

## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	18 <sup>th</sup> April 2013		
<b>Application Number:</b>	S/2013/0020/Full		
<b>Site Address:</b>	37 York Road, Salisbury. SP2 7AT		
<b>Proposal:</b>	Convert 3 bed dwelling to 1 bed ground floor flat and 2 bed first floor flat		
<b>Applicant / Agent:</b>	Mr Uddin / Mr S Mankin		
<b>City/Town/Parish Council</b>	Salisbury City Council		
<b>Electoral Division</b>	St Pauls	<b>Unitary Member</b>	Cllr Richard Clewer
<b>Grid Reference:</b>	Easting 413896.9	Northing 130492.8	
<b>Type of Application:</b>	Minor		
<b>Conservation Area:</b>	Cons Area: NA	LB Grade: NA	
<b>Case Officer:</b>	Matthew Legge	Contact Number: 01722 434398	

### Update following deferral by officers

#### Background

This planning application was deferred by officers from the 7 March Southern Area Planning Committee agenda. The reason for deferral was in view of concerns raised by third parties about the parking permit schemes.

#### Parking standards and parking permit schemes

Current parking policy, and the terms and conditions for Wiltshire's resident parking permit schemes, are presented in 'LTP3', which is the third evolution of the Wiltshire Local Transport Plan. LTP3 sets out the Council's objectives, implementation plans and targets for transport in Wiltshire for the period from March 2011 to March 2026.

Regarding parking standards, LTP3 sets out minimum space requirements for residential developments. The standards follow:

<b>Bedrooms</b>	<b>Minimum Spaces</b>
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor Parking	0.2 spaces per dwelling (unallocated)

LTP3 states that under certain circumstances these minimum standards can be discounted – for example, if a site lies within a sustainable town or city centre

Regarding residents' parking schemes, LTP3 states that these have the following purpose:

“Residents' parking schemes are aimed at tackling problems caused by commuter and shopper parking. All schemes operate between the hours of 8am and 6pm Monday to Saturday inclusive, except public holidays. ... the schemes are not intended to resolve parking problems outside of these times”.

The parking schemes are administered by WC Parking Services. The current terms and conditions of the schemes are set out in the latest version of the Local Transport Plan (LTP3). The process for setting up permit schemes states the following:

“In terms of residential entitlement, this may be based upon a maximum number of permits per household, e.g. one, two or in some cases three. In other cases, permits have been allocated based on the availability of parking spaces (e.g. 75-100% – allow two permits/household and visitors’ permits). Visitor permits may be awarded by the number of people aged over 18 in a household, at set amounts per year or as above based on space availability”.

The terms to be applied in each parking scheme area are a matter for Parking Services to determine and not Development Services. The WC Highways Development Control Officers have been consistent in their responses to planning applications within parking scheme areas, stating that they could not sustain objections to proposals in areas which have good access to public transport and services (and where non-availability of on-street parking is an appropriate deterrent to car ownership in any event). However, the Highways DC Officers have recommended informatives (not conditions) being added to planning permissions stating that permits may not be issued to new developments, in accordance with LTP3.

### **This planning application**

The current application seeks permission to convert an existing house into two flats. The existing house has no off-street parking provision and so it is reasonable to assume that any demand it generates for parking is met on-street. The current minimum parking standard for a ‘new’ 3 bedroom house set out in LTP3 is 2 parking spaces.

The proposed flats would be 1x1 bedroom and 1x2 bedroom. The minimum parking standard for a 1 bed dwelling is 1 space, and for a 2 bed dwelling is 2 spaces. The total minimum parking requirement for this development is, therefore, 3 spaces. This is a net increase of 1 space over the assumed requirement of the existing house.

Under the terms and conditions of the parking scheme the existing house may be entitled to a total of 2 parking permits whereas the two proposed flats may be entitled to a total of 4 parking permits (2 per flat).

The Highways Officer has considered the proposal again, but maintains a ‘no objection’. This is primarily based on the fact this site lies within a sustainable city centre location where good access to public transport and services and limited car parking facilities act as a disincentive to car ownership in any event; and should demand for extra parking materialize then the parking standards anticipate just one additional vehicle over and above existing assumed levels anyway.

Regarding parking permits, the development could result in two additional permits being issued over and above the two permits the existing house may be entitled to. However, these permits would apply primarily to daytime hours only, when officers have not experienced parking congestion in this locality in any event.

The Highways Officer also considers it material that other similar developments have been permitted in the immediate locality.

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

This planning application is before the Planning Committee at the request of Councilor Clewer. Council Clewer has commented:

“There is a history of development both here and in the surrounding roads which local people are strongly opposed to. The main concerns revolve around:

- a) The size of the dwellings which are subdivided to provide very small living spaces.
- b) The issues of parking in the area.

The creation of further sub-divided houses will bring further pressure on the parking situation, particularly when the residents parking Zone is not functioning in the evening.”

