of way by the LPA or highway authority as part of this planning application scheme.

Details of this path can however be secured via condition, to ensure that it would be of simple construction and have no adverse impact on the landscape.

Therefore, subject to several restrictive conditions, including a Travel Plan to encourage sustainable transport, and a scheme related to ensuring the continuation and replacement of the recreational pavilion use, it is considered that the proposal would be acceptable.

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

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

Reason (2): In the interests of visual amenity and the character and appearance of the area.

Policy - D1 visual appearance and impact

3) With regards to the replacement sports building, no external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason (3): In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Policy- G2 & C7 protection of amenities and countryside

4) With regards to the proposed dwellings, no development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

Reason (4): To limit overlooking & loss of privacy to neighbouring property.

Policy - G2 impact on neighbour amenity

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

Reason (5): In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Policy - G2 & D2 general amenities and appearance of the area

6) With regards to the proposed dwellings, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the walls and roofslope(s) of the development hereby permitted.

Reason (6): In the interests of residential amenity and privacy.

Policy - G2 general amenities

7) With regards to the sports pavillion building, no development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason (7): To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

Policy - G1 sustainable transport

8) No demolition of the existing sports clubhouse building shall take place until the new sports pavillion building hereby permitted has been erected and made available for use.

Reason (8): To ensure that the existing sports clubhouse facilities are maintained and replaced within a suitable time frame.

Policy R1A & R5 - Enhancement of recreational facilities

9) No development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall outline measures to encourage the use of sustainable transport options for persons accessing the recreational land; and indicate a timetable for implementation of those measures. The development shall be carried out in accordance with the agreed travel plan.

Reason (9): In order to reduce the reliance on the private car in the interest of sustainable development and the aims of PPS1 PPS3, and PPS13

Policy G1 - sustainability

10) No development shall commence until a scheme for the operation of the netting adjacent

the cricket pitch shall be submitted to and approved in writing by the Local Planning Authority. The netting shall be operated in accordance with the agreed scheme.

Reason (10): In order to limit the impact of the netting on the visual character of the area and the amenities of adjacent residents.

Policy - C7 and D1 protection of visual amenities

11) No development shall commence until the existing access hardstanding area is improved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and visibility from the vehicular access onto the A36 has been improved, with no obstruction to visibility at and forward of a point measured from 2.4m back into the centre of the access to 160m to the west. The visibility splay so created shall be maintained in that condition thereafter.

Reason (11): In the interest of highway safety

Policy - G2 highway safety

12) Development shall be carried out in accordance with the recommendations made in the submitted ecology report from Clarke Webb Ecology Ltd dated 17th November 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason (12): In order to protect flora and fauna, in accordance with the aims of PPS9 and the habitats

13) No development shall commence until a scheme of water efficiency has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason (13): In the interest of water conservation.

Policy G2 G3 sustainable water conservation measures

#### INFORMATIVE

Regards water efficiency measures and pollution prevention measures, details can be found on the environment agency website . Regards pollution prevention during construction, safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Appendices:	Appendix A – Applicants justification for scheme and highways matters Appendix B – Site Location Map
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## APPENDIX 2

Re: Salisbury & South Wilts Sports Club

Dear Sirs,

We wish to submit a plea that the plans we have submitted, and gained permission for, are reviewed to accommodate a scaled down version of the intended pavilion and that the planning consent is endorsed.

We stress that there is no request to alter in any way the plans of the 5 houses, which are a critical enabling development, just the intended new pavilion.

Our original plans were for a building with a total floor area of around 1000 sq.m. Our Project envisaged multiple funding sources and we could only apply to some of these once final plans were available and planning permission was granted. We were also required by Sport England (SE) and the England and Wales Cricket Board (ECB) to submit cost estimates for the whole project.

Both SE and the ECB felt that the original estimates we had been given were unrealistic and we went back both to the architect and a professional estimator to arrive at revised costs.

Over this same period it became clear to us that certain targeted funders would not be able to support us and despite the confirmation of support from Wiltshire Council and our own magnificent fund raising efforts, we realised that we can only afford a building that we can gain funding for and the only way to achieve a lower cost building is to scale back the size. Thus we set a target to reduce the floor area by 30% whilst still meeting the key user requirements and without reducing the functionality of the building.

The original design gained considerable support from all involved but we have now revised the plans to meet the minimum operating requirements of the Club as a whole and have submitted plans and elevations for a scaled down building at around 650 sq.m floor area. The revised design includes changing rooms to meet ECB specifications and the demands for the winter and summer sports. The social facilities continue to meet the needs for spectators, players, officials and administrators of the Club as well as an office for the sports Development Officer. We believe that this meets the expectations of all parties in a Project that is achievable rather than a larger building that we will simply not gain sufficient funding for. We all live in the same economic environment and we can only build that which we can afford.

Our main funders are still on board but each will give very tight time constraints on when their funding must be spent by and exactly what it can be spent on. We have submitted final applications to both Sport England and the ECB that include these revised plans and it was indeed these bodies that insisted on a scaled down building.

We are at a critical stage. If we cannot proceed in the coming weeks then we will not gain the anticipated ECB funding in time to spend it this financial year. If we fail with the ECB, we will jeopardise the Sport England application. If we fail with both of these we are dead in the water and my honest appraisal is that after 10 years at this I cannot see

anybody else foolish enough to start from scratch with new funding applications where it is clear that money is in even harder to gain and the main intent of the Government is to cut back all spending.

Our commitment to the Community remains; we are still looking to provide a new pavilion / clubhouse which will provide benefit to the wider sporting community of South Wiltshire. Our facilities will continue to be made available to the Community and the Sports Development Officer will provide an additional resource to support club and player development on site, and out at other clubs and in local schools. This will be a valuable supplement to existing Local Authority provided resources. We appeal to the Planning Department to put this case forward to the next meeting of the Southern Area Committee with a recommendation to allow a revised design that continues to satisfy the planning expectations, is essentially similar in appearance and layout to the original application but is smaller in size and fully meets the requirements of Sport England and the ECB.

Yours faithfully,

Peter Curtis

## APPENDIX 3

### **37. S/2008/2089 – The Sports Ground, Wilton Road, Salisbury – Demolition of existing club house and construction of 5 dwellings with new access driveway and parking. Construction of replacement clubhouse adjacent to all weather pitch, new scoreboard, protective fencing and parking**

#### Public Participation:

1. Four further third party letters were reported.
2. Mr P Curtis spoke in support of the application.
3. Mr J Walsh spoke in support of the application.
4. Mr C Cochrane (Divisional Member) raised matters regarding the foot path proposed.

#### **Resolved:**

That following completion of a legal agreement to secure the following:

- (i) A commuted sum towards the provision of public open space in accordance with policy R2 of the Local Plan
- (ii) The production of a travel plan which would encourage the use of sustainable modes of transport in association with the sports pavilion use;
- (iii) That the existing sports pavilion use is not removed until a suitable replacement facility is constructed and made available for use.

Planning permission be **GRANTED** for the following reasons:

The existing sports clubhouse building is of a generally poor standard, and the replacement of the facilities with new improved facilities is in accordance with the aims of the recreational policies of the Local Plan, in particular policies R1A and R5. Furthermore, the proposed sports pavilion is considered to be of an attractive design which would generally enhance the appearance of the area, and cause no detriment to the wider landscape, in accordance with the aims of policy C7 of the SDLP. Given the relocation of the sports building away from adjacent properties, it is considered that the proposal would also result in a general improvement to the amenities of adjacent properties. The removal and replacement of the sports clubhouse facilities will however need to be controlled, to ensure that the facilities are provided.

The erection of new dwellings on the site of the sports clubhouse building is considered acceptable in principle, as most of the land on which the dwellings would be sited are not covered by restrictions of policy R5 of the SDLP. Whilst a small percentage of the other land forming part of the housing site is covered by policy R5, the land in question is not used as formal playing pitches but instead makes up the ancillary grassed areas around the existing cricket pitch. Sport England support the proposals, and as a result, the proposals are considered to be in accordance with PPG17 and the similar aims expressed by the recreational policies of the Local Plan including R1A, and R5. Whilst the erection of the dwellings in the chosen location will have some affect on the amenities of the adjacent dwellings and its garden area, taking into account the



relocation of the clubhouse use away from this boundary, the increased distance between the new dwellings and the boundary, and the reduction in fenestration and overlooking, it is considered that the dwellings would not have such a significant impact on residential amenities as to warrant refusal.

Both the Highways Agency and the Council's Highway Authority have stated that subject to a Travel Plan to encourage future accessing of the site by sustainable modes of transport, and the maintenance of suitable visibility from the vehicular access onto the A36, it is considered that any likely increase in use of the existing site and facilities, and proposed new sports pavilion, would be unlikely to have a significant impact on the adjacent highway system or highway safety.

The proposed scoreboard and netting is considered to have a minimal visual impact on the wider landscape, as the existing site already has a strong recreational character and contains various sports related structures. Neighbouring amenity would not be so significantly affected by the proposals as to warrant refusal.

The proposed footpath through the site to the adjacent school appears to be part of discussions between the applicant, landowner and local population, and is not being requested as a formal right of way by the LPA or highway authority as part of this planning application scheme. Details of this path can however be secured via condition, to ensure that it would be of simple construction and have no adverse impact on the landscape.

Therefore, subject to several restrictive conditions, including a Travel Plan to encourage sustainable transport, and a scheme related to ensuring the continuation and replacement of the recreational pavilion use, it is considered that the proposal would be acceptable.

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

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

REASON (2): In the interests of visual amenity and the character and appearance of the area.

Policy - D1 visual appearance and impact

3) With regards to the replacement sports building, no external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in

writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON (3): In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Policy- G2 & C7 protection of amenities and countryside

4) With regards to the proposed dwellings, no development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON (4): To limit overlooking & loss of privacy to neighbouring property.

Policy - G2 impact on neighbour amenity

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON (5): In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Policy - G2 & D2 general amenities and appearance of the area

6) With regards to the proposed dwellings, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the walls and roofslope(s) of the development hereby permitted.

REASON (6): In the interests of residential amenity and privacy.

Policy - G2 general amenities

7) With regards to the sports pavillion building, no development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

REASON (7): To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

Policy - G1 sustainable transport

8) No demolition of the existing sports clubhouse building shall take place until the new sports pavillion building hereby permitted has been erected and made available for use.

REASON (8): To ensure that the existing sports clubhouse facilities are maintained and replaced within a suitable time frame.

Policy R1A & R5 - Enhancement of recreational facilities

9) No development shall commence until a scheme for the operation of the netting adjacent the cricket pitch shall be submitted to and approved in writing by the Local Planning Authority. The netting shall be operated in accordance with the agreed scheme.

REASON (9): In order to limit the impact of the netting on the visual character of the area and the amenities of adjacent residents.

Policy - C7 and D1 protection of visual amenities

10) No development shall commence until the existing access hardstanding area is improved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and visibility from the vehicular access onto the A36 has been improved, with no obstruction to visibility at and forward of a point measured from 2.4m back into the centre of the access to 160m to the west. The visibility splay so created shall be maintained in that condition thereafter.

REASON (10): In the interest of highway safety

Policy - G2 highway safety

11) Development shall be carried out in accordance with the recommendations made in the submitted ecology report from Clarke Webb Ecology Ltd dated 17th November 2008, unless otherwise agreed in writing by the Local Planning Authority.

REASON (11): In order to protect flora and fauna, in accordance with the aims of PPS9 and the habitats

12) No development shall commence until a scheme of water efficiency has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON (12): In the interest of water conservation.

Policy G2 G3 sustainable water conservation measures

13) No development shall commence until details of the exact route, construction, and surfacing details, of the proposed pathway have been submitted to and agreed in

writing by the Local Planning Authority. The pathway so agreed shall be provided on site and made available for use prior to the first occupation of any of the 5 dwellings hereby approved.

REASON (13): To improve access to the proposed development in the interests of sustainability and amenity.

POLICY: G1 & G2 amenities and sustainability

#### INFORMATIVE

Regards water efficiency measures and pollution prevention measures, details can be found on the environment agency website . Regards pollution prevention during construction, safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

## WILTSHIRE COUNCIL

### SOUTHERN AREA PLANNING COMMITTEE

15<sup>th</sup> July 2010

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#### **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ**

#### **Purpose of Report**

1. To update the Committee in respect of progress towards resolving the various breaches of planning control at this site, as requested following previous meetings on 3<sup>rd</sup> and 24<sup>th</sup> June 2010.

#### **Background**

2. Members will recall that on 3<sup>rd</sup> June, Committee resolved not to take further enforcement action at that stage provided that, within one month of the date of the meeting Unilateral Undertakings under Section 106 of the Town and Country Planning Act had been completed prohibiting further unauthorised operational development, stationing and habitation of caravans and tents other than that provided by law; and a retrospective application had been submitted concerning retention of development undertaken at the site without permission. At the subsequent meeting, Members were updated with regard to progress on completion of the Undertakings and Committee then asked for a further report giving details of the Undertakings.

#### **The Undertakings**

3. Two Undertakings under Section 106 have been provided. These are enforceable by the Council through the Courts in the event of evidence of breaches being obtained. The Undertakings bind current and future owners.
4. *Undertaking 1* deals with the rally field and Certified Caravan Club Site. This obliges the owner to:
  - Not have more than 5 caravans on the Certified Site;
  - Not exceed the 28 days provided for temporary uses on the rally field and adjoining paddock;
  - Not to use the rally field and adjoining paddock other than as already authorised;
  - Not to undertake further development requiring planning permission, unless permission has been granted;
  - To keep a written record of all events at the site and make such records available for the Council to inspect.

5. *Undertaking 2* deals with the former Wisma Farm site (now Summerfield House) and prohibits further works requiring planning permission on that site until all pre-commencement conditions have been discharged in respect of planning permission reference S/2006/2122 for redevelopment of the site.

