

<b>Deadline</b>	<b>28<sup>th</sup> October 2010</b>		
<b>Application Number:</b>	<b>S/2010/1109</b>		
<b>Site Address:</b>	<b>OLD RAMPART FILLING STATION JUNCTION OF DEVIZES ROAD &amp; WILTON ROAD SALISBURY SP2 7EE</b>		
<b>Proposal:</b>	<b>REGENERATION OF THE FORMER RAMPARTS DERELICT PETROL STATION SITE TO PROVIDE 14 NO. RESIDENTIAL FLATS, COMMERCIAL FLOOR SPACE, 3 NO. RESIDENTS PARKING SPACES, BIN STORE AND SECURE CYCLE STORES</b>		
<b>Applicant/ Agent:</b>	<b>WASHBOURNE GREENWOOD DEVELOPMENT PLANNING</b>		
<b>Parish:</b>	<b>SALISBURY CITY COUNCIL - ST PAULS</b>		
<b>Grid Reference:</b>	<b>413714.300734401</b>	<b>130371.134952962</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MISS L FLINDELL</b>	<b>Contact Number:</b>	<b>01722 434377</b>

### **Reason for application being considered by committee**

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

- Scale of development,
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- Car parking

### **1. Purpose of Report**

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

### ***Neighbourhood Responses***

6 letters received objecting to the proposal

### ***City Council response***

Support the application subject to conditions as set out in section 7 of the report

### **2. Main Issues**

1. Principle and creation of employment
2. Impact on character of area
3. Impact on amenities

4. Impact on highway safety/parking issues
5. Contamination
6. Open space/education

### 3. Site Description

The site is located in a highly prominent corner location abutting Wilton Road, Devizes Road (old spur), and onto St Pauls Roundabout itself. The site was historically used as a petrol filling station, the buildings now having been demolished, and the site dis-used for a number of years. During its operation as a petrol station, the site had accesses onto both the Wilton and Devizes Road.

The surrounding area is a mix of residential and commercial uses.

### 4. Planning History

There have been various applications for previous garage use, plus

Application number	Proposal	Decision
S/06/2567	Erection of 14 flats and commercial unit etc	Withdrawn
S/06/0584	Erection of 11 flats, access and parking (revised design).	Approved. Lapsed in May 2009
S/05/1546	Erection 11 flats, access and parking	Approved. Lapses 13 <sup>th</sup> October 2010
S/05/0878	Erection of 12 flats and parking, access	Refused for the following reasons: (1) The application site is located in a highly prominent and important position at the intersection of two major arterial roads on the edge of Salisbury's historic city centre. The nature, shape and size of the site, and its context with surrounding development and features represents a significant challenge for the redevelopment. The Local Planning Authority expects a high quality development for such an important location. Notwithstanding the current vacant condition of the site, it is considered that by reason of its overall built form, layout, scale and density, together with the overly fussy elevational treatment, and its relationship and juxtaposition with adjacent development, the proposal would be likely to result in a poor quality and cramped form of

		<p>development which would fail to address the design opportunities offered by this important site, and which would be detrimental to the general environment around the site, unsympathetic to its surroundings, and detrimental to the future occupiers of the development. As such the proposal would fail to comply with the aims of Salisbury District Local Plan policies D1 and G2.</p> <p>(2) The proposal would be contrary to policy R2 of the Salisbury District Local Plan in that no provision has been made towards public open space</p>
S/05/0081	Erection of 12 flats	Withdrawn
S/07/0818	14 no 2 bed flats	<p>Refused for the following reasons:</p> <p>1. The application site is located in a highly prominent and important position at the intersection of two major arterial roads on the edge of Salisbury's historic city centre. The nature, shape and size of the site, and its context with surrounding development and features represents a significant challenge for any redevelopment proposals. The Local Planning Authority expects a high quality development for such an important location.</p> <p>Notwithstanding the current vacant condition of the site, it is considered that due to a combination of the overall architectural approach adopted by the proposal, the dominating bulkiness of the proposal, and its prominence in the area, it is considered that the proposal would be inappropriate in design terms, and out of keeping with the character of the surrounding area. The proposal would therefore be contrary to the aims of policy D1 and D2 of the Salisbury District Local Plan, as amplified by the guidance provided in the Council's adopted Supplementary Design document Creating Places.</p> <p>2. The proposed residential development is considered by the</p>

		<p>Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made. Appeal Dismissed</p>
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## 5. The Proposal

It is proposed to erect a block of 14, 2 bed flats on the site, incorporating a commercial premises on part of the ground floor, and some on site parking, together with a small landscaped area. Access is proposed via the Devizes Road spur. 3 Parking spaces would be provided on site, together with a small communal garden area for residents, a private garden for one of the flats and bin and cycle storage.

