

Date of Meeting	18 th December 2014
Application Number	14/09204/FUL
Site Address	15-17 Middleton Road, Salisbury, Wiltshire, SP2 7AY
Proposal	Erection of 12 x 1 bedroom apartments including 12 car parking spaces, servicing and landscaping
Applicant	Mr M Quigley
Town/Parish Council	Salisbury City Council
Division	St Pauls
Grid Ref	413978 130543
Type of application	Full Planning
Case Officer	Lucy Minting

Reason for the application being considered by Committee

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

- The scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Relationship to adjoining properties
- Car parking

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager (South) 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 of development;
- Flooding -
 - 1) Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF; and
 - 2) Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure;
- Proximity to gas holder;
- Scale, design, impact to character and appearance of the area.
- Residential amenity/living conditions;
- Highway safety/parking;
- Impact to SSSI/SAC;
- S106 Contributions.

The application has generated support from Salisbury City Council and 3 letters of representation.

3. Site Description

The site backs onto Summerlock Stream with Waitrose Petrol Filling Station beyond, with a block of 4 flats to the north (no. 19 Middleton Road) and a factory premises to the south (no. 13 Middleton Road).

The site was originally occupied by two semi-detached dwellings. These have been demolished following the grant of planning permission on the site for redevelopment and the site is currently vacant.

Middleton Road is of a mixed architectural character with individual commercial premises, and residential dwellings with a variety of forms and styles from modest Victorian and Edwardian terraces, to the bulky commercial buildings and two and three storey residential flat developments.

4. Planning History

Application ref	Proposal	Decision
14/00664/FUL	Erection of 12 x 2 bed and 2 x 1 bedroom apartments including 16 car parking, servicing and landscaping	Refused 28/05/2014
S/2007/1671	Demolish 2 existing houses & reform as 12 new 1 bedroom flats with parking & associated works	Approved with conditions
S/2006/2553	Demolish 2 existing houses and construction of 10 new 2 bedroom flats with parking and associated works	Withdrawn 02/04/2007

5. The Proposal

The proposal is for the erection of 12 x 1 bedroom apartments including 12 car parking spaces, servicing and landscaping.

6. Planning Policy

South Wiltshire Core Strategy:

Core Policy 1 – The Settlement Strategy and distribution of growth in south Wiltshire

Core Policy 2 – Strategic Allocations

Core Policy 3 – Meeting Local Needs for Affordable Housing

Core Policy 5 – Employment Land

Core Policy 19 -Water efficiency and River Avon SAC

Core Policy 22 - Green infrastructure and Habitat networks

Salisbury District Local Plan 'saved' policies:

G1 – Sustainable development
G2 – General Criteria for development
G9 - Planning Obligations
D2 – Infill development
H8 - Housing Policy Boundary
R2 – Open space provision
C18 – Development sites bounded by watercourses
C12 – Protected species
C11 – Nature Conservation

Wiltshire Local Transport Plan 2011-2026

Car Parking Strategy

Waste Core Strategy 2009:

Policy WSC6 – Waste Reduction & Auditing

Emerging Wiltshire Core Strategy:

Core Policy 2 – Delivery Strategy
Core Policy 50 – Biodiversity & Geodiversity
Core Policy 57 - Ensuring high quality design and place shaping

The Inspector's report for the emerging Wiltshire Core Strategy has now been published and it concludes that the Strategy is 'sound'. It follows that the Strategy must now be given very significant weight in the decision making process prior to its final consideration and assumed adoption by Wiltshire Council in the new year.

Following its adoption some of the existing development plan policies referred to above will be replaced by the WCS policies whereas others will be 'saved'. In the meantime all of the existing policies remain in force and so continue to be the starting point for the consideration of the application.

Government Guidance:

National Planning Policy Framework (NPPF) March 2012
NPPG

Planning guidance:

Salisbury District Council Design Guide - Creating Places Design Guide

7. Consultations

Salisbury City Council

Support the application but requests that no parking permits are issued for this address.

WC Highways

The previous application (14/00664/FUL) attracted an adverse highway recommendation as the site was not able to accommodate the necessary number of parking spaces for the size of dwellings proposed.

