

Deadline	16/09/09		
Application Number:	S/2009/1068		
Site Address:	4 HEATH ROAD SALISBURY SP2 9JS		
Proposal:	ERECT DETACHED OUTBUILDING TO PROVIDE GARAGE, UTILITY ROOM, SHOWER ROOM AND A BEDROOM IN THE LOFT		
Applicant/ Agent:	ALEXANDRA DESIGN		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	412557 131743		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	MRS A ILES	Contact Number:	01722 434312

Reason for the application being considered by Committee

Councillor Rogers has requested that this item be determined by Committee due to:

Scale of development

Visual impact upon the surrounding area

Relationship to adjoining properties

Design – bulk, height, general appearance

Environmental/highway impact

Car parking

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues to consider are :

Scale & Design

Impact on Residential Amenity

Use of Building

Impact on Highway Safety

Impact on Ground Water Source Protection Area

3. Site Description

4 Heath Road is an early 20th century terraced dwelling which has a track accessed off Devizes Road to the rear. The site is within the housing policy boundary of Salisbury.

4. Planning History

Application number	Proposal	Decision
S/2009/0349	Erect detached outbuilding to provide garage, utility room, shower room and a bedroom in the loft.	R 23/04/09

5. The Proposal

Permission is sought for a large outbuilding backing onto the track to provide a shower room and kitchen with bedroom above. The ridgeline is 45cm lower than the previous proposal and the building has been set back a further metre from the track.

6. Planning Policy

The following policies are considered relevant to this proposal

Adopted Salisbury District Local Plan saved policies G2, G8 and D3.

7. Consultations

Highways

No objection subject to the proposal being conditioned to ensure that the accommodation is ancillary to the main dwelling.

Environmental Health

No objection in principle but recommended a condition to prevent bonfires and restricting the hours of construction and demolition work.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification which expired on 27th August 2009.

6 letters of objection have been received regarding:

The building will dominate the surrounding properties
The purpose of the first floor accommodation has not been justified
The building could be used as a separate dwelling
Due to the position of the garage door it will be impossible to park in the garage
The site is within the water catchment area and the statement may not be satisfactory
Loss of light
Loss of privacy
Loss of value of surrounding properties
Parking congestion
As the property is rented the accommodation will increase the number of people living there

With regard to point 8 this is not a material planning consideration.

9. Planning Considerations

9.1 Scale & Design

There are a number of garages and outbuildings facing onto the track, including one approved in 2007 at number 14 (S/2007/1084) which is identical to this one in scale and design. The garage at number 14 is the largest and the only to contain first floor accommodation making it difficult to substantiate an objection to the visual appearance of the proposed garage, particularly as since the previous application the roof has been lowered.

9.2 Impact on Residential Amenity

The previous application was refused for the following reason:

The proposal will represent an un-neighbourly form of development that would give rise to overshadowing, and result in an overbearing impact upon, 333 Devizes Road. As such the proposal is contrary to saved policy G2 Adopted Salisbury District Local Plan.

The current proposal sees the reduction in ridgeline by 45cm and the setting back of the building a further metre from the track (and number 333 Devizes Road). This is on balance considered to overcome the previous reason for refusal by reducing the overshadowing and overbearing impact. Members should remember that a two storey building has already been constructed at number 14 which would be taken into consideration at any appeal.

In terms of impact on other properties the proposal is considered sufficient distance from other dwellings to result in minimal overshadowing. In terms of overlooking, despite the separation distance, it is considered reasonable to add a condition requiring the obscure glazing of the windows on the east elevation and the rooflights on the south roofslope as the accommodation is not for full time occupation.

9.3 Use of Building

The applicant states that the proposal is for guest accommodation. The LPA shares the concerns of third parties that the accommodation is capable of being occupied as a separate dwelling as it comprises a kitchen, shower room and bedroom. However, as the accommodation is identical to that approved at 14 Heath Road it is difficult to substantiate an

objection on these grounds. Therefore subject to a condition ensuring the accommodation will remain ancillary to the main dwelling it is considered acceptable. In addition it is considered prudent to add a condition preventing the garage being converted into habitable accommodation to ensure sufficient parking and preventing the living accommodation being enlarged.