The application is supported with a variety of literature, including:

- A design and access statement
- A noise pollution/air quality/contamination assessment
- Site waste management/waste audit
- Transport assessment
- Statement of community involvement

## 6. Planning Policy

The following policies are considered relevant to this proposal

G1 - Sustainable development  
G2 - General  
H8 - Housing Policy Boundary  
D1 - Design  
D2 - Design  
TR11 - Off street car parking  
TR14 -Provision of cycle parking  
R2 - Recreational open space  
E16 -Employment

## 7. Consultations

### **City Council**

Support subject to conditions:

SCC strongly supports the redevelopment of this site as it has been a particular eyesore in a strategic location within the City for a considerable number of years. However, SCC objects to this particular application as follows:

1. The application for 14 dwellings is regarded as over-development, and
2. There will be insufficient parking available which will exacerbate an already difficult situation in this area.
3. If a developer does not come forward with a suitable scheme within a short timescale that Wiltshire Council explore the option to purchase the land by compulsory order to move development on without delay

## ***Wiltshire Council Highways***

A minimum width of 4m must be shown for the gated access to provide sufficient pedestrian/vehicle invisibility for emerging vehicles on this busy pedestrian route into the city centre.

The single parking space forces a vehicle to reverse out of make a very tight manoeuvre and whilst not ideal, the design is acceptable.

The current arrangement of access is different to the previous scheme and the gating of the access is acceptable in this instance.

Bollards are requested to prevent an additional vehicle entering the site and partially obstructing other users.

Level of parking is satisfactory for the edge of city location and has previously been discussed and approved in recent submissions on this site. There are no in principle objections to a development on the scale proposed, with very limited on site parking in this particular location, where on street parking is severely restricted and where all main facilities are in close proximity for non car ownership residents. The commercial use, will not generate excessive parking or loading/unloading concerns and customers if any would be likely to arrive on foot or could park in existing limited waiting bays on the adjacent cul-de-sac.

The current scheme shows a service access point, with the footway shown as providing a vehicular access, but with the access doors not wide enough for service vehicles. It is assumed that service vehicles will wait in the existing limited waiting parking bay on Devizes Road, whilst deliveries are made and although this arrangement is acceptable, the footway should be reinstated along the whole site frontage and shown not to indicate vehicular access at this point (recommend condition that the existing footway be reconstructed as footway and new vehicular crossing constructed to serve the parking access point.

8 cycle spaces are shown, at least 14 should be available.

Subject to these comments, no highway objection subject to conditions (the existing vehicular access and public footway along the Devizes road spur to be replaced by a new section of footway, the area allocated for parking to be kept clear of obstruction and provision within the site for disposal of surface water)

### ***Highways Agency***

We are content that the proposals will not have any detrimental effect on the Strategic Road Network and offer no objection

## ***Wiltshire Council Education***

14 x 2 bed open market properties are proposed. This generates a need for an additional 4 primary and 3 secondary school places. At primary level, the designated area school (Manor Fields) can accommodate these pupils without expansion.

However, at secondary level we have now finalised our arrangements for apportioning current spare places in Salisbury across all developments referred to in the South Wiltshire Core Strategy, to then allow for an expansion of further places as required. An allowance of 1 place discount per 25 housing units is applicable, so there is no discount in this case as the development is for 14 units only, and our requirement is therefore for 3 places at the current cost multiplier for expansion of £18469 per place = £55,407.

Please note that this figure is specific to this application as any change to the housing number/mix would necessitate a new assessment.

## ***Environment Agency***

No objection to the proposed development subject to condition (scheme for water efficiency) and informatives (sustainable construction, pollution prevention during construction, waste management, groundwater and contaminated land) being included in any planning permission granted.

## ***Wiltshire Council Urban Designer***

Comment that original plans have inaccuracies.

One car space should be provided for each flat. Salisbury is not a sufficiently sustainable location (not a large city and set within a large rural county) to not provide parking spaces and limit the market for the flats, with a lack of suitable parking within reasonable and comfortable reach nearby for residents and visitors.

The inclusion of retail/office use at ground floor wrapping around the corner to enliven the street frontage is welcomed, although question the overall size and long term attraction to commercial occupiers in this location.

It is necessary to break up the mass of the building into a number of visually separate elements with a vertical emphasis to relate the overall development to the mass and scale of the surrounding buildings, although should be further variation in roof height and significant steps (1 brick returns) in the building frontage and the mass of the building is not successfully broken up into visually separate elements.

A stronger statement is required to celebrate the gateway location and landmark prominence. The proposed clock turret will appear as a token gesture, is a dated approach and will sit awkwardly on this roof shape. A more assured design approach is for the roof feature to form an integral part of the expressed buildings form (i.e a rotunda), although it is noted that the previous contemporary proposals for this site significantly overplaying this corner and would have appeared overbearing.