Noted that a provision of 12 parking spaces is proposed to serve the 12 x 1 bed apartments and this is acceptable in line with our current parking standards. Parking Services have been requested that parking permits should not be issued for residents of this development.

No highway objection subject to conditions (access to be consolidated and surfaced, turning area and parking spaces to be completed, scheme for discharge of surface water to be agreed, traffic regulation order to be amended to omit site frontage from residents parking scheme) and informative (traffic regulation order procedure, application for parking permits unlikely to be acceptable).

WC Open Space

Planning permission was granted under application S/2007/1671 for the demolition of the two dwellings and erection of a two and a half storey development of 12 x1 bedroom flats, with 10 car parking spaces. Works on the said development were commenced by the demolition of the existing dwellings in October 2012, and as such this consent remains extant and could be implemented in full. For the said scheme an R2 contribution of £9,741.63 was received on 15/11/2010. As this is also for 12 x 1 bedroom flats no further R2 contribution would be required to be sought.

WC Technical Services Drainage Engineer

Support subject to conditions (scheme for surface water discharge, floor levels to be agreed, and scheme for discharge of foul water)

WC Public Protection Services

No objections, recommend condition restricting hours of construction work. No concerns relating to contaminated land at this site. Reference to no burning of waste should take place on site (which can be added as an informative to any consent).

WC Urban Design

No objections. Facing materials and finishes should be conditioned to ensure the development is integrated and complement the 19th century dwellings that characterise the street scene.

Wessex Water

New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

There should be no issues with capacity there is a 225 diameter sewer in Middleton Road but we will not allow the surface water to be connected to the foul sewer.

Health & Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Environment Agency

No objection subject to conditions (finished floor levels to be agreed, surface water management scheme, condition to ensure access to main river for inspection and maintenance, working method statement for any works within 8m of the river, construction environmental management plan) and informative (need for Flood Defence Consent from the Environment Agency for any works within 8m of the river)

Highways Agency

No objections. The proposals will not have any detrimental effect on the Strategic Road Network.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

3 letters of representation summarised as follows:

- Lack of parking – Middleton Road is already overcrowded and more dwellings would put added strain on the area as a whole
- Will residents of proposed properties be able to purchase resident's parking permits for extra cars
- Site is at junction of Middleton Road and York Road with congestion from cars, visitor cars, refuse lorries, turning lorries
- Increased traffic on and off busy roundabout
- Congestion, fumes and noise of this development will overburden the area
- Loss of privacy and enjoyment in those living nearby

- Too many apartments proposed – numbers should be reduced to lessen the impact
- Sewers old and insufficient size for additional properties

9. Planning Considerations

9.1 Principle of development

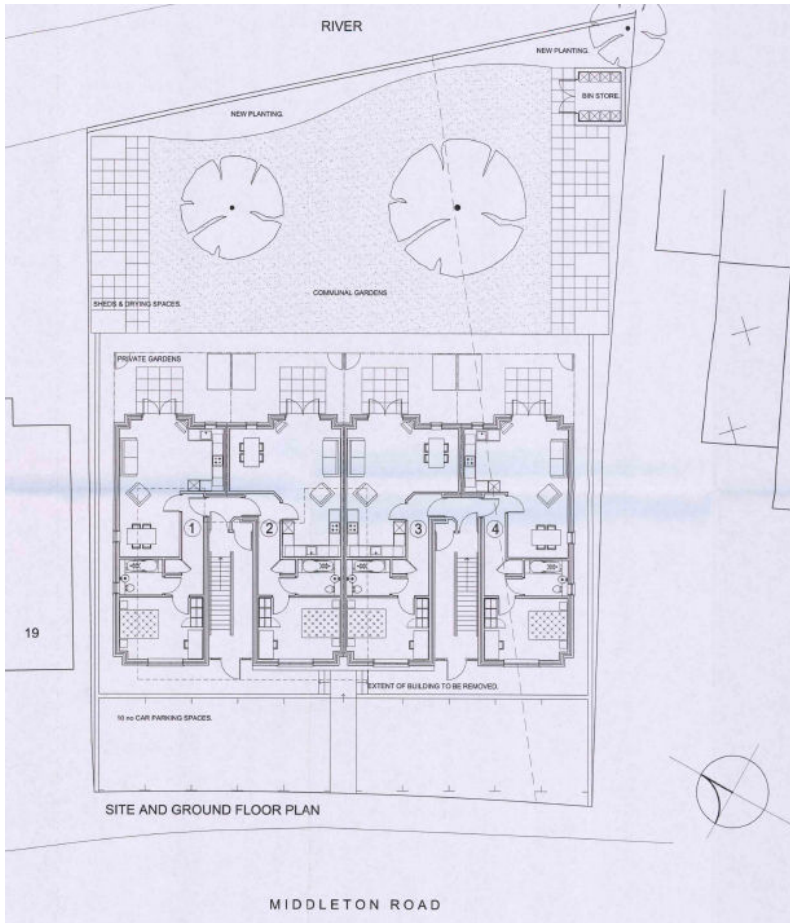
The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms 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.

