CASE OFFICER'S REPORT

Application Reference:	PL/2023/07292
Application Type:	Removal/variation of conditions
Site Inspection:	Not revisited (various previous site visits undertaken)
Consultation ends:	28 September 2023
Case officer:	Julie Mitchell

Site Address:	Former Packway Garage, The Packway, Larkhill, Salisbury, SP4 8PZ
Proposal:	Variation of condition 2 (approved plans) on PL/2021/05433 to allow for change in position of proposed ATM
Recommendation:	Approve with Conditions

Policies

National Context:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 3: Infrastructure Requirements
Core Policy 4: Spatial Strategy: Amesbury Community Area
Core Policy 6: Stonehenge
Core Policy 36: Economic regeneration
Core Policy 38: Retail and leisure
Core Policy 51: Landscape
Core Policy 56: Contaminated Land
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 59: The Stonehenge, Avebury and Associated Sites World Heritage Site & its Setting
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 62: Development Impacts on the Transport Network
Core Policy 63: Transport Strategies
Core Policy 64: Demand Management
Core Policy 66: Strategic Transport Network

Wiltshire Local Transport Plan 2011-2026:
Car Parking Strategy
Cycling Strategy

Supplementary Planning Guidance:
Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006
Durrington & Larkhill Design Statement March 2012
Stonehenge and Avebury WHS Management Plan 2015

Relevant Planning History

17/09624/FUL Demolition of existing service station and the construction of a new building containing two new retail units and associated external works (Approved with conditions)
20/00801/FUL Proposed demolition of existing service station and construction of a new building containing new retail units. Associated external works (Approved with conditions)
20/06186/FUL The demolition of the existing service station and the construction of a new building containing new retail units and associated external works (Approved with conditions)
PL/2021/05433 (FUL) Demolition of existing building and erection of single storey retail building (Use Class EA) with associated external works including external lighting (Approved with conditions)
PL/2021/08705 (ADV) Proposed totem advertisement sign (Approved)
PL/2021/11431 (VAR) Variation of conditions 2 and 6 PL/2021/05433 - Change of Roof Cladding From KS1000 Standing Seam to KS1000 RW Trapezoidal (Approved with Conditions)
PL/2022/02448 Discharge of Conditions 9 (Soft landscaping) & 13 (Refuse storage) of planning application PL/2021/05433 (Demolition of existing building and erection of single storey retail building (Use Class EA) with associated external works including external lighting)
PL/2022/09088 (ADV) Proposed Fascia, ATM Sign, ATM Clip Frame, Poster Cases (Approved)
PL/2023/03414 - Discharge of Condition 3 on PL/2021/11431 (Approved)
PL/2023/06448 - Discharge of conditions 5 & 14 relating to PL/2021/11431 (Variation of conditions 2 and 6 PL/2021/05433 - Change of Roof Cladding From KS1000 Standing Seam to KS1000 RW Trapezoidal) (Condition 5 Discharged only)
PL/2023/06754 - Discharge of Condition 8 of planning application PL/2021/05433 (Demolition of existing building and erection of single storey retail building (Use Class EA) with associated external works including external lighting) in respect of building services plant to Unit 1 only (One Stop Stores Limited) (Approved)

Consultation Responses

Durrington Town Council:
No comments received at the time of writing the report.

Representations
None

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development

The application is a S73 application for the variation of plans in respect of the details and siting of the ATM, which was included on the approved plans but not detailed.

Impact on the character and appearance of the area including heritage assets and landscape

The approved plans included an ATM in the approximate position of the ATM now detailed, as such the proposal does not introduce any unduly harmful or inappropriate elements in terms of the historic or landscape setting (WHS) than the previously approved plans to justify refusal on design/heritage grounds.

The site is in an area of Archaeological Significance, however the proposed revision (ATM details) does not have any implications in respect of archaeology.

Impact on residential amenity

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

The siting of the proposed building in relation to the adjacent MOD properties In McQueen Walk and Foster Walk has been previously approved and included an ATM on the elevation facing the road, away from residential properties. The ATM now proposed is in the same location relative to neighbouring properties. The proposed variation does not have any implications in respect of neighbour amenity. However, conditions were imposed on the original permission in respect of lighting and noise (from plant) and remain relevant to the permission to ensure compliance. Details in respect of external plant for Unit 1 have been submitted and approved (DoC app ref. PL/2023/06754) and therefore the condition is reworded accordingly. Details in respect of lighting have been submitted but were not sufficient to discharge the condition and therefore the condition remains necessary.

Highway considerations:

The principle of retail redevelopment of the disused fuel station has been established by the extant permissions, which included annotation of an ATM but no details were provided. The proposed variation does not have any implications in respect of the parking layout or means of access. However, conditions were imposed on the original permission and remain relevant to the permission to ensure compliance.

Drainage

The proposed variation does not have any implications in respect of drainage. However, conditions were imposed on the original permission and remain relevant to the permission to ensure compliance.

Land Contamination

The proposed variation does not have any implications in respect of land contamination. However, conditions were imposed on the original permission and would remain relevant to the permission to ensure compliance. A verification report has been received and approved (DoC app reference PL/2023/06448) and therefore the condition has been satisfied and can now be omitted.