## **1. Purpose of report**

To consider the above application and the recommendation of the Area Development Manager (South) that, subject to the landowner entering into an appropriate legal agreement and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan and Policy CP3 of the South Wiltshire Core Strategy, 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
- Planning obligations

The application has generated an objection from Salisbury City Council and 2 letters of objection from the public.

Neighbourhood Responses

2 letters received objecting to the proposal

No letters of support received

No letter commenting on the application received

## **3. Site Description**

Number 37 York Road is a two storey, three bedroom terraced dwelling house 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.

## **4. Relevant Planning History**

**The application site has no relevant planning history.**

The neighbouring properties – no. 35 York Road and no. 40 George Street – have both in the recent past been granted planning permission for conversion to flats. In the case of no. 35, before planning permission was given the Planning Committee requested additional advice from the WC Highways Officer and WC Solicitor on matters relating to parking and parking permits. This advice remains largely relevant to the current application, and so is re-produced again as follows -

## **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.

## **Highways advice:**

"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. .... 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. .... 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 .... . 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.

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."

## **5. Proposal**

The proposal is to convert an existing 3 bed dwelling to a 1 bed ground floor flat and a 2 bed first floor flat.

## **6. Planning Policy**

Adopted policies; G2, H8, D3, TR14 and R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Policy 3 of the South Wiltshire Core Strategy

National Planning Policy Framework

## **7. Consultations**

### **Salisbury City Council:**

Objects to the application on the grounds of over development and insufficient parking. Should permission be granted can it be considered that no resident parking permits are issued.

### **Wiltshire Council Highways:**

No objection - note that there is no off-street parking associated with this property. The site is sufficiently close to the town centre facilities and public transport, and on-street parking in York Road is strongly controlled. Any car ownership would be discouraged for occupiers where car parking provision is constrained.

### **Wiltshire Council Housing:**

Confirm that any planning consent should be subject to the applicant entering into a S106 agreement to pay an affordable housing contribution of £7,578 as per Core Policy 3 of the South Wiltshire Core Strategy. The application does not currently address that policy requirement.

### **Wiltshire Council Environmental Health:**

No objection.

### **Wiltshire Fire & Rescue Service:**

General comments.

## **8. Publicity**

Neighbourhood Responses:

2 letters received objecting to the proposal

No letters of support received

Summary of key relevant points raised:

- Overdevelopment in an already densely populated area
- Insufficient parking provision (especially in the evenings)
- Impact on traffic congestion due to the one way road system egressing along York Road.

## **9. Planning Considerations**

### **9.1 Principle of development**

The nearby properties known as no. 35 and no. 40 York Road have already received approval to convert and extend to form flats. In particular, no.35 received approval in 2011 to convert to four single flats. The current application for no. 37 is for fewer flats and will not result in an increase in the number of bedrooms, and does not propose any physical alterations/extensions to the exterior of the building.

The application site, being a two storey terraced house, 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 conversion of the existing building to facilitate the creation of a 1 x no. 1 bed ground floor flat and 1 x no. 2 bed first floor flat with loft conversion. There are no proposed external physical alterations to the application dwelling.

Each of the flats will have an area of outside space which can be accessed by the rear path leading onto George Street. This application proposes that the outdoor areas will accommodate waste/recycle storage and a shed for the parking/storage of bicycles which is in accordance with the saved Local Plan transportation policy TR14.

## **9.3 Impact on neighbour amenity**

The proposed subdivision of the existing house would not change the use class of the property, but would create two separate residential units within the existing property over three floors.

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 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. This, combined with the limited availability of parking in the locality is likely to act as a disincentive to car ownership in any event. The Highways Officer having assessed the proposed development has raised no highway objection.

Administration of the parking permit scheme is a matter for Parking Services.

## **9.5 Planning obligations**

The proposed new residential development would require contributions towards public recreational open space and a financial contribution towards the provision of offsite affordable housing.

## **10 Conclusion**

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with saved Local Plan Policy R2 together with policy CP3 of the South Wiltshire Core Strategy, the proposed development is considered to be acceptable. The subdivision of the application dwelling into two flats is not considered to result in harm to neighbouring amenities and is not perceived to result in harm to users of the highway.

## **Recommendation**

**That planning permission be GRANTED subject to the applicant entering into a S106 agreement covering the following matters:**

1. A financial contribution towards off-site recreation provision; and
2. A financial contribution towards off-site affordable housing provision,

... unless it is demonstrated to the satisfaction of the Area Development Manager that this would undermine the viability of the development;

### **Subject to the following reason for approval:**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely Policies G2, H8, D3, TR14 and R2.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the social and environmental conditions of the area.

### **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 following submitted drawings:

DRG No. 12096 2 (21/12/12)	21/12/2012
Block Plan	21/12/2012

Reason: For the avoidance of doubt