The site lies within the Housing Policy Boundary of Salisbury, and therefore the principle of residential development is acceptable under saved Policy H8, subject to compliance with other relevant planning policies.

Previous consent

Planning permission has also been granted to demolish the pair of semi-detached dwellings which were on the site and for redevelopment with 12 x 1 bedroom flats under planning application S/2007/1671.

The approved scheme was for a three storey development with each floor having four 1 bedroom flats. 10 car parking spaces were approved across the site frontage. Extracts from the approved plans are set out below:



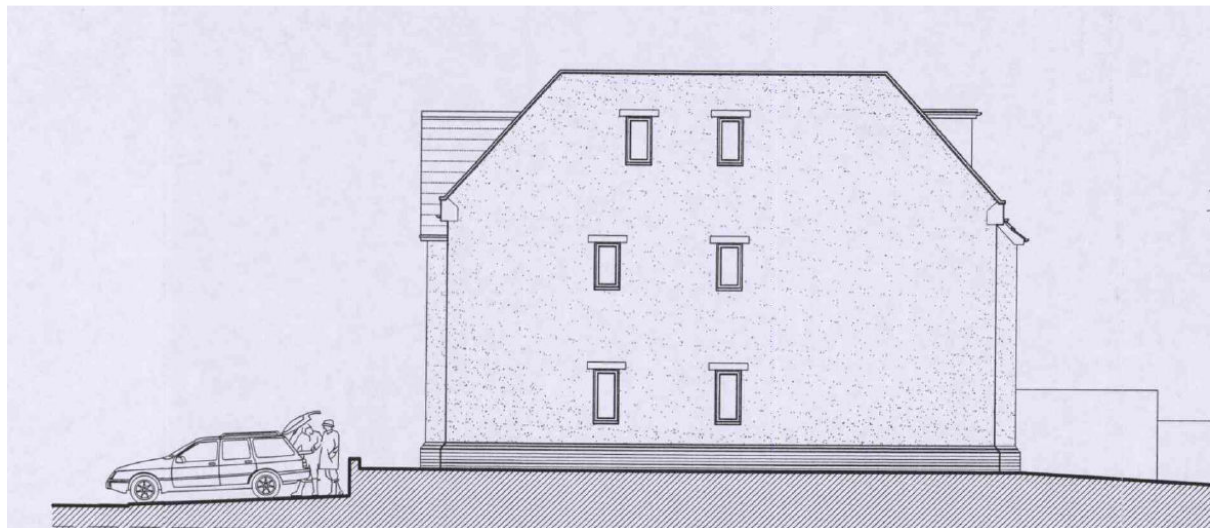
S/2007/1671 Approved scheme site plan



Rear elevation of approved scheme



Front elevation of approved scheme



Side elevation of approved scheme

Whilst there has been no formal certificate of lawful development issued, the conditions attached to the S/2007/1671 consent were discharged and the existing dwellings were demolished. This on face value indicates a valid start to the planning permission under Section 56(2) of the Town and Country Planning Act. This approved scheme could therefore be built in accordance with the approved plans without the need for any further planning consent. This is a material consideration against which new development proposals should be considered.

