

Date of Meeting	13 th October 2016
Application Number	16/07563/FUL
Site Address	3 South Street, Wilton, Salisbury, Wiltshire, SP2 0JS
Proposal	Conversion of the building to form three houses, external alterations and landscaping of the courtyard space.
Applicant	Saul Brothers Development Ltd
Town/Parish Council	WILTON
Electoral Division	WILTON AND LOWER WYLYE VALLEY – (Cllr Peter Edge)
Grid Ref	409634 131142
Type of application	Full Planning
Case Officer	Lucy Minting

Reason for the application being considered by Committee

Councillor Edge has called in the application for the following reasons:

- Relationship to adjoining properties
- Car parking

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

2. Report Summary

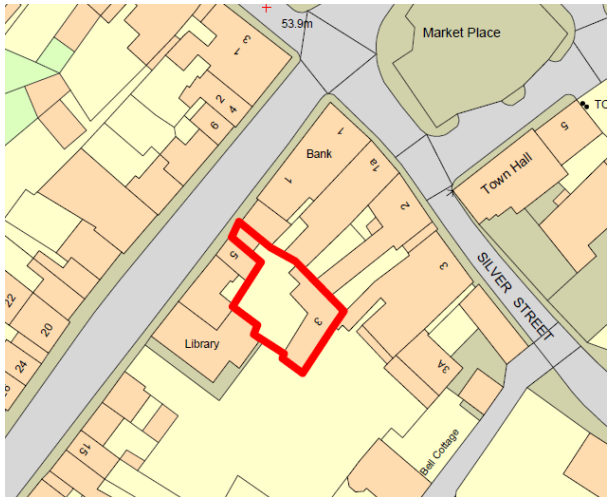
The main issues which are considered to be material in the determination of this application are listed below:

- Principle
- Impact to the character and appearance of the conservation area/setting of listed buildings
- Residential amenity
- Highway considerations
- Archaeology
- S106 obligations/CIL

The application has generated no third party representations, but an objection from Wilton Town Council

3. Site Description

The site is situated centrally within the town of Wilton. The property is located to the rear of nos. 1, 5 and 7 South Street and is accessed through an archway between nos.1 and South Street with solid bifold doors.



The building is an 'L' shaped, two storey structure of brickwork elevations under a clay tiled roof.



Photograph of the existing building



Photograph of the existing building

The site is within the conservation area of Wilton and the neighbouring buildings marked with cross hatching on the plan below are listed buildings including Grade II listed Nos 1A and 3 Silver Street to the corner of South Street and Silver Street with their rear elevations being visible from within the site:

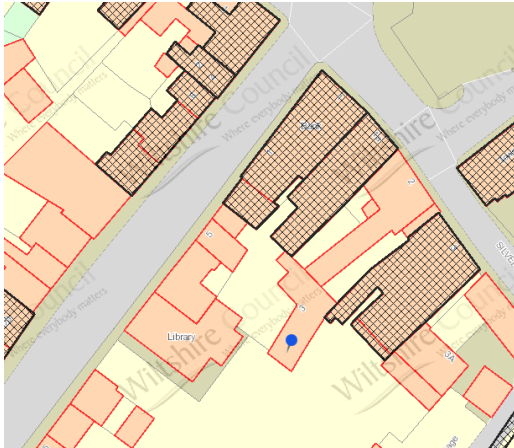


Photo taken from within site looking North towards rear elevations of Nos 1A and 3 Silver Street

4. Planning History

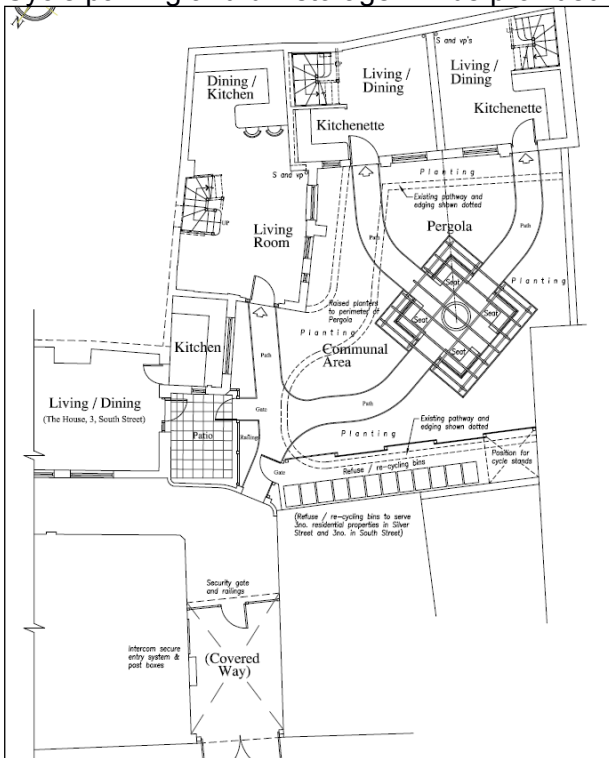
None relevant to the application site.

