

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 th December 2014
Application Number	14/06650/OUT
Site Address	Castle Works, Castle Road, Salisbury, SP1 3SB
Proposal	Demolish existing buildings and development of site with an eco-village of 60 dwellings, open space amenity areas, new footpaths, parking spaces and internal site road
Applicant	Mr Mark Vaughan – Five Rivers Eco-Homes Ltd
Town/Parish Council	SALISBURY CITY
Ward	ST FRANCIS AND STRATFORD
Grid Ref	414083 131910
Type of application	Outline Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application was called-in by Cllr Mary Douglas on grounds of the scale of the development, its visual impact on the surrounding area, its design – bulk, height and general appearance, and the environmental/Highway impact of the proposed development.

The Area Development Manager considers that the development has wider strategic implications, due to the scale and location of the development, which is outside of the housing policy boundary, and which impacts on an existing employment site. The application is therefore presented for consideration before the Strategic Planning committee.

1. Purpose of Report

To consider the above application and to recommend to Members that outline planning permission be APPROVED subject to Conditions and a S106 legal agreement.

2. Report Summary

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

1. The previous refusal and subsequent appeal dismissal of S/2011/1566
2. Principle of development;
3. Loss of employment land;
4. Affordable Housing;
5. Compatibility of proposed residential use with surrounding recreation / leisure uses;
6. Highway considerations;
7. Character & appearance of the area, inc. impact upon setting of Old Sarum & Conservation Area;
8. Impact upon residential amenities;

9. Impact of the telecoms masts;
10. Ecological and environmental impacts;
11. Provision towards recreational open space, education, and waste & recycling facilities.

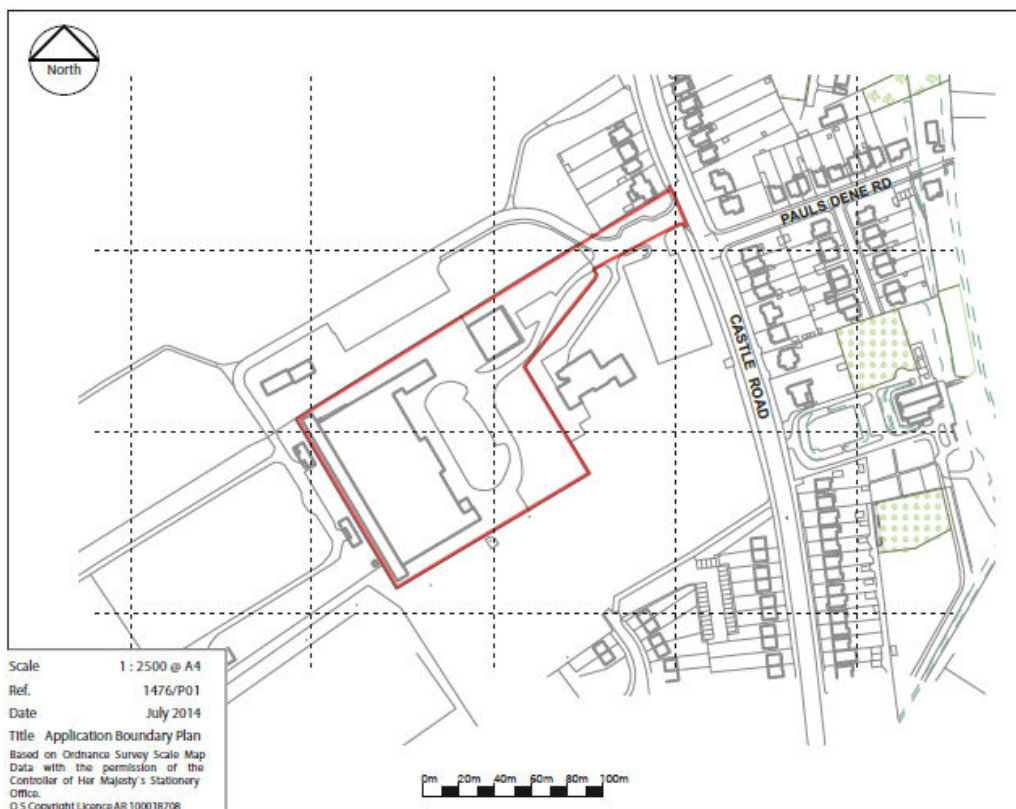
The application has generated a total of 9 representations from the public, as follows:

- One representation in outright support of the proposed development;
- Four representations objecting on grounds including Highway safety and overlooking;
- Three representations making other comments including cycle facilities and the relationship with Salisbury Rugby Football Club; and
- One representation neither supporting or objecting.

Salisbury City Council supports the application, with comments.