### **Other issues**

6. There are two outstanding applications in respect of this site. S/2010/0797 is an application for retrospective consent to display the two advertisements at the entrance to the site. An application seeking retention of the physical aspects of the development of the Caravan Club site rally field which are considered to require planning permission was received on 25<sup>th</sup> June and at the time of writing is being registered. Both of these applications will be determined at a future Committee meeting.

### **Recommendation**

**That Members note the contents of the report**

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Report Author:

Stephen Hawkins, Lead Principal Planning Enforcement Officer

Date of report 15<sup>th</sup> July 2010

### **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None.

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/1778	18 Folkestone Road, Salisbury	WR	Delegated	Dismissed	No	Dismissed
S/900/0843	Rear of 6-12 Ringwood Avenue, Boscombe Down, Amesbury	WR	Committee	Dismissed	No	No
S/2009/1885	19 Southbourne Way, Porton	HH	Delegated	Dismissed	No	No

### New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?

**WR** Written Representations  
**HH** Fastrack Householder Appeal  
**H** Hearing Local Inquiry

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# Agenda Item 9

## INDEX OF APPLICATIONS ON 15th JULY 2010

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>	<b>DIVISION MEMBER</b>
1	S/2010/0653	92A QUEEN ALEXANDRA ROAD, SALISBURY, SP2 9LB	CONSTRUCTION OF 4 NO. HOUSES AND 2 NO. BUNGALOWS WITH PARKING & ALTERATION TO ACCESS. EXISTING HOUSE TO BE DEMOLISHED	REFUSE	CLLR CHRISTOPHER COCHRANE
2	S/2010/0722	ADJACENT 15 BUTTERFIELD DRIVE, AMESBURY, SALISBURY, SP4 7LL	OUTLINE APPLICATION FOR THE CONSTRUCTION OF 11 FLATS AND TWO HOUSES INCLUDING CONSIDERATION OF ACCESS, LAYOUT AND SCALE	APPROVE S106	CLLR JOHN NOEKEN
3	S/2010/0701	LONDON ROAD, AMESBURY, SALISBURY, SP4 7EQ	DEMOLITION OF ALL STRUCTURES. ERECTION OF A PETROL FILLING STATION KIOSK, CANOPY AND FUEL PUMPS. INSTALLATION OF NEW FUEL TANKS. ASSOCIATED PARKING AND LANDSCAPING	APPROVE	CLLR FRED WESTMORLAND
4	S/2010/0639	140 LONDON ROAD & LAND & BUILDINGS TO REAR, AMESBURY, SALISBURY, SP4 7EQ	DEMOLITION OF ALL BUILDINGS AND REDEVELOPMENT TO FORM A CLASS A1 STORE WITH ASSOCIATED PARKING AND LANDSCAPING AND ALTERATIONS TO ACCESS,	APPROVE S106	CLLR FRED WESTMORLAND

			INSTALLATION OF A WIND TURBINE, AMENDMENTS TO CONDITION 30 STORE DESIGN AND DELETION OF CONDITION 20 RESTRICTION TO DELIVERY HOURS		
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Deadline:	23 <sup>rd</sup> JUNE 2010		
Application Number:	S/2010/0653		
Site Address:	92A QUEEN ALEXANDRA ROAD SALISBURY SP2 9LB		
Proposal:	CONSTRUCTION OF 4 NO. HOUSES AND 2 NO. BUNGALOWS WITH PARKING & ALTERATION TO ACCESS. EXISTING HOUSE TO BE DEMOLISHED		
Applicant/ Agent:	JOHN COLEMAN RIBA		
Parish:	SALISBURY CITY COUNCIL FISH/BEM VILL		
Grid Reference:	412707.3 131300.8		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

**Application Number**      **S/2010/0653**  
**Proposed Development**    Construction of 4 no. houses and 2 no. bungalows with parking & alteration to access. Existing house to be demolished

**Officer Report**

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

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

1. Scale of development
2. Relationship to adjoining properties
3. Car parking

**1. Purpose of Report**

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

**2. Main Issues**

The main issues to consider are :

1. Policy Context
2. Design/impact on street scene/ character of area
3. Impact on amenities
4. Impact on highway safety and car parking problems
5. Impact on trees on site
6. Public open space – policy R2

**3. Site Description**

The dwelling known as no.92A Queen Alexandra Road actually has its principle elevation facing towards no.9 Wellington Way. The dwelling is sited fairly centrally in the plot and it has two vehicular accesses on to Wellington Way. One access is immediately adjacent to no.9 Wellington Way and the other is sited immediately adjacent to the northern boundary of the site adjacent to the rear of no.1 Wellington Way. However, the site also has a narrow vehicular right of way at the rear, on to Queen Alexandra Road. This access is on the southern side of the site. Both Queen Alexandra Road and Wellington Way are subject to a 30mph speed limit and have on-street parking.

The site is currently fairly open and level and the garden has some ornamental and fruit trees.

Whilst the site is an established residential area, the character of the surroundings on Queen Alexandra Road and Wellington Way vary considerably. Wellington Way consists largely of pairs of semi detached houses and on the opposite side of the road, groups of terraced houses. There is considerable on-street parking. Whilst on Queen Alexandra Road the dwellings around the narrow entrance are mainly detached bungalows. Roberts Road to the north of the site consists mainly of semi-detached houses with small gardens.

#### 4. Planning History

Application number	Proposal	Decision
4498 and 4581	Records destroyed	
8079 A731	O/L erection of bungalow New garage and existing garage to provide store and office	Ref 26/04/62 A 20/09/66
A751	Erection of pair of semi-detached houses with access	Ref 25/10/66
E542 E727 87/1407	Addition for use as flat Ground floor extension and garage O/L erection of bungalow	Ref 06/06/72 A 11/07/72 Ref 28/10/87

#### 5. The Proposal

The proposal is to demolish the existing dwelling no.92A Queen Alexandra Road and erect a terrace of four dwellings (3-bedroomed houses) facing Wellington Way and at their rear, tucked behind nos. 94 and 96 Queen Alexandra Road; two, (2-bedroomed) bungalows.

The terrace houses will be sited to face Wellington Way and will each have two off street car parking spaces to their front. A side pedestrian access adjacent to no.9 Wellington Way will provide access to the rear gardens of all the houses and to their cycle and refuse bin storage.

The two-bedroomed bungalows would be located at the rear of the site, in a similar position to no 92 Queen Alexandra Road and will be accessed via the existing narrow drive between numbers 94 and 90 Queen Alexandra Road. The bungalows will share a parking and turning area, which is placed in front of the bungalows and to the rear of the gardens of no 96 Queen Alexandra Road. Both bungalows will have pedestrian access to their rear gardens where there will be both cycle and refuse bin storage.

## 6. Planning Policy

The following policies are considered relevant to this proposal

G1 and G2	General aims and criteria
G8	Groundwater source protection area
H8	Housing policy boundary
D2	Design criteria
TR14	Off street parking
R2	Public open space

Also relevant are:-

SDC Supplementary Planning Guidance	Achieving Sustainable Development
PPS3	Housing

## 7. Consultations

### ***City Council***

Object in principal to the building of four houses and two bungalows for the following reasons

- 1) Over development of the area
- 2) There are concerns that access to the development is restricted. It appears to be too narrow for emergency vehicles and vehicular access to Queen Alexander Road would be visually obscured

### ***Highways***

It is considered that the proposed development will not have any significant impact on highway safety and therefore no highway objection subject to conditions regarding the gradient and surfacing of the parking spaces

### ***Environmental Health***

No objections

### ***Wessex Water***

Located in a sewered area with foul and water mains. Points of connection can be agreed at the detailed stage. The proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with Environment Agency guidelines.

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

Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers

### ***District Ecologist***

No objection

There are no protected species records within at least 1 km of the site. Despite this, it would not be unreasonable to expect slow worms to be present here given the relative size of the gardens

to built up area. However expect any population to be low because the gardens are isolated by roads, many of which are well maintained and there are no physiological features that would make the site particular attractive to slow worms e.g. substantial old hedges, unmanaged banks, stone walls, railway ballast etc.

Any consent should be conditioned to require a site visit by an ecologist and for the works to be undertaken in accordance with their recommendations for working methods.

Any felling of trees on the site should be restricted to outside the period 1st March - 31st August. The property does not meet the criteria in the Wiltshire Ecological checklist for a bat survey unless further information comes to light to suggest bats may be present.

## **8. Publicity**

The application was advertised by site notice/neighbour notification with an expiry date of 23 June 2010

16 of letters of concern/objection have been received.  
Summary of key points raised

Accept that site could be re-developed, and a pair of semi-detached dwellings, accessed from Wellington Way would be acceptable

Proposed density is too high

Three parking spaces for two bungalows is inadequate, cars will park on Queen Alexandra Road. Difficulties of parking on the street will be exacerbated

Drive has been maintained, but not used since 1987

Drive is very narrow, concerned regarding access for large and emergency vehicles

Safety concerns regarding use of narrow drive, including visibility on to Queen Alexandra Road

Concerns regarding eaves, electricity supply and evergreen tree immediately adjacent to drive

Trees have been removed from the site

Large garden supports wildlife, trees and slow worms

Loss of privacy, particularly if dormer windows are later installed in the bungalows

Loss of daylight, privacy and amenity

Gable end will be 13feet from our house, garden will lose sun/daylight

Concerns regarding highway safety on Wellington Way

Increase in traffic on cul-de-sac, Wellington Way

Construction work will make access to the area more difficult

Construction times should be controlled

Terraced housing is out of character with western side of Wellington Way

All other properties have front garden, out of character to have off-street parking

Design of dwellings is poor

Loss of open area will increase flooding potential

## **9. Planning Considerations**



## **9.1 Policy context**

The site is within the Salisbury Housing Policy Boundary where small scale redevelopment is in principle acceptable, providing the proposal is in accordance with the other criteria for the Local Plan and is keeping with the character of the locality. This site is in an established residential area with good public transport links and easy access to schools and other facilities and whilst the Local Plan expresses no in principle objection to backland or tandem development, it does suggest that such development is only acceptable where; there are no amenity objections, such as overlooking, noise and disturbance and where the vehicular access is suitable

The scheme would demolish the existing detached dwelling and replace it with a terrace of four dwellings and a pair of semi-detached bungalows. Whilst this would raise the density of development in the locality, national guidance as expressed in PPS3 still seeks to encourage the efficient use of residential land within sustainable settlements even though the encouragement to achieve a density of development of at least 30 dwellings per hectare has recently been removed from PPS3.

## **9.2 Design/impact on street scene/character of the area**

The area is characterised by modest, suburban housing and the architect has sought to replicate the design of dwellings found in close proximity to the site. A two-storey terrace of 4 dwellings is proposed for Wellington Way, continuing the concept of terraces of dwellings like opposite and the building line set by the existing adjacent dwellings, whilst the bungalows to the rear of the terrace are following the precedent set by 92 Queen Alexandra Road. The proposed houses are three bedroomed dwellings with pitched roofs, small dormers over the front windows and a porch over the front door. They will be built of brick under a concrete tiled roof and the fenestration and detailing are traditional. Similarly the bungalows will be traditionally styled and constructed of brick under a concrete tiled roof with small pitched porch roofs.

### **9.2.1 Queen Alexandra Road**

Currently this part of Queen Alexandra Road has a traditional residential character. This proposed development would create two bungalows with no road frontage which would use the existing narrow vehicular access adjacent to the access to no.92. In terms of the character of the area, the sub-division of the site to provide a pair of semi-detached bungalows will result in a much denser development than that adjacent or to the front. However, the character of the residential development in this locality is created by the pattern of development as much as by the design and scale of the dwellings. The dwellings face the road from which they are set well back which gives a spacious feeling to the area. Whilst it is accepted that the bungalow adjacent is also anomalous in having no frontage on to Queen Alexandra Road, the proposed pattern of development would result in two additional bungalows with very unusual relationships both to the street frontage and to the surrounding dwellings. Whilst in itself the smaller size of the proposed bungalow plots would not, in view of current Government guidance relating to the efficient use of the land, be an automatic reason for refusal, it is a consideration which has to be judged along with the acceptability of the proposal in terms of its relationship to nearby dwellings and the character of the area

The proposed semi-detached pair bungalows would create a more urbanised, less spacious feel to the area, because they will extend across most of the plot, their vehicular access is adjacent to

the vehicular access to no.92, between nos. 90 and 94 and there is no space available adjacent to the bungalows to provide parking or turning, which is normal in this locality. Parking for the two new bungalows is proposed in a common area to the front of the bungalows. This will create a public area of noise and disturbance in a very unusual position, with the consequent detrimental impact upon the future amenities of the existing dwellings on Queen Alexandra Road and Roberts Road whose gardens back on to the site.

In terms of the size of the proposed plots, the proposed depth of the plots of the bungalows, at approximately 28 m would be less than their immediate neighbours to the south, though with a rear garden of approximately 9m depth, their rear gardens would be similar to those on Roberts Road and therefore it would be difficult to argue that the size of the proposed gardens was so out of character with the locality as to be a reason for refusal.

This part of the proposal (the erection of a pair of bungalows) is essentially backland development and whilst there are examples of this form of development, notably no92 adjacent, it is considered that this form of development is not in keeping with the general character of the area. Also in addition to concerns regarding the impact of this form of development on the general character of the area; there are concerns relating to the impact of the unusual relationships between buildings and the vehicular access and parking areas on the amenities of the existing occupiers of the surrounding dwellings.

### **9.2.2 Wellington Way**

The character of Wellington Way is different, the area is much more densely developed and the cul-de-sac narrower. The dwelling which is to be demolished, (no.92A Queen Alexandra Road) has a frontage of approximately 22m on to Wellington Way, approximately three times that of its neighbours, in terms of the character of the area, the sub-division of the site's frontage to provide four dwellings will result in a much less open appearance and a much denser development than the semi-detached properties adjacent. In terms of the size of the proposed plots, the proposed depth of the plots of the four houses, at approximately 26 m would be less than their immediate neighbours to the south, though with a rear garden of approximately 11m depth, their rear gardens would be deeper than those on Roberts Road and therefore it would be difficult to argue that the size of the proposed gardens was out of character with the locality. Moreover, though the existing terraced dwellings are located on the eastern side of Wellington Way, a terrace of four houses would not be so out of character with the general appearance of the area as to warrant the sole reason for refusal. However, few dwellings in this area use the area in front of the dwelling as a parking area and the hard surfacing of this area in front of the terrace of dwellings will in addition to the increase in the developed frontage, further reduce the sense of openness and increase the urbanisation of the character of the area.

