

Application Number:	S/2011/0642		
Deadline	06/07/11		
Site Address:	35 York Road Salisbury SP2 7AT		
Proposal:	Convert existing 4-bed house into 4x 1-bed flats with a 2 storey extension at the rear and including a loft conversion with 3x rooflights		
Applicant/ Agent:	Mr S P Mankin		
Parish:	Salisbury City Council		
Grid Reference:	413893 130491		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

Reason for the application being considered by Committee:

The application has been called to Committee by Cllr Clewer due to concerns in respect of relationship to adjoining properties, design, environmental/highway impact and car parking

The application was deferred from the Committee meeting on 07.07.2011 for a site visit and for additional information to be collated in respect of the residents parking permits system and the possible use of section 106 agreements to restrict occupation of properties by car users.

Legal advice on the Use of Section 106 Agreements

Section 106 agreements may not be used to prevent or restrict car ownership per se since this would be an impermissible infringement on the rights of an individual. Such agreements are however used widely to prevent occupiers from applying for or possessing a resident's parking permit in a designated parking bay. Such agreements also commonly exempt holders of a disabled person's badge issued.

Where private off street parking is provided the same agreement could be used to prevent all users from having a residential permit. The developer then decides herself to whom to allocate the private off street spaces. But no one would be entitled to a resident permit. So, in some cases a property may be part carfree, with some units being allowed a resident's permit. (For example when a conversion happens and an existing unit is split into two or more properties; in some cases the existing dwelling will be allowed to keep its resident permit status and the new flats given carfree status).

The enforceability of the agreement depends on there being sufficient support within the Council's planning policies for the area within which it is sought to apply such restrictions.

The advice of the Highways Officer is as follows:

The Car Parking Strategy for Wiltshire was approved by Full Council on 22nd February 2011 as part of Local Transport Plan 3 (LTP3) for the period 2011-2026. Most areas of guidance remain unchanged from the original guidance developed for LTP1 in 2001, which set out maximum parking standards for a range of use classes. However, following changes to PPG13 and in line with other local authorities, minimum standards now apply to residential development. It is considered and evidenced, that car ownership levels are not directly influenced by restrictions in the amount of parking for new development, and of course, by restricting parking provision, other road safety issues can arise. But current PPS's identify areas where these minimum standards can clearly be reduced without harm to road safety. For example in town centres where parking demand is reduced through the availability of services, facilities and public transport and where on street and off street

parking is strongly restricted and controlled.

Therefore, in recommending on residential development in Wiltshire where the development is within or very close to town centres and Salisbury city centre, the use of minimum standards can be reduced. Dependant on the scale of the development and its specific location, it would be acceptable to recommend approval where no parking is provided or where a level of parking is provided which can be controlled by the developer and/or through on street parking restrictions which only allow existing residents to park. Each site must be viewed on its own merits and may involve further assessment through access statements or transport assessments and residential travel plans may, in some cases, be appropriate.

Planning applications involving property conversions to multiple occupation or new residential development within and close to the city centre are considered on the basis that no new parking permits will be offered to these developments. Parking Services operate the permit scheme and confirm that this system has operated for some years. An existing property undergoing conversion to multiple occupation will continue to be allowed the previous permit allocation and therefore the property owner would have some control over which occupants could make use of the permit. New development may include some off street parking provision, but no new permits would be offered. Members of the public are free to apply for permits but the above rules will apply and there is no right of appeal to a decision not to provide permits. Informative advice is generally offered to applicants to briefly explain this process. No representations against this system have so far been received.

It would clearly be inappropriate for new development to add to the burden of limited on street parking and developers are normally fully aware of the implications for new residents in these central locations. Quite simply, if a new occupation takes place where there is no car provision, car ownership by the individual occupant would present serious practicable problems and, alongside strong parking controls, the occupant is highly unlikely to even consider car ownership in these locations. Whilst there is no means to prevent car ownership, strong factors which discourage ownership apply in most locations within the city centre and near to centre and, of course, each development has to be considered on its own individual merits.

1. Purpose of report

To consider the above application and to recommend that, subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan, planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Scale, design and materials
- Impact upon neighbour amenity
- Car parking and impact upon highway safety
- Compliance with Policy R2 of the adopted local plan

The application has generated no response from Salisbury City Council and 3 letters of objection from the public.

Neighbourhood Responses

3 letters received objecting to the proposal

No letters of support received

1 letter commenting on the application received

3. Site Description

Number 35 York Road is a two storey, four bedroom terraced dwellinghouse located within a predominantly residential area within close proximity to the city centre. The property has direct street frontage at the front (south east) and an enclosed rear yard at the back (north west) which is accessed via a pedestrian passageway from George Street. The existing property has an integral garage accessed from York Road.

4. Relevant Planning History

Application Number	Proposal	Decision
S/2011/0344	Convert house to 4 flats with 2 extensions to the rear	WD 07.04.11

5. Proposal

The application proposes the conversion of the dwellinghouse and integral garage, together with a two storey rear extension and loft conversion, to create 4 No. 1 bedroom flats.