3. Site Description

The site is located to the west of the A345 Castle Road, on the northern outskirts of Salisbury. It lies approximately 2km north of the city centre and 750m to the south of the Old Sarum Scheduled Ancient Monument (SAM). The site is surrounded on three sides by public open space, including Hudson's Field and sports pitches related to Salisbury Rugby Club, whose clubhouse and parking area are located adjacent the eastern boundary. To the west the site is bounded by a caravan and camping site. Further afield, to the east, south and west, there are residential dwellings, including a children's day nursery. There are three existing telecommunication masts located adjacent to the southern boundary of the site. The vehicular access to the site is off the Castle Road, via a tarmac driveway, which also serves as an access to the Rugby Club and car park, as well as an access to the adjacent car parking serving Hudson's Field. The "Golden Way" cycle route runs east/west through Hudson's Field past this car parking area.



The site is currently in commercial use, and contains 2 main buildings, dating from the 1940's and the 1990's, as well as ancillary parking. There are 5 companies currently operating from the site, employing approximately 100 people on site full time, and are businesses mainly related to the car industry. Janspeed Technologies and Burlen Fuel Systems are the largest companies, and Hellier Performance and Advantage Servicing are smaller companies closely linked to Janspeed. Fluid Construction is the other company, which is an interior design business. Wiltshire Council owns the freehold of the site, and all the land surrounding it has been transferred to Salisbury City Council. The former Salisbury District Council accepted a surrender of an existing 99 year lease which commenced in the 1940s and granted a fresh 99 year lease of the entire site from the early 2000s to Janspeed who sub-let to the other tenants on the site.

4. Planning History

The site appears to have been in commercial use since at least the 1940's.

Outline planning application reference S/2011/1566 to demolish the existing buildings and the development of the site with an eco-village of 60 dwellings, open space amenity areas, new footpaths, parking spaces and internal site road was previously refused on 26.11.2012.

The refusal of the application was the subject of an appeal to the Planning Inspectorate, which was subsequently dismissed on 15.07.2013. The Appeal Decision is attached as an appendix to this report.

5. The Proposal

The application is for outline planning consent with all matters reserved save for access.

The application constitutes an amended proposal (over previously refused scheme reference S/2011/1566) to demolish the existing commercial buildings on the site and re-develop the land with 60 dwellings, open space amenity areas, new footpaths, parking spaces and internal site road with vehicular access off Castle Road to the east, via the enhanced existing driveway.

The applicants have only sought detailed approval for the access details, with design and layout matters reserved for later consideration. A footpath/cycle link from the development to the adjacent footpath/cycleway to the north of the development in Hudson's Field is indicatively shown on the submitted plans, although this is outside the red line of the application site.

The indicative plans show a mixture of two and three storey dwellings, with a central landscaped area. The design and access statement indicates that 42 terraced and semi-detached houses, together with 18 apartments, are proposed which include a mix of 2 & 3 bedroom units.

The application differs from the previously refused scheme in the following ways, principally:

- I. Previously the scheme proposed 60 dwellings comprising of 36 townhouses and 24 apartments (the apartments being located in four blocks at the corners of the development) – the current scheme proposes 60 dwellings comprising of 42 houses and 18 apartments (with one of the previously proposed apartment blocks now omitted).
- II. Previously the scheme proposed approximately 6,960sqm of residential floorspace with an indicative mix of 6 x 1 bed units, 10 x 2 bed units, and 44 x 3 bed units. The

current scheme proposes 5,900sqm of residential floorspace with an indicative mix of 22 x 2 bed units and 38 x 3 bed units.



- III. Previously the scheme proposed 30% affordable housing provision (consisting of 18 units to be provided at Code Level 3 under the Code for Sustainable Homes), with all market housing provided at Code Level 6. The current proposal provides 32% affordable housing provision (consisting of 19 units to be provided at Code Level 4), with all market housing provided at Code Level 6.
- IV. Under the current scheme the proposed access road has been repositioned to run along the north-western boundary of the site, along the inside of the retained tree screen. This has the effect of taking the land containing the important north-western tree screening out of private ownership and thereby offering enhanced security of the retention of the screen.
- V. Under the current scheme, the majority of houses and and apartment blocks have been repositioned away from the external boundaries of the site. The central open space has been reduced as a consequence (equipped play space provision is to be off-site as previously proposed).
- VI. The repositioning of the apartment blocks in the north-west and south-eastern corner within the current scheme results in no encroachment into Root Protection Areas (that were previously identified) for Group 29 and Group 13 trees respectively. Amendments in the north-eastern corner now allow the retention of 1 x Category B tree that was previously intended to be removed (Tree 1n an 11m cherry tree). In all other respects the current scheme is unchanged in relation to internal trees.