## **9.3 Impact on amenities**

### **9.3.1 Impact on existing surrounding occupiers**

Concerns have been expressed regarding potential overlooking and loss of privacy and that the development of this site particularly with the parking and turning areas for the bungalows will create noise and disturbance. Clearly as there will now be occupation of the site by additional dwellings there will be some increase in occupation noise. However, as the site is within the settlement's Housing Policy Boundary this in itself is not considered to be a sufficient reason for

refusal. In this case through the atypical relationship of the bungalows to their neighbours will create a greater element of noise and disturbance from comings and goings in an unusual position. This will raise the perception of intrusion. Additionally, whilst the vehicular access on to Queen Alexandra Road has been in existence for a substantial period, use has been limited and therefore the proposal for it to become the only vehicular access for two two-bedroomed dwellings will result in the perception of a considerable increase in disturbance; particularly for the three dwellings immediately adjacent.

Concerns have also been raised that the proposed density of development is too high. The proposed new dwellings will have small amenity areas and therefore the development will be close to existing dwellings. In view of the proximity of the surrounding dwellings (and Nos. 1 Wellington Way, and no 92 Queen Alexandra Road in particular), it is likely therefore that the proposal will have some detrimental impact upon the living conditions of the occupants of these surrounding properties by reason of a perception of intrusion as well as a loss of outlook beyond the current situation where the site forms part of an extensive garden. However, the bungalows have been designed with no windows in the roof spaces, and any consent could be conditioned to prevent their introduction, so it is not considered that their erection in an established garden will introduce any direct additional overlooking or loss of privacy. In a residential area there is always some inter-visibility between dwellings, and though the existing occupiers will be aware of the new bungalows, they will not suffer from any loss of privacy through overlooking.

In relation to the proposed dwellings on Wellington Way, concerns have been raised regarding their impact upon the appearance of the area. The dwellings have been designed as an off-set terrace of four houses with no windows on the side elevations to overlook the existing dwellings to the north and south. However, the end gable of the proposed dwelling number 6 would be immediately on the boundary with nos. 1 Wellington Way and 21 Roberts Road. These existing dwellings have small gardens, and whilst there are outbuildings in their gardens, the introduction of a two storey gable end to the south of these properties as well as creating a perception of dominance and a change of outlook will affect both the amount of daylight and sunlight received by their ground floor rear facing rooms. It is therefore judged that the amenities of the occupiers of these dwellings would be detrimentally effected by the introduction of two-storey dwellings in this location.

As regards the impact on the existing surrounding occupiers of the erection of a pair of bungalows, it is considered that as no windows are proposed in the roof spaces, and any consent could be conditioned to prevent their introduction, it is not considered that their erection in an established garden will introduce any additional overlooking or loss of privacy. In a residential area there is always some inter-visibility between dwellings, however, as in this case, the existing dwellings will be overlooking the proposed new dwellings; this change is not judged to be so detrimental as to warrant refusal of the proposal

Therefore, as a consequence of the above, and on balance, it is considered that whilst the privacy enjoyed by adjacent existing dwellings would not be so significantly affected as to warrant refusal of the application, the loss of amenities to the dwellings to the immediate north by the introduction of a gable end immediately on the boundary which results in a perception of dominance and a loss of daylight and sunlight are considered to be sufficiently significant as to warrant refusal.

### ***9.3.2 Impact on future occupiers of proposed dwellings***

The scheme has been designed so that there is very limited possibility of inter-visibility and

overlooking between the dwellings to the front and rear of the site. The first floor rear windows of this terrace of two-storey dwellings serve bedrooms, and would overlook the rear gardens and the rear elevations of the proposed bungalows. The separation distance between the dwellings, would be approximately 20m and it is considered that whilst the future occupiers of both the new terrace of houses and the bungalows will be aware of dwellings to their rear, the amenities of the future occupiers would not be so compromised as to be a sufficient reason for refusal. In addition whilst the site is overlooked by existing dwellings which surround the site, it is considered that through the design of the development and the separation distance that the effect on the proposed dwellings will not be so detrimental as warrant refusal of the scheme

#### ***9.4 Impact on highway safety and existing parking problems***

Much concern has been expressed regarding traffic in this area, the difficulties that vehicles would have in accessing the area, the impact of the loss of the on-street parking area, the difficulty of large vehicles in using the narrow access off Queen Alexandra road and the impact on highway safety of such a large increase in vehicles in this area. In overall terms, clearly the introduction of an additional five dwellings will increase the number of vehicles using the site, but within the city, it is not considered that this would be so significant in relation to the number of vehicles using the road as to warrant refusal on these grounds.

Objections have also been received from neighbours regarding the problems likely to arise because the access drive to the two bungalows at the rear will be so narrow and difficult to use safely, however, the Highway Authority, has not raised any objections to the use of this access by two two-bedroomed dwellings and therefore a refusal of this application on these grounds would not be supported by them.

This scheme proposes that on Wellington Way, the terrace of four dwellings should each have two off street car parking spaces, accessed directly from the street. Whilst this will result in vehicles reversing into the road, across the pavement, and this is an unusual arrangement in this area, Wellington Way is a cul-de-sac where the speed of traffic is limited and the Highway Authority has raised no objection to this proposal, provided the gradient of the car parking area is limited and their surfaces are consolidated.

Consequently, it is considered that the erection of an additional five dwellings on this site would be unlikely to have a detrimental effect on highway safety in this area and especially given the Highway Authority's comments, it would be difficult to support a refusal of the proposed scheme to demolish one house and erect six dwellings on highway grounds.

#### ***9.5 Impact on trees on the site***

The site has a number of fruit, conifer and ornamental trees. Adjacent to the narrow drive is a large evergreen tree which overhangs the drive, but as it is not the subject of a TPO, the developer could trim it back at any time and therefore it would be difficult to defend a reason for refusal on these grounds.

#### ***9.6 Protected species***

Neighbours have identified the presence of slow worms on the site, and whilst parts of the garden are overgrown, elsewhere the grass is short. There are no records of slow worms in this area and the Council's Ecologist considers that in view of the location of the site, any planning consent

could be conditioned to require an ecological survey prior to the commencement of any works.

The building to be demolished, does not meet the criteria in the Wiltshire Ecological checklist for a bat survey and therefore unless further information comes to light to suggest bats may be present, a survey is not required.

### **9.7 Public Open Space Policy R2**

A contribution for recreational facilities would be required for the new dwellings pursuant to the above policy

## **10. Conclusion**

Notwithstanding the encouragement to achieve a density of development of at least 30 dwellings per hectare has recently been removed from PPS3, the principle of increasing the density of development within existing residential areas is acceptable.

The construction of a terrace of four dwellings and a pair of bungalows on the site, in the manner proposed, would have an adverse impact on the character of the street scene.

The dwellings as proposed would have sufficient detrimental impact on amenities of some of the surrounding existing dwellings as to warrant refusal.

There are no highway objections to the proposed development of the site.

## **Recommendation**

**It is recommended that planning permission is refused for the following reasons:**

1. The proposed development, by reason of the design and layout of the dwellings, the off-street parking in front of the dwellings on Wellington Way and the parking/turning area for the bungalows creates a poor living environment that is vehicle dominated. In conjunction with the tandem/backland arrangement which is not in keeping with the predominant scale and character of the area and by reason of the close proximity of the access road to no.94 Queen Alexandra Road detract from the general amenities of the occupiers of the dwellings on Queen Alexandra Road which back on to the site by way of vehicle-related noise and disturbance associated with the use of the access and the parking/turning area. Furthermore, by reason of the siting of the dwelling on Plot 6 in close proximity to the boundary with no. 1 Wellington Way and no.21 Roberts Road, the proposed development would appear overbearing and result in a loss of daylight/sunlight to the detriment of the amenities of the occupants of these neighbouring properties.

As such, the proposal would be contrary to Policies G2, D2 and H8 of the Adopted Salisbury District Local Plan (June 2003) that seek to ensure that development is acceptable in the context of the character and appearance of the area.

2 The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

**Informative 1**

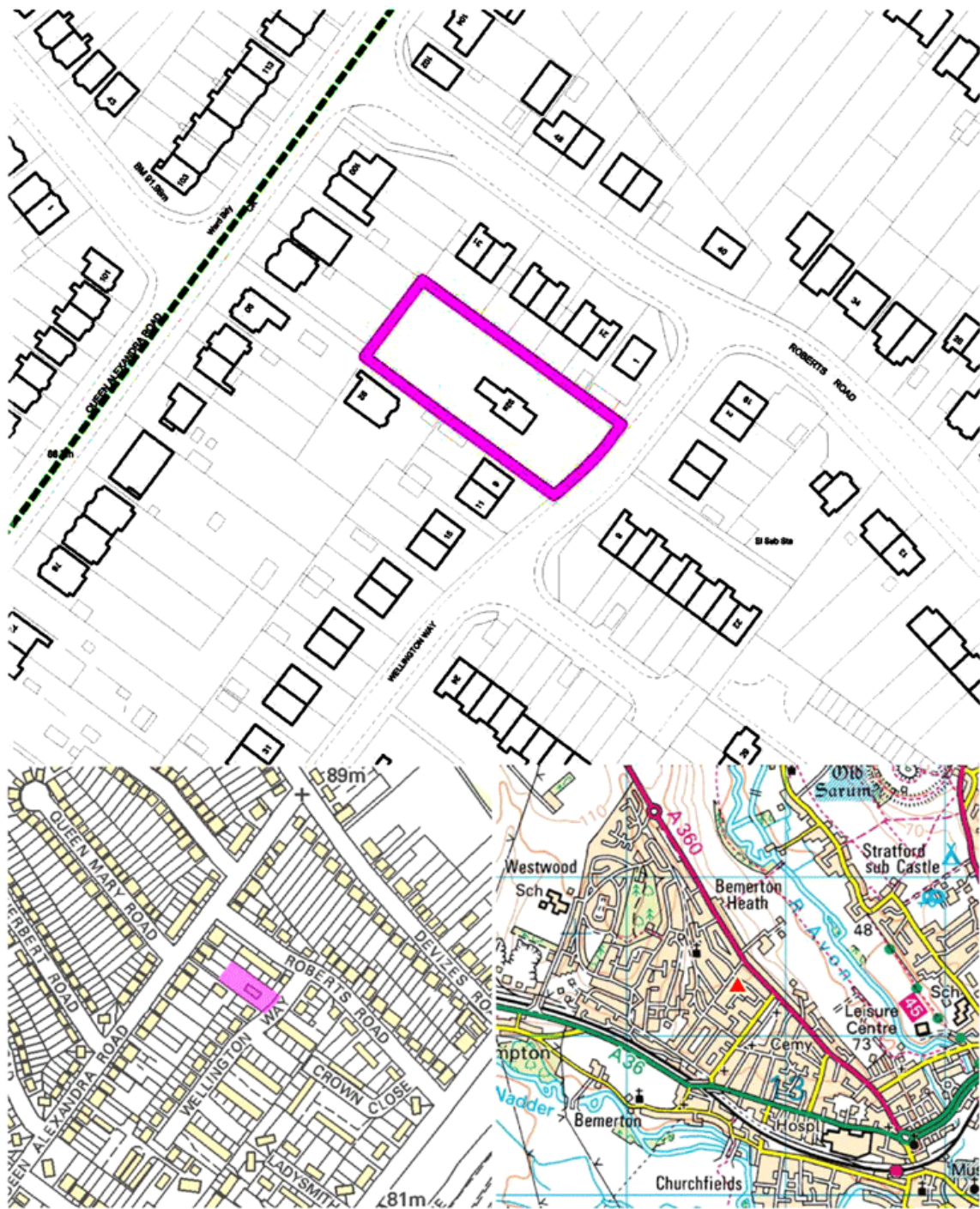
It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

Appendices:	NONE.
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Background Documents Used in the Preparation of this Report:	Site location plan received on 1 April 2010 Drawing ref.no. 709/1 received on 1 April 2010 Drawing ref.no. 709/2 received on 1 April 2010 Drawing ref.no. 709/3 received on 1 April 2010 Drawing ref.no. 709/4 received on 1 April 2010 Drawing ref.no. 709/5 received on 9 April 2010
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Construction of 4 Houses and 1 Bungalow  
with parking and alteration to access.  
Existing house to be demolished

S/2010/0653/FULL



92a Queen Alexandra Road Salisbury SP2 9LB

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# Agenda Item 9b

Deadline:	16 <sup>th</sup> AUGUST 2010		
Application Number:	S/2010/0722		
Site Address:	LAND ADJACENT TO BUTTERFIELD DRIVE AMESBURY SALISBURY SP4 7LL		
Proposal:	OUTLINE APPLICATION FOR THE CONSTRUCTION OF 11 FLATS AND TWO HOUSES INCLUDING CONSIDERATION OF ACCESS, LAYOUT AND SCALE		
Applicant/ Agent:	DAMEN ASSOCIATES		
Parish:	AMESBURY EASTAMESBURY EAST		
Grid Reference:	416787.34314537 141335.865181923		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr A Madge	Contact Number:	01722 434380

**Application Number**      **S/2010/0722**  
**Proposed Development** Outline application for the construction of 11 flats and two houses including consideration of access layout and scale  
**Officer Report**

## Reason for the application being considered by Committee

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

Close proximity to houses in Pointers Way. Cllr Noeken has received correspondence and comments from a number of people about the proposal.

