

Date of Meeting	16/06/11		
Application Number:	S/2011/0277		
Site Address:	11 York Road Salisbury SP2 7AP		
Proposal:	Demolition of existing business premises and construction of 9 dwellings		
Applicant/ Agent:	Simpson Hilder Associates		
Parish:	Salisbury City Council		
Grid Reference:	413775.467 130432.645		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs A Iles	Contact Number:	01722 434312

Reason for the application being considered by Committee:

Councillor Clewer has called it to committee in order to discuss the following issues:

1. Scale of development
2. Visual impact upon the surrounding area
3. Relationship to adjoining properties
4. Environmental / highway impact
5. Car parking

## 1. Purpose of report

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

## 2. Report summary

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

1. Principle of Development
2. Scale & Design
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Contaminated Land
6. Arboricultural Impact
7. Provision of Waste Facilities
8. Impact on Protected Species
9. Impact on Archaeology
10. Contribution towards Public Open Space Provision

The City Council have made no observations

Neighbourhood Responses:

Four letters received objecting to the proposal  
 No letters of support received  
 One letter commenting on the application received

### 3. Site Description

11/11B York Road is a collection of buildings off St Pauls Roundabout, with associated parking area to the south on the opposite side of the road. The majority of the site (comprising two commercial buildings with rear yard and storage building) is occupied by a national tool hire operator while a smaller element (comprising a converted two storey house) to the west is used by an independent financial advice company.

The site is located within the Housing Policy Boundary of Salisbury, Area of Special Archaeological Significance and a Groundwater Source Protection Area.

4. Relevant Planning History			
Application Number	Proposal	Decision	
4056	Extension to provide new office and change of use to showroom from store at No.7	A	31.07.50
4450	Amended showroom elevations to existing store in York Rd	AC	03.06.52
8345	Change of use of ground floor to offices & convert 1st floor into self-contained flat & use remainder of site as Builders Merchants Yard & Stores	A	05.12.62
8679	Erection of temporary office accommodation	AC	01.07.63
8719	Alterations & additions to offices at Builders Merchants Yard	A	29.07.63
8881	New goods entrance, Sidney St	A	19.10.63
B431	Alterations to access, new office & toilet accommodation at York Rd/ Sidney St	A	03.10.67
82/0524	Circular 49/63 - possible use of land for development	Objections raised	
89/0797	Refurbishment of existing sales area & new showroom within adjacent house premises	R	12.07.89
90/1696	Change of use & extension & alterations to form 4 self-contained office units	AC	23.01.91
97/1753	Proposed new shopfront 11 York Road	AC	11.12.97
06/2568	Demolition of existing tool hire premises and construction of 12 no houses	WD	19/02/07

10/473	Demolition of existing tool hire premises and Construction of 10 new houses in 3 blocks and Including gardens, associated external areas and Parking at 11/11B York Road.	WD	29/06/10
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## 5. Proposal

Consent is sought for the demolition of the existing buildings and the construction of nine dwellings on the northern part of the site with an area of car parking remaining on the southern part of the site. Seven of the dwellings will form a terrace fronting onto York Road while a pair of semi detached dwellings will be located behind. Each property will have a rear garden.

## 6. Planning Policy

Adopted Salisbury District Local Plan policies G1, G2, G8, D2, H8, H16, E16, R2

Adopted Supplementary Planning Guidance “Creating Places”

Planning Policy Statement 3 - Housing

Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy 9 - Biodiversity and Geological Conservation

Planning Policy Statement 23 – Planning and Pollution Control

## 7. Consultations

### Environmental Health

No objection subject to condition (see below)

### Highways Department

No objection subject to condition (see below)

### Highways Agency

No objection

### Wiltshire Fire & Rescue Service

Consideration should be given at building regulations stage to fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection.

### Environment Agency

No objection subject to conditions and informatives (see below)

### **Salisbury Civic Society**

Support the principle but raised concern with regard to the use of UPVC windows and overlooking to properties to the rear.