6. Planning Policy

Local Plan: policies G2, H8, D3, TR14, R2

7. Consultations

Salisbury City Council

No response received (Objection to previous withdrawn application S/11/0344 on grounds of overdevelopment and impact on car parking provision)

WC Highways

No Highway objection, informative suggested: No new car parking permits will be allocated

Environmental Health

No objection subject to a Condition requiring contaminated land investigation

WC Building Control

No adverse comments

8. Publicity

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

3 letters received objecting to the proposal

No letters of support received

1 letter commenting on the application received

Summary of key relevant points raised:

- Overdevelopment in an already densely populated area
- Insufficient parking provision

9. Planning Considerations

9.1 The principle of the proposed development in the context of the policies of the adopted local plan

The application site, being a two storey terraced dwellinghouse, is located within the H8 Housing Policy Boundary of Salisbury where, except as provided by the other policies of the local plan, residential development will be permitted. In this respect the principle of the proposed development is considered acceptable.

9.2 Scale, design and materials

The application proposes the extension and conversion of the existing building to facilitate the creation of 4 No. 1 bed flats. The physical alterations include the addition of a two storey rear extension (abutting an existing and larger two storey extension at the rear of the adjoining 33 York Road), alterations to the garage door at the front to create a pedestrian doorway and casement window, the insertion of a new first floor window within the rear elevation of the existing building, and the insertion of 3 No. rooflight windows within the existing roof plane of the front elevation in association with the conversion of the roof void to create additional accommodation.

The proposed new two storey rear extension has a subservient, fully hipped roof and abuts an existing and larger two storey extension at the rear of the adjoining 33 York Road. The proposed extension is considered to be of generally modest scale, compatible in terms of the scale, design and character of the existing property and proposes the use of complementary (matching) external materials. In this respect the proposed enlargement of the property is not considered to constitute an overdevelopment of the site.

The other external alterations to the existing building are relatively minor and relate to changes to door and windows fenestration.

The development would integrate satisfactorily in relation to other properties and the overall landscape framework.

9.3 Impact on neighbour amenity

The proposed subdivision of the existing dwellinghouse would not change the Use Class of the property, but would create four separate residential units within the existing property over three floors. The proposed new door and window, and the proposed new rooflight windows within the front elevation would have views onto the public street and are not considered likely to unduly affect the amenity of neighbours through overlooking.

The proposed two storey rear extension is considered to be of modest, subservient scale and abuts an existing and larger two storey extension at the rear of the adjoining 33 York Road. The rear extension would not unduly overshadow neighbouring properties.

By reason of the layout of the proposed flats, and the orientation and relationship between the property and surrounding 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 issues

Representations from third parties and the city council have raised concerns in respect of the impact of the proposed subdivision on the existing on-street parking in the surrounding area.

The application site is within close proximity to the city centre, local amenities, shops, services and transport links. The adopted local plan does not stipulate minimum parking standards for dwellings (only maximum levels are prescribed) and a lack of off-street parking provision in a city centre location is not considered as constituting a reason for refusing the application. The Highways officer has assessed the proposed development and raises no Highway objection.

9.5 Provision of recreational open space

The proposed new residential development would require a contribution towards public recreational open space in the form of a unilateral planning obligation completed by the applicant and the submission of funds for the relevant contribution.

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution, the proposed development would be accordant with Policy R2 of the adopted Salisbury District Local Plan.

10. Conclusion

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan, the proposed development is considered accordant with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), H8 (Housing Policy), TR14 (Transportation) and R2 (Open Space Provision) of the saved policies of the adopted Salisbury District Local Plan, insofar as the proposed development would not adversely affect the amenity of neighbours, and makes provision for outdoor recreational facilities in accordance with Policy R2.

11. Recommendation

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan

Planning permission be GRANTED for the following reason:

The proposed development is considered accordant with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), H8 (Housing Policy), TR14 (Transportation) and R2 (Open Space Provision) of the saved policies of the adopted Salisbury District Local Plan, insofar as the proposed development would not adversely affect the amenity of neighbours, and makes provision for outdoor recreational facilities in accordance with Policy R2.

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) This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 27.04.2011 and 11.05.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results shall be submitted to the local planning authority. The investigation shall include

- (i) A full desktop survey of historic land use data
- (ii) A conceptual model of the site indentifying all potential and actual contaminants, receptors and pathways (pollution linkages)
- (iii) A risk assessment of the actual and potential pollution linkages identified
- (iv) A remediation programme for contaminants identified, to incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

REASON: In the interests of public health and safety.

POLICY: G2

4) The land contamination remediation programme shall be agreed in writing by the local planning authority before development is commenced, and the remediation works shall be carried out in accordance with the details thereby agreed.

REASON: In the interests of public health and safety.

POLICY: G2

Informative:

The applicant should note that additional residents parking permits will not be allocated to new developments in restricted parking areas. In this case no more than the two permits to which the existing dwelling is already entitled will be issued.