## 1. Purpose of Report

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

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) Policy R2 (Provision of Recreational Public Open Space)

Following completion of which the Area Development Manager (Development Control and Heritage ) be authorised to GRANT Planning Permission subject to conditions

## 2. Main Issues

The main issues to consider are :

The differences between this and the previously granted scheme

Design and Layout  
 Overlooking  
 Provision for cycling, walking.  
 Landscaping  
 R2 provision  
 Archaeological evaluation  
 Education contribution  
 Waste Audit

### 3. Site Description

The site is a strip of vacant land located between the relatively modern housing development of Butterfield Down to the North and West and a newly developed area of two blocks of three storey flats (one with shops beneath it) for social housing, which lies to the South. The site is bounded on two sides East and West by roads, these being Porton road and Butterfield drive respectively. To the south beyond the newly built blocks of flats lies the Baptist centre which has its own car park. The area has a number of scrubby bushes along its boundaries.

### 4. Planning History

Application number	Proposal	Decision
S/2006/1783	Outline application for the development of 10 residential units with associated parking and landscaping.	Granted 26/2/2007

### 6. Planning Policy

the following policies are considered relevant to this proposal

G1	General policies,
G2	General policies
D1	Extensive development
D2	Infill development
R2	Open space provision

### 7. Consultations

**Town Council** - Object

- A) Overdevelopment of the site
- B) Restricted parking within the site will lead to parking problems on Butterfield Drive
- C) Lack of amenity space (this could be overcome by inclusion of R2 funding).
- D) Close proximity to houses in Pointers Way will be over bearing and could present overlooking issues.
- E) No disabled parking bays for visitor shown. The committee felt the land would be better used for Amenity Purposes serving Butterfield Down, the new blocks of flats to the South of the site and Local residents living on Porton Road.

## **Highways**

The submitted scheme, whilst poor in detail, does provide sufficient information for a conditional approval to be recommended. I am pleased that the improvement to Porton Road is again shown, providing an additional area of land for a new footway and the developer has clearly indicated that this work forms part of the submitted scheme. I will recommend that full details are submitted for approval. A pedestrian link is again omitted, but the advantage of the improvement outweighs the lack of an access into this proposed private housing scheme.

I am also satisfied that the overall parking is acceptable as the proposal includes large areas of internal road space which can accommodate visitors' cars. Also the scheme includes a turning area for service vehicles.

I therefore recommend no highway objection be raised subject to the following conditions:-

1. Before the start of the development, details of the improvement to the Porton Road frontage to the development shall be submitted for the written approval of the LPA; and the improvement shall be completed in accordance with the approved details before the first occupation of the development.
2. Before the start of the development, full details of the internal access road shall be submitted for the written approval of the LPA; and the internal access road shall be completed in accordance with the approved details before the first occupation of the development.

Informative: the improvement work along Porton Road should be carried out under a Section 38 Agreement with Wiltshire Council as Highway Authority to ensure that future maintenance will lie with the public at large.

### **Environmental Health**

No objections subject to conditions about construction work.

### **Wessex Water**

General comments in relation to connecting to Sewage and water infrastructure.

### **Council archaeology**

I understand from the planning application that archaeological evaluation was undertaken in 2006 in relation to the previous application on this site S/06/1783. I can see from our reports that the evaluation revealed little evidence of any features of archaeological significance and that no further work was requested in relation to the development proposals. As the scale and scope of this application is little different, I do not have any further comment to make with regard to this application.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 17/06/2010

3 letters of objection that have been received.  
Summary of key points raised

Parking issues that would be caused in the surrounding areas  
Loss of daylight to neighbouring properties  
Loss of privacy  
Already overlooked by flats at Butterfield Down adding to this would infringe privacy

## **9. Planning Considerations :**

### **9.1 The differences between this and the previously granted scheme**

The main, and only significant difference between this and the previously consented outline application is in the height proposed of the front residential block which faces onto Porton road. The previous scheme although following a similar footprint to that currently proposed, consisted of four flats (two on the ground floor and two on the first floor). The new scheme is proposed at three storey height with two flats on the ground, first and second floor and a final flat in the roof.

The previous scheme showed one parking space per unit with one space for visitors. The new scheme shows one parking space for each of the units. Space has been utilised around the base of the main block of flats to provide the increase in parking spaces. The councils highway officers have confirmed the acceptability of this.

### **9.2 Design and Layout**

The design has changed from that previously approved so that the block at the front of the site is now three storeys in height (with a flat in the roof) This is a storey higher than the previous application. The new enhanced roof height is taller than the eaves height of the new blocks of adjacent properties but would be compatible with this. Properties in Pointers Way would be effected . Policy D2 of the saved policies of the Salisbury district local plan states –

#### ***Infill Development***

*Proposals for street and infill development will be permitted where proposals respect or enhance the character of appearance of an area in terms of the following criteria:*

- (i) the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths; (ii) the architectural characteristics and the type, colour of the materials of adjoining buildings; and (iii) the complexity and richness of materials, form and detailing of existing buildings where the character of the area is enhanced by such buildings and the new development proposes to replicate such richness*

It is considered that the new building would be compatible in size to the new buildings to the South as required by this policy. The height of the new blocks of flats to the South would still be higher than the proposed block and the distance to the 2 storey properties in Pointers Way is sufficient to ensure that although there would be an increase in overshadowing this would only be limited.

The applicant has asked that access be considered as part of this application. There is one point of access shown into the application site and this is at the rear of the site onto Butterfield drive. There was previously no objection to the insertion of a drive onto this road and highways have raised no objection to this in relation to this development. It is proposed to have both a vehicular and pedestrian access onto Butterfield Drive. The layout in terms of access is therefore acceptable.

### **9.3 Overlooking**

The indicative plans show that some of the buildings will be positioned close to neighbouring properties whilst the distances themselves are acceptable (and the same as the previous application) if windows were put in the external walls of the new blocks of flats this would be unlikely to be acceptable. A condition therefore needs to secure that no windows are put in the external walls of flats 4 and 6 at first floor level. This would also need to be applied to the first and second floors of flats 7 – 13. Providing this is secured it is considered that the distances between the proposed buildings and those that are existing are acceptable.

There will be some oblique overlooking from bedroom windows on the Western elevation of the new Block facing Porton Road. There is a new window at second floor level and a further window in the roof which will overlook the rear gardens of properties in Pointers Way however this at an oblique angle and it is not considered that the overlooking caused by these windows is sufficient to refuse planning permission.

### **9.4 Provision for cycling, walking.**

The applicant has shown space on the plan for the provision of cycle stores to serve the development. The provision of these for cycle storage should encourage the use of more sustainable modes of transport.

The provision (by condition) of a pedestrian access through the site to the main road should ensure that pedestrians can access bus services on Porton road more easily and will also provide a better route for pedestrians to take.

### **9.5 Landscaping**

The existing landscaping on site which largely consists of some severely overgrown Hawthorn hedging is of little merit and the arboricultural officer is of the opinion that this could and probably should be removed from the development. The planting shown (although indicative) is, it is considered adequate given that the areas of planting are largely not public open spaces and would not be seen. It is considered that the issue of where planting is to be provided will need to be looked at again when a detailed application is submitted but officers are satisfied that adequate planting could be provided in the spaces available.

### **9.6 R2 provision**

Although no open space is provided on site the payment towards off site open space provision can be made at the detailed stage and put on via a section 106 agreement. A standard monetary contribution can then be made.

### **9.7 Archaeological evaluation**

An archaeological evaluation of the site has taken place and only very limited archaeology has been found. As can be seen from the Council archaeologists comments on this application it is not considered that this is an issue that requires further investigation and she considers the development can continue as it is.

### **9.8 Education contribution**

The education department have confirmed that there is not a need for an education contribution in this case. As four of the eleven units are one bedroom flats these would not normally attract an education contribution and both Stonehenge secondary school and the primary school have additional capacity at present for further intake.

### **9.9 Waste Audit**

The applicant has produced a draft waste Audit as required by saved policy in the Wiltshire County Council Structure Plan. A condition can be applied to ensure development is carried out in accordance with the audit.

## **10. Conclusion**

In conclusion it is considered that the proposed scheme is on balance acceptable. There will be limited increased overshadowing of the rear gardens of properties in Pointers Way. However the building is only being increased by 2.5M in height and whilst there will also be oblique overlooking from windows on the Western elevation it is considered that this is not sufficient to warrant refusal of planning permission. It is therefore recommended that planning permission be granted.

## **Recommendation**

**It is recommended that planning permission is granted following completion of a legal agreement for the following reasons:**

The proposed development is considered to be acceptable in terms of its Access, Layout and Scale and would not, it is considered, have a significant effect on the amenities of nearby properties. The proposal makes good use of vacant brownfield land in a sustainable location next to local bus routes and within easy reach of local amenities as such it is considered that the proposal complies with saved policies G1 and G2 and saved policies D1 and D2 of the former Salisbury District council local plan.

And subject to the following conditions:

1) Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the local Planning authority in writing before any development is commenced.

Reason: This permission is in outline only and is granted under the provisions of section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (as amended)

2) Plans and particulars of the reserved matters referred to in condition 1 above relating to the appearance and landscaping of any buildings to be erected, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: This permission is in outline only and is granted under the provisions of section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(as amended)

3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: This permission is in outline only and is granted under the provisions of section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

4) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: This permission is in outline only and is granted under the provisions of section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (as amended)

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

Reason: To secure a harmonious form of development.

6) No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and the environment of the development.

Policy D1

7) Before development commences, a scheme for the discharge of surface water from the building and hard surfaces hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

Policy G2

8) No development shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of any of the buildings.

Reason: In the interests of the amenity and the environment of the development.

#### Policy D1

9) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenity and the environment of the development.

#### Policy G2

10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity and the environment of the development.

11)) No construction work shall take place on Sundays or public holidays or outside the hours of 7.30am to 18:00pm, weekdays and 8.00 am to 13.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings

#### Policy G2 (vi)

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

Reason: In the interests of sustainable development. Wiltshire Councils saved Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

#### Policy G2

13) No development shall commence until full details of the internal access road shall be submitted for further written approval of the local planning authority. Such details as approved



shall be implemented to base coat standard prior to construction of the dwellings.

Reason: In the interests of highway and pedestrian safety.

Policy G2 (ii)

14) No development shall commence until full details of the verge and footway widening along the Porton Road frontage shall be submitted for further written approval and the widening shall be completed in accordance with the approved details prior to the commencement of the development.

Reason: In the interests of highway and pedestrian safety.

Policy G2 (ii)

15) No development shall commence until details of a publicly accessible pedestrian access way into the development from Porton road shall be submitted and agreed in writing with the local planning authority. Such access shall be constructed in accordance with the agreed details prior to first occupation of any of the dwellings approved.

Reason: In the interests of ensuring the site is permeable for pedestrians.

Policy G1

16) No first Second or third floor windows shall be inserted in the north elevation of the buildings hereby approved without the prior written consent of the local planning authority.

Reason: In order to ensure that there is no overlooking of neighbouring buildings in the adjacent development.

Policy G2 (Vi)

17) Prior to the commencement of development details of covered cycle storage in accordance with the standards in the saved policies of the adopted local plan shall be submitted and agreed in writing with the local planning authority. Such details as agreed shall be implemented prior to first occupation of the development.

Reason: In order to ensure adequate provision is made for cycle parking in accordance with the adopted standards.

Policy TR11

18) Prior to commencement of development the waste audit submitted shall be implemented during and after the construction process

Reason: In order to reduce the amount of waste that this development will produce.

INFORMATIVE

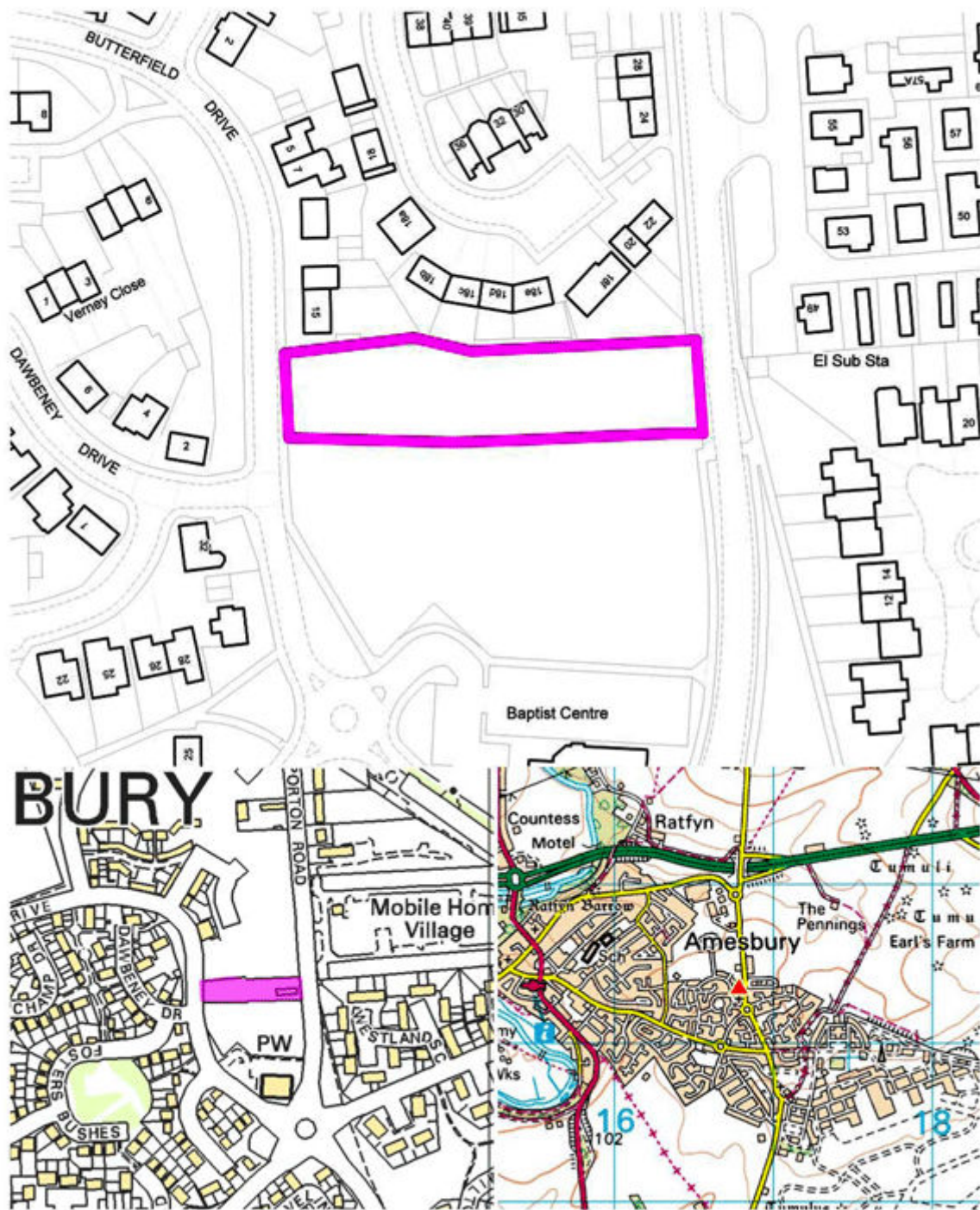
1) The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development.