Detailing of external elements of the building facades could appear somewhat pedestrian in comparison with the stature and quality in traditional buildings in the centre of the city and key routes into it and in regard to the robust urban rather than domestic estate setting of the building.

## ***Wessex Water***

The development is located within a sewered area, with foul and surface water sewers. The developer has proposed to dispose of surface water to mains surface water sewer. It will be necessary, if required for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

## ***Wiltshire Council Archaeologist***

Although there is potential for archaeological remains in the area, these had probably been disturbed by previous land use on the site and no archaeological investigations are recommended.

## ***Wiltshire Fire & Rescue Service***

Letter of comments encouraging the use of residential sprinklers, the need to ensure adequate water supply and access for the purpose of firefighting (with reference to the relevant Building Regulations)

## **Salisbury Civic Society**

Object. Whilst a resolution of the situation regarding the future of this site is clearly needed, it is the Society's view that this application is not an appropriate way to achieve this. It represents a reversion to a 'safe', 'traditional' approach to finding a style for this very prominent location, an approach which in recent years has been seen to fail over and over again in the city. Attempts to recreate an architectural style which dies out almost a century ago almost inevitably fall lamentably short in all departments, particularly selection of materials and detailing, leading to buildings which offer a sorry contrast to their intended models, and contribute only negatives to the built environment.

A more adventurous approach is needed for this site, such as application S/2008/0818, which was recommended for approval by the planning office but refused at Salisbury District Council City Area Committee.

The details are no better and no worse than many of its type which are proven not to work in this sort of context. A fundamentally different approach will lead to a successful outcome for this key location within the city.

## **Salisbury Design Forum**

The scheme was presented to the Design Forum on the 20<sup>th</sup> July (pre-application). Comments:

- Recommend a photomontage of the proposed scheme
- There are a number of discrepancies between plans and elevations.
- The most western unit on Wilton Road should have a flush elevation but set back from the frontage to appear as a house with a small garden in front. Query if enough space in roof for bedrooms
- The corner would be a key feature and should make a strong statement. Inset balconies would make the corner visually weak.
- Queried the purpose of the cupola and raised the issue of future maintenance.
- Appearance of the shopfronts dependent on the user, could be covered with display shelving or blanking out of windows.
- Rainwater goods, ventilation etc should be considered at this stage.

## **Environmental Health**

No objections subject to conditions:

- The site was a petrol filling station and has been subject to a contaminated land investigation and partial remediation. Should you be minded to grant consent recommend a validation report is submitted to the LPA confirming that the measures recommended by WSP have been satisfactorily implemented.
- The site is in an Air Quality Management Area. The applicant has proposed a mechanical filtered ventilation system with air drawn from the courtyard. Details need to be conditioned if approved.
- Recommend permitted uses of the commercial unit restricted to A1 and B1 office use only due to potential for the impact on amenity.
- Given the proximity of the residential units above and the likelihood that this will impact on amenity, recommend that the commercial unit should be restricted to the hours of 07:00 and 23:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays
- Recommend layout of flat No 1 and No 2 is revised so noise sensitive bedrooms are not above/below kitchen/living/dining room or a more robust scheme of acoustic insulation between the two residential units.
- ATM should be moved so that it is not directly below one of the residential units or removed from the scheme.

- Ventilation to dwellings – Villavent brochure includes noise data but it is not clear whether this noise data refers to the noise level adjacent to the plant itself or at the points at which it supplies/extracts air. Need more detail to ensure equipment itself will not cause excessive noise within the residential units.
- Recommend a condition to ensure the residential properties are insulated from noise from the commercial unit.
- Recommend a condition restricting deliveries/collections to the commercial units only between the hours of 07:00 and 20:00 Monday to Saturday and 08:00 and 18:00 on Sundays or Bank Holidays

## 8. Publicity

The application was advertised by site notice/press notice/neighbour notification – Expiry date 2<sup>nd</sup> September 2010-09-22

6 Letters of objection have been received. Summary of key points raised:

- Overdevelopment of the site
- Entrance to the development will cause congestion and hindrance to present car parking facilities
- Lack of parking spaces – 3 spaces for 16 flats, where will occupiers of flats park? Nearby streets already oversubscribed in Zone D
- Suggest applicant provides a Unilateral undertaking to prevent future residents of the flats and owners of the staff of the commercial premises working in this area, or provide basement/increased parking at ground level.
- Public area parking spaces will be used causing loss of trade to adjacent shops
- Position of commercial premises is poor due to difficulty for deliveries and customers – no place to park a delivery vehicle without causing congestion and inconvenience to local residents. Attraction of further retail premises and an ATM will only increase the incidence of illegal parking and potential for accidents to occur.
- Delighted that this land is suitable for development

## 9. Planning Considerations

### 9.1 Principle and creation of employment

The proposed development lies within the Housing Policy Boundary of Salisbury, as defined on the Adopted Salisbury District Local Plan proposals map, and therefore residential development is acceptable in principle as set out in policy H8, provided that it is in accordance with other plan policies. It is also covered by policy E16, given its previous commercial use.