The current application thereby represents a reduced and condensed scheme over that previously refused, and offers additional benefits in respect of the amount of affordable housing provided and the Code Level/sustainability of the proposed dwellings.

6. Planning Policy

Salisbury District Local Plan:

Policies G1, G2, D1, D7, H22, C7, C13, C15, CN11, CN20, CN22, TR1, TR11, TR14, R2

South Wiltshire Core Strategy:

Core Policies 1, 3, 5, 6, 18, 19, 20, 22

Emerging Wiltshire Core Strategy:

CP1 – Settlement strategy
 CP2 – Delivery strategy
 CP3 – Infrastructure requirements
 CP35 – Existing employment sites
 CP41 – Sustainable construction
 CP43 – Affordable homes
 CP50 – Biodiversity and geodiversity
 CP56 – Contaminated land
 CP57 – High quality design
 CP61 – Transport and development

The Inspector's report for the emerging Wiltshire Core Strategy has now been published and it concludes that the Strategy is 'sound'. It follows that the Strategy must now be given very significant weight in the decision making process prior to its final consideration and assumed adoption by Wiltshire Council in the new year.

Following its adoption some of the existing development plan policies referred to above will be replaced by the WCS policies whereas others will be 'saved'. In the meantime all of the existing policies remain in force and so continue to be the starting point for the consideration of the application.

Other policy/guidance:

National Planning Policy Framework (NPPF)
 National Planning Policy Guidance (NPPG)
 Ministerial Statement – "Planning for Growth" March 2011

7. Consultations

Salisbury City Council	Support , with comments.
Housing Officer	Support subject to the agreed affordable housing provision.
Education Officer	The development generates the need to provide 17 primary and 12 secondary places, requiring contributions through a S106 agreement.
Open Space Officer	The development generates the need to provide an off-site equipped children's play area, and youth and adult recreation

	facilities, requiring contributions through a S106 agreement.
Arts Development Officer	Proposal would trigger a requirement for a financial contribution towards art and design on the site.
Spatial Planning	On balance it is considered that in principle the proposed development can be supported, provided that the applicant is willing to commit to a similar planning obligation to secure the off-site relocation of the existing businesses, and other considerations are satisfactorily addressed.
Highways Officer	No objection subject to condition
Environmental Health	Raises concerns that future occupiers could be affected by events and activities at the adjacent Rugby Club and impacts from external flood lighting from the Rugby Club.
Environmental Protection	No objection subject to condition to secure further land contamination investigation and remedial measures where necessary.
Conservation Officer	No comment
Tree Officer	No response received
Archaeology	No objection subject to condition to secure a written scheme of investigation (and subsequent undertaking of the approved programme of archaeological works).
English Heritage	Comments in respect of the method of impact assessment used to assess the setting of the Old Sarum SAM, for which their guidance has changed since the previous application (to which no objection was raised).
Ecologist	No objection subject to a condition and S106 agreement securing biodiversity enhancement measures and a financial contribution towards the Wessex Stone Curlew Project.
Natural England	Comment that a Habitats Regulations Assessment is required.
Environment Agency	No objection subject to conditions to secure further details of surface water drainage, water efficiency measures and pollution prevention during construction.
Wessex Water	Previously commented that public foul sewers are available for connection adjacent to the site and in Castle Road, and there is adequate sewage treatment capacity and water supply to service the development.

8. Publicity

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

9 letters of objection/concern were received. Summary of reasons include:

- Overdevelopment;

- Incompatible with surrounding leisure/recreation uses, including potential for future occupiers to be affected by noise and flood lighting;
- Loss of employment within Salisbury;
- Increased traffic on Castle Road;
- Existing parking problems at the Rugby Club could be exacerbated;
- Insufficient cycle parking for the larger apartments and no mention of visitor cycle parking;
- Increased traffic within the site could be a hazard to pedestrians using the Rugby Club;
- Potential affect upon air quality;
- Would be more appropriate to revert the land back to open space for recreational use.

Two further letters of representation were made, supporting the development in principle, but making the following observations:

- The communal heating system should be fully investigated before permission is granted;
- The provision of 118 car parking spaces is incompatible with the ethos of eco-housing;
- A Travel Plan should be submitted, including a car sharing scheme;
- Improved links and signage from the site to the riverside cycleway should be provided.

9. Planning Considerations

The previous refusal and appeal

Outline planning application reference S/2011/1566 was previously refused by Wiltshire Council on 26.11.2012 for the following reasons:

The site is situated within a prominent and sensitive location, on a main approach into the city of Salisbury, surrounded by open space and is also visible from the Old Sarum scheduled ancient monument and surrounding conservation area. Although containing reasonably large industrial buildings, the site is reasonably well screened by existing trees and other vegetation, and the existing buildings only occupy approximately half of the available site area. The development proposes 60 dwellings, which would occupy a larger proportion of the site and would include buildings up to three stories in height.