Appendices:	None
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Background Documents Used in the Preparation of this Report:	Drawing no 01709 6 (elevations) Drawing no 01709 6 (site and building dimensions) Drawing no 01709 5 Drawing no 01709/1 Design and access statement dated May 2010 (revised)
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Outline application for the construction of 11 flats and 2 houses.  
Includes consideration of access, layout and scale

S/2010/0722/OUT



Land adjacent to Butterfield Drive, Amesbury SP4 7LL.

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# Agenda Item 9c

Deadline:	06 <sup>th</sup> JULY 2010		
Application Number:	S/2010/0701		
Site Address:	LONDON ROAD AMESBURY SALISBURY SP4 7EQ		
Proposal:	DEMOLITION OF ALL STRUCTURES. ERECTION OF A PETROL FILLING STATION KIOSK, CANOPY AND FUEL PUMPS. INSTALLATION OF NEW FUEL TANKS. ASSOCIATED PARKING AND LANDSCAPING		
Applicant/ Agent:	G L HEARN		
Parish:	AMESBURY EASTAMESBURY EAST		
Grid Reference:	416174.292923629 141987.338366568		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

**Application Number:** S/2010/0701

**Proposed Development:** Demolition of all structures. Erection of a Petrol Filling Station kiosk, canopy and fuel pumps. Installation of new fuel tanks. Associated parking and landscaping. At: London Road, Amesbury

## Officer Report

### Reason for the application being considered by Committee

The Director of Neighbourhood and Planning does not consider it prudent to exercise delegated powers due to the local interest and the finely balanced nature of the planning considerations in the application.

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are:

1. The principle of development
2. The impact on the living conditions of nearby residential properties
3. The impact on the character and appearance of the area
4. The impact on highway safety

## 5. Other considerations

### 3. Site Description

The site consists of vacant land. It was previously used as a warehouse and storage depot (once originally part of a dairy enterprise), though the storage use has now ceased. The building used for this purpose has recently been demolished (during the course of this application). It is understood that the site was used as a 'Mobil' filling station until 1955 and that a fuel pump remains.

In planning terms, the site is within Amesbury's Housing Policy Boundary and therefore within the 'settlement' in relation to planning policy. It is also within an Area of Archaeological Significance.

### 4. Planning History

There is no relevant, recent planning history for this site itself. However, the approval for the development of a Tesco store on land opposite this site (reference S/2008/0572) is of relevance to this application. This was approved by the Secretary of State on appeal, on 22<sup>nd</sup> September 2009.

### 5. The Proposal

The application proposes the erection of a petrol filling station. This includes petrol pumps, canopy 4.2m high to underside, kiosk (with sales facilities, sales floor and toilet facilities), air and water facility, car parking and a 4m high timber acoustic fence surrounding most of three sides of the site.

The filling station would employ the equivalent of 7 full time members of staff. The applicants propose that the station would be operated on a 24 hour, seven-days a week basis (though see below).

Although signage details have been included with the documentation, the advertisements do not form part of this application and (where they require consent) would be considered separately under the Advertisement Regulations.

### 6. Planning Policy

The following policies are considered relevant to this proposal

**Adopted Salisbury District Local Plan (saved policies)**

G1, G2 – General Development Criteria  
E16 – Employment uses  
CN21 – Areas of Archaeological Significance

**National Guidance**

PPS4 – Planning for Sustainable Economic Growth

**7. Consultations**

***Town Council***

Amesbury Town Council – Object on the following grounds:

- A 24 hour petrol station operation would be intrusive both visually, noise levels and fumes on neighbouring properties in Oak Place and Beacon Close;
- The hazardous nature of the business is not considered safe in this residential area;
- The Town Council wishes to object to the application of putting a Petrol Filling Station at this particular location.

***Highways***

Confirm that the transport statement adequately confirms that the development is acceptable in highway safety terms and the content is in accordance with the scoped requirements at the pre-submission meeting.

There are two areas of detail which will need to be satisfied by condition:

The applicant has failed to adequately show, on the submitted details, that the ingress and egress can be satisfactorily controlled by the use of signs and lines on the private forecourt area and a condition that details are satisfactorily provided is therefore required.

There are insufficient details of the existing vehicular footway crossings, one of which is proposed to be altered. Because the development utilises existing access points which are well into their maintenance life and one is proposed to be altered, it is required that both access points are reconstructed in accordance with approved details. Fully dimensioned details of the changes to the ghost island markings are also required.

The Department is satisfied that visibility from the egress point is adequate even though part of the splay to the east crosses private open forecourt. Any future development on the land adjacent must take account of the proposed exit point, which is already in existence and therefore the use of the access could be re-introduced without the adjacent land being available to maintain the splay. Any fencing of this land would also be resisted to maintain the splay which has been available for many years.

The Department is also satisfied that the changes to the existing road markings will provide adequate and safe access to the petrol filling station, subject to the full details being submitted. Whilst the dimensions of the ghost island are substandard, it is accepted that the filling station access could operate satisfactorily without the addition of a full ghost island scheme.

Details of surface water drainage (if directed towards the carriageway) were requested at the pre-application stage but no information is provided. However this information can be provided by the submission of the full access details for further approval.

I therefore recommend no highway objection be raised subject to conditions.

### ***Environment Agency***

Due to insufficient information provided within the site investigation we feel the risk to controlled waters has not been fully addressed at this stage. Therefore, we suggest that a condition securing investigation is attached to any future planning permission.

A number of informatives are recommended to advise the applicants or other legislative requirements:

The foul drainage must be connected to the public sewerage system. The applicants will need to liaise with the Water Company regarding the availability, location and adequacy of the existing public sewerage and sewage treatment facilities.

The EA advises the applicant that any vehicle wash area must have a dedicated drainage system which collects run-off. The run-off must be directed to the foul sewer with the local water companies consent or collected in a suitable sized storage tank for collection by a registered waste carrier.

Further advice is that the underground tank on this development may not be controlled under the Petroleum Regulations. The Local Planning Authority should ensure that the design meets the requirements of the Building Control Officer to prevent leakage into groundwater. The oil interceptor must be capable of holding the contents of the largest compartment of any road tanker, which delivers fuel to the site. Underground or over ground pipelines should be adequately protected against leakage particularly by corrosion.

The EA also advise the applicant that underground chemical, oil or fuel storage tanks should be constructed of material resistant to attack by the substance stored therein and protected against corrosion. The tank vent pipe should be taken to a sufficient height to prevent an overflow taking place in the event of the tank being overfilled.

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse or ground via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, fuel filling areas, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not



considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

## ***Environmental Health***

### **Summarised comments in relation to amenity**

It is noted that immediately adjacent to the planned development are a number of residential properties and that the area is relatively quiet and predominantly residential in nature. Given the nature of the area we expect that the residents will currently benefit from a relatively peaceful environment and low levels of background noise during the night time. This is supported by the results of the noise assessment submitted in support of the application.

In light of the location and nature of the area itself we have serious concerns that the operation of this development overnight would lead to a loss of amenity and an unacceptable level of disturbance for people living nearby.

If approval were to be granted for overnight operation of the development it would inevitably attract significant numbers of vehicles and people to this area. An area which, at the current time, is quiet and exclusively residential in nature during the night. Unfortunately some of these additional people and vehicles will not consider and/or care how their behaviour might impact upon the people living nearby and this could lead to disturbance to local residents at times at which they could reasonably expect to relax or sleep in their properties undisturbed. Examples of this behaviour would be aggressive driving with excessive acceleration or screeching tyres, loud music from vehicles, shouting, and sounding horns. In our view these types of event are reasonably foreseeable and likely to occur to some extent.

In addition, we do not believe that an effective management plan to prevent these types of problems is possible or practicable. At best any management plan or strategy could attempt to deal with problems once they have occurred.

It is noted that the applicant intends for the petrol filling station to be unmanned between the hours of 23:00 and 07:00 leaving the station with no supervision or management.

It is also worth noting that if the operation of the petrol filling station overnight were to cause a noise nuisance to residents living nearby the Council would have no effective enforcement powers to deal with situation. The enforcement powers available to the Council to deal with noise nuisance would not, in any way, be practicable to deal with noise disturbance caused by individual vehicles or visitors to the petrol filling station overnight.

It is highlighted that Environmental Health does not have any objection to the site being used as a petrol filling station in general. However we do object to the operation of the petrol filling station overnight as we believe there is a significant risk that it will result in a loss of amenity for people living nearby.

It is recommended that conditions are attached to any approval relating to hours of use, deliveries, preventing the customer parking spaces and forecourt being accessible when the petrol filling station is closed and prevention of noise from mechanical services and

refrigeration plant exceeding particular noise levels The reason for recommending each of these conditions is that it is in the interests of residential amenity.

**Comments in relation to contamination**

I have appraised the Phase II Environmental Assessment carried out for the applicants by Delta Simons Environmental Consultants and I can confirm that I have no adverse comment to make concerning their interim conclusions, specifically;

Based upon the soil contamination identified within the former PFS Site, further investigation is considered necessary in order to further assess the identified concentrations of contaminants, principally hydrocarbons. The further Site investigation considered necessary will need to be undertaken following removal of the USTs which are known to remain within this area of the development site. This will allow full access to the soils immediately adjacent to and beneath the USTs. It is also recommended at this time that additional trial pits be excavated beneath the footprint of the existing building at the Site. Further trial pitting will provide further coverage of the Site and allow for further assessment of the contamination status of the soils to be made.

As such I would expect for our office to receive a further report following more intrusive investigations which is to confirm the extent of contamination at the site and which should recommend a full and detailed methodology for remediating contamination at the proposed development site and the validation of any work proposed. The methodology will need to be agreed with this office and the work carried out prior to the commencement of any construction at the site.

**Archaeology**

As mentioned in the archaeological desk based assessment which was produced on behalf of the applicant, there is some potential for significant archaeological remains to be present on the site. However, my former colleague commented on an earlier application and did not recommend any archaeological works, due to the likely disturbance associated with the existing fuel tanks and associated infrastructure that is present on the site.

I concur with this recommendation and therefore have no further comment to make on this application.

**Highways Agency**

In light of the information provided in the Transport Statement, content that there will be no adverse impact on the Strategic Road Network. However, recommend that the Travel Plan for the superstore is updated to include staff working at the petrol station.

**8. Publicity**

The application was advertised by site notice and neighbour notification with an expiry date of 10<sup>th</sup> June 2010.

**26** letters have been received, including a petition of **20** names, raising the following points and concerns:

- Height of the perimeter acoustic fence, blocking sun, light and outlook;
- A 2.1m-high fence (lower where it meets London Road) would be better;
- There are already 5 petrol filling stations nearby, including a 24hr supermarket brand;
- A number of nearby filling stations are run by small businessmen who will have to close;
- Impact from noise and disturbance
- Had the PFS been included with the supermarket, then the Inspector's decision could well have been different;
- Impact on town centre from out-of-town development, which this would consolidate;
- Impact from additional traffic resulting in delays and congestion;
- The kiosk plant cages would be on the western side of the kiosk, closest to residential properties It would be better if they were on the eastern site adjacent to the unused site;
- The air- and water-filling point (north of the kiosk) will be noisy, difficult to supervise and close to residential properties. The alternative design (in the D&A statement) is better being supervised and screened;
- Over 150m of London Road there will be a roundabout (Tesco's/Hideaway garage), 2 residential roads and 2 x two bus stops. Traffic likely to have to queue to use pumps;
- Reversing one way system would mean queuing would take place off the highway, making road safety;
- Reversing one way system would also mean relocation of the air and water point to the front (tend to be used post-refuelling);
- Pollution to properties in Oak Place and Beacon Close;
- The former Texaco petrol station is being re-constructed by a small, independent retailer but if it becomes unviable as a result of the proposed Tesco PFS then the still-extant permission for flats on this site will be implemented instead;
- The site has been levelled and cleared, and a bank created, despite the planning application not being decided;
- London Road already has traffic problems with the distribution companies using Solstice Park and the former NAFFI complex, and using it as a diversion to avoid the Countess Roundabout junction;
- All vehicles using the petrol station will pass only a few yards from the adjoining residential properties;
- Noise from air conditioning unit, bin store, air compressor and 'plant' would be close to Beacon Close;
- Fence will give little protection in the event of fire or if struck by vehicles. Fencing should be brick and at least 3m in height;
- Impact from contamination, noise, fumes and light;
- Why can't vehicles just leave the forecourt without going around the kiosk;
- Impact on property values;
- Impact caused by building works;
- The site adjacent (to the east) is suitable for development (including residential, retail or commercial uses) but the potential for this would be limited by the petrol filling station and this is a material consideration.

## **9. Planning Considerations**

### ***The principle of development***

The Local Plan has no specific policy relating to the erection of new petrol stations. The site is on 'previously developed land' and therefore, in principle, development is not unacceptable. However the site is a former employment site and therefore consideration needs to be given policy E16 which relates to the loss of employment uses, as well as other planning considerations.

Government advice is contained primarily within PPS4, which is generally favourable towards applications that secure sustainable economic growth.