9.2 Flooding: Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF

The entire site is located within flood zone 2 and the National Planning Policy Framework and the adopted South Wiltshire Core Strategy (SWCS) are clear that sites within flood zones 2 (and 3) should not be developed with residential schemes ahead of all other sites in flood zone 1 (which has to be demonstrated through a 'sequential test'). The site is within a Housing Policy Boundary but it has not been

sequentially tested, and as the local planning authority has identified a readily available and deliverable 5 year supply of housing land in flood zone 1 there is, at least on face value, no need to consider sites outside of flood zone 1.

Planning permission has recently been refused for 12 x 2 bedroom and 2 x 1 bedroom flats on the site, including on the grounds that residential development should not be permitted as a matter of principle.

Decisions relating to the sequential test are made by the local planning authority, but in this case the previous consent for 12 x 1 bedroom flats is considered to be a valid 'fall back', and as the quanta of development remains the same in this revised scheme (also for 12 x 1 bedroom flats) it is considered that this, as a material consideration, overrides the test.

9.3 Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure

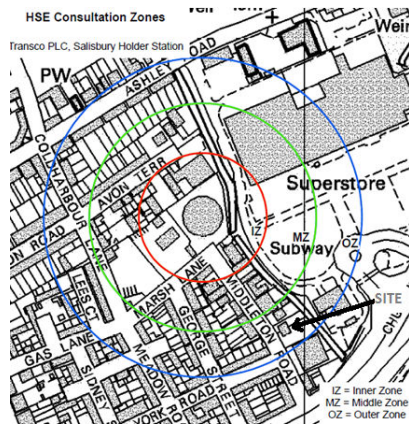
The NPPF (paragraph 102) also requires a site specific flood risk assessment to demonstrate that the development would be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall.

A flood risk assessment has been submitted with the application, to which the Environment Agency and the Council's drainage engineer have raised no objections subject to conditions.

Concerns have been raised about the capacity of the existing sewer system in the area. The flood risk assessment includes correspondence from Wessex Water confirming that on the 30th January 2014, they had no recorded incidents of sewer flooding relating to hydraulic capacity at this location or in the vicinity of the site. Wessex Water has also confirmed on the 2nd December 2014, that there should be no issues with capacity as there is a 225 diameter sewer in Middleton Road. This confirmation negates the need for the foul water drainage condition suggested by the Council's drainage engineer.

9.4 Proximity to gas holder

The site is within the Health and Safety Executive's consultation distance for Major Hazard Sites / pipelines from the gas holder to the north west of the development site. The safety zones are to prevent inappropriate intensification of uses where there is a potential safety risk. The safety zones were extended (they date from Feb 2009) after the decision was made on S/2007/1671 to prevent inappropriate intensification of uses where there is a potential safety risk.



Because the site is within the outer zone, the Health and Safety Executive have raised no objections to the proposal on safety grounds.

9.5 Scale, design, impact to character and appearance of the area

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 and should always seek to secure high quality design.

The South Wiltshire Core Strategy which retains saved policies of the Salisbury District Local Plan (which were deemed to be up to date and relevant) was adopted in February 2012 and is now the statutory development plan.

