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## Report

**SUBJECT:** S/07/1374 - 24 affordable dwellings, at former Seat Garage Site, Tollgate Road, Salisbury

**REPORT TO:** Planning and Regulatory Panel

**DATE:** 20 November 2007

**AUTHOR:** Amanda Rountree

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### Report Summary

That Members of the Planning and Regulatory Panel consider the above application, taking into consideration the recommendations of the planning case officer (appendix 1), the items contained within the additional correspondence (appendix 2), and the resolution of the City Area Committee.

### Background

The City Area Committee considered the attached report and additional correspondence, and resolved to approve the application for the following reasons:

**"It was acknowledged that this application is a departure from policy E16 of the Adopted Salisbury District Local Plan which seeks to prevent the loss of employment sites. However there is a pressing need for affordable housing in Salisbury and this proposal provides affordable housing of a high quality design and it is considered that this outweighs policy E16".**

Members stated that the application should be approved subject to a S106 legal agreement which secures R2 payment, affordable housing, recycling storage facilities, and the provision of a pedestrian crossing across tollgate road. They also stipulated that any planning permission should include a condition relating to mitigation measures contained within the noise impact assessment report submitted on 2<sup>nd</sup> July 2007.

The application has been brought before the Planning and Regulatory Committee because the City Area Committee's resolution of approval is considered to be a material departure from the policies in the Local Plan.



*Awarded in:*  
Housing Services  
Waste and Recycling Services



## The Proposal

See attached officer report. The development proposes to replace an existing employment site, with 24 affordable dwellings, including vehicular access onto Tollgate Road/Blakey Road.

### Options for consideration:

(a) Accept the resolution of City Area Committee that planning permission should be approved, or

(b) Accept the officer's recommendation that permission should be refused on the basis of the attached officer report

Regards option (a), if members are minded to approve the application, officers welcome members consideration of the preferred terms of any S106 agreement, and the following planning conditions and reasons (which are offered on a without prejudice basis to any decision members may make regards this application):

Without prejudice conditions

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

(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 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. (D04A)

Reason: To secure a harmonious form of development.

(3) Development should be carried out in accordance with the recommended mitigation measures contained within the noise impact assessment report submitted on 2<sup>nd</sup> July 2007.

Reason: In the interests of the residential amenity of occupants of the development.

(4) Before development is commenced details of the rebuilt retaining wall fronting onto Tollgate Road shall be submitted to, and approved in writing by, the Local Planning Authority. The details should include calculations.

Reason: In the interests of highway safety

(5) 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 submitted to, and approved in writing by, 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 property.

Reason: To ensure that a satisfactory land contamination survey has been undertaken

(6) No demolition or construction work shall be undertaken until a written scheme to control dust emissions from the site has been submitted to, and approved in writing by, the Local Planning Authority. No construction work (excluding the internal fitting out of the buildings) shall take place outside the hours of

Monday Friday 0800 to 1800

Saturday 0830 to 1300

No construction work Sundays or Bank holidays

Reason: In order to protect the amenity of existing occupiers in proximity to the site

## **APPENDIX 01 - UPDATED COMMITTEE REPORT**

### **REASON FOR REPORT TO MEMBERS**

Councillor Tomes has requested that this item be determined by Committee due to the high level of public interest.

### **SITE AND ITS SURROUNDINGS**

The site was until recently in use as a car salesroom and forecourt for Hyundai and Seat, and forms part of a small industrial complex within the Housing Policy Boundary, north of Southampton Road. To the west and north lies the Conservation Area, and to the south are two and three storey residential properties including properties fronting Tollgate Road, Marina Road and The Beeches. The Dust Hole public house is also in close proximity. The site is also an Area of Special Archaeological Significance. A white retaining wall front Tollgate Road, and the site is raised above street level behind the wall.

### **THE PROPOSAL**

The applicant is seeking to demolish the existing car showroom and erect 24 affordable flats with terraced communal gardens and parking underneath. Since the previous application no changes have been made to the design of the building but amendments have been made to the access and parking and cycle and bin storage and a noise and land contamination assessments submitted.