9.4 Impact on Highway Safety

Third parties have raised concern with regard to parking congestion and the inability to use the garage. However, the Highways Department have no objection to the proposal providing that a condition being added to ensure that the accommodation will remain as permanent ancillary accommodation to the principal dwelling, which as discussed above, has been done.

9.5 Impact on Ground Water Source Protection Area

A construction method statement has been submitted which details mitigation measures to prevent pollution to the Ground Water Source Protection Area. This is considered acceptable provided a condition is added to ensure development is carried out in accordance with the submitted details.

10. Conclusion

It is considered that the amendments have, on balance, overcome the previous reason for refusal and as such the proposal is considered appropriate to the surrounding area, while not prejudicing residential amenity or the Ground Water Source Protection Area. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G2, G8 & D3.

Recommendation

It is recommended that planning permission is granted, for the following reasons:

The proposal is appropriate to the surrounding area, will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers and will not be detrimental to the Ground Water Source Protection Area. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G2, G8 & D3.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing dwelling.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- D3 (General Development Guidance)

(3) The accommodation within the development hereby approved shall remain as ancillary accommodation to the principal dwelling (known as 4 Heath Road) and shall not be sold or let separately. There shall be no subdivision of the planning unit.

REASON: In order to protect the amenities of adjacent properties and in the interests of highway safety

POLICY- G2 (General Development Guidance)

(4) No construction or demolition work including the removal of the asbestos roof shall take place on Sundays or public holidays or outside the hours of 0900 and 1700 weekdays or 0800 and 1200 noon on Saturdays. This condition shall not apply to the internal fitting out of the building.

REASON: To protect the nearby residencies from any construction and/or demolition work that happens on site.

POLICY: G2 (General Development Guidance)

(5) No waste generated during demolition or construction shall be burned on site. This includes any foliage cleared from the site during initial ground works and preparation of the site.

REASON: To protect the nearby residencies from smoke nuisance.

POLICY: G2 (General Development Guidance)

(6) 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

(7) Before the development hereby permitted is first occupied the windows in the east elevation and the rooflights in the south elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

(8) Development shall be carried out in accordance with the Construction Method Statement submitted on 22/07/09.

REASON: To protect the Ground Water Source Protection Area

POLICY: G8 (Development within a Water Source Protection Area)

(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 garage hereby permitted shall not be converted to habitable accommodation.

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

POLICY: G2 (General Development Guidance)

INFORMATIVE - ENVIRONMENTAL HEALTH

The proposed removal of the asbestos roof must be carried out by a Health and Safety Executive licensed contractor. The asbestos containing material must then be taken to a licensed land fill site licensed to take this type of hazardous waste.