In the absence of detailed plans, including landscaping proposals, the local planning authority is not convinced that the proposed development would not be significantly more prominent than the existing buildings. In particular, it is not clear how the existing planting screen would be maintained and be made compatible with the proposed residential use, or how any replacement landscaping scheme would fit within the planned scheme or screen the site. Therefore, based on the existing scheme, it is considered that the development would harm the character and appearance of the area and the setting of heritage assets. The development would therefore be contrary to Local Plan policies G1, G2, D1, CN11, CN20, and C7 (as saved within the adopted South Wiltshire Core Strategy).

The refusal of the application was the subject of an appeal to the Planning Inspectorate, which was subsequently dismissed on 15.07.2013. The Appeal Decision is attached as an appendix to this report.

The Appeal Inspector identified the main issues as being the effect of the proposal on the character and appearance of the area and on the settings of the Old Sarum Scheduled Ancient Monument (SAM) and Stratford-sub-Castle Conservation Area.

Much consideration was given by the Inspector as to the impact of the extensive Leylandii natural screening on the northern boundary of the application site, its impact on the amenity of potential future residents of the proposed scheme (poor quality of daylight into windows, poor outlook etc). Also considered was the potential for the future removal of the Leylandii screening, and resulting impacts on the surrounding landscape and the adjacent SAM (i.e. through loss of the wooded and screened appearance of the application site).

The current scheme seeks to overcome the previous reasons for refusal and resulting dismissal by:

- The reduction in the amount of residential floorspace proposed (from approximately 6,960 sqm to approximately 5,900 sqm);
- The removal of one of the previously proposed apartment blocks (from the NE corner of the site) and generally revised and reduced scale and mass of buildings proposed;
- The repositioning of development blocks further away from northern, western and southern boundaries;
- The revision of the proposed access road layout, providing more space between the northern boundary natural screening; and
- Taking the northern boundary out of private ownership, thereby ensuring the long term retention of this boundary via a landscape management plan (thus maintaining the wooded appearance of the application site within the surrounding landscape and in views from the adjacent SAM).

In other matters considered by the Inspector, it was confirmed that:

- I. There was no highway safety objection to the previous proposal;
- II. Issues of noise disturbance and floodlighting affecting the amenity of future residents of the scheme could be adequately controlled by conditions;
- III. Ecological and environmental impact considerations could be adequately controlled by conditions;
- IV. The principle of the relocation of existing business was a positive aspect of the proposed development.

In respect of the efficacy/adequacy of any Section 106 legal agreement to secure affordable housing, the relocation of businesses and other relevant financial contributions and outcomes, the Inspector, whilst accepting that a planning obligation would relate to necessary contributions that directly related to the development, questioned how such an agreement could be entered into whilst the Council remains the freehold owner of the land (i.e. the Council cannot enter into a legal agreement with itself). In practice, should the Committee resolve to grant outline planning consent subject to conditions and a S.106 legal agreement, the Council's Strategic Projects and Development Manager would seek authority for disposal of the freehold from the Cabinet Capital Assets Committee (CCAC). If that authority is granted, the freehold could be transferred to the developer and the S.106 legal agreement could then be entered into as required, prior to outline planning consent being formally granted.

Principle of development

Saved SDLP Policy H22 states that in the main settlements (such as Salisbury), residential development will be permitted on previously developed land outside Housing Policy Boundaries provided that the site is:

- i) Not identified for an alternative form of development in the Plan;
- ii) Well related to the existing pattern of development; and
- iii) Accessible by public transport.

The policy further states that proposals which involve land currently in employment use will only be permitted if the business is relocated to an alternative site in the settlement which does not require increased reliance on the private car, or if the land and buildings are unsuitable and not viable for alternative employment uses.

In addition, Core Policy 5 of the South Wiltshire Core Strategy states that permission will not be granted for the development of land or buildings previously or currently used for activities falling within Use Class B1, B2, or B8 unless it can be demonstrated that:

- i) The same number, or more jobs will be generated;
- ii) The land lost is replaced with employment land of similar size elsewhere in the settlement;
- iii) The loss of a small proportion of employment use on a site would facilitate the continuation and provision of employment on the greater part of the site;
- iv) The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area; or
- v) Valid evidence has been provided indicating that the site is no longer suitable or viable for employment use.

The applicant has submitted a statement which seeks to indicate why the existing site and buildings are no longer suitable to accommodate employment generating uses. In summary, this statement says that:

- There is other sufficient employment land elsewhere in the Local Plan area;
- The site is not an allocated/strategic employment site;
- The buildings are no longer fit for purpose and the costs of refurbishment or redevelopment would be prohibitive; and
- The site is not well located for modern commercial use, given various conservation and recreational constraints, including the highways access and proximity of dwellings and a children's nursery.