### **PLANNING HISTORY**

Earlier in the year members refused the previous application (2007/0430) for the following reasons:

1. The development would result in the loss of an existing employment site, and makes no provision for an alternative employment use. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the site is no longer viable for employment use, contrary to Policy E16 of the adopted Salisbury District Local Plan.
2. The site has a past history of potentially contaminative uses. No information has been provided in respect to the assessment of land contamination and the Local Planning Authority is not satisfied that the site would be suitable for the proposed residential use, given the potential for contamination. Furthermore, the site is adjacent to various industrial units and several small air conditioning units serve the neighbouring office units. No information is provided in respect of the noise environment or noise amelioration measures, and in the absence of this information, the Local Planning Authority is not satisfied that the amenities of future occupiers would not be unduly disturbed by the adjacent employment uses. The development would therefore be contrary to Policy G2 of the adopted Salisbury District Local Plan and the guidance in PPG24.
3. The right hand lower ground floor unit and the flat above have layouts that would result in a bedroom and living room being above and below one another. The different patterns of use of these rooms are likely to give rise to nuisance and detriment to the amenity of future occupiers, contrary to Policy G2 of the adopted Salisbury District Local Plan.
4. The layout of the development as proposed would be detrimental to the highway safety of existing and future users, and adequate provision for disabled parking and covered cycle parking has not been made, contrary to Policy G1, G2, TR14 and TR11 of the Salisbury District Local Plan.
5. Inadequate provision has been made to provide sufficient storage space for waste and recycling bins and boxes in a suitable location at the edge of the curtilage of the property adjacent to the public highway. The size of the bin store as proposed is too small to accommodate the number of bins required for the development. The proposal would therefore be contrary to Policy G2 of the adopted Salisbury District Local Plan.
6. 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.

- An appeal has recently been lodged against this decision

## CONSULTATIONS

WCC Highways	- No objection subject to conditions
Environmental Health Officer	- No objection subject to conditions
Wessex Water Authority	- No objection
Design Forum	- See appendix one
Waste and Recycling	- Objection due to inadequate provision
Wiltshire Fire & Rescue	- No objection, comments given regarding fire safety measures
WCC Education	- No contribution required for expansion of education infrastructure
Economic Development	- Object
Housing Development Officer	- Supports need for affordable housing, supporting statement attached as an appendix

## REPRESENTATIONS

Advertisement	Yes	Expired 09/08/07
Site Notice displayed	Yes	Expired 09/08/07
Departure	No	
Neighbour notification	Yes	Expired 27/07/07
Third Party responses	No	
Civic Society	no objection but question whether the agent has truly considered the site specifics for materials	
Transport 2000	Comments regarding the provision of visitor parking	

## MAIN ISSUES

Principle and Provision of Affordable Housing  
 New Planning Policy Statement 3 (Housing)  
 Loss of Employment  
 Scale and Design and Impact on Conservation Area  
 Impact on Neighbouring Amenities  
 Contamination and Environmental Health issues  
 Highway Safety  
 Public Open Space

## POLICY CONTEXT

Adopted Salisbury District Local Plan G2, E16, H16, D1, R2, TR11, TR14, CN11, H25 (affordable housing)  
 PPG24, PPS23, PPS3, PPS6, and PPS1.  
 "Creating Places" (Supplementary Planning Guidance)  
 Affordable Housing Supplementary Planning Guidance

## PLANNING CONSIDERATIONS

### Principle

The site lies within the Housing Policy Boundary, in an Area of Special Archaeological Significance, and close to a Conservation Area (north west). The development is therefore acceptable in principle under Policy H16, subject to the other policy provisions of the local plan. Also, the provision in principle of 24 affordable homes is welcome and in accordance with the general aims of the Local Plan and supplementary planning guidance.

### New Planning Policy Statement 3 (Housing)

PPS3 was published in November 2006, and sets out the Government's current policy stance on housing development. It gives a new national indicative minimum site threshold of 15 units for affordable housing provision and 30 dwellings per hectare. The proposal includes 100% provision of affordable housing.