PLANS SUBMITTED WITH THE APPLICATION

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

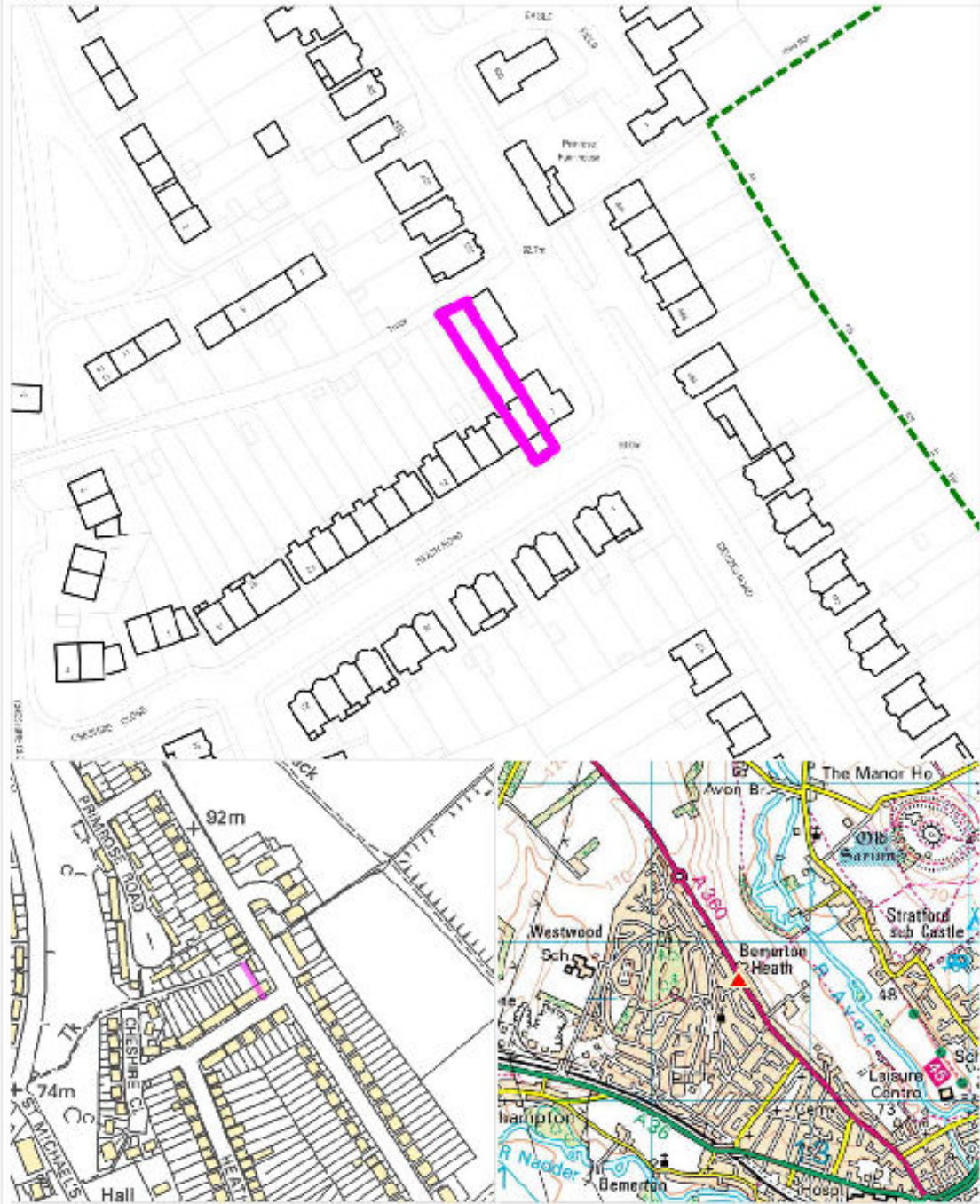
Block Plan submitted on 22/07/09

Elevation and Floor Plans submitted on 22/07/09

ERECT DETACHED OUTBUILDING TO PROVIDE GARAGE, UTILITY ROOM, SHOWER ROOM AND A BEDROOM IN THE LOFT

Site Visit:

S/2009/1068



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Deadline	14/09/09		
Application Number:	S/2009/1040		
Site Address:	331 DEVIZES ROAD SALISBURY SP2 9JN		
Proposal:	ALTERATIONS AND CHANGE OF USE FROM CLASS B.1 (BUSINESS) TO CLASS A.1 (G)		
Applicant/ Agent:	DAMEN ASSOCIATES		
Parish:	SALISBURY CITY COUNCIL FISH/BEM VILL		
Grid Reference:	412550 131765		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	MRS A ILES	Contact Number:	01722 434312

Reason for the application being considered by Committee

Councillor Rogers has requested that this item be determined by Committee due to:

Scale of development

Visual impact upon the surrounding area

Relationship to adjoining properties

Design – bulk, height, general appearance

Environmental/highway impact

Car parking

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues to consider are :

Principle of Development

Scale & Design

Impact on Residential Amenity

Impact on Highway Safety

Impact on Groundwater Source Protection Area

3. Site Description

331 Devizes Road is currently used as an office for a local contractor and comprises of a block of three former flat roofed garages which have been knocked into one.

4. Planning History

Application number	Proposal	Decision
1167	Three temporary garages	AC 01.02.60
1266	Two additional temporary garages at rear	AC 02.01.65
8684	Renewal of permission for 3 garages	AC 20.06.63
A973	Renewal of permission for 5 garages	A 14.02.67
G500	5 garages	A 17.07.73
83/445	Change of use from garages to office/stores	AC 02.06.83
83/1165	Conversion of garages to business premises	AC 27.10.83
96/640	Removal of condition 2 (83/445) 'Personal Consent' for Nu-Clean Ltd only	AC 26.06.96

5. The Proposal

Permission is sought for the change of use of the building from B1 (business) to A1(retail) in addition to external changes. The application indicates in the DAS that "...consideration has been given to the establishment of a unique shop that will sell childrens clothes, second hand, brand new or end of line clearance items together with associated relevant articles..". Members should however note that this application is being considered simply as a change of use to a Class A1 retail outlet, which could mean that a wider range of goods and services could be operated from the premises.