The applicant's statement also highlights that the redevelopment of the site for residential purposes would result in environmental improvements, including reduced visual impact and reduced traffic generation, resulting in improved residential amenities.

Most of these arguments are sound and so can be accepted. In addition, it is also the applicant's intention to enter into a S106 agreement to secure a scheme of relocation for the existing businesses. This would ensure that the proposal complies with Policy H22 because, whilst employment land would be lost, the businesses and the employment they provide would not. Furthermore, the relocation would enable the businesses to find employment premises which better suit their current and future needs, creating better conditions for growth and potentially increasing employment locally. Consequently, subject to securing an appropriate scheme of relocation, it is considered that the proposal does comply with the overall economic objectives of the SWCS and NPPF.

In the near future, Policies H22 and CP5 will be replaced by Policies CP2 and CP35 in the eWCS. Policy CP2 will resist development outside of settlement boundaries except in limited circumstances not relevant here. Policy CP35 will resist the loss of employment sites within settlements unless criteria similar to that set out in CP5 are satisfied. As the application site lies outside of the current housing policy boundary for Salisbury its redevelopment for housing cannot comply with emerging Policy CP2. However, in this emerging context there are material considerations which 'tip the balance' in the application's favour anyway, most notably the recent planning appeal decision referred to above which acknowledged the principle of re-development; and the applicant's commitment

to maintaining an employment presence in the area, and the improvements to the environment resulting from the proposal referred to elsewhere in this report. It follows that the proposal remains acceptable notwithstanding the evolving policy position. It is also relevant that the proposal complies with the spirit of emerging Policy CP35, albeit that the site lies outside of the housing policy boundary line.

Affordable Housing

Core Policy 3 of the South Wiltshire Core Strategy states that a target of 40% affordable housing on sites of 15 dwellings or more will be sought. The policy clarifies that the provision of affordable housing will be negotiated on a site-by-site basis taking into account the viability of the specific development.

The applicant has demonstrated via the submission of a viability appraisal that the highest proportion of affordable housing that can be viably delivered on the site is 32% (comprising of 19 units built to Code Level 4), and that the ability to commit to a higher proportion is compromised by the projected purchase costs of the site, which includes the cost associated with the early termination of existing commercial leases and the associated costs of relocating existing commercial tenants to alternative premises in the local area. Whilst such costs are not normally factored into viability appraisals, it is difficult to envisage how this site could be delivered for housing without taken them into account. The applicant details that in order to get to the position of vacant possession of the site, a developer will have to buy the freehold, acquire the head lease interest, acquire three sub lease interests, and make provision for moving up to 5 different licence holders at a below sub lease level. The Housing Officer acknowledges that the costs attributed by the applicant to obtain vacant possession are probably reasonable.

Since the development would therefore be unlikely to be deliverable at the target level for affordable housing, Officers are of the opinion that 32% is acceptable, particularly bearing in mind the potential benefits of an appropriate relocation scheme for the existing businesses, and the windfall of 19 additional affordable housing units in a sustainable urban location.

Weight to be afforded to sustainability benefits

Tackling climate change, through a variety of measures, is embedded within the objectives of the South Wiltshire Core Strategy, although there is no specific policy which requires new residential developments to achieve a minimum Code Level. Rather the Core Strategy seeks to tackle climate change predominantly through directing new development to the most sustainable locations, reducing reliance upon the private car, and the proposed development meets this objective given its urban location with good access to local services and public transport. A similar approach to sustainability is also contained within the NPPF.

Emerging Core Policy 41 will require new homes to achieve Code Level 4.

A residential development which achieves a high proportion of Code Level 6 dwellings would certainly be a desirable feature, as well as an exemplar which could assist locally in raising standards of sustainable housing design. However, in the view of Officers, the current policy framework gives no reason to require the development be built to Code Level 6, and it would be difficult to justify a condition which would guarantee the applicant's stated sustainability objectives. Consequently, there is a risk that if the site were sold on to another developer, who did not share the same vision as the applicant, they may not choose to build market housing to Code Level 6. The view of Officers is therefore that the eco-village aspirations of the applicant should be regarded as a possible added bonus, which would be in addition to meeting the essential planning criteria which notably relate to economic growth and affordable housing objectives.

Compatibility of proposed residential use with surrounding recreation / leisure uses

The proposed scheme would be surrounded on all sides by public open space. The existing Rugby Club pitches and Hudson's Field pavilion building are also located within relatively close proximity to the south and north, and to the immediate west there is a seasonal caravan and camping site. It therefore seems likely that the future residents of the development will suffer some general noise and disturbance from the daily use of the surrounding fields for recreational purposes.

