

**REPORT TO THE AREA PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	06 November 2014
<b>Application Number</b>	13/05402/FUL
<b>Site Address</b>	Harnham Telephone Repeater Station Shaftesbury Drove Salisbury SP2 8QH
<b>Proposal</b>	The demolition of existing telephone repeater station and development of two 4 bedroom and four 3 bedroom houses, with associated access, car parking and landscaping
<b>Applicant</b>	Mr Jonny Pitts
<b>Town/Parish Council</b>	SALISBURY CITY
<b>Ward</b>	SALISBURY HARNHAM
<b>Grid Ref</b>	413345 128417
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Warren Simmonds

**Reason for the application being considered by Committee**

Cllr Dalton has requested the application be considered by the Members of the Southern Area Committee due to local concern, design and Highway concerns.

**1. Purpose of Report**

To consider the above application and recommend to Members that the application is APPROVED subject to Conditions and S106 legal agreement.

**2. Report Summary**

1. Principle of the proposed development and loss of employment
2. Impact on the character of the surrounding area
3. Impact on the amenity of neighbours
4. Highways considerations
5. Tree impacts
6. Archaeology
7. Protected species
8. Provision of financial contributions in respect of affordable housing and recreational open space

### **3. Site Description**

The application site consists of approximately 0.17ha site on which the former Telephone Repeater Station building (TRS) is situated, comprising a relatively large three/four storey scale brick built building constructed in approximately 1940 and occupying the majority of the ground area of the site (constituting a levelled plot of land slightly terraced into the side of Harnham Hill) and surrounded by hard standing on all sides save for the front (south) where there is a modest grassed area of frontage with sparse trees and shrubbery.

The topography of the land falls from the east to the west. The levels of the site (prior to the construction of the existing TRS building) have been amended resulting in an earth retaining wall rising between approx. 0.5m and 3.6m from south to north along the eastern boundary, and a fall from approx. 3.5m to 1m along the northern boundary.

The site is accessed from Shaftesbury Drove at the southern end.

The application site is surrounded on all sides by existing residential development (consisting of properties on Harnwood Road to the east and north, properties accessed via Shaftesbury Drove to the west and south).

A byway runs east/west along Shaftesbury Drove to the south of the application site.

Tree preservation orders exist for trees along Shaftesbury Drove (to the south west) and to the north west of the application site, but none exist within the application site.

### **4. Planning History**

None relevant to the current application

### **5. The Proposal**

The application is for full planning permission and proposes the demolition of the TRS building and the development of 2 x four bedroom houses and 4 x three bedroom houses, with associated access, car parking and landscaping.

### **6. Planning Policy**

Adopted Salisbury District Local Plan saved policies, including the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:

G1 & G2 – General Development Criteria  
D2 – Design  
C12 – Nature Conservation  
H19 – Housing Restraint Area  
TR11 – Transport  
R2 – Open space

#### ***South Wiltshire Core Strategy:***

This was formally adopted at full Council on 7 February 2012 and forms part of the development plan for South Wiltshire.

Core Policy 3 (Affordable Housing)  
Core Policy 5 (Employment)  
Core Policy 6 (Meeting Salisbury's Housing Needs)

Core Policy 18 (Lifetime Homes Standard)

Core Policy 19 (Water Efficiency and the River Avon Special Area of Conservation)

### ***Emerging Wiltshire Core Strategy:***

The emerging Wiltshire Core Strategy (eWCS) has now been through the independent public examination procedure and is expected to be fully adopted (thereby superseding the South Wiltshire Core Strategy) in late 2014. The policies of the eWCS therefore now carry significant material weight in the consideration and determination of planning applications.

#### The effect of the eWCS on saved local plan policies:

Of particular importance to the application site (currently designated as an H19 Housing Restraint Area) is the loss of local plan policy H19, to be replaced by eWCS Core Policy 2 (Delivery Strategy), which in turn refers back to Core Policy 1 (Settlement Strategy).

Additionally, saved local plan policy D2 is replaced by CP57 (Ensuring high quality design and place shaping), saved local plan policy C12 is deleted as national policy/legislation covers impact on protected species, TR11 is replaced by CP64 (Demand management), whereas saved local plan policy R2 is continued as a saved policy in the eWCS.

#### The effect on the eWCS on adopted SWCS policies:

With the impending adoption of the eWCS, relevant adopted SWCS policies are affected as follows:

- CP3 (SWCS) is replaced by CP43 (Providing affordable homes) of the eWCS
- CP5 (SWCS) is replaced by CP35 (Existing employment sites) of the eWCS
- CP6 (SWCS) is replaced by CP45 (Meeting Wiltshire's housing needs) of the eWCS
- CP18 (SWCS) is replaced by CP46 (Meeting Wiltshire's housing needs) of the eWCS
- CP19 (SWCS) is replaced by CP68 (Water resources) of the eWCS

### ***Government Guidance:***

National Planning Policy Framework (NPPF) March 2012, and National Planning Policy Guidance (NPPG) March 2014.