5. The Proposal

It is proposed to convert the building to create a terrace of two x 1 bedroom and one x 2 bedroom dwellings. Each dwelling will have a bathroom, open plan kitchen and living rooms.

The existing courtyard space will be landscaped as a shared amenity area for the three houses comprising the construction of a central pergola with seating and footpaths leading to each of the three front doors and the remaining spaces being planted.

Cycle parking and bin storage will be provided within the courtyard space.



Extract from proposed layout plan

6. Local Planning Policy

The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20th January 2015:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 33: Spatial Strategy: Wilton Community Area

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Providing affordable homes

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 64: Demand Management

Saved policies of the Salisbury District Local Plan:

R2 (Open Space Provision)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance (NPPG)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

7. Summary of consultation responses

Public Protection: No objections

Given the position and orientation of the proposed properties in relation to the condenser on 1 Silver Street it is unlikely that noise from these commercial premises will have an adverse impact at the proposed properties.

Due to the proximity of other dwellings to the development site a condition is recommended to avoid unreasonable disturbance during the construction phase and due to the historic commercial use we also recommend a contaminated land condition.

Archaeology: No comments

Highways: No objections

Conservation: No concerns or objections

Dorset & Wiltshire Fire & Rescue:

Comments relating to fire safety measures which could be added as an informative

8. Publicity

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

No third party representations have been received.

Wilton Town Council: Object

On the grounds that there is a lack of parking provision, and both on-street and off-street parking provision is almost at full capacity

9. Planning Considerations

9.1 Principle of development

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

9.2 Impact to the character and appearance of the conservation area/setting of listed buildings

The National Planning Policy Framework sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely plan-led, should always seek to secure high quality design.

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses (including in terms of ensuring residential amenity is safeguarded).

The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16, 66 & 72) requires proposals affecting listed buildings or their settings to seek to preserve the special interest of the buildings and their settings. The principal considerations are to ensure that new development protects the significance of listed buildings and their settings, and prevents harm to their significance. Proposals within conservation areas must preserve or enhance the character and appearance of the areas.

Core Policy 58 'Ensuring the conservation of the historic environment' requires that 'designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.'

It is considered that the proposed landscaping will benefit the setting of the building and as the site is not visible from outside the development site it is not considered that the proposals will have an impact upon the conservation area. The conservation officer has raised no concerns or objections to the proposal.

9.3 Impact on residential amenity

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, 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 proposed conversion uses the existing window openings (new timber framed windows and doors are proposed) and will therefore not increase any overlooking of surrounding properties from the existing situation. The main outlook of the proposed dwellings will be facing into the shared courtyard area. The buildings to the west of the courtyard area (fronting South Street) have no windows on the rear elevations and as such there will no overlooking issues to these properties.

It is considered that the proposed scheme will provide an acceptable standard of amenity for existing and future occupants.

The public protection team have recommended a condition restricting the construction hours to minimise the disturbance which noise during the construction/demolition of the development could otherwise have upon the amenities of nearby dwellings.

Given the shared amenity space, it will be appropriate to remove permitted development rights for extensions to the dwellings and also the addition of windows should be restricted on the south west and south east elevations (both currently with no openings) in order to maintain the privacy of the residential garden of number 3 Silver Street.

9.4 Highway considerations

The supporting text to Core Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The resulting LTP3 Car Parking Strategy was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards and policy PS4 - Private non-residential standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

Based on the current parking standards, the proposed residential scheme generates a need for 4 parking spaces. The Town Council have objected to the application on the grounds that no off-street parking is provided.