### **Wessex Water**

No objection but a there may be a sewer crossing the site which, although not shown on the public sewer record drawing, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936.

### **Archaeology Department**

No comments

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation which expired on 31<sup>st</sup> March 2011.

Four letters of objection and one of observation were received:

Summary of key relevant points raised:

1. Support for the gentrification of the area and the relocation of businesses to another area.
2. There should be sufficient parking provided as there are already issues with on-street parking in the area which is causing problems with highway safety at road junctions
3. Some years ago an application for a dwelling was refused next to the site and there should be no further houses in the area as traffic is bad enough already.
4. Concern about additional property in an already overpopulated area.
5. Properties should not be allocated Zone D parking permits or visitor permits
6. Properties will lose their view over St Paul's Church (*not a material planning consideration*)
7. The proposal will result in overlooking to nearby properties

The Salisbury Campaign for Better Transport consider that too much parking is provided for a central location in a city where traffic pollution remains unacceptably high.

## **9. Planning Considerations**

### **9.1 Principle of Development**

The site is located within the Housing Policy Boundary of Salisbury where the principle of new residential development is supported by policy H8 of the Local Plan. However, as the site is currently used for employment the application is subject to consideration under policy E16. This states that the change of use or redevelopment of employment land will only be

permitted where the new use will provide a similar number and range of job opportunities unless the land or premises are no longer viable for employment generating uses or a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs.

The applicant states that the proposal should not result in a loss of jobs as the existing tenants have been considering relocation to more suitable premises elsewhere in Salisbury. While they also state that there is at least five years supply of industrial land no evidence has been submitted to support this. Although due to the economic climate it would be expected that there would currently be an ample supply with relatively low take up, this should not automatically mean that industrial floorspace should be lost to other uses.

Usually to demonstrate that land is no longer suitable for employment purposes the Local Planning Authority expects an applicant to undertake a comprehensive marketing exercise for a period of at least six months. In this case the applicant has not provided any marketing to accompany the application and on this basis the application can only be considered against the second part of policy E16.

Although not directly on the A36, the site forms part of an important gateway to the city centre, and is one of several sites around St Paul's roundabout which are in need of improvement. In addition it is a predominately residential area, with poor access and turning space for large vehicles, and it is unlikely that a commercial premises would be approved in such a location now. Therefore it is considered that in this case the environmental benefits that the proposal would bring, outweigh the small loss of commercial floorspace in a prominent out of town location.

## **9.2 Scale & Design**

The surrounding area is characterised by traditional two storey terraced properties, the majority being constructed from brick with pitched roofs in a mix of slate and tiles. The northern end of York Road is a row of four three-storey terraced houses with stonework fronts beneath a hipped roof.

The original application for the site in 2006 featured a contemporary design with dwellings also included dwellings on the car park site. The application was subsequently withdrawn following concern with regard to the development of the car park site and the amenity space provided for the properties.

A subsequent application in 2010 had a more traditional approach with the parking area retained but concern was raised with regard to the orientation of a five dwelling terrace that faced Sidney Street and a blank gable-end elevation that faced onto York Street. Again the application was withdrawn.

The current scheme has a run of terraced properties along York Road with variation in roof height and a pair of semi-detached properties behind. Following comments made by the Council's Urban Design Team some alterations have been made to the detailing of the buildings.

The Civic Society support the principle of redevelopment on the site which would help lift the quality of the area although they have concern with regard to the use of UPVC windows. While it would be preferable if timber windows were used, as the site is not located within a Conservation Area or adjacent to listed buildings it is difficult to substantiate this argument,

particularly as timber windows could be subsequently changed to UPVC without the need for planning consent and therefore it is considered acceptable in this case.

In summary is therefore considered that the proposed dwellings will reflect the surrounding area in terms of scale, material and design in accordance with local plan policy and design guidance. Given the central location, adequate amenity space is considered to have been provided for each of the properties.