PPS4 Policy EC10.2 does set out a range of criteria that need to be met, relating to (i) limiting carbon dioxide emissions and ensuring resilience to climate change; (ii) encouraging accessibility by a choice of transport methods; (iii) having a high quality design; (iv) having a positive impact on economic and physical regeneration and (v) the impact on local employment.

In relation to the first criteria, it is argued that the construction materials would be sustainably sourced and erected partially off-site, reducing waste and the need for some direct travel to the site. The lighting and water fixtures would have minimal energy consumption and the orientation allows for maximum sunlight. It is accepted that sufficient measures have been proposed to demonstrate a limiting of emissions and the effects of climate change.

In relation to access, it is argued that accessibility to the Tesco store was considered during the Inquiry, and that the store (and by implication, the PFS site as well) was found to be accessible by public transport, walking and cycling. It is recognised that the proposed use inherently relies on access by private vehicles, but it is considered that there is the ability to access the site by a range of transport modes.

The other criteria of EC10.2 are considered separately below under separate headings. Consideration has also been given to whether the proposed use is a 'main town centre use' in relation to other policies in PPS4. Although it is debatable (as a petrol station is a retail use), it is considered that a petrol filling station is not a main town centre use. After all, many petrol stations are not in town centre locations, and all are largely dependant on car access and use.

In principle, it is considered that the proposed use is not unacceptable. However, consideration has to be given to more detailed issues.

### ***The question of 'need' for a Petrol Filling Station***

Concern has been expressed by local residents that there is no 'need' for the proposed petrol station, given the availability of other facilities nearby, and indeed that the development of a Tesco filling station will harm the economic viability of these other facilities.

PPS4 says that local planning authorities should promote competition and provide consumer choice, and this relates as much to petrol stations as to any other commercial use. PPS4 also says that the Government wants to encourage competition between retailers and enhanced

consumer choice, to meet the needs of the entire community.

It is entirely understandable that local petrol retailers are concerned that Tesco's will impact on their existing trade, but the fact remains that preventing competition is not a reason for refusing planning permission.

While the need for a particular form of larger scale retail development used to be a consideration under the previous guidance in PPS6 (to prevent large supermarkets adversely affecting small towns), the new PPS4 restricts consideration of need to more strategic decisions (for example where and when to allocate land for detail development through Core Strategies) and also in applying the sequential test.

However, the sequential test is not relevant to uses that are not 'main town centre uses' (see above), and nor should it be applied to ancillary uses or extensions with a floorspace of less than 200 square metres. In this case, it is considered that the facility provided by this filling station and small retail (at 84 square metres) can be viewed as ancillary to the Tesco store and can be treated as a relatively minor extension.

On this basis, it is considered that the question of 'need' does not arise in assessing the planning merits under PPS4. The question of whether there is a need for the proposed filling station is not one that could form a reason for refusal. Despite the concerns of local residents, traders and others, the reality is that if permission was refused on the grounds of lack of need, an appeal would be very difficult to defend.

### ***Loss of the existing employment use***

Local Plan policy E16 says that on land 'currently used or allocated' for employment uses, the change of use or redevelopment to other uses will only be permitted where a similar number and range of job opportunities are to be provided. The only exception to this is where continued employment use of the site is unviable, or where Conservation or Environmental Health benefits outweigh these concerns.

It could be argued that the application site is not currently used or allocated for employment uses. Although the previous use was for warehousing (a B8 use), that use has ceased and the building has been demolished. There is case law to suggest that, where a building is demolished, this means that the site has a 'nil' use, and that there is no existing employment use to be lost.

Even if that argument is not accepted, the previous warehouse is likely to have generated relatively little employment, whereas in contrast the proposed filling station would generate the equivalent of some seven full time jobs.

Furthermore, the question of employment was considered during the Tesco call-in Inquiry where the Inspector considered it unlikely that that site would be retained for employment use; and that any alternative uses would be for housing or mixed uses. These considerations apply to this site as well.

Overall, it is considered that the proposal would not, in reality, result in the loss of an employment use and would in fact result in some additional employment opportunities. It is therefore considered that it would comply with Local Plan policy E16.

### ***The impact on the living conditions of nearby residential properties***

A significant amount of concern has been expressed by local residents about the impact on the proposed petrol station on their amenities, particularly those properties that are in close proximity to the site.

The concerns relate to the noise, disturbance, fumes and risk from the petrol station and from associated uses including the air and water facility, plant and machinery etc. Concern is also expressed regarding the impact of the proposed fencing that would surround much of the site, in terms of loss of light, over-dominance etc.

The Council's Environmental Health department has been consulted, and their comments are set out above. They have considered the applicant's noise assessment as well as other factors (for example lighting, odours etc).

Environmental Health have made clear that they do not object to the site being used as a petrol filling station in general, but they do have concerns about overnight operation, at a time when residents have an expectation of lower levels of noise and disturbance, and when such noise is likely to be greater, particularly if the filling station is unmanned.

On this basis, the Council's Environmental Health officers do not object to the principle of development, but have recommended a condition preventing use of the filling station between 23:00 and 07:00. They have also recommended conditions in relation to deliveries (including tanker vehicles), the closing of parking spaces when the station is closed, and the noise from mechanical services and refrigeration plant not exceeding specific noise rating levels.

Environmental Health's observations are based on the inclusion within the scheme of the 4m high acoustic fence, which is intended to limit noise and disturbance from the petrol station and associated uses including the air and water facility to the rear.

Indeed, it is possible that a reduced-height fence might be acceptable to Environmental Health because the 4m height was based on 24 hour use, although any reduction in height would need to be the subject of further consultation and consideration, particularly given the differing views expressed regarding fence height by local residents (some wanting a reduction; others preferring 4m but different materials).

In light of their recommendation, it is considered that permission cannot be refused on the grounds of the impact of the proposed filling station in terms of noise/disturbance on the amenities or nearby residential properties, and be successfully defended at appeal.

Apart from environmental health concerns, consideration has also been given to the more general amenity concerns, for instance the impact of the fencing and of the station buildings and canopy itself on the adjacent residential properties.

It is recognised that a 4m high fence is relatively tall. However, the impact of the fence has to be set against the height and position of the building that occupied the site until very recently. The applicant's plans show the proposal in relation to the previous building. It is clear that the impact of the fencing would be not as great in terms of light or dominance than that caused by the previous building. While the fence might be slightly closer to the boundaries, it would be much

lower (to eaves and ridge) than the now-demolished building.

For example, in relation to 6 Oak Place, the fence would be approximately 0.8m closer than the building, but the eaves of the building was 5.2m in height compared to 4m for the fence. To the rear of the site (eg 20 Beacon Close) the previous building was close to the boundary, and the acoustic fencing would be only slightly nearer to the residential boundary, with a similar difference between the eaves (5.2m) and the fence height.

Of the properties that bound the application site, 20 Beacon Close has ground and first floor windows that face the site, while 6 Oak Place has a flank, ground floor window. The fact remains, however, that these windows would until recently face a larger industrial building, resulting in greater impact on light and dominance. Although that building has now been demolished, the properties would have benefited from the absence of the building for only a short period of time.

It is recognised that while the former building filled much of the site in terms of width, it was set well back into the site. In contrast the proposed fencing ends at a point just forward of 7 Oak Place's 'building line'. However, this property has no windows on the side elevation facing the application site and, while there may be a limited amount of light lost to that property's gardens, it is difficult to conclude that this would be harmful enough to warrant refusing planning permission.

Consideration has also been given to the impact from lighting of the filling station on the amenities of neighbouring properties. The applicants have submitted a Lighting Assessment which the Environmental Health officer is considering. While unlikely to be unacceptable, this might require a further condition (for fuller details). Members will be updated further at committee.

In relation to the impact on the eastern part of the site (ie the former dairy buildings), this area is now vacant and undeveloped. The potential future uses of this site are open to speculation. While residential might be an acceptable use of this land, there is no reason to believe that the proposed petrol station would prevent development of the land to the east in an acceptable way.

Overall, while the concerns of local residents and others are entirely understandable, it is considered that to refuse planning permission on the grounds of the impact on neighbours' amenities would not be successfully defensible at appeal.

### ***The impact on the character and appearance of the area***

Consideration has been given to the impact on the character and appearance of the area from the erection of the proposed petrol filling station. The character of the area is fairly mixed, ranging from residential dwellings immediately adjacent to the west and north, to the 'Focus' DIY store opposite to the south, and the vacant, open site to the east. The site previously has a warehouse use and appearance, although of course this has since been removed.

The proposed petrol station would appear (perhaps inevitably) utilitarian and functional. There are no easy ways of making a filling station on any site appear attractive, with the canopy, fuel pumps, and cars coming and going. Furthermore this particular site is relatively cramped.

The erection of the 4m high fence adds to this impact, giving it something of a 'hemmed in' appearance, although this does not extend beyond the existing (furthest) 'building line' of the residential dwellings to the west, reducing its visual impact. The design of the kiosk itself, however, is reasonable attractive, using timber cladding and light-coloured panels. A small amount of landscaping is proposed at the front and rear of the site, to help ameliorate the impact of the development, albeit to a limited extent.

Bearing in mind the appearance of the existing site, the previous utilitarian warehouse building that was until recently on the site, and the mixed character of the site's surroundings, it is considered that refusal of permission, on the grounds of its visual impact, would be difficult to defend at appeal.

It is considered that there would be no significant harm to the area's character and appearance, and that the proposal would not conflict with Local Plan policy G2, although this is an 'on balance' judgement.

### ***The impact on highway safety***

The applicant's Transport Statement makes it clear that this proposal is a complementary facility to the Tesco Superstore and will be located close to this store in London Road. As such, a number of the trips to the petrol filling station will be linked trips with the proposed store – 7% (54 2-way trips) in the AM peak hour and 8% (52 2-way trips) in the PM peak hour.

The Transport Statement goes on to consider that the remaining trips for the filling station only are considered to be 'pass by' trips ie journeys by vehicles that are already travelling on the network. The applicant's Transport Statement therefore concludes that there will be no net increase to trips resulting from the proposed filling station, although there will be local changes to turning movements.

Concern has been raised that the proposal will result in additional queuing on London Road, to the detriment of road users. It has been suggested that the one-way system could be reversed, so that cars go around the kiosk before fuelling (rather than on exiting), giving more road space for queuing cars. Alternatively, it has been suggested that cars could exit the station by turning immediately right, rather than going around the kiosk, to avoid the level of noise and disturbance generated by car noises having to travel closer to the dwellings to the rear.

Removing or discouraging the circulation system around the kiosk would mean that vehicles exiting the fuel pumps turning sharp right (rather than around the kiosk) would drive into the path of vehicles existing other pumps. The proposed circulation system 'channels' all vehicles towards the same direction.

Meanwhile, in relation to reversing the system, it is understood that the security systems used by petrol retailers require that cars using fuel pumps must face towards the kiosk.

The fact remains that both the Highways Department and the Highways Agency are content that the proposal as submitted will not generate unacceptable levels of queuing, while Environmental health are satisfied with regard to the impact on properties to the rear, making any alternative to the applicant's circulation arrangements unnecessary.

Both highways consultees have recommended conditions regarding the Travel Plan, the



accesses, circulation signage and related matters. It is considered that these conditions should be imposed.

### ***Other considerations***

The Environment Agency and Environmental Health officer have both considered the potential for contamination to be released from the previous uses of the site during the commencement of building operations. Although an initial assessment has been undertaken, both environmental departments have requested further information, that can be secured by condition. On this basis, it is considered that there would be not harm resulting from contamination that cannot be prevented and mitigated by condition.

Consideration has been given to the potential impact on ecology and archaeology, both of which have been the subject of statements submitted by the applicants. In terms of ecology, the applicant's assessment concludes that there is no reason to suggest that any ecological designations, habitats or protected species would be adversely affected. There is no reason to disagree with this assessment.

In relation to archaeology, although there is some potential for archaeological remains to be found on site, it is considered that the previous use would have resulted in disturbance, and the Council's Archaeology department does not consider that further information or a condition for a watching brief is necessary in this instance.

## **10. Conclusion**

The proposed development would not be unacceptable in principle. Provided its hours are restricted, it would not harm the living conditions of neighbouring properties through unacceptable noise and disturbance, fumes or odour.

The filling station would not harm the character or appearance of the area, the safety of highway users or the Strategic Road Network. It would not be harmful in terms of contamination, archaeology, ecology or any other material planning consideration.

The development would therefore comply with saved policies G1, G2 (General Development Criteria), E16 (Employment uses) and CN21 (Areas of Archaeological Significance) or the advice in national guidance PPS4 (Planning for Sustainable Economic Growth).

## **Recommendation**

**It is recommended that planning permission is granted for the following reasons:**

The proposed development would not be unacceptable in principle. Provided its hours are restricted, it would not harm the living conditions of neighbouring properties through unacceptable noise and disturbance, fumes or odour. The filling station would not harm the character or appearance of the area, the safety of highway users or the Strategic Road

Network. It would not be harmful in terms of contamination, archaeology, ecology or any other material planning consideration. The development would therefore comply with saved policies G1, G2 (General Development Criteria), E16 (Employment uses) and CN21 (Areas of Archaeological Significance) or the advice in national guidance PPS4 (Planning for Sustainable Economic Growth).

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 approved shall be undertaken in full accordance with the following approved plans:

Location and Site Plan 1625-02E, received 14th May 2010  
Proposed Elevations 1625-03A, received 10th May 2010  
Kiosk plans and elevations 1625-04, received 10th May 2010  
Existing Building Plans and Elevations 1625-05, received 10th May 2010  
Site Sections and Site Set Out 1625-06, received 10th May 2010

REASON: for the avoidance of doubt

(3) The development hereby approved shall use the materials specified in the application documentation unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of the character and appearance of the area.

POLICY: G2

(4) The use hereby permitted shall not take place except between the hours of 07:00 to 23:00

REASON: in the interests of residential amenity

POLICY: G2

(5) Deliveries to the site, including tanker deliveries, and waste collections shall not take place outside the hours of 07:00 to 21:00.