These policy matters were considered in full as part of previous applications which permitted 11 residential units on this site (S/2005/1546) and S/2007/0818. The approval of the 2005 scheme indicates that the Local Planning Authority does not object to the loss of a commercial use of the site and its replacement with a residential use. This is a material consideration of significant weight which Members need to take on board when considering this new application.

Members will however note that the application includes part of the ground floor of the premises to be used for a “commercial use”.

Depending on the commercial use proposed, a mixed development with ground floor



commercial use could raise serious noise and disturbance issues with regards the impact on the amenities, as well as serious issues regards access and design. However, the applicant has confirmed that they will accept a condition for the commercial use to be restricted to those considered acceptable to the Local Planning Authority (A1 or B1 office use).

The Appeal Inspector in the appeal decision to the contemporary scheme that also included commercial units at ground floor considered 'the inclusion of commercial units at ground floor level of the development would encourage a live frontage.'

The reuse of brown-field previously developed land in sustainable location for residential and mixed use development is also the primary thrust of government guidance with PPS3. A mixed residential and commercial scheme on this site is therefore acceptable in principle, (subject to a restriction on the type of commercial use permitted, so as to limit the impacts of such a use on the amenities of residents, and highway safety).

### **9.2 Impact on character of area**

The surrounding area offers an eclectic mix of architectural styles and built form, ranging from modern two storey buildings, to older, more traditionally styled three storey town houses.

This is a highly prominent site at the entrance to the city centre. Consequently, any scheme needs to be of a high quality, in terms of its overall design and architectural detailing, and needs to be appropriate for its important positioning within the urban fabric.

Planning permission already exists on the site for 11 flats, designed in a "traditional" architectural style. The officer's report for the approved scheme on this site indicated that the scheme was considered sympathetic to the character of the surrounding area in terms of its architectural details and overall bulk, massing and height, and would, if handled and constructed properly, represent an imposing and attractive building, suitable for such an important site. Subject to details of materials being agreed, it was considered that the resultant scheme would be acceptable. The scheme as agreed by committee had been the subject of lengthy pre-application negotiations, and as a result, the permitted scheme contained many elements which officers had successfully negotiated, including a prominent corner feature, a general vertical emphasis to the design to reflect surrounding architecture, façades facing both Wilton and Devizes road, and a small set back from the pavement to separate residential users from the adjacent traffic, particularly along Wilton Road.

An architecturally contemporary scheme has been refused and dismissed at appeal.

Following the consultation response from the Council's Urban Designer, amended plans have also been received which have added articulation to the building by setting forward the gable sections of the building, and removing the jettied design of flats 1, 2 and 3 to Wilton Road. The previously proposed clock tower has also been replaced by a Rotunda taking the advice of the Urban Designer that this feature should express the curve of the building. A number of larger scale details of the various architectural features have also been submitted with the application.

The general traditional architectural style, the massing, scale, and relationship with surrounding existing building remains similar to that considered acceptable previously as part of the approved scheme for 11 flats.

Subject to further conditions on details and materials, it is considered that the resultant scheme is acceptable.

### **9.3 Impact on amenities**

There are two parts to the assessment of this scheme. Firstly, the likely impacts on occupiers of the new flats, and secondly, the likely impacts on adjacent amenities surrounding the site.

#### *a) Amenities of future occupiers of the proposed flats*

The site is located adjacent to a very busy and noisy road junction and gyratory system. Detailed noise surveys were completed in 2007 and detailed noise/pollution assessment report were submitted. These concluded that a suitable double glazing and ventilation system would be appropriate. The Environmental Health Officer has considered the submitted noise and pollution assessment submitted by the applicant and has now raised no objections to the scheme subject to conditions, including the need to agree the details of the proposed ventilation system.

Whilst this application represents the introduction 3 more units of accommodation than the permitted scheme for 11 flats, all the flats would seem to have adequate space and living environments, with suitable amounts of glazing and therefore daylight, and the Environmental Health Officer has raised no objections regards the size or design of the accommodation.

The creation of a small area of private open space within the site is considered a bonus in terms of residential amenities, given the city centre location of the site.

Following concerns expressed by the Environmental Health Officer and the Police Liaison officer to the proposed ATM, this has now been removed from the scheme.