PPS3 seeks to ensure a wide choice of high quality homes, improve affordability and increase supply, through sustainable mixed communities. It sets out the criteria to consider when assessing design quality as the extent to which the development:

- Is easily accessible and well connected to public transport and community facilities and services and is well laid out
- Provides or enable good access to amenity space
- Is well integrated with and compliments neighbouring buildings and the local area in terms of density, scale, layout and access
- Facilitates efficient use of resources during construction and in use
- Takes a design led approach to the provision of car parking space, with a high quality public realm
- Creates a distinctive character and supports a sense of local pride and civic identity
- Provides for biodiversity.

Furthermore, the thrust of Local Plan policy is that general living/amenity standards for affordable housing should not be compromised.

### **Loss of Employment**

Policy E16 states that on existing employment land, the redevelopment of premises for other purposes will only be permitted where "The proposed development is an acceptable alternative use that provides a similar number and range of job opportunities." The only exceptions are where the land or premises are a non employment use that would bring improvements to the local environment.

Both the Forward Planning and Economic Development departments have objected to the proposal on the same grounds which are detailed below.

The site does not appear to have been suitably marketed and the Commercial Viability report provided has not satisfactorily shown that the site is unsuitable for current employment use or that redevelopment of the site for new office units is unviable, with most of the evidence provided anecdotal and conjectured.

In order for the applicant to demonstrate that the site is no longer viable for employment generating use it is considered that a more robust assessment is required and it is necessary for the building and site to be marketed locally and nationally for a minimum of 6 months on the following terms:

- Offer of the site for sale on a freehold basis
- Offer for the lease of the site without restrictive rent review and tenancy conditions
- Establishment of appropriate prices for the sale or lease of the site, which reflect the condition of the premises and the location of the site.
- Advertising of the site in appropriate local and national newspapers, journals (at least monthly), websites, etc and appropriate on site advertising boards.
- Contact with previous interested parties whose interest may have been stymied by the onerous conditions previously set out.
- Clear recording of marketing undertaken (cuttings, proactive meeting sessions, etc) and details of respondents, which are capable of verification if required.
- Minimum 6-month marketing period.

Furthermore, the Employment Land Review (April 2007) - produced as evidence for the Local Development Framework - identifies Southampton Road as a key strategic employment site for the district's economy. The area identified includes the Dolphin Industrial Estate, Bourne Centre, Dairy Meadow, Blakey Road and Tollgate Road (p39). It also identifies that most of any future employment land should be located in and around Salisbury city and Amesbury, representing an additional need to ensure existing employment sites remain.

Tollgate and Blakey Road are seemingly thriving and strategically important employment sites for Salisbury, being within a mile of the city centre and on the edge of the Southampton Road employment area. There is concern that if permission is granted for this application, a precedent would be set and a domino effect of new housing would arise throughout the entire Tollgate/Blakey Road employment area.

It is not considered that any environmental benefits resulting from the redevelopment of the site for housing should be given such weight so as to outweigh the loss of the site for employment purposes, given the above assessment on viability

The Local Planning Authority recognise the need for affordable housing in the district as supported by the Housing Development Officer. However, as recommended by the ELR, a strategic view of the site needs to be taken and the cumulative effect of change of use considered. Officers do not feel that enough evidence has been provided to support the view that redevelopment of the site for residential is the only suitable use for the site.

### **Scale and Design and Impact on Conservation Area**

Policy CN11 seeks to ensure that special care is taken when considering new development to ensure that views from and into Conservation Areas are safeguarded. The site is considered to be sufficiently distant from the CA not to detrimentally affect views.

The supporting comments of the Design Forum are attached in Appendix 1. The design policies of the adopted Local Plan have been reinforced by the recent adoption of Creating Places as supplementary design guidance. Policy D1 sets out 7 criteria for extensive development. In summary, new development will be permitted where the proposals are compatible with, or improve their surroundings in terms of the layout and form of development, any features adjoining the site, the scale and character of townscape building heights, building line, plot size, density, elevation design and materials), the scale and use of spaces between buildings, views and vistas, landscape, roofscape and long/medium distance views.