### **9.3 Impact on Residential Amenity**

The site has a close relationship with the surrounding residential properties and there is some concern with regard to additional overshadowing and overlooking from the proposed dwellings. While the rear (north elevation) of the terrace will contain a number of windows which will offer opportunities for some overlooking to the rear gardens of several properties in Sidney Street and Charles Street the separation distance is considered to be acceptable in an area of tight urban grain. The separation distance is also considered to mitigate against any additional overshadowing. The semi-detached properties are lower in height minimising overshadowing, but some additional overlooking may result to the gardens to the surrounding properties. However, again given the urban location this is not considered significantly detrimental to warrant refusal.

Due to the proximity to the A360 and A36 the Environmental Health Department requested that a noise assessment be carried out in accordance with PPG24. This has been done but it contained no information on the type of noise mitigation scheme that it is intended to use. Therefore it is requested that a condition be added requiring such a scheme to be submitted prior to development commencing.

### **9.4 Impact on Highway Safety**

Nineteen car parking places are proposed (including one disabled space). Although concerns have been raised by third parties with regard to the impact on parking in the area resulting from the proposal, as the site is within easy walking distance of public transport and other local facilities minimising the need for a private car, the Highways Department have no objection to the level of parking proposed. However, they have requested that the cost of any modification to the existing waiting/servicing scheme necessitated by the proposed development must be borne by the developer and carried out prior to the commencement of the development. As such a condition regarding this is suggested.

### **9.5 Contaminated Land**

The Environment Agency originally objected to the proposal as they had not seen the submitted Phase 1 Contamination Assessment. However, having subsequently seen it they have removed their objection subject to conditions and informatives.

The site is situated on chalk which is designated a principal aquifer and as such requires protection. The findings of the preliminary assessment identifies a number of potentially contaminating sources such as the above ground diesel tank which, while situated within a bund, is surrounded by stained ground in poor condition. Therefore it is considered that an intrusive ground investigation should be undertaken to assess the risks and as such it is requested that a condition be added requiring this to be carried out. In addition they have requested that an informative be added regarding a scheme for water efficiency.

The Council's Environmental Health department also have no adverse comment to make regarding the submitted Phase I report but agree that a condition should be added requiring further investigation.

### **9.6 Arboricultural Impact**

There are several mature trees on the edge of the area designated as a car park, and as such the Arboricultural Officer has requested that a condition be added requiring a Tree Protection Plan.

### **9.7 Provision of Waste Facilities**

Due to the physical and social constraints associated within the location of proposed development there is limited scope for recycling demolition materials on site and environmentally impractical. However, it is stated that the majority of waste materials generated on site will be sustainably managed and not simply land-filled. In addition compost bins are to be provided within the back gardens and a designated bin collection area has been created inside the communal access gate.

Although some further information could have been provided, the development falls just outside the scope of policy WCS6 of the Wiltshire and Swindon Waste Core Strategy in terms of requiring a full audit of the volumes, types and managements of waste materials. As such the Minerals and Waste Policy Team consider that the information meets with the spirit and intent of waste minimisation and have no objection to the scheme.

### **9.8 Impact on Protected Species**

As the buildings to be demolished are relatively modern, located in a highly urban setting with no significant areas of semi-natural vegetation nearby it is considered that there will be minimal impact on protected species.

### **9.9 Impact on Archaeology**

Although the site is located within the Area of Special Archaeological Significance there are no Historic Environment Records in the immediate vicinity of the site and as such the County Archaeologist has no comments to make in regard to the application.

### **9.10 Contribution towards Public Open Space Provision**

New residential development is required to make provision for recreational open space in accordance with policy R2. While this is normally done by means of a unilateral agreement which requires submission of the commuted sum prior to determination of the application, in this case the applicants have requested that it be done by Section 106 agreement stating that the commuted sum is not payable until commencement of development. This will still be in accordance with policy R2 but if members wish to approve the application it will need to be delegated back to officers to issue the decision once the Section 106 agreement has been signed.