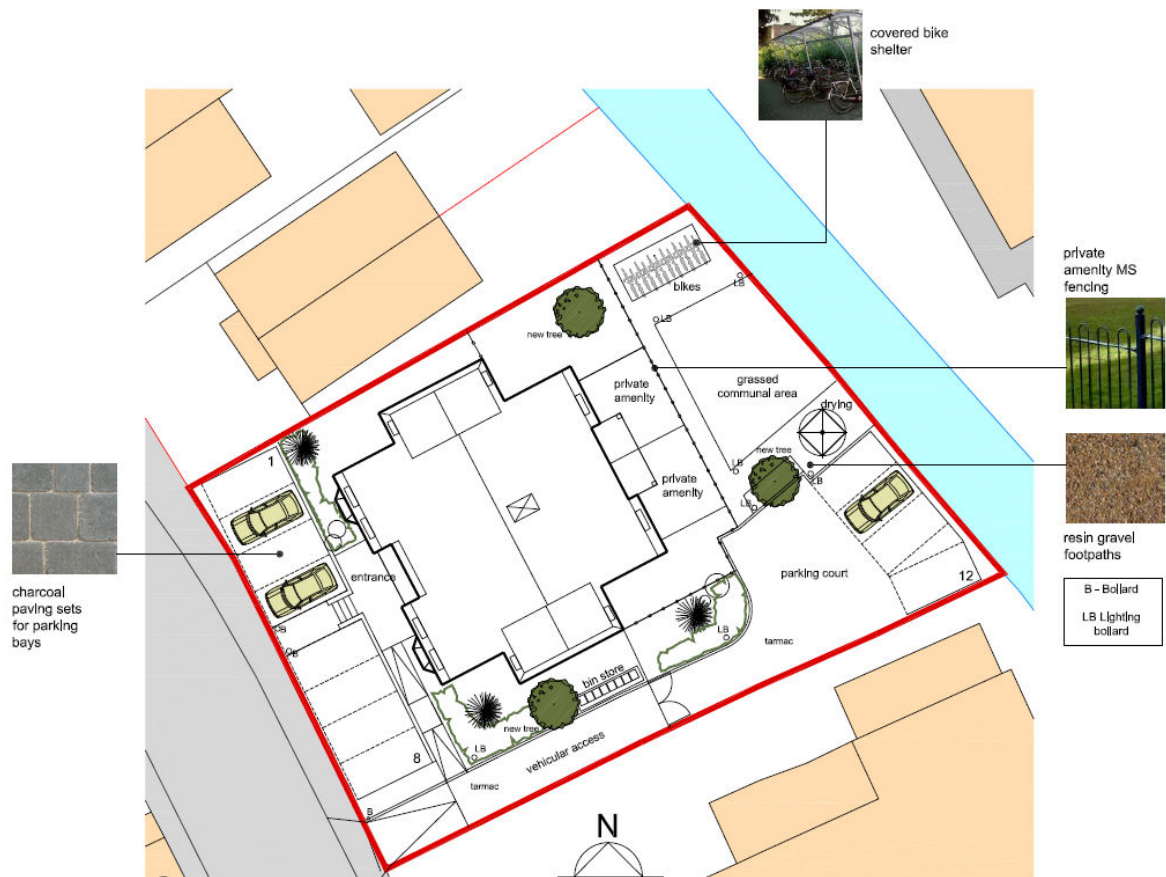
Saved Policy G1 of the Adopted Local Plan in particular promotes the efficient use of land but this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and development should not be allowed if it would be out of character or harmful to its locality.

The requirements of Policy G2 include that all development must conform to the general criteria of Policy G2 and other Local Plan policies, in particular those relating to design.

Saved Policy D2 of the SDLP, relating to infill development, requires new development to respect or enhance the character or appearance of the area where it is to be located having regard to building lines, the scale of the area, heights and massing of adjoining buildings and characteristic plot widths, in particular.

This proposal was subject to a pre-application which has resulted in amendments to the scheme recommended by the Council's urban designer including all elevations in corresponding brick; removal of stone coping to the mansard roofs, relocation of the refuse store to the side and slate tiling to all roof slopes.

Policy CP57 of the eWCS sets out similar criteria.