REASON: in the interests of residential amenity

POLICY: G2

(6) Prior to the commencement of development, a scheme to ensure that the customer parking spaces and forecourt are made inaccessible to motor vehicles when the petrol filling station is closed, shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the scheme thereby approved.

REASON: in the interests of residential amenity

POLICY: G2

(7) Noise from mechanical services and refrigeration plant shall not exceed the following noise rating levels (As defined by BS4142:1997):

LAeq (15min) 42 dB(A) between the hours of 07:00 and 23:00; and

LAeq (15min) 33 dB(A) between the hours of 23:00 and 07:00

at the boundary between the development and residential properties located on Oak Place and Beacon Close.

REASON: in the interests of residential amenity

POLICY: G2

(8) Prior to the first use of the development hereby approved, a revised Travel Plan for the superstore shall be submitted to and approved, in writing, by the Local Planning Authority, take into account the additional employees at the filling station. Development shall be undertaken and operated in perpetuity in accordance with the approved Travel Plan.

REASON: in the interests of sustainable transport

POLICY: G1

(9) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(1) A preliminary risk assessment which has identified:

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

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

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

(10) The development hereby approved shall be undertaken in accordance with the Supporting Landscape Submission dated April 2010 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of the character and appearance of the area

POLICY: G2

(11) Before the start of the development, full details of reconstructed access points across the existing footway, including any necessary drainage together with details of the revisions to the ghost island markings in London Road, shall be submitted for the written approval of the Local Planning Authority. The accesses and road markings shall be constructed and installed in accordance with the approved details before the first use of the development.

REASON: in the interests of highway safety and to ensure safe pedestrian access across the vehicular access points.

POLICY: G2

(12) Before the start of the development, details of a traffic management scheme for signing and markings to control vehicular movements at the ingress and egress points onto the public highway shall be submitted for the approval of the Local Planning Authority. The traffic management scheme shall be provided in accordance with the approved details before the first use of the development and retained and maintained thereafter.

REASON: in the interests of highway safety

POLICY: G2

(13) Prior to the commencement of development, full details of the proposed acoustic fence shall be submitted to and approved, in writing, by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to the first use of the development, and shall remain in place in perpetuity.

REASON: in the interests of the amenities of neighbouring properties

POLICY: G2

#### INFORMATIVES FROM THE ENVIRONMENT AGENCY

##### Foul Drainage

The foul drainage must be kept separate from the clean surface and roof water.

The foul drainage must be connected to the public sewerage system. You should liaise with the

Water Company regarding the availability, location and adequacy of the existing public sewerage and sewage treatment facilities.

Any vehicle wash area must have a dedicated drainage system which collects run-off. The run-off must be directed to the foul sewer with the local water companies consent or collected in a suitable sized storage tank for collection by a registered waste carrier.

#### Pollution Control

The underground tank on this development may not be controlled under the Petroleum Regulations. The Local Planning Authority should ensure that the design meets the requirements of the Building Control Officer to prevent leakage into groundwater.

The oil interceptor must be capable of holding the contents of the largest compartment of any road tanker, which delivers fuel to the site.

Underground or over ground pipelines should be adequately protected against leakage particularly by corrosion.

Underground chemical, oil or fuel storage tanks should be constructed of material resistant to attack by the substance stored therein and protected against corrosion. The tank vent pipe should be taken to a sufficient height to prevent an overflow taking place in the event of the tank being overfilled.

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse or ground via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, fuel filling areas, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

#### Water Efficiency

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request.

<b>Appendices</b>	None
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<b>Background Documents Used in the Preparation of this Report:</b>	Location and Site Plan 1625-02E, received 14 <sup>th</sup> May 2010 Proposed Elevations 1625-03A, received 10 <sup>th</sup> May 2010 Kiosk plans and elevations 1625-04, received 10 <sup>th</sup> May 2010 Existing Building Plans and Elevations 1625-05, received 10 <sup>th</sup> May 2010 Site Sections and Site Set Out 1625-06, received 10 <sup>th</sup> May 2010
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Erection of petrol filling station with associated ancillaries  
S/2010/0701/FULL



London Road Amesbury SP4 7EQ

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# Agenda Item 9d

Deadline:	21 <sup>st</sup> JUNE 2010		
Application Number:	S/2010/0639		
Site Address:	140 LONDON ROAD & LAND & BUILDINGS TO REAR AMESBURY SALISBURY SP4 7EQ		
Proposal:	DEMOLITION OF ALL BUILDINGS AND REDEVELOPMENT TO FORM A CLASS A1 STORE WITH ASSOCIATED PARKING AND LANDSCAPING AND ALTERATIONS TO ACCESS, INSTALLATION OF A WIND TURBINE, AMENDMENTS TO CONDITION 30 STORE DESIGN AND DELETION OF CONDITION 20 RESTRICTION TO DELIVERY HOURS		
Applicant/ Agent:	G L HEARN		
Parish:	AMESBURY EASTAMESBURY EAST		
Grid Reference:	416368.699544907 141906.972530365		
Type of Application:	S73		
Conservation Area:		LB Grade:	
Case Officer:	Mr A Madge	Contact Number:	01722 434541

**Application Number:** S/2010/0639/S73

**Proposed Development:** Demolition of all buildings and redevelopment to form a class A1 store with associated parking and landscaping and alterations to access, installation of a wind turbine, amendments to condition 30 store design and deletion of condition 20 restriction to delivery hours

**Officer Report**

## Reason for the application being considered by Committee

The Director of Neighbourhood and Planning does not consider it prudent to exercise delegated powers as the recommendation from officers in respect of the change to delivery hours of this application differs from that previously accepted by the planning inspector at Public Inquiry. The director of planning considered it important that the reasons for the officer recommendation were made clear at committee.

## 1. Purpose of Report

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

## 2. Main Issues

The main issues to consider are :

- 1) The change in design and appearance of the store from that allowed by the secretary of state
- 2) The change to the hours of delivery from that approved by the secretary of state.
- 3) Other matters

### 3. Site Description

The site was formerly that of the Gregory's distribution and transport depot, various smaller single storey industrial buildings, the councils gritting yard, an ambulance station and a small number of former railway cottages. All of these buildings have now been demolished and the site is presently being prepared for construction work to commence on the new Tesco's retail store.

### 4. Planning History

There have been a number of planning applications associated with this site but most recently and of significance to this application

Application number	Proposal	Decision
S/2008/0572	Redevelopment to form a class A1 store with associated parking and landscaping	Granted by SoS

### 5. The Proposal

The proposal consists of two parts,

**1)** It is proposed to vary condition no 30 of the consented development scheme via a redesign of the exterior of the store such that most of the previously proposed composite panels will now be replaced with wood cladding along with timber columns and beams on the store front. The two external elevations facing South West and North East will be timber clad and windcatchers of approximately 2.5m height will be added to the roof. Xtralite rooflights will replace the previously proposed pillow rooflights. It is also proposed to remove the wind turbine previously proposed as this would not have provided significant power to the store.

**2)** Secondly it is proposed to amend the delivery hours of the store via a variation to condition no 20. The condition was imposed by the secretary of state and restricted delivery times from 7.00am to 22.00pm from Monday to Saturday and 9.00am to 16.00pm on Sundays and public holidays. It is proposed by the applicant to amend the delivery hours to 24hr usage.

## 6. Planning Policy

The following policies are considered relevant to this proposal

PPS1	Delivering sustainable development
PPG 24	Planning and noise
G1 Local Plan	General development criteria
G2 Local Plan	General criteria for development
D1 and D2 Local Plan	Design policies

## 7. Consultations

### ***Town/ Parish Council***

Object to the proposed Pharmacy as it will impinge on pharmacies in the town centre.

Object to the wind catchers on the grounds of size and bulk as they will impinge on the amenities of residents in James Road and Annetts Close

Object to delivery hours based on likelihood of lorries using London Road as an exit route and therefore increasing volumes of traffic on Holders Road and London Road. Considered that the delivery hours should remain as stated by the planning inspector in order to protect the amenities of neighbouring residential properties.

### ***Environmental Health***

After reviewing the application, and on the basis of the information contained in the SRP Acoustic Report, the grant of the application should not lead to any exceedance of relevant guidelines with respect to night time noise. However, it should be acknowledged that the application will introduce a new noise source during the night to what is a residential area. The actual impact of the delivery vehicles will very much depend on how the vehicles themselves are operated and managed by the individual drivers. Notwithstanding this, if the vehicles are driven and operated in a reasonable and responsible manner the grant of the application should not lead to any exceedance of the relevant noise guidelines.

I would comment that the impact of a noise does not solely relate to the level of that noise in terms of decibels but also relates to its character. The character of certain noises that could arise as a result of this application (such as reversing sirens attached to delivery vehicles and the movement of cages across the delivery yard) could have a negative impact upon residents living nearby. However I note the comments from GLHERN in their letter dated 23 April 2010 stating that the level access will be used for all deliveries directly into the building and comments on page 10 of the SRP acoustic report confirming that reversing alarms are not used at night at Tesco stores.

I would therefore recommend that the following conditions are attached to any approval:

- 1.** All deliveries taken at or dispatched from the development outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays shall be received directly into or taken directly from the building via the level access.

2. Between the hours of 22:00 and 07:00 Monday to Saturday and 16:00 and 09:00 on Sundays and Bank Holidays delivery vehicles on site shall not operate any audible vehicle reversing alarm.

**Wessex Water** No comments

**Wiltshire Fire and Rescue** – various comments in relation to fire safety that the building should comply with.

## 8. Publicity

The application was advertised by site notice /neighbour notification  
Expiry date 21<sup>st</sup> June 2010

Eight letters of comment/objection have been received.  
Summary of key points raised

Concern is expressed about the increase in noise levels particularly at night which could cause sleep disturbance.

Increased levels of pollution from traffic are a concern.

South Wiltshire CPRE – concerned about noise and the perception of noise and disturbance.

Stonehenge Chamber of Trade – Tesco did not challenge the conditions put forward with regard to noise at the recent public inquiry. considers that the S106 agreement banned night time activities. Urges refusal of the application

London Road and Solstice Park are already polluted by noise. Why should a shop have 24hour deliveries when the shop is not going to be open these hours?

## 9. Planning Considerations

**9.1** The effect of the changes to the external appearance of the store

**9.2** The impact of allowing 24 hour deliveries to the store

**9.3** Policy G1 of the saved policies of the adopted local plan encourages the use of sustainable measures in developing new buildings it states –

*In accordance with the principles of sustainable development, priority will be given to ensuring that development proposals:*

- (i) *achieve an overall pattern of land uses which reduce the need to travel and support increased use of public transport, cycling and walking;*
- (ii) *promote the vitality and viability of local communities;*
- (iii) *conserve both the natural environment and cultural heritage of the District;*
- (iv) *make effective use of land in urban areas, particularly*

*on previously developed sites.*

This follows on from government advice contained within planning policy statement one and its companion guide which encourages sustainable development. The council's own adopted SPG Creating places makes various points encouraging the use of sustainable design including the following which relates specifically to the wind catcher type proposals as shown on the plans.

*Often known as "passive solar design" this involves taking advantage of the natural light and heat from the sun and using air movement for ventilation. If well designed, such an approach can significantly reduce the need for artificial light, heat, cooling or ventilation.*

The applicant's proposals are all being altered from that originally proposed because Tesco's store format has been updated from that which it originally proposed as a significant period of time has now elapsed from when the original planning application was made. The new store format now includes wood cladding from sustainable sources. The introduction of windcatchers to passively ventilate the building and cool the building in summer reducing air conditioning usage. The introduction of larger rooflights to enable more natural daylight into the store so that lights can be used less. It also involves the removal of the previously proposed wind turbine as these have proved to be less effective in the production of power in other stores than was previously thought.

Officers have considered the introduction of these measures and it is considered that these are all positive enhancements to the store design which provide a more attractive and environmentally friendly store design which is to be encouraged.

Officers note the opinion of Amesbury Town Council in relation to the Pharmacy which is shown on the submitted plans. These plans are for indicative purposes only and do not infer that a pharmacy will or will not be built within the store. There are external processes that in any case licence pharmacies.

Officers also note the view of the town council that the proposed windcatchers would be detrimental to the amenity of neighbouring properties. Whilst respecting this view officers consider that the wind catchers would not only be environmentally sensitive but would provide an attractive feature in themselves which differentiates the building from other buildings. They are officers consider a strong architectural feature which should be encouraged.

#### **9.4 The impact of allowing 24 hour delivery**

There have been objections from local residents and the town council as well as other groups to the delivery hours being extended from 7.00am to 22.00pm Mondays to Fridays to 24-hour usage. Local residents and groups feel that this would not be acceptable as it would have an adverse effect on people living close to the store and in the wider area by delivery lorries exiting the store and disturbing residents further afield at night time.

Policy G2 of the saved policies of the Salisbury district council local plan states that development will only be allowed if the development meets the following criteria

*(vi) avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.*

PPG24 similarly, aims to make developments next to existing residential properties compatible in terms of their noise and disturbance.

The applicants have considered the issue of noise and disturbance in their accompanying document which has been prepared by Sharps Redmore consultants. Environmental Health have given advice to planning officers on the issue of the change to the delivery hours (above). As can be seen it is environmental health's opinion that in view of the noise report as submitted. There are not sufficient grounds for refusing the application because the relevant noise levels would not be exceeded at night. This is based on the assumption that the lorries and loading and unloading will be done in a reasonable manner. In this respect the environmental health officer has suggested that if the condition is varied it should incorporate within the new varied condition that the deliveries will be made via the level access and that the lorries warning beepers are switched off.

The properties closest to the proposed development in Annetts Close have a significant tall close boarded fence between them and the proposed development and are situated above the level of the loading bay at the rear of the development. The actual dwellings are in close proximity to the loading bay at 25m distance (nearest).

The planning inspector that imposed the current delivery hours did so with the agreement of the local authority and the applicant at the time, however given the new information provided within the noise report and the new noise surveys that have been carried out since that time officers consider that the situation has materially changed in the light of this report and therefore are recommending approval of the 24 hour delivery proposed by the applicant.