However, in officers' opinions, any significant noise disturbance is likely to occur only when matches and events are occurring on the adjacent fields. Such events are more common in the summer months (although not always a weekly occurrence), whilst matches (including training sessions) are more likely to occur at other times of the year, and would not be a daily occurrence. It therefore seems likely that, on occasion, during the summer months the residential amenities of occupiers would be affected by large well attended public events, which usually generate significant traffic movements in and around the adjacent car parks, and generate significant amounts of people. During the week, outside the main summer months, it is likely that the main disturbance will be the noise generated by the rugby training and some matches. The training sessions apparently occur twice a week, and matches can occur about twice a month.

No technical assessment of the likely impact of the surrounding uses or the existing flood lighting has been submitted by the applicant. As a result, in the absence of such information, it is difficult to ascertain with certainty that the development and its amenities would not be adversely affected. However, it is understood that since the submission of the previous application, the intensity of the floodlights has been amended to reduce the potential for adverse impacts on neighbour amenity. Other existing dwellings are already located adjacent to the open space and playing pitches, and whilst some short term disturbance may well be experienced, officers have no firm evidence that there is a significant amenity issue.

Additionally, the existing floodlights face away from the proposed dwellings, and this orientation is likely to reduce the impact of floodlighting on adjacent amenity, particularly given the shading offered by the adjacent mature trees. Furthermore, presuming that the floodlighting is only occasionally used, it would seem that the actual impact of any lighting would be temporary and short term. As a result, despite the lack of a technical assessment, it is considered difficult to substantiate a reason for refusal based solely on the impact of the floodlighting or the general noise disturbance on residential amenity.

The other source of potential disturbance would be from the Rugby Club clubhouse, which is a licensed premises and is regularly hired out for weddings and other events. The Council's Environmental Health Officer has commented that the building is far from ideal with respect to containing music noise. The ability to contain noise within the building is limited due to the lack of an artificial ventilation system, meaning that windows/doors are often kept open in warm weather. Furthermore the front doors to the building do not benefit from a tight fit and there is no lobbied area to ensure that a set of doors to the main function room are always shut when accessing/egressing the building. The Rugby Club also has events outside including BBQ's during which music is provided inside the premises and its doors are kept open. In the view of the Environmental Health Officer the close proximity of the proposed residential properties to the clubhouse would call into question whether such activities would be appropriate in future.

However, the applicants have put forward a proposal to carry out alterations to the existing clubhouse, which would improve the ability of the building to contain noise. The option most likely to meet the needs of both parties is to:

- Provide a new barbecue and smoking area to the south of the clubhouse rather than the north as existing.
- Extend the current Committee Room and provide an adjacent access from the common parts to the terrace;
- Amend the kitchen to allow the service of food onto the terrace during summer months;
- Revise the main access to provide a new hall area and disabled toilets; and
- Double glaze the north aspect of the main event room

In addition, various measures to better manage the operation of the clubhouse have also been discussed between the applicant and Rugby Club, to further reduce potential noise nuisance. The Rugby Club have confirmed that they have been in productive dialogue with the applicants and that, subject to the agreement of an appropriate schedule of works, they have no objection.

As a result, subject to the necessary alterations to the clubhouse being secured, which Officers consider could be secured through a Grampian Condition, it is considered that the potentially detrimental effects of the clubhouse can be mitigated, and that the proposed development and Rugby Club could successfully co-exist.

Highways considerations

The Council's Highways Officer is satisfied that the site can be re-used for residential development and that the existing access (up to the existing gated entrance to the site from the main A345 highway) is of a sufficient standard of design to provide safe and satisfactory access for the development traffic, subject to some minor amendments detailed below.

Local residents have raised concerns about the standard of the access junction with Castle Road. However, the analysis of the submitted Transport Statement clearly demonstrates that traffic levels will be less than those already recorded at the junction and much less than the industrial site could generate if fully occupied and/or occupied by end users who could generate higher traffic levels (within the existing development use classes).

The Highways Officer considers the existing junction with Castle Road is adequate to serve the proposed development. Parking must be provided in accordance with Wiltshire Council's current standards. The Highways officer recommends that no highway objection be offered subject to a Condition requiring the agreement of details.

Character & appearance of the area, inc. impact upon setting of Old Sarum & Conservation Area

The submitted plans involve the removal of all existing industrial buildings, and envisages a scheme of 60 dwellings, positioned largely around the perimeter of the existing site, with a central open space. The properties would be of a contemporary architectural design, utilising materials and design features which would be unique to the area. The overall design approach results from the applicant's requirement to achieve the highest Code Level in terms of the Sustainable Homes criteria, as in order to achieve that Code Level, buildings need to be arranged and orientated in a particular manner, and include certain design features.