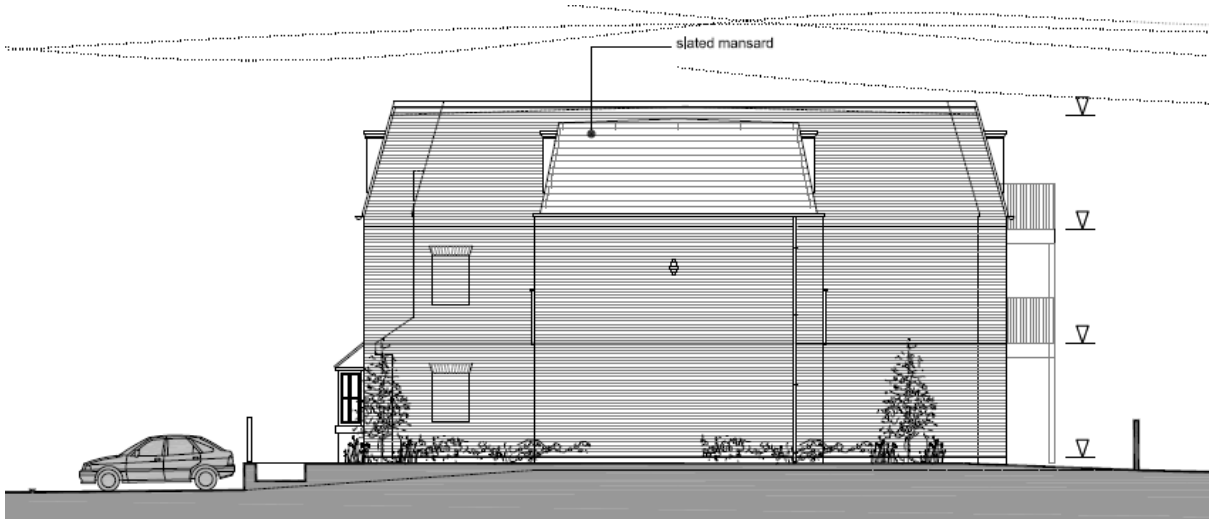
Proposed site plan



Middleton Road elevation



Rear elevation of proposed development



Side elevation of proposed development

It is considered that the layout and design is acceptable having regard to the mixed architectural character of Middleton Road. Comparing the proposed scheme to the previously approved scheme, the revised layout includes landscaping to the site frontage which is considered to result in an improvement to the appearance of the street scene compared to the previous consent.

The WC urban designer has recommended that facing materials and finishes should be subject to a planning condition to ensure that these complement the 19th century dwellings that characterise the street scene as this will be important for the integration of the development.

9.6 Residential amenity/living conditions

With regards to residential amenity, paragraph 17 of the NPPF states that one of the overarching planning principles that underpin the planning system is 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”.

In line with this objective, ‘saved’ Policy G2 seeks to ensure that development proposals avoid undue disturbance, interference, conflict with or overlooking of adjoining dwellings or uses that would be detrimental to existing occupiers.

Residential amenity refers to the quality of residential areas and the value to local residents and is affected by significant changes to the environment including privacy, outlook, day-lighting and sunlight inside the house, living areas and within private garden spaces, which should be regarded as extensions to the living space of a house.

The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of development in relation to neighbouring properties, gardens and window positions.

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit ‘How the new dwelling(s) will relate to the context and to each other to create a particular place’.

No 13 Middleton Road to the south of the site has permission for use for light industrial purposes. The site also backs onto the rear of the petrol filling station on the other side of the river, although there is substantial boundary screening here.

The scheme provides communal amenity space for the occupiers of the flats, some private garden spaces and balconies to the rear elevation.

Nos. 1-4 Middleton Road to the north of the site is a storey block of flats. There are windows to the side elevation facing the development site, serving a bathroom and kitchen on each floor. As these are non-habitable rooms, and no windows are proposed on the side elevations of the proposed development; it is not considered that there will be an unacceptable impact to residential amenity upon either existing occupiers or the occupiers of the flats themselves.

9.7 Highway safety/parking

The current minimum parking standards are set out in the ‘Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy’ which requires 1 space for 1 bedroom units.

The scheme includes 12 off-street parking spaces in accordance with the parking standards. This will provide an additional 2 off-street parking spaces over the approved consent. The proposal also includes 12 covered cycle spaces.

The Highways Agency has raised no objections to the scheme and the WC highways officer has raised no objections to the proposed scheme subject to conditions. They have also contacted Parking Services and requested that parking permits should not be issued for residents of this development.

9.8 Impact to SSSI/SAC

The site backs onto a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This site has potential under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994. There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

9.9 S106 Contributions

The Land Adoptions Team have advised that Policy R2 (open space) contributions were paid on the previous scheme and as the revised scheme is also for 12 x 1 bedroom flats, no further R2 contributions will be required.

Education contributions do not apply to 1 bedroom units.

Waste contributions (required under policy WCS6 of the Waste Core Strategy adopted July 2009 and taken from 2012 Waste Collection Guidance for new Developments) amount to £1126 for schemes of 11-14 flats.

The site is also within 4-15km of the Salisbury Plain Special Protection Area (SPA). This European site is protected for its population of breeding stone curlew. Additional housing within the visitor catchment of Salisbury Plain is likely to increase the recreational pressure on the plain and new residential developments within 4km - 15km of the SPA are required to pay a one-off contribution towards the Wessex Stone Curlew Project of £13.87 per dwelling unit in order to demonstrate that any likely impacts are avoided or reduced to levels as to avoid adverse impacts upon the SPA. Natural England has confirmed that if such mitigation is not secured, applications for housing in this area would not pass a Habitats Regulations Assessment and could not legally be permitted. The stone curlew contributions (which are necessary to make the scheme habitat regulation compliant) amount to a total of £194.18).