## **7. Consultations**

WC Highways – No Highway objection, subject to Condition

WC Ecologist – No comments

WC Archaeology – No objection subject to Condition

Wessex Water – Standard letter of advice provided

WC Public Protection – No objection subject to Conditions

Tree officer – No objection subject to development being carried out in accordance with the submitted arboricultural report

WC Rights of Way officer – No response received

WC Housing team – Requirement for financial contribution in respect of off-site provision of affordable housing, and recreational open space contribution

Salisbury City Council – Object on grounds of overdevelopment and road safety issues

## 8. Publicity

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

Following the amendment (reduction) of the proposed scheme from eight houses to six, all neighbours, consultees and all other third parties who had previously expressed an interest were re-consulted. Thirteen representations were received from third parties in response to the re-consultation, each was objecting to the proposed development on grounds including overdevelopment of the site (density), development out of character with the surrounding housing restraint area, Highway safety, potential obstruction of the adjacent right of way by parked cars associated with the proposed development, adverse impacts in respect of neighbour amenity (overlooking, noise), setting of adverse precedent in respect of density of development in the area, and insufficient off-street car parking provision.

## 9. Planning Considerations

### 9.1 Principle of the proposed development and loss of employment

The site is within an area of housing restraint where any such proposal will be considered against the criteria of saved policy H19 (Housing Restraint Areas). The requirements of the policy are:

Within Housing Restraint Areas, residential development (including the erection of new dwellings) will be acceptable only if the following criteria are met:

- I. there will be no adverse impact on the character of the settlement or neighbourhood;
- II. there is no loss of an important open space which contributes to the special character of the area;
- III. the loss of features such as trees, hedges and walls which contribute to the character of the area is kept to a minimum, and
- IV. the development will be in keeping with the character of neighbouring properties

However, due consideration and appropriate material weight must be given to the emerging Wiltshire Core Strategy (eWCS) which has now been fully through the independent public examination procedure and is expected to be adopted (thereby superseding the South Wiltshire Core Strategy) in late 2014. The policies of the eWCS therefore now carry significant material weight in the consideration and determination of planning applications.

Under Core Policy 1 of the eWCS, Salisbury is defined as a Principal Settlement where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. The application site is identified as being within the

Core Policy 2 of the eWCS sets out the underlying principles of the Delivery Strategy, namely to ensure that communities have a better balance of jobs, services and facilities and homes. Within the limits of development, as defined within the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Core policy 5 (SWCS) and emerging Core Policy 35 (eWCS) deal with employment land but relate only to the conservation of B1, B2 and B8 uses and therefore do not apply to the former employment use of the application site (which it is considered constituted a *sui generis* use).

It is therefore considered the proposed development, consisting of the residential redevelopment of a former commercial site within an otherwise residential area is acceptable in principle.

### 9.2 Impact on the character of the surrounding area

The existing TRS building was erected in about 1940 and is a conspicuously large brick built structure of three to four storey scale (relative to a domestic property) which occupies the majority of the site by floor area. As such the existing TRS building currently forms a prominently visible element of the existing character of the surrounding area.

The proposed development (amended plans/6 dwelling reduced scheme) would provide two detached four bed dwellings at the southern end of the site, with an access from the southern boundary along the western side to four further dwellings (two pairs of three bed semi-detached houses).

The existing earth retaining wall along the eastern and northern boundaries is to be retained and improved as a 'green living wall' with additional planting, together with a concrete retaining wall to ensure the stability of adjoining gardens.

Taking into consideration the scale, height and mass of the existing TRS building to be demolished which currently forms part of the existing character of the immediate and wider surrounding area, and the significantly reduced overall scale, mass and height (relative to the existing TRS building) of the proposed new dwellings, and taking into consideration the imminent changes in local plan policy criteria (i.e. the loss of local plan policy H19 Housing Restraint Areas as discussed in section 9.1 above), it is considered the scale, design, density, materials and layout of the proposed development would not result in undue harm to the existing character of the surrounding area such as warrant the refusal of the proposed scheme.

### 9.3 Impact on the amenity of neighbours

Several objections have been received from third parties in response the re-consultation. Grounds for objection included the density of development being out of character with the surrounding housing restraint area, Highway safety and adverse impacts in respect of neighbour amenity.

The proposed development represents a significant reduction in bulk, scale and mass over that of the existing TRS building. The proposed two four bedroom detached dwellings at the southern end of the site will have south facing front elevations facing towards Shaftesbury drove. The closest neighbouring dwelling to the south is 'Winsome' which is located on a partial 'island' site with Shaftesbury Drove running along its northern boundary, and Old Blandford road running along the southern side (the property is accessed on the northern side off of Shaftesbury Drove). The closest neighbouring dwellings to the east of the application site are existing dwellings on Harnwood Road which back onto the boundary with the site. Number 60 Harnwood Road occupies the land to the north of the application site, whereas to the immediate west of the site is the cul-de-sac and head of Shaftesbury Drove with dwellings on the opposite (western) side.