Whilst it is appreciated that residents will be wary of having night time activity so close to their property. Providing delivery activities are well managed and compliance with the revised condition is achieved minimal disturbance should occur to those living closest to the site.

#### Other matters

Members should note that although the applicant has applied to vary two conditions (no's 20 and 30) as the local authority will effectively be reissuing a planning permission with the two conditions varied, the original conditions where details have not been approved have been reissued with their original numbering in order that compliance with their objectives is achieved. Similarly all the original provisions in the S106 will be provided for by the signing of a new supplemental legal agreement.

## 10. Conclusion

**10.1** In relation to the change in the external appearance of the building it is considered that the changes made by the applicant represent an upgrade of the store design in terms of sustainable measures which will enhance the environment and would comply with sustainability policies (G1) as contained within the saved policies of the former Salisbury district council local plan. It is not considered that any of the amendments proposed would have a significant effect on the amenity (in visual terms) of surrounding properties.

**10.2** Following receipt of the Sharps Redmore report and the recommendation from the councils own environmental health officers it is considered that it is acceptable (subject to

conditions) to allow 24 hour deliveries at the site subject to the variation to condition 20 to take account of the environmental health officers comments in relation to imposing additional conditions.

## **Recommendation**

### **It is recommended that planning permission is granted for the following reasons:**

In relation to the change in the external appearance of the building it is considered that the changes made by the applicant represent an upgrade of the store design in terms of sustainable measures which will enhance the environment and would comply with sustainability policies (G1) as contained within the saved policies of the former Salisbury District Council Local Plan. It is not considered that any of the amendments proposed would have a significant effect on the amenity (in visual terms) of surrounding properties. Following receipt of the Sharps Redmore report and the recommendation from the councils own environmental health officers it is considered that it is acceptable (subject to conditions) to allow 24 hour deliveries at the site subject to the variation to condition 20 to take account of the environmental health officers comments in relation to imposing additional conditions, to comply with policy G2 of the Salisbury District Council Local Plan.

And Subject to the following conditions:

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

Reason to comply with the provisions of section 91 and 92 of the Town and Country Planning Act 1990 and to reflect the size and nature of the Development

2 Before development is commenced a schedule of materials and finishes and where so required by the Local Planning Authority samples of such materials and finishes to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority Development shall be carried out in accordance with the approved details

Reason To secure a harmonious form of development

POLICY: D1, D2

3 The development shall be carried out in accordance with the submitted land contamination details as approved by letter dated 8th June 2010

Reason In order to ensure any contamination at the site is adequately remediated.

4 The development shall be carried out in accordance with the submitted hard and soft landscaping plans as approved by letter dated 8/6/2010.

Reason to enable the Local Planning Authority to secure a satisfactory standard of design and implementation of landscaping of the development in the interests of visual amenity

POLICY: G2

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

Reason to enable the Local Planning authority to secure a satisfactory standard of design and implementation of landscaping of the development in the interests of visual amenity

POLICY: G2

6 The development shall be carried out in accordance with the schedule of landscape maintenance as approved by letter dated 8/6/2010.

Reason

To enable the Local Planning Authority to secure a satisfactory standard of design and implementation of landscaping of the development in the interests of visual amenity

POLICY: G2

7 No development shall commence until a comprehensive programme for the undertaking of the off site highway works shall have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the off site works shall include the widening of the footway along the eastern side of Holders Road as shown on drawing 208302 107. All necessary off site highway works shall be provided and undertaken strictly in accordance with the approved programme.

Reason In the interest of ensuring that the required infrastructure is provided at the appropriate times

POLICY: G2

8 The development shall be carried out in accordance with the submitted green travel plan the details of which were approved by letter dated 8/6/2010. The approved Travel Plan shall be put in place prior to the first occupation of the building

Reason To minimise the impact of the proposed development on the Strategic Road Network and to ensure that sustainable travel objectives for the site are Met



POLICY: G1

9 No development of the store shall take place until a detailed scheme for site accesses both vehicular and pedestrian cyclists has been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into use until the site accesses have been constructed in accordance with the approved details.

Reason In the interests of highway safety and amenity

POLICY: TR11, TR12

10 The development shall be carried out in accordance with the comprehensive construction phase programme as submitted and approved by letter dated 8/6/2010.

Reason In the interests of highway safety and to mitigate any adverse environmental impact to neighbouring communities

POLICY: G2

11 The development shall be carried out in accordance with the details approved of the construction Environmental Management plan as approved by letter dated 8/6/2010

Reason In the interests of the amenities of the residential occupiers in the Locality

POLICY: G2

12 No construction work shall take place on Sundays or Public Holidays or outside the hours of 07 00 to 19 00 hours Monday Friday and 07 00 to 13 00 hours Saturdays. This condition shall not apply to the internal fitting out of the buildings

Reason In the interests of the amenities of the residential occupiers in the Locality

POLICY: G2

13 The Acoustic fencing and hoardings shall be erected in accordance with the details submitted and approved by letter dated 8/6/2010. No development shall take place without the acoustic barriers being in place.

Reason In the interests of the amenities of the residential occupiers in the Locality

POLICY: G2

14 Development shall take place in accordance with the scheme for the control of airborne dust emissions as approved by letter dated 8/6/2010.

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

15 Any ventilation refrigeration and combined heat and power plant shall achieve a noise rating of no more than the following dB A

Daytime LAeq 15 min 42dB A

Nighttime LAeq 15min 36dB A

At the boundary of the site with Annett s Close

Reason In the interests of the amenity of residents in Annett s Close

POLICY: G2

16 The acoustic barrier as shown on the approved plans shall be designed with a minimum superficial density of 10kg m<sup>2</sup> and of a minimum 2 metres in height The barrier shall be fully erected prior to the retail unit first coming into use and shall thereafter be retained and maintained in accordance with a scheme of repair and maintenance to be submitted to and approved in writing by the Local Planning Authority prior to the barrier being erected

Reason In order to ensure that the acoustic barrier is erected and maintained thereafter in a manner which protects the amenities of adjacent residential properties

POLICY: G2

17 The retail unit hereby approved shall not be open to the public outside the following hours

07 00 hours to 23 00 hours Monday to Saturday

10 00 hours to 17 00 hours Sundays or Public Holidays

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

18 All deliveries taken at or dispatched from the development outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays shall be received directly into or taken directly from the building via the service yard dock leveller access.

Between the hours of 22:00 and 07:00 Monday to Saturday and 16:00 and 09:00 on Sundays and Bank Holidays delivery vehicles on site shall not operate any audible vehicle reversing alarm

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

19 Before the first occupation of any part of the building a scheme to restrict shopping trolleys leaving the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be implemented prior to such first occupation and thereafter shall be retained in relation to the development hereby permitted

Reason In the interests of the general amenity of the surrounding area

POLICY: G2

20 This permission grants a net convenience sales floor area of 2300 square metres and a net comparison goods sales area of 1160 square meters Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re enacting that Order there shall be no provision of retail floorspace in excess of the net areas defined within the building without the prior express consent of the Local Planning Authority neither shall there be any alteration or subdivision of the sales floor nor provision of ancillary or subsidiary retail units within that sales floor

Reason In the interests of the preservation of the vitality and viability of the specialist retail function of Amesbury Town Centre

POLICY: PPS4

21 Immediately upon the commencement of trading of the retail store hereby permitted provision shall be made at the entrance to the store for the advertising of town centre retail and service facilities in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the internal fitting out of the building.

Reason In the interests of the preservation of the vitality and viability of the specialist retail function of Amesbury Town Centre

22 Before the first occupation of any part of the building further details of any external lighting to be installed which shall demonstrate measures to reduce light spillage shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be installed and operated in accordance with those further details approved The submitted details shall ensure no spillage of light into residential dwellings adjacent to the development hereby consented greater than 10 lux before 23 00 hours and 2 lux after 23 00 hours

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

23 Before the first occupation of any part of the building a scheme for the covered

secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be implemented prior to first occupation of any part of the building and thereafter shall be retained in relation to the development hereby permitted

Reason To promote the use of energy efficient modes of transport in accordance with local and national policy objectives

POLICY: TR11

24 Notwithstanding the provisions of Part 4 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re enacting that Order the car parking and service yard areas shall not be used for any other purpose without the prior approval by the Local Planning Authority

Reason To prevent temporary uses and structures ancillary to the retail use of the building taking place within the car park in the interests of the amenities of the locality and to ensure that adequate servicing and turning facilities are provided at all times

POLICY: G2

25 Surface water shall be disposed of in accordance with the details submitted to ensure that there is no surface water run off from the site for all events up to the 1 in 100 year storm including an allowance of 20 increase in peak rainfall intensity to take account of climate change in accordance with Planning Policy Statement 25

Reason To ensure the satisfactory provision of drainage facilities to serve the proposed development

POLICY: G2

26 The scheme shall be implemented in accordance with the details of water efficiency and energy improvement measures as previously submitted and approved by letter dated 8/6/2010.

Reason In the interests of sustainable development and prudent use of natural resources

POLICY: G2

28 Prior to being discharged into any watercourse surface water sewer or soakaway system all surface water drainage from impermeable parking areas and hardstandings for vehicles commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained Roof water shall not pass through the interceptor.

Reason To prevent petrochemical substances from car parking surfaces

polluting the water environment

POLICY: G1, G2

29 The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Plan no's -

1621.110D

1621.101C

1621.123A

1621.167

1621.121A

1621.122F

1621.166

6394-PL 105

Reason: In the interests of clarity

Appendices:

None

Background Documents Used in the Preparation of this Report:

Plan no's 1621.110D

1621.101C

1621.123A

1621.167

1621.121A

1621.122F

1621.166

6394-PL 105

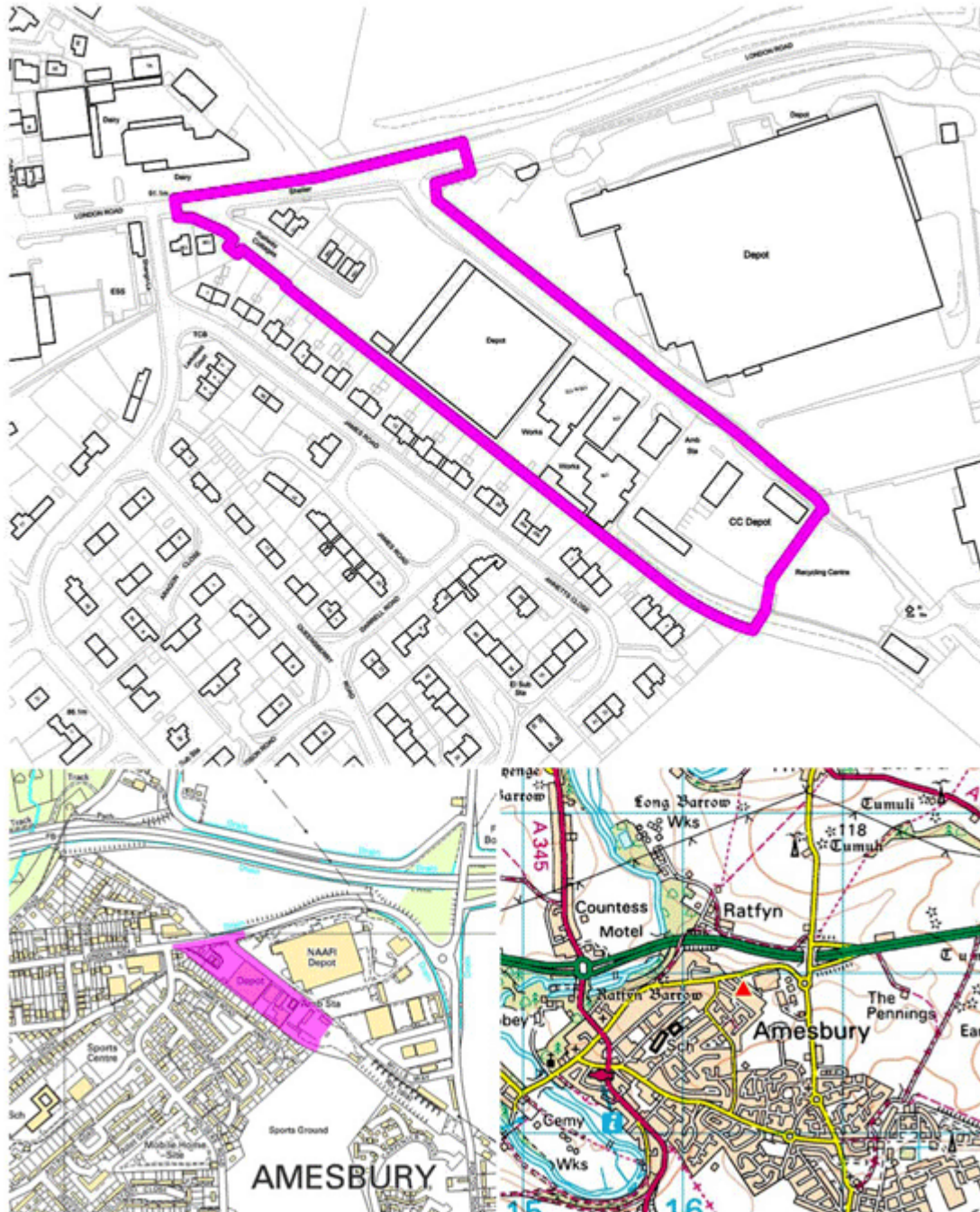
Noise Assessment report dated 22<sup>nd</sup> April 2010 by Sharps Redmore Partnership

MD Architects Design and Access statement

Environmental review prepared by Scott Wilson

Renewable energy statement prepared by Scott Wilson

Demolition of existing buildings and redevelopment to form a1 retail store S/2010/0639/S73  
Includes associated parking, landscaping and alterations to access, installation of a wind turbine and changes to conditions with regard to store design and delivery hours.



140 London Road Amesbury Salisbury SP4 7EQ