The proposed design is contemporary, and would extend to four storeys in height, although the lower ground floor would be partially sited below existing grounds levels. The north and east elevations include minimal fenestration, as these elevations would face existing employment and commercial uses. Materials would comprise white render, and timber boarding, with a metal roof. The height of the building above existing ground levels would range between 8.5m (east) and 11.5 metres (south) approximately.

The Design Forum welcomes the scheme as an improvement to an original proposal, and considers it is appropriate for the site and its surrounding context, and would make a welcome addition to the Salisbury townscape. However, officers have some concerns that the building may appear very tall within its context given the existing site levels and adjacent buildings.

### **Impact on Amenities, Refuse, Recycling, Contamination and Environmental Health Issues**

The immediate neighbours to the site would be existing commercial uses, and it is therefore unlikely that the occupiers of the commercial premises would be unduly, overlooked or disturbed by the proposal, in accordance with Policy G2.

However, the Environmental Health Officer previously had concerns regarding contaminated land, noise amelioration and the layout of one of the flats.

Since the previous application was submitted a noise assessment and land contamination assessment have been carried out. With regard to the noise assessment, providing a condition is added to ensure that development is carried out in accordance with the recommendations contained within the report, the Environmental Health Officer has removed his objection. With regard to the land contamination assessment, although he has again removed his objection, the officer has recommended that a detailed contaminated land investigation of the site be carried out prior to development commencing. This can be added as a condition of any approval and as such both aspects of the second reason for refusal on the previous decision have been overcome.

Further clarification has been submitted regarding the layout of the flats and the Local Planning Authority is not satisfied that consideration has been given to prevent the layout contributing to any potential noise disturbance. Therefore the third reason for refusal on the previous decision has been overcome.

### **Waste and Recycling**

It is considered that the developer should provide 24x180 litre bins for refuse and 24x180 litre bins for plastic/cardboard, and each household would require a 55litre kerbside box for household recycling. Alternatively, the developer could provide a communal bin store (4x1100 litres for refuse, 4 x1100 litre bins for plastic bottles and cardboard and 5x240 litre bins for paper, glass and cans). Sufficient storage space for bins and or boxes at the edge of the curtilage of the property adjacent to the public

highway must be provided which the Waste and Recycling Officer is now happy can be achieved. As such the previous reason for refusal (five) is considered to have been overcome as details can be conditioned.

#### **Highway Safety and Parking**

Amendments to the access, parking and cycle storage have been made since the previous application. As such WCC Highways Department have no objections to the revised scheme providing a condition is added to ensure that details of the wall fronting plot 9 on Tollgate Road (including calculations) are agreed with the Local Planning Authority prior to development commencing as it appears to be 1.4 metres above the adjacent footway level. As such the previous reason for refusal (number four) has been overcome.

#### **Public Open Space**

If members are minded to approve the applicant will need to sign a Section 106 agreement in respect of Policy R2 and pay the associated commuted sum prior to a decision being issued. If members are minded to refuse the application, reason for refusal six from the previous decision must remain in the event of an appeal.

#### **CONCLUSION**

##### **Recommend For Refusal**

Whilst the proposal to provide 24 affordable homes close to the city centre is welcome in principle no further information has been submitted since the previous application to demonstrate that the existing employment site is no longer viable contrary to policy E16.



## APPENDIX 02 - SUPPORTING STATEMENT FROM ANDREW REYNOLDS

**Author: Andrew Reynolds, Head of Strategic Housing Services**

**Date: 24 October 2007**

### The scheme

The council has been working with Spectrum Housing, one of its preferred partners, in bringing forward proposals on an affordable housing project for local key workers – in accordance with the definition appended to this document.

The proposal aims to achieve 50% of the units for Intermediate rent, which is a rent that is above an equivalent social rent but below market rent, and 50% for shared ownership home buy.

### Project support

This type of project is one of the stated priorities of the council. It is also supported by the South Wilshire Economic Partnership is being a pilot project that demonstrates what could be achieved to support locally employed people.