The proposed rear (east facing) elevations of the four semi-detached dwellings have no dormers or rooflight windows above first floor ceiling height level. In order to preserve the

amenity of neighbouring dwellings (in terms of overlooking) a Condition should be imposed to ensure no additional windows or openings are inserted into the east facing roof planes of these dwellings. A similar Condition, relating to the north facing (rear) roof planes of the two detached four bed dwellings should also be imposed in the interests of amenity of existing neighbouring occupiers and future occupiers of the development site.

By reason of the separation distance and general relationship between the proposed new dwellings within the application site and the nearest neighbouring residential properties, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

#### 9.4 Highway considerations

Whilst significant concerns have been raised in third party representations with respect to the impacts of the proposed development on traffic generation, parking provision and Highway safety, the application has been thoroughly assessed by the Council's Highways officer who is content the proposed development would not be prejudicial to Highway safety and therefore raises no Highway objection subject to a Condition that access, turning area(s) and parking spaces are completed in accordance with the details shown on the approved plans and are maintained for those purposes at all times thereafter.

#### 9.5 Tree impacts

An Arboricultural Impact Assessment (Professional Tree Services Ltd, 25.10.13) was submitted with the application. The Council's Tree Officer has assessed the proposed development and raises no objection subject to development being carried out in accordance with the submitted arboricultural report.

#### 9.6 Archaeology

The applicant has submitted an Archaeological desk based assessment of the site. The Council's Assistant Archaeologist has assessed the proposal and raises no objection subject to a recording Condition.

#### 9.7 Protected species

The applicant has submitted a Protected Species Survey report for the existing TRS building and site. The ecological survey concluded that bats were not using the building and there was no evidence of other protected species on the site.

The council's Ecologist has assessed the proposed development and raises no objection.

#### 9.8 Provision of financial contributions in respect of affordable housing and recreational open space

The applicant has confirmed their agreement to enter into a legal agreement with the Council to make appropriate financial provision towards the off-site provision of recreational open space and affordable housing.

## 10. Conclusion

The development would be acceptable in principle, consisting of previously developed land within an established residential area. The proposal is considered acceptable in terms of its scale, design layout and materials and (subject to Conditions) would not adversely affect the amenity of neighbours or the existing character of the immediate and wider surrounding area. The proposed development would not be prejudicial to road safety and would not have undue impacts on ecology, archaeology or nearby trees that are subject to tree preservation orders. An appropriate level of financial contribution towards off-site affordable housing and recreational open space would be provided via a S106 legal agreement between the landowner and the Council in accordance with the relevant policies.

## RECOMMENDATION

That the application should be APPROVED, subject to the landowner entering into a suitable S.106 legal agreement to ensure/facilitate the payment of appropriate financial contributions in respect on off-site affordable housing provision and recreational open space provision, 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number A101 revision D dated Sept 13, as deposited with the local planning authority on 27.08.14, and

Drawing number A1.02 revision C dated Sept 13, as deposited with the local planning authority on 27.08.14, and

Drawing number A103 revision B dated Sept 13, as deposited with the local planning authority on 27.08.14, and

Drawing number A104 revision B dated Sept 13, as deposited with the local planning authority on 27.08.14, and

Drawing number A1.05 revision B dated Sept 13, as deposited with the local planning authority on 27.08.14, and

Drawing number A201 revision A dated Aug 14, as deposited with the local planning authority on 27.08.14, and

Drawing number A202 revision A dated Aug 14, as deposited with the local planning authority on 27.08.14.

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

3. No development shall commence on site until details of the external materials to be used for the walls and roofs of the development 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: In the interests of visual amenity and the character and appearance of the area.

4. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. No burning of waste shall take place on the site during the construction phase of the development.

REASON: In the interests of neighbouring amenities

5. No part of the development hereby permitted shall be first occupied until the access, turning area, parking area and passing place 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: In the interests of highway safety

6. A Method Statement for the protection of trees (to be retained) during construction works shall be submitted to the local planning authority and agreed in writing prior to the commencement of development. Development shall be carried out in accordance with the details thereby agreed.

REASON: To ensure the retention and long term sustainability of retained trees in the interests of amenity

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window(s), dormer window(s) or rooflight(s), other than those shown on the approved plans, shall be inserted in the rear (east facing) roofslope(s) of Units 6, 5, 4 or 3 the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window(s), dormer window(s) or rooflight(s), other than those shown on the approved plans, shall be inserted in the rear (north facing) roofslope(s) of Units 2 or 1 the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.



REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

10. No works shall commence on site until an appropriate programme of building recording has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: To secure the proper recording of the listed building.

11. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

12. 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: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.