## **10. Conclusion**

It is considered that the proposal is acceptable in principle and is visually appropriate in terms of the surrounding area while not prejudicing the Groundwater Source Protection Area, highway safety, residential amenity, archaeology or protected species. As such it is judged to

conform with saved policies G1, G2, G8, D2, H8, H16, E16, R2 of the Adopted Salisbury District Local Plan, the Adopted Supplementary Planning Guidance "Creating Places" and Planning Policy Statement 5 (Planning for the Historic Environment), 9 (Biodiversity and Geological Conservation) and Planning Policy Statement 23 (Planning and Pollution Control).

## 11. Recommendation

Approve subject to S106 agreement regarding contribution towards open space provision.

Reason for approval:

It is considered that the proposal is acceptable in principle and is visually appropriate in terms of the surrounding area while not prejudicing the Groundwater Source Protection Area, highway safety, residential amenity, archaeology or protected species. As such it is judged to conform with saved policies G1, G2, G8, D2, H8, H16, E16, R2 of the Adopted Salisbury District Local Plan, the Adopted Supplementary Planning Guidance "Creating Places" and Planning Policy Statement 5 (Planning for the Historic Environment), 9 (Biodiversity and Geological Conservation) and Planning Policy Statement 23 (Planning and Pollution Control).

Subject to the following conditions:

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

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

(2) No development shall commence until the relevant traffic regulation orders (including a loading bay and double yellow lines) have been revoked and the relevant orders implemented and completed, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to remove/ amend unnecessary restrictions in the vicinity of the site

POLICY: G2 (General Development Guidance)

(3) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the buildings 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 (Infill Development)

(4) Further to the submission of the preliminary risk assessment, no development shall commence until 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 site investigation scheme based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.



2. The results of the site investigation and detailed risk assessment referred to in (1) 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.
3. A verification plan providing details of the date that will be collected in order to demonstrate that the works set out in the remediation strategy (2) 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 protection of controlled waters

POLICY: PPS23 (Planning and Pollution Control)

(5) Development shall be carried out in accordance with the Waste Audit Statement submitted on 24/02/11.

REASON: To minimise the impact on the Groundwater Source Protection Area

POLICY: G8 (Development affecting a Groundwater Source Protection Area)

(6) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

POLICY: D2 (Infill Development)

(7) No development shall commence on site until a scheme of works for noise mitigation has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the premises are first occupied and shall be maintained in accordance with the approved details at all times thereafter.

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

POLICY- G2 (General Development Guidance)

(8) The development, including site clearance, must not commence until a statement of all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including damage to their root system.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

POLICY : G2 (General Development Guidance)

(9) Development shall be carried out in accordance with the following plans:

111 A Submitted on 09/03/11  
112 A Submitted on 09/03/11  
113 B Submitted on 04/05/11  
114 B Submitted on 09/03/11  
115 B Submitted on 04/05/11  
116 Submitted on 24/02/11

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.

REASON: For the avoidance of doubt

INFORMATIVE – HIGHWAYS: With regard to condition two above the applicant should contact the Salisbury Transportation Team on 01722 434671, who will design and co-ordinate the traffic regulation order work, the cost of which will be borne by the applicant, which will be at least £5000. The cost includes advertising the order changes, staff time, signs and road markings.

INFORMATIVE – ENVIRONMENT AGENCY: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. The applicant is advised to refer to the following for further guidance: <http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx> and <http://www.savewatersavemoney.co.uk>

INFORMATIVE - ENVIRONMENT AGENCY: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. The applicant is recommended to refer to the Environment Agency Pollution Prevention Guidelines, which can be viewed at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

INFORMATIVE – WESSEX WATER: Although not shown on the public sewer record drawing, it is understood that there could be a sewer crossing the site which by virtue of its age could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3 metres of this apparatus. The granting of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary

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