However, the previous 'fall-back' consent did not provide waste or stone curlew contributions and as the revised scheme is for the same quantity of development, it is not considered reasonable to require these waste or stone curlew contributions for this revised scheme.

10. Conclusion

Planning permission has been granted and implemented for a three storey development of 12 x 1 bedroom flats and 10 off street parking spaces on the site under S/2007/1671.

This proposal is for the same quanta of development plus an additional 2 parking spaces (providing a total of 12 off street parking spaces) to which the highways authority has advised is in accordance with the council's parking standards.

Flooding and river protection issues can be resolved via conditions as recommended by the Environment Agency and the Council's drainage engineer.

The design and scale is considered to be acceptable given the varied design and scale of the surrounding built form and recent developments and it is considered that the development would not have an unacceptable impact upon the residential amenities of any nearby properties.

RECOMMENDATION

That planning permission be APPROVED 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 not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces and covered cycle parking 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.

4. No development shall commence on site until a surface water management scheme for the site (including surface water from the access/driveway), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. 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, to prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

5. The proposed new access and frontage parking are directly affected by a residents parking scheme in Middleton Road (Zone D). The construction of the new access and frontage parking shall not take place until the relevant traffic regulation order has been amended to omit the site frontage.

Reason: In order to provide a safe access to the development.

6. No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

7. No development shall commence on site until details of the proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To ensure that the development is subject to minimum risk of flooding.

8. No development shall commence on site until a scheme to ensure minimum 3m wide unobstructed access to and alongside the Main River to allow for inspection and maintenance has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure access to the Main River for inspection and maintenance.

9. No development shall commence on site until a working method statement to cover all permanent and temporary works within 8m of the Main River shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: To minimise the risk of damage to the main river banks and ensure no materials or plant are stored close to the watercourse or could enter the watercourse.

10. No development shall commence on site until a Construction Environmental Management Plan, has been submitted and approved by the Local Planning Authority. This should cover the following:

- site layouts during construction
- bunded areas
- pollution prevention plans
- management responsibilities and maintenance schedules
- timing of works

- machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
- protection of areas of ecological sensitivity and importance
- site supervision

Reason: The protection of controlled waters.

11. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul 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 a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include a detailed planting specification showing all plant species, supply and planting sizes and planting densities. All soft landscaping comprised in the approved details of landscaping 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, unless otherwise agreed in writing by the local planning authority.

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

13. No construction 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 minimise the disturbance which noise during the construction of the development could otherwise have upon the amenities of nearby dwellings.

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

Drawing No jw625-201 Rev E Proposed Elevations, dated 22/09/2014, received by this office 29/09/2014

Drawing No jw625-200 Rev M Proposed site and floor plans, dated 22/09/2014, received by this office 29/09/2014

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

INFORMATIVE: Environment Agency

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Summerlock Stream designated a 'main river'. The need for Flood Defence Consent is over and

above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483 341.

INFORMATIVE: Highways

In order to comply with condition 5, it will be necessary for the applicant to request that the necessary changes to the existing traffic regulation order are undertaken by Wiltshire Council, including the necessary changes to road markings. The total cost of the order and works will be in the order of £2,000 and the applicant shall deposit the sum with the Council at the appropriate time in order to ensure the order and works are implemented to meet the programme of works. It will not be permitted that the new access is constructed until the order is made and the full cost of the order and works have been paid in advance.

It is likely that any application for a residents parking permit by future occupants of the proposed flats will not be successful.

INFORMATIVE: Wessex Water

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website

www.wessexwater.co.uk

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526 222 for Water Supply and 01225 526 333 for Waste Water.

Separate Sewers Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

INFORMATIVE: Material samples

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE: Burning of Waste

The council's public protection team have advised that no burning of waste should take place during the construction phase of the development hereby permitted, due to Environmental Protection Legislation.