The Environmental Health Officer has recommended a condition restricting the use of the commercial units between the hours of 07:00 to 23:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays, and delivery/collections restriction between the hours of 07:00 and 20:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays. The applicant has submitted a letter from Mydellton and Major requesting that an A1 use is not restricted in order to ensure the viability of the scheme. They explain that the proposed unit has been designed to accommodate and A1 retailer/s and specifically a convenience store operations and given the character and operational requirements of such potential occupiers, flexible opening and servicing hours will be required. The Environmental Health Officer has also recommended a condition to ensure the residential properties are insulated from noise from the commercial unit and in combination with the double glazing and ventilation system (to be agreed) it is considered that a restrictive opening condition is not necessary.

The Environmental Health Officer has not raised any issues with regards the size of the actual units, or any impacts regards the proximity of residential units to other existing commercial units surrounding the site.

Subject to conditions, it is considered that a refusal of permission based on the possible adverse impacts of the development, in terms of either its noisy/polluted location or in terms of overdevelopment of the site due to too many residential units, would be difficult to substantiate without the backing of the Environmental Health Officer.

#### *b) Amenities of adjacent neighbours*

When assessing the likely impacts of the development, the impacts of the previously approved residential scheme must be taken into account as a "fall back" position which could be implemented.

In terms of general impacts such as loss of privacy, like the previously approved scheme, the scheme has been carefully designed to avoid both any significant overlooking of the existing dwellings and yard areas along Devizes Road.

Similarly, regards the impact on the existing flats adjacent to the site along Wilton Road, there would be a limited amount of bedroom windows on the north west facing internal courtyard façade, and such windows would be at an oblique angle to the existing flats, and located some distance away from the rear façade of those existing flats. Consequently, it is unlikely that there would be a significant loss of privacy to occupiers of the adjacent Wilton Road flats.

With regards the likely impact of the development in terms of dominance and overshadowing, and in a similar fashion to the previously approved scheme, both the Devizes and Wilton Road elevations have been “stepped” and lowered in height to two storey where it abuts adjacent development. This has two positive impacts. Firstly, it reduces the bulk and massing of the buildings as view from adjacent dwellings, and secondly obstructs less light than taller buildings would tend to do in this position (the existing dwellings largely being to the north of the new development). It is considered that this scheme would have no greater impact on residential amenity of adjacent property than the 2005 approved scheme.

Overall, whilst it is accepted that the amenities of adjacent residents may well be affected by the redevelopment of this open site, in terms of its likely impacts on adjacent amenities, it is considered that the proposal reaches the right balance between built form and protection of amenities, given the modest nature of the site.

Given that a scheme for 11 flats has already been approved on this site, it is therefore considered that this similar residential scheme would be acceptable. Without the support of the Environmental Health Officer, a refusal based on the size of the units or the impacts on the future occupiers would be difficult to substantiate on appeal.

#### ***9.4 Impact on highway safety/parking issues***

In terms of highway impact and traffic generation, this scheme contains 3 on site parking spaces, compared to 8 parking spaces in the originally permitted scheme, and contains 3 more residential units than the previously approved scheme for 11 flats.

It is noted that objections have been received from third parties regards the lack of parking, and the likely impact on existing congestion problems in this area.

A commercial use is proposed on part of the ground floor of the development. It is considered by officers that given the rather mixed nature of this area, where there are a number of other commercial properties, and its close proximity to the city centre, the introduction of another commercial use of a relatively small scale would be unlikely to have any significant effect on current levels of traffic using the area around the site, particularly if the use of the commercial unit is restricted so that traffic generating uses such as restaurants/takeaways are not permitted.

Secondly, whilst 14 flats are proposed, this site is located in a highly accessible and sustainable location close to services and facilities. Given the severe restriction on on-street parking around the site and the general area, it is therefore hoped that this development would be likely to attract occupiers without vehicles and also encourage others to use more sustainable means of transport other than the private car.

Given the close proximity of the site to the city centre, in officers opinion, this is a site where the level of available parking should be significantly reduced to encourage sustainable transport

uses, and is not contrary to Local Plan parking provision policy TR11, which simply states maximum parking standards. It is generally accepted that sites close to the centre of the city where a range of sustainable transport options can be found, where residents can choose not to own/possess a car, can provide a reduced level of parking provision. The Highways Department has raised no objections to the scheme or the level of parking, subject to conditions.

Notwithstanding this issue, the modest size of the site means that providing a significantly higher level of parking on site would either mean that the development itself needed to be increased in height significant (to allow basement parking), or the scheme itself would need to be significant smaller, thus ultimately making it unviable to develop.

The possible obstruction of the public highway is a matter for the highways authority/police to enforce. Although as of March 2008, Part 6 of the Traffic Management Act 2004 became effective in Wiltshire and the new traffic regulations enable traffic officers of the Council to enforce any unauthorised parking of vehicles across dropped access points (under the Civil Enforcement of Parking Contraventions [Guidelines on Levels of Charges] [England] Order 2007).

The site is located within Zone D (extension) resident only parking zone. Resident only zones require that a permit be displayed at all times when parking on street within the zone. Normally if you live in a resident parking zone, you will be eligible to apply for permits for the corresponding residents parking zone.