CONCLUSION:
The proposal seeks one minor change to a previously approved development for 2 retail units for which permission remains extant, with detail of the ATM to Unit 1 which was originally included on the approved plan without detail. Having considered the proposed changes, it is concluded that the proposal would not introduce any significant new, increased or unacceptable impacts and therefore the proposal is deemed acceptable subject to the repetition of the previous conditions, modified to reflect previous discharge of condition where necessary.

Conditions: (15)

1 The development hereby permitted shall be begun before the expiration of three years from the date of the permission granted under PL/2021/05433 on 13 August 2021.

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

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

Location and Site Plan (Existing) 9680 100 dated May 2021
Proposed Site Plan 9680 102 Revision C dated May 2021 (revised 21.03.2022)
Proposed Floor Plan and Elevations 9680 103 Revision C (revised 07.12.2021)
Proposed Floor Plan and Elevations (to show revisions to Unit 1 associated with proposed ATM only) CS-B230045-B201 Revision C dated 05.06.2023 (revised 30.08.2023)
Proposed Drainage Plan SL07213-HBPW-00-ZZ-DR-C-0500 P2 dated 15.05.2021
External Works Details SL07213-HBPW-00-ZZ-DR-C-0400 dated 15.05.2021

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

3 The development shall be undertaken in accordance with the details of the access, including the re-instated footway/cycleway with a full height 125mm kerb (as shown on drawing ref. Proposed Kerb Details 5432 001 B dated 28 04 23) previously submitted to and approved in writing by the local planning authority under reference PL/2023/03414. The junction shall be completed in accordance with the approved details prior to the occupation of the development.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

4 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To protect the amenity of nearby residents.

5 The external materials of the development hereby permitted shall be as follows: -

Walls: Microrib Cladding - Merlin Grey and White
Roof: Trapezoidal Cladding - Goosewing Grey
Windows: Aluminium - Merlin Grey
Doors: Aluminium and Steel - Merlin Grey

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

6 The proposed development shall not be occupied until adequate means/works have been implemented to avoid private water from entering the highway in accordance with the approved surface water drainage system shown on drawing numbers SL07213-HBPW-00-ZZ-DR-C-0500 P2 dated 15.05.2021 and SL07213-HBPW-00-ZZ-DR-C-0400 dated 15.05.2021.

REASON: To ensure that the highway is not inundated with private water.

7 Unit 2 of the permission hereby granted shall not be brought into use until full details of all building services plant (including air conditioning units and any air handling plant) have been submitted to and approved in writing by the Local Planning Authority, and the approved equipment has been fully installed in accordance with the approved details. The approved building services plant shall thereafter be maintained in a serviceable condition in accordance with the approved details. No additional external plant/equipment in respect of Unit 2 shall be erected at the site other than those approved.

Unit 1 of the permission hereby granted shall not be brought into use until the building services plant has been installed in full accordance with details approved on 18/10/2023 under reference PL/2023/06754, namely Report entitled 'Assessment of External Plant Noise' reference ARR/C/2217.102 dated 2 August 2023 by ADC Acoustics and Proposed Ground Floor Plan & Elevations Drawing B201 Rev A dated 25/07/2023. The approved building services plant shall thereafter be maintained in a serviceable condition in accordance with the approved details. No additional external plant/equipment in respect of Unit 1 shall be erected at the site other than those approved.

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

8 The development hereby permitted shall not be brought into use until the approved scheme of soft landscaping (as shown on Site Plan 9680 102 Revision C) submitted to and approved in writing by the Local Planning Authority under application reference PL/2022/02448, has been carried out.

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

9 The development shall be carried out in accordance with the approved hard landscaping scheme as shown on drawing SL07213-HBPW-00-ZZ-DR-C-0400 dated 15.05.2021 prior to the development being brought into use. All soft landscaping (as specified by condition 8), 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 shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species/

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

11 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

12 No part of the development shall be brought into use until the scheme for the storage of refuse (as shown on Site Plan 9680 102 Revision C) submitted to and approved in writing by the Local Planning Authority under application reference PL/2022/02448, has been completed and made available for use in accordance with the approved details. The approved refuge storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

13 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the development hereby approved shall be used solely for purposes falling within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, having regard to the circumstances of the site..

15 No deliveries shall be made to or collections made from the development hereby approved except between the hours of 07.00 and 18.00 Monday to Saturday and 08.00 to 17.00 on Sundays and Public Holidays.

REASON: To protect the amenity of nearby residents.

Informatives:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

Building services plant details (condition 8): The developer is advised that all building services plant (including air conditioning units and any air handling plant etc) should be so sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority; highwaysandstreetscene@wiltshire.gov.uk

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

The applicant should be aware that Councils must investigate complaints about issues that could be a 'statutory nuisance' (a nuisance covered by the Environmental Protection Act 1990). If a complaint of statutory nuisance is justified an Abatement Notice can be served upon the person responsible, occupier or owner of the premises requiring that the nuisance be abated. In light of this legislation, the Public Protection team recommend the following: - No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.