A pitched slate roof and porch will be added and the building will be clad in weatherboarding above a painted plinth.

6. Planning Policy

The following policies are considered relevant to this proposal:

PPS1, & PPS6, PPS13

Adopted Salisbury District Local Plan saved policies G1 G2, G8 & S9.

7. Consultations

Highways Department

No objection

Environmental Health

No objection, subject to condition

8. Publicity

The application was advertised by site notice, press notice and neighbour notification which expired on 27th August 2009.

2 letters of objection have been received regarding:

Cluttering of skyline from roof

Loss of privacy

Loss of daylight

Impact on parking

Roof is not in keeping with rest of garage buildings

The property could be converted to residential

9. Planning Considerations

9.1 Principle of Development

PPS6 offers advice and guidance to LPA's regards retail applications. Whilst this document is intended to limit the harm caused by large retail operations (usually above 2500 sqm in floor area) on existing centres, it relates to all retail development and is therefore relevant to this proposal.

The applicant has not referred to PPS6 in the submission, but has stated in the DAS that a city centre retail unit would be unsuitable for the proposed clothing sales business due to the high rents. It also states that there appears to be a need for such a clothes shop, as there does not appear to be any direct competitors.

In officers opinion, given that the proposed shop unit would be of a very modest scale (approximately 160sqm of floor space), and given that the location of the shop would be likely to result in an additional local shop serving nearby residential areas, it is considered that the proposal is unlikely to have a significant impact on the retail units within the city centre. Members will also recall that Devizes Road did actually benefit from a number of retail units until recent years, and therefore historically, has always benefited from a modest level of retail activity.

Regards the intended use, whilst the applicant has stipulated a very precise clothing sales use, in officers opinion, any form of Class A1 use of the site would be unlikely to result in harm to

the city centre.

The most relevant policy in the Adopted Salisbury District Local Plan is S9 which relates to small scale shops. This states that the change of use of premises to small-scale shops is acceptable providing there is no adverse impact on residential amenity, no harm to the physical or visual character of area and the access, services and local highway network is satisfactory. Whilst this policy appears to have been drafted with village shops in mind, it is considered that the proposal is compliant with spirit of this policy.

9.2 Scale & Design

The proposed cladding, pitched roof, and porch are considered to be a visual improvement and will be read with the garages and outbuildings behind. Whilst the resultant design reflects the appearance of a residential dwelling, officers only issue with such an approach is that such a design would appear to somewhat limit opportunities on the building for appropriate advertisements. This matter would however be dealt with as part of the quite separate advertisement consent regime. Therefore, despite the fact that the building will have a more residential appearance and there will be a slightly odd relationship with the attached garage (in separate ownership) it is not considered to be visually detrimental in this location. Indeed, it would be difficult to argue on appeal that a residential style property as proposed would be detrimental to the character of what is a mixed residential area.

With regard to the concern by third parties that the proposed building has the appearance of a dwelling and, could be used as one in the future, this would require a change of use application which, if submitted, would be dealt with on its individual merits.

9.3 Impact on Residential Amenity

In terms of overshadowing the roof will increase in height from 2.5 metres to 4.75 metres but as the ridge will run south-north the impact on the closest property (333 Devizes Road) is not considered to be sufficiently detrimental to warrant refusal. The properties across Devizes Road, and on Heath Road, are considered to be a sufficient distance away to minimise overshadowing.

In terms of overlooking the changes to the fenestration in the east elevation are not considered to be any more detrimental to the properties opposite than the existing situation, and as it is a business it is considered acceptable to add a condition requiring the rooflights in the west elevation to be obscure glazed.

The change of use of the building from office to shop selling clothing as described is not considered to be detrimental in terms of impact on the residential amenity of adjacent properties. Furthermore, although another type of retail operation may necessitate the requirement for extractor fans and other similar paraphernalia, including some outside storage/waste recycling area, it is considered that such articles would require further planning permission from the LPA, and an such applications would therefore be assessed against their likely impact on residential amenity.