The applicants have offered an additional unilateral undertaking that the applicant will covenant to inform each new resident that they shall not be entitled to be granted a residents parking permit. However, there is no local plan policy that requires this and as such it is considered unreasonable and is also not considered necessary for the following reasons.

Salisbury District Council agreed at the City Area Committee Planning Meeting on the 21<sup>st</sup> February 2008 that within Zones B, D and E, the issuing of such permits would exacerbate the existing on street parking problems in the area, and an informative is to be added to any planning consent as follows:

#### Residents Parking Zones and Permits

*The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434326 should you require any further information regarding the issuing of residents parking permits by the Council.*

#### **9.5 Contamination**

The site was previously used as a fuel filling station. The Environment Agency has advised that the site has been subject to previous investigation and remediation and that based on the information previously submitted they are satisfied that the site condition has been substantially improved and is no longer likely to post a significant risk to controlled waters. They have no objections to the scheme from a groundwater and contaminated land perspective. The EA has recommended a water efficiency condition and informatives be added to a planning approval.

The Environmental Health Officer has accepted the conclusions of the contamination report submitted, but has requested a validation report confirming whether the measures recommended in the Contaminated Land Report have been satisfactorily implemented.

## **9.6 Open space, Education**

A small area of open space is provided on site for use by residents. This is considered to be sufficient given the central location of the site.

The 2005 approval (S/2005/1546) for 11 flats included an off-site recreational (R2) contribution of £12,474 and an education contribution of £30,247 (for 4 primary school places), which under the terms of the unilateral planning obligation can be transferred to the new application.

The R2 contribution for the development using current R2 figures and including the additional 3 flats increases the R2 contribution to £18,610.20. The applicant has agreed to pay the additional payment.

Wiltshire Council Education is now seeking a contribution towards education for 3 secondary school places at £18,469 each, totalling £55,407.

The Education department have explained that the Council adopted a S 106 policy in 2006 which states that capacity and pupil number assessments are carried out at the time of the application. In 2005 the position was different to the position now. The proposed development now produces a need for 3 secondary school places.

The applicant has questioned the need to provide secondary school places as they expect the flats to be sold to single people, young couples without children or people wishing to retire although they cannot exclude the possibility of children of secondary school age. They refer to the site being an important urban regeneration scheme at a key gateway to the city, the land having had contamination problems, remaining undeveloped for several years due it being extremely difficult to make any scheme viable. In light of this they have offered a payment for 2 secondary school places at the 2006 pupil cost multiplier of £15,848 per space, totalling £31,696.

The Education team have accepted that various S106 requests can affect the affordability of a scheme and that compromises have to be negotiated and in this case, in light of the comments made by the applicant's it is considered reasonable to accept the reduced offer of 2 secondary school funded spaces.

The applicant intends to have completed a draft agreement and provided the outstanding payments in time for the committee meeting.

## **10. Conclusion**

1. In principle, the redevelopment of this site for residential and commercial purposes is considered acceptable and preferable to the previous petrol station use, and in line with government guidance.
2. In design terms, the scheme is similar in approach compared to the previous approved scheme.
3. The redevelopment of the site for residential/commercial purposes is likely to have far less impact than the previous petrol filling station use, and the scheme has been sensitively designed to avoid any significant loss of privacy or overshadowing of adjacent neighbours.
4. The redevelopment of the site is likely to have less impact in traffic terms than the previous commercial use, and given its sustainable location, is likely to encourage use of sustainable modes of transport other than the private car.

## **Recommendation**

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

**SUBJECT TO A S106 LEGAL AGREEMENT/UNILATERAL UNDERTAKING BEING ENTERED INTO WHICH PROVIDES CONTRIBUTIONS TOWARDS OFF SITE OPEN SPACE AND EDUCATIONAL FACILITIES.**

In principle, the redevelopment of this site for residential purposes is considered acceptable, and preferable to the previous petrol station use, and in line with government guidance.

In design terms, the scheme is similar in approach compared to the previous 2005 approved scheme. The redevelopment of the site for residential purposes and a modest commercial use is likely to have far less impact than the previous petrol filling station use, and the scheme has been sensitively designed to avoid any significant loss of privacy or overshadowing of adjacent neighbours. The use of the site for residential purposes has not been objected to by the EHO. The redevelopment of the site is likely to have less impact in traffic terms than the previous commercial use, and given its sustainable location, is likely to encourage use of sustainable modes of transport other than the private car.

The applicant has entered into a legal agreement which provides contributions towards off site open space and educational facilities.

The proposal is considered to be in accordance with the aims and objectives of the following saved policies in the Salisbury Local Plan namely:

G1 – Sustainable Development

G2 – General Development Control Criteria

D1 – Design Criteria

D2 – Design Criteria

R2 – Public Recreational Open Space

H8 – Housing Policy Boundary

TR11- Off Street car parking

TR14 – Provision of cycle parking

R2 – Recreational open space

E16 – Loss of Employment.