Given the rather isolated nature of the site, and the fact that the surrounding area consists of a variety of built form with no particular overriding architectural style or materials, Officers are of the opinion that the scheme as suggested would be unlikely to have a significant impact on the built character of the area.

Previously, the appeal Inspector considered that the site appears (from northerly views from the SAM and from much of the conservation area) as a predominantly wooded area sitting alongside the recreation areas and the seasonal caravan site as part of a generally soft and open edge to the city. She considered the application site makes a positive contribution to

the settings of the SAM and Stratford sub-Castle conservation area, with an effective evergreen screen on the northern site boundary comprising tall Leylandii and yew, which shield most of the bulk of the industrial buildings from significant external views. The Inspector opined that the removal of the extensive Leylandii screen would result in the loss of the wooded appearance of the site from significant viewpoints, leading to the built form dominating and the development intruding more visibly upon the landscape.

In Officers' opinion, by reason of the significantly reduced scale of proposed buildings, the increased distance between the proposed buildings and the north western boundary of the site, and the increased level of protection afforded to the existing natural tree screening along the north western boundary (brought about by removing the ownership of the boundary from adjacent dwellinghouses), the development site would retain a sylvan appearance in views from the adjacent Old Sarum SAM and surrounding Conservation Area, and would not cause undue harm to its setting.

Design amendments aimed at further reducing the visual and landscape impacts of the proposals (which represent an indicative scheme only) can be altered at the reserved matters stage, and hence, a reason for refusal based on specific and detailed design issues may also be difficult to defend. Officers are therefore advising that the scheme would not cause such significant visual harm as to warrant refusal.

Impact upon amenity of nearby residential property

Whilst some of the dwellings proposed on the site would be upwards of three storeys tall, the site is located in a relatively isolated location, a reasonable distance from surrounding residential properties. The proposed dwellings are likely to be most visible from the rear gardens and elevations of the small group of existing housing located to the east of the site adjacent Castle Road. However, whilst there may be some inter-visibility between the new dwellings and those adjacent properties, any reduction in privacy or general noise disturbance is, in Officers' opinion, unlikely to be so unreasonable as to warrant refusal.

Impact of the telecoms masts

Along the southern boundary of the site, on the Rugby Club land, are three existing telecommunication masts. A fourth mast was granted consent in 2008 but has not been constructed. Officers requested that a study of effects should be undertaken, as the masts would be located within a few metres of the proposed dwellings, and given the height of the dwellings, the proposed three storey flats would be located at roughly the same height as the head of the masts. The applicant has previously submitted an assessment of the likely impacts of these masts on the future occupiers of the proposed residential scheme. The highly technical report concludes that all masts are operating well within acceptable guidelines, and that "*.. no harm should be expected to result to anyone visiting or living in the proposed development*". Consequently, given the conclusions of the technical evidence, it is not considered that the future occupiers of the development would be likely to be significantly affected by the nearby masts.

Ecological and environmental impacts

The Council's Ecologist comments that the application is supported by bat and reptile surveys, which demonstrate that there is only a low risk of significant populations of bats or reptiles being affected by the proposed development. The survey puts forward recommendations to address risks to these species, and additional recommendations are also put forward as enhancement measures. The Council Ecologist concludes that there would be no harm to protected species or biodiversity objectives subject to conditions to secure the provision of bat and bird nesting opportunities within the new development.

The Council Ecologist also concludes that the proposal would have no risk of likely significant effects upon the River Avon Special Area of Conservation (SAC) subject to conditions securing water efficiencies measures, appropriate surface water drainage to the

development, and the agreement of a Construction Environmental Management Plan. The Council Ecologist also considers that for the development to comply with the Habitats Regulations and Core Strategy, a contribution towards the Wessex Stone Curlew Project will be required to avoid harmful effects to the Salisbury Plain Special Protection Area (SPA).

Provision towards recreational open space, education, and waste & recycling facilities

The applicant has agreed to enter into a S106 legal agreement to provide the necessary developer contributions towards recreational open space within the locality, additional primary and secondary school places, and the provision of waste and recycling bins for the development, in accordance with saved Local Plan policies R2 and G9.

10. Conclusion

Taking into consideration the reduced and condensed indicative form of the proposed development, and the amendments made to address the previous reasons for refusal and appeal dismissal, it is considered the proposed development would be acceptable in principle, comprising residential development on previously developed land outside the Housing Policy Boundary that is not identified for an alternative form of development, is well related to the existing pattern of development, and is accessible by public transport.

Although currently in employment use, the main businesses would be relocated to an alternative site, which would be more likely to facilitate improved conditions for growth.