As the Environmental Health department have no objections to the proposal providing conditions be added to limit construction hours and deliveries to the premises which has duly been done and as the hours of opening to the members of the public has been restricted by condition to 0900-1700 Monday to Friday, 0900-1300 on Saturday and at no time on Sundays and Bank Holidays, it is therefore considered that a refusal based on the likely impact of a retail

outlet in this location would be difficult to substantiate on appeal. For the same reasoning, a restrictive condition limiting the use to clothing sales as suggested by the applicant is not considered necessary in this instance.

9.4 Impact on Highway Safety/sustainability

The building has an established business use which would attract a level of vehicular movements for staff, visitor and deliveries. It is proposed that there will be one full-time member of staff and two part-time instead of the current situation of one full-time but this is not considered to be detrimental. There is limited off-street parking provision for staff plus one or two vehicles but there are no on street parking restrictions in the surrounding area and Devizes Road is of adequate width to accommodate parked vehicles without interfering with the free flow of traffic. There is also a good bus service serving the site and it is within a predominately residential area with pedestrian links. As such the Highways Department have no objection to the proposal.

It is also argued that the creation of a small retail unit in this location, close to public transport routes and a large residential area would address the general sustainability aims of policy G1 of the SDLP, and those of PPS1 and PPS13.

9.5 Impact on Ground Water Source Protection Area

A construction method statement has been submitted which details mitigation measures to prevent pollution to the Ground Water Source Protection Area. This is judged to be acceptable and a condition is added to ensure development is carried out in accordance with the submitted details.

10. Conclusion

The modest scale of the proposal would be unlikely to cause any harm to the vitality and viability of the city centre, and it is considered that the proposal will have no adverse impact on residential amenity, will result in no harm to the physical or visual character of area or Ground Water Source Protection Area and the access, services and local highway network is satisfactory. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G1, G2, G8 & S9, and the aims of PPS1, PPS6, and PPS13

Recommendation

It is recommended that planning permission is granted, for the following reasons:

The modest scale of the proposal would be unlikely to cause any harm to the vitality and viability of the city centre, and it is considered that the proposal will have no adverse impact on residential amenity, will result in no harm to the physical or visual character of area or Ground Water Source Protection Area and the access, services and local highway network is satisfactory. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G1, G2, G8 & S9, and the aims of PPS1, PPS6, and PPS13

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 delivery and despatch of goods to and from the site shall be limited to the hours of 0800 and 1800 on Mondays to Fridays, 0900 and 1200 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY: G2 (General Development Guidance)

(3) There shall be no customers/members of the public on the site outside the hours of 0900 and 1700 from Mondays to Fridays, 0900 and 1300 on Saturdays, nor at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY: G2 (General Development Guidance)

(4) No construction, deliveries of materials, or demolition work, including the removal of the asbestos roof, shall take place on Sundays or public holidays or outside the hours of 0900 and 1730 weekdays or 0800 and 1200 noon on Saturdays. This condition shall not apply to the internal fitting out of the building.

REASON: To protect the nearby residencies from any construction and/or demolition work that happens on site.

POLICY: G2 (General Development Guidance)

(5) Before the development hereby permitted is first occupied (before the retail use commences) the rooflights in the west elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

(6) Development shall be carried out in accordance with the Construction Method Statement submitted on 20/07/09.

REASON: To protect the Ground Water Source Protection Area

POLICY: G8 (Development within a Water Source Protection Area)

7) There shall be no outside storage of retail goods.

REASON: In order to protect the general amenities of the area and the on site parking area.

POLICY: G2 (General amenities of area and parking issues)

INFORMATIVE

1. The proposed removal of the asbestos roof must be carried out by a Health and Safety Executive licensed contractor. The asbestos containing material must then be taken to a licensed land fill site licensed to take this type of hazardous waste.
2. Please note that the addition of flues/vents/extraction units or similar apparatus is likely to require further planning permission. Any such applications will be critically examined for the impact on adjacent residential amenities.
3. Please note that the domestic style design of the building seems to limit opportunities for the placing of advertisements at the proposed retail unit site. Any future advertisement applications will therefore be critically examined in relation to the impacts on the visual amenity of the area, and in terms of public safety issues.