There is no site history of previous planning applications, although the design and access statement explains that the building has previously been in use as a studio flat on part of the ground floor with the remainder of the ground floor and entire first floor as commercial floor space. The parking requirements for the 1 bedroom studio flat would be 1 space. The commercial element of the building has a total floor area of approximately 104 sqm and applying the non-residential parking standards the maximum parking requirement would be three spaces. Therefore, the existing car parking requirement for the site is 4 spaces.

Whilst the proposed development does not provide any off-street parking; the highways authority has raised no objections to the proposal for the following reasons:

- The existing use generates a requirement of 4 spaces based on policy PS4 (non-residential parking standards), and the parking requirements for this site will not be increased over the existing use;
- Given the location of the houses within the town centre/ close to public transport links and local services, the new occupants will not necessarily have to rely on the use of cars, as they would have to in more rural locations;
- The proposal includes cycle parking;
- Overall it is considered that the impact on highway safety will not be significant.

Concerns have been raised that highways advice has not been consistent given a refusal at 36 North Street including on the grounds of insufficient car parking. Each application is considered on its own merits and the application at 36 North Street was for a greater quantum of development (construction and provision of 5 new flats & two new retail units) and in that particular case it was considered that the shortfall of car parking was too great to be acceptable.

Core Policies 60 (Sustainable Transport) and 61 (Transport and New Development) encourage development in sustainable locations and consideration can be given to relaxing parking standards in sustainable locations. The site is within walking distance of local shops, services and public transport and it is considered that this particular scheme is acceptable. The provision of cycle parking can also be conditioned.

9.5 Archaeology

The council's archaeologist has advised that due to only minimal landscaping being proposed, they have no comments to make on the application.

9.6 S106 obligations and CIL

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department. If the application were to

be approved, an informative would be added advising that the development would be subject to CIL.

The proposal results in a net gain of 3 residential units, which would have generated an off-site recreational open space contribution under saved policy R2 of the Salisbury District Local Plan. However, this is a tariff style 'pooled' contribution. Pooling restrictions that came into force on 6 April 2015 mean that Wiltshire Council cannot pool more than five planning obligations towards the same infrastructure type or project. This limit extends to all planning obligations entered into since 6 April 2010. As the Council has already pooled more than 5 planning obligations towards recreational open space, we cannot therefore require any further pooled recreational off site contributions.

Also, following the recent guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), affordable housing and tariff-style contributions (including recreational open space) are no longer payable if the development site has 10 houses or fewer and a maximum combined gross floorspace of not more than 1000 sqm.

10. Conclusion

It is considered that the proposed re-development of the site will not have adverse impacts to the character and appearance of the conservation area/setting of listed buildings or residential amenity and whilst no parking is provided, this is considered acceptable given the sustainable location of the site with access to alternative modes of transport.

RECOMMENDATION: To grant planning permission 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) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Reference: 1:1250 Scale Site Location Plan, received by this office 03/08/2016

Plan Reference: 1143-TP-11 Site Layout as proposed, received by this office 03/08/2016

Plan Reference: 1143-TP-06 Ground Floor Plan as proposed, received by this office 03/08/2016

Plan Reference: 1143-TP-07 First Floor Plan as proposed, received by this office 03/08/2016

Plan Reference: 1143-TP-08 Elevation/section (as proposed), received by this office 03/08/2016

Plan Reference: 1143-TP-09 Elevation/section (as proposed), received by this office 03/08/2016

Plan Reference: 1143-TP-10 Elevation/section (as proposed), received by this office 03/08/2016

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

(3) No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

(4) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

(5) No dwelling shall be occupied, until details of secure covered cycle parking, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to first occupation of the dwellings and shall be retained for use 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.

(6) 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: In the interests of amenity, due to the proximity of other dwellings to the development site.

(7) 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

(8) 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the South East or South West elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

INFORMATIVE: Dorset & Wiltshire Fire & Rescue

The applicant should be made aware of the letter received from Dorset & Wiltshire Fire & Rescue Service regarding advice on fire safety measures. This letter can be found on the application file which can be viewed on the council's website against the relevant application record.

INFORMATIVE: Private Property/Access Rights

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

The applicant is advised to consider the third party comments re private rights and the developers should satisfy themselves/resolve matters before development commences. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT: Community Infrastructure Levy

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.