### **And subject to the following conditions:**

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

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

(2) No development shall commence until full details of the cycle storage provision to include the design and timing for provision and the allocation to users shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: To ensure that adequate and suitable cycle parking spaces are available to the residents of the development.

Policy: TR14 (Provision of cycle parking).

(3) The 3 parking spaces on the approved plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety.

Policy: G2 (General)

(4) No development shall commence until details of the provision within the site for the disposal of surface water to prevent its discharge onto the highway, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Policy: G2 (General)

(5) No development shall commence until full large scale drawings and details (1:10 scale) of all architectural features including door and window surrounds, window heads/sills, windows, doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(6) No development shall commence until a schedule of external facing materials of the roof and walls (including, bricks, render and mortar colour) has been submitted, and where so required sample panels of the external finishes shall be constructed on the site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(7) No development shall take place until full details of the proposed landscaping to include the design and timing for provision shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

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

Policy: G2 (General), D2 (Design)

(8) No development shall commence until a scheme for the management of the construction of the development, including times of operations and details of how amenities and the adjacent highway are to be protected, has been submitted to and approved in writing by the local planning authority. The scheme shall be developed as agreed.

Reason: In the interest of amenity.

Policy: G2 (General)

(9) No development shall commence until a scheme to minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phases shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.

Reason: To minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phase.

Policy: G2 (General)

(10) No development shall commence until a noise and air pollution attenuation scheme for the flats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing specification to the flats, full details of the acoustic and air ventilation systems, and full details of the acoustic insulation between flats 1 and 2 and the ground floor commercial units and the flats above. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats. The site is located adjacent to a very busy and noisy road junction and gyratory system, is in an Air Quality Management Area, the application proposes commercial units below residential flats and due to the arrangement of living accommodation within flats 1 and 2.

Policy: G2 (General)

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

Reason: In the interests of sustainable development.

Policy: G1(Sustainable development)

(12) Prior to the first occupation of the development hereby approved, the existing vehicular access and public footway along the Devizes Road (spur) frontage of the Development shall be replaced by a new section of footway to adoptable standards, details of which are to be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of development.

Reason: In the interests of highway safety and amenities.

Policy: G2 (General)

(13) Prior to the first occupation of the flats hereby approved, a contaminated land validation report by a competent contaminated land consultant shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a suitable scheme of decontamination for the site in the interests of public health and safety.

Policy: G2 (General)

(14) The use of the commercial premises on the ground floor of the development shall be solely limited to uses within Classes A1 Retail or B1a) Offices of the (Town and Country Planning) Use Classes Order 1995 as amended in 2005 (or any Order revoking or altering that Order).

Reason: In the interests of the amenity of the area and highway safety, to allow the Local Planning Authority to consider any future proposals for a change of use having regard to the



circumstances of the case.

Policy: G2 (General)

(15) This development shall be in accordance with the following drawings:

428.04/PL1A Location Plan

248.04/PL12E Proposed Elevations Wilton & Devizes Road

428.04/PL16A Proposed Elevation to roundabout

428.04/PL6D Proposed plans ground floor

428.04/PL7D Proposed plans first floor

428.04/PL8C Proposed plans 2nd floor

428.04/PL9C Proposed plans roof

248.04/PL15B Proposed section & details Wilton & Devizes Road

248.04/PL13B Proposed elevations courtyard 1 & 2

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

Informative:- Contaminated Land Validation Report

Condition 13

The validation report should state that the site has been rendered suitable for its end use and should include measures that should further contamination be discovered during development work and should the design change to incorporate planting or communal garden, then details of the suitability of the soil in that area for that use.

Informative:- Highways

Condition 12

The developer is informed that, in order to construct a new vehicular access to the proposed development, the existing limited waiting traffic regulation order fronting the development must be amended at the expense of the developer. Prior to obtaining consent from the highway authority for the new vehicular footway crossing, the applicant/developer must ensure that the cost of amending the order, estimated at £4,000 is paid to Wiltshire Council. The Council will then programme the making of the amendment to the order, but cannot guarantee that the order will be made, if objections are received. The applicant/developer should therefore contact the Council at the earliest opportunity to ensure that the order can be duly made and sealed in good time to meet the developer's programme for development.

Informative:- Residents Parking Zones and Permits

The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434326 should you require any further information regarding the issuing of residents parking permits by the Council.

Informative - Environment Agency

Condition 11

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. Greywater recycling and rainwater harvesting should be considered.

Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications.

Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/38527.aspx>

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

### Sustainable construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced. The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit:  
<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>.