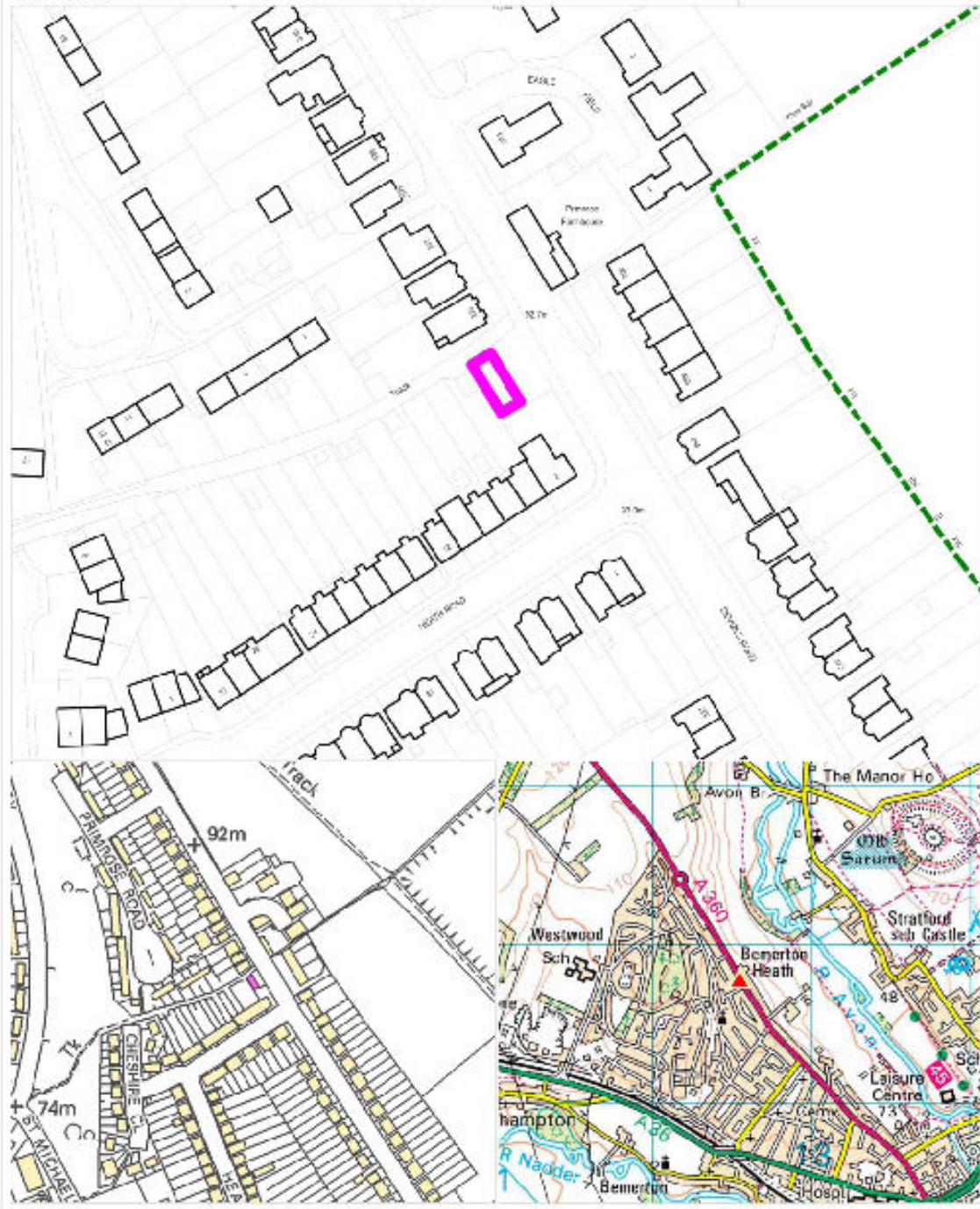
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Plan 04909/1 Submitted on 20/07/09

ALTERATIONS AND CHANGE OF USE FROM CLASS B.1 (BUSINESS) TO CLASS A.1 (G)

S/2009/1040

Site Visit:



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