Subject to conditions, the proposed means of access to the site would be acceptable in highway safety terms and the development would not have a significant effect upon the highway network.

The indicative layout demonstrates a generally acceptable townscape and relationship with neighbouring dwellings subject to the further approval of detailed matters relating to scale, design and landscaping.

By reason of the significantly reduced scale of proposed buildings, the increased distance between the proposed buildings and the north western boundary of the site, and the increased level of protection afforded to the existing natural tree screening along the north western boundary (brought about by removing the ownership of the boundary from dwellinghouses), the development would not cause undue harm to the setting of the Old Sarum SAM or Conservation Area.

Subject to a Grampian condition agreeing an appropriate scheme of works to the Salisbury RFC clubhouse, the development would be compatible with the adjacent recreation use.

Subject to further conditions there would be no significant adverse impacts in terms of ecology, the environment, archaeology or public health.

An appropriate level of affordable housing would be provided on site, having regard to viability considerations, and appropriate provision could be secured towards off-site recreational open space and other necessary community infrastructure improvements.

RECOMMENDATION

That the Area Development Manager (South) be delegated to grant planning permission following completion of a S106 agreement covering the following matters:

- (a) A scheme for the relocation of the two main businesses;**
- (b) Delivery of affordable housing; and**

(c) Financial contributions towards education, public open space, the Wessex Stone Curlew Project, and waste and recycling bins.

And subject to the following conditions:

- 1) Approval of the details of the Scale, Appearance and Layout of the buildings, and 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 by section 51 (2) of the Planning and Compulsory purchase Act 2004.

- 2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the Scale, Appearance and Layout of the buildings, and Landscaping of the site 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 by section 51 (2) of the Planning and Compulsory purchase Act 2004.

- 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 as amended by section 51 (2) of the Planning and Compulsory purchase Act 2004.

- 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.

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 by section 51 (2) of the Planning and Compulsory purchase Act 2004.

- 5) All soft landscaping comprised in the approved reserved matters (landscaping of the site) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development.

- 6) No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, vehicle overhang margins, visibility splays, accesses, carriageway gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers,

drains, vehicle overhang margins, visibility splays, accesses, carriageway gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 7) No development shall commence on site until details of a 3m wide emergency link road between the development and Hudson's Field have been submitted to and approved in writing by the local planning authority. The link road shall be provided in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highways safety

- 8) No development shall commence on site until a written programme of phased archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

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

- 9) Before development commences 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 pollution linkages identified;
- A remediation programme for contaminants 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 habitation of the development.

Reason: In the interests of public health and safety.

- 10) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme should also include details of how the scheme shall be maintained after completion and to make adequate provision for potential overland flows.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

- 11) No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has

been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment

- 12) No development shall commence on site until details of bat roost and bird nesting features, to be built into the design of new buildings, have been submitted to and agreed in writing by the local planning authority. Details shall include the number, design and locations of bat roost and bird nesting features, which shall be provided in accordance with a timetable to be agreed by the local planning authority.

Reason: In the interests of protected species and biodiversity

- 13) No development shall commence on site 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 before the first occupation of the development.

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

- 14) No development shall commence on site until a scheme to mitigate the noise associated with the Salisbury RFC clubhouse has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted, unless an alternative timetable is agreed in the approved details.

Reason: To ensure that the existing recreation and proposed residential uses are compatible.

- 15) No development shall commence until details of acoustic fencing to the north-eastern boundary of the site (adjacent to the Salisbury RFC clubhouse) has been submitted to and agreed in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to the first occupation of the development hereby permitted, unless an alternative timetable is agreed in the approved details, and shall be retained and maintained as such at all times thereafter.

Reason: To ensure that the existing recreation and proposed residential uses are compatible.

- 16) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

Reason: In the interests of neighbouring amenity.

INFORMATIVES:

Water efficiency condition

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). Grey water recycling and rainwater harvesting should be considered. Any submitted scheme should include detailed information

(capacities, consumption rates etc) on proposed water saving measures. Manufacturer's specifications should not be submitted. Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx>

<http://www.savewatersavemoney.co.uk/>

Nesting birds

The adults, young, nests and eggs of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay altering or removing such features until after young birds have fledged.

Site Waste Management

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care. This can be incorporated into the Construction Environmental Management Plan (CEMP). Further information can be found at <http://www.netregs-swmp.co.uk>

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. The Environment Agency's Pollution Prevention Guidelines should be referred to, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

Pollution prevention measures should be included within the CEMP.

Appendices:

Appeal Decision for appeal reference A/13/2192165 dated 15th July 2013

Background Documents Used in the Preparation of this Report: application particulars

Castleworks
Castle Road Salisbury