### Pollution Prevention During Construction

#### Condition 9

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. We recommend the applicant refer to our Pollution Prevention Guidelines which can be found at:  
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

### Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance it is available on our website:  
[www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/)

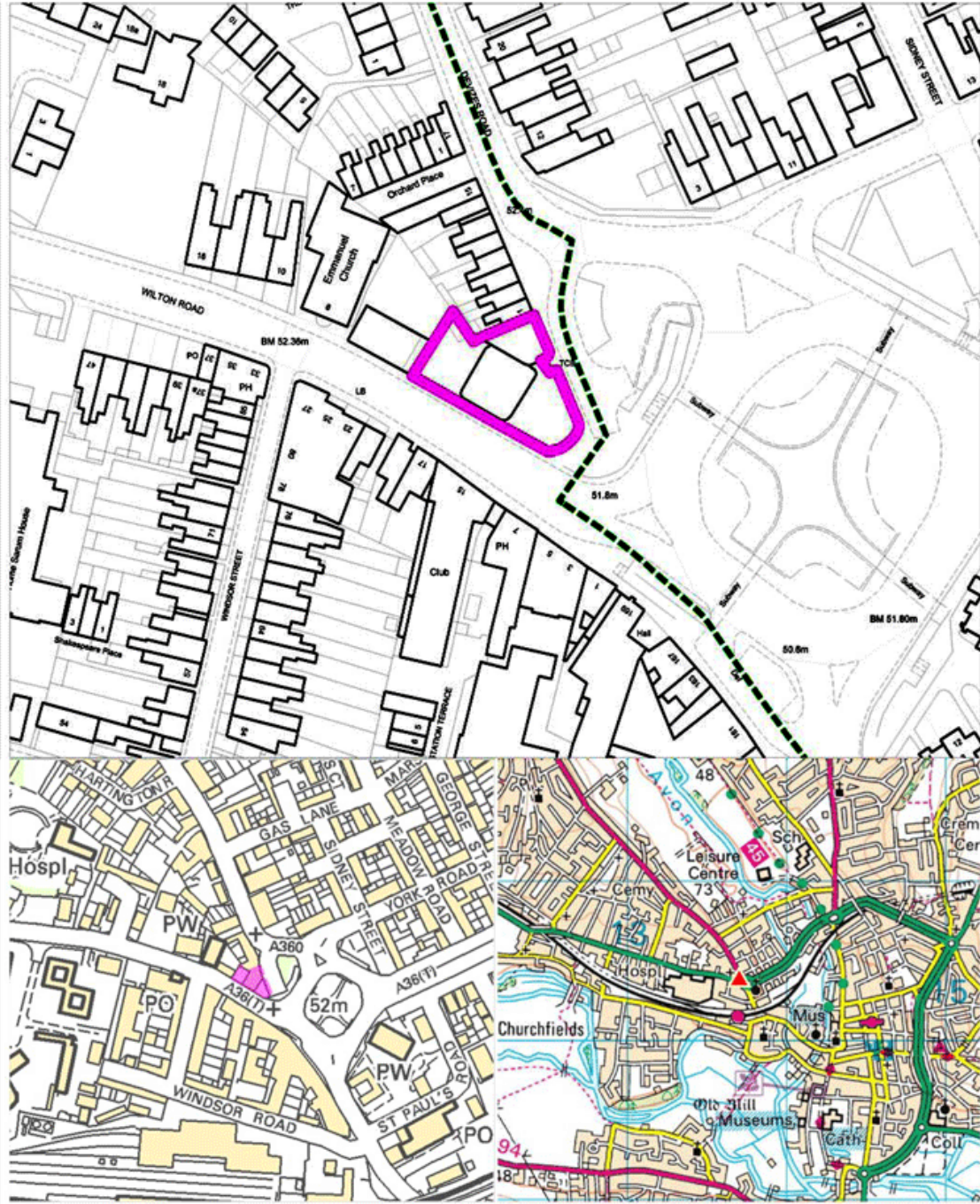
In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated total build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at  
<http://www.netregs-swmp.co.uk>

<b>Appendices:</b>	None
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<b>Background documents used in the preparation of this report:</b>	428.04/PL1A Location Plan 248.04/PL12E Proposed Elevations Wilton & Devizes Road 428.04/PL16A Proposed Elevation to roundabout 428.04/PL6D Proposed plans ground floor 428.04/PL7D Proposed plans first floor 428.04/PL8C Proposed plans 2nd floor 428.04/PL9C Proposed plans roof 248.04/PL15B Proposed section & details Wilton & Devizes Road 248.04/PL13B Proposed elevations courtyard 1 & 2 428.04/PL3 A Existing Elevations and Site Section Addendum Report Design & Access Statement
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Site Visit:

S/2010/1109



**Wiltshire Council**  
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### OLD RAMPART FILLING STATION SALISBURY S

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