### Housing Needs

The recently adopted 2006 Local Housing Needs and Housing Market study reaches the following conclusions / recommendations that are applicable to this site:

- ◆ Although a considerable spread of incomes is evident, a number of people live on relatively low incomes. Consequently, the two most important issues are the problem of affordability and the level of “concealed” households living within an existing household, the vast majority of whom are not recorded on a register of housing need.
- ◆ The house price and income study shows that 73% of these “concealed” households are not able to afford to access owner occupation, and 42.7% are unable to rent. Around 85% of concealed households earn below the national average income of £27,500.
- ◆ Most concealed household demand is for the smaller and affordable type of housing, particularly flats. There is a shortfall of flats in the existing stock which should be addressed to ensure there is a mix of house types and sizes available in line with the principles in the new PPS3 Housing and to provide balanced housing markets.
- ◆ The assessment of annual affordable housing need and supply reveals the following:-

Total annual need	1,076
Total supply from re-lets	<u>374</u>
Net annual outstanding need	<u>702</u>

- ◆ **The total affordable housing need annually is for 1,076 units. Net re-lets of the existing social stock, after Right to Buy (RTB) impact, average 374 units and are the major means of addressing the scale of need identified. After allowing for existing stock net re-let supply, there will still be a total annual affordable housing shortfall of 702 units (631 shortfall + 71 assumed new units), 7,020 units in total over the ten years to 2016. New unit provision will vary each year and actual units delivered should be monitored in annual updates.**
- ◆ The level of annual need is much higher than the number of units likely to be delivered from new build and conversions, resulting in growing levels of unmet need each year. Based on the evidence found in this assessment, the Local Development Framework Core Strategy could consider an overall affordable housing target within the District of up to 50% of the total of all suitable private sector sites, subject to site availability. Each site will need to be assessed individually, targets being subject to wider planning, economic viability, regeneration and sustainability considerations and will require a flexible approach to specific site negotiation.
- ◆ **The majority of the net total shortfall in Salisbury relates to 1 and 2-bedroomed accommodation and around 54.3% of the overall net shortfall of affordable housing across the District arises in the Salisbury area**
- ◆ **There is a stock shortfall of 1-bed properties in the majority of areas, totalling 2,637 units, with the shortfall most prominent in Salisbury.**
- ◆ Provide a mix of house types in both market and social sectors, but mainly flats, to meet the needs of smaller units from new and existing households, address the stock imbalance and the impact of demographic change.

### **Loss of employment from this site**

William Wallace are marketing a forecourt show room on Southampton road opposite the Mercedes Garage which was formerly the Penton Suzuki Garage area of 5,396.00 feet with workshop and security doors etc, the price is £32,000.00 PA plus premium for Commercial Rent. It has been on the market for a year with no offers.

The Alfa Romeo garage on London Road, was advertised last year with a London marketing agency and did not sell and has not subsequently been re-marketed according to the commercial property agent Myddleton and Major. It remains empty/derelict.

Mr Kenneth Clay the owner of this site clearly expressed that if the site could have been sold commercially he would have sold it to maximise the sale price and clear the losses accrued from the car show room. The option to develop the site for housing was the end result of the site not having a commercial value. The business folded within 18 months of it opening under Salisbury Vehicle Centre limited: It was advertised though Seat Hyundai for sale and options of redeveloping the site to increase the forecourt were assessed, however redeveloping the site could not be financed and over a five month period no purchaser made an offer.

This evidence, together with that already provided by the applicant ,demonstrates that there is no market for this type of commercial venture. There has been no employment on this site for over a year and the prediction is that there will be no employment in the future, given its current use. Therefore its redesignation would have little if no impact on employment opportunities.

### **Salisbury Vision and regeneration**

Whilst not formally adopted the Vision offers the view that the site of the Salisbury College and its adjacencies should become residential. This site is adjacent to the college and offers the opportunity to demonstrate that through quality design this part of Salisbury could undergo a period of regeneration.

### **Site ownership issues**

We are aware that the current owners of the site face losing the site to their Bank. If the ownership changes then this opportunity to provide affordable housing may be lost as the Bank is likely to seek to maximise any return.