

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT

AHEV	-	Area of High Ecological Value
AONB	-	Area of Outstanding Natural Beauty
CA	-	Conservation Area
CLA	-	County Land Agent
EHO	-	Environmental Health Officer
HDS	-	Head of Development Services
HPB	-	Housing Policy Boundary
HRA	-	Housing Restraint Area
LPA	-	Local Planning Authority
LB	-	Listed Building
NFHA	-	New Forest Heritage Area
NPLP	-	Northern Parishes Local Plan
PC	-	Parish Council
PPG	-	Planning Policy Guidance
SDLP	-	Salisbury District Local Plan
SEPLP	-	South Eastern Parishes Local Plan
SLA	-	Special Landscape Area
SRA	-	Special Restraint Area
SWSP	-	South Wiltshire Structure Plan
TPO	-	Tree Preservation Order

List of Planning Applications to be Submitted before the Following Committee

CITY AREA 25 MAY 2006

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item	Page No	Application No Officer	Parish/Ward Recommendation Ward Councillors
1	3 - 8	S/2006/0329 Mr S Llewelyn	FISHERTON / BEM V REFUSAL
SV		THE CONQUERED MOON PUBLIC HOUSE WOODSIDE ROAD BEMERTON HEATH SALISBURY OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING PUBLIC HOUSE AND CONSTRUCTION OF NEW BUILDING TO ACCOMMODATE A MIX OF RESIDENTIAL ACCOMMODATION AND RETAIL/COMMERCIAL USES (A1, A4 AND A5)	Cllr Mrs Evans Cllr Osment Cllr Vincent
2	9 - 10	S/2006/0493 Mr T Wippell	FISHERTON / BEM V REFUSAL
		MR AND MRS FONE 19 NEW ZEALAND AVENUE SALISBURY ALTERATIONS TO ROOF AND FORMATION OF DORMER	Cllr Mrs Evans Cllr Osment Cllr Vincent
3	11 - 16	S/2006/0722 Mrs B Jones	FISHERTON / BEM V APPROVED WITH CONDITIONS
SV		YTB DEVELOPMENTS 35-37 HARTINGTON ROAD SALISBURY DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF 2 NO. TWO BEDROOM DWELLINGS AND 1 NO. ONE BEDROOM DWELLING WITH ASSOCIATED CAR PARKING AND WORKS	Cllr Mrs Evans Cllr Osment Cllr Vincent

AGENDA ITEM

Enforcement application – Land at 96 Netherhampton Road, Harnham.

Part 1

Applications recommended for Refusal

1

Application Number:	S/2006/0329		
Applicant/ Agent:	MR J ADAIR BSC DM MRICS MCMl		
Location:	THE CONQUERED MOON PUBLIC HOUSE WOODSIDE ROAD BEMERTON HEATH SALISBURY SP2 9EE		
Proposal:	OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING PUBLIC HOUSE AND CONSTRUCTION OF NEW BUILDING TO ACCOMMODATE A MIX OF RESIDENTIAL ACCOMMODATION AND RETAIL/COMMERCIAL USES (A1 A4 AND A5)		
Parish/ Ward		LB Grade:	
Conservation Area:		Expiry Date:	3 April 2006
Date Valid:	6 February 2006	Contact Number:	01722 434659
Case Officer:	Mr S Llewelyn		

REASON FOR REPORT TO MEMBERS

Councillor Osment has requested that this item be determined by Committee due to the controversial nature of the application, and the previous planning history of the site.

SITE AND ITS SURROUNDINGS

The site consists of an existing public house building, with associated car parking. There is a vehicular access onto the adjacent road system. The site slopes up to the north west, and the whole site is elevated above the surrounding road system and adjacent dwellings to the south east by virtue of being built on rising land.

THE PROPOSAL

This is an outline application, with all matters reserved. However, a significant amount of descriptive detail has been submitted with the application, including elevational and layout drawings of the proposal, and supporting information, which confirms the number of residential units, and the size and type of commercial accommodation. It is therefore clear that 10 flats are proposed at first floor level, above a possible retail unit, a takeaway use, and a café/bar use.

PLANNING HISTORY

Various applications including S/04/2412 for residential development of the site. This was refused by City Area Committee, and was subsequently dismissed at appeal. A copy of the relevant appeal statement is attached.

The appeal decision relating to the Butt of Ale Public House site is also considered to be relevant to this proposal, given the similarity in the locational aspects of the two public house sites. A copy of this appeal decision has also been attached.

CONSULTATIONS

WCC Highways - Object due to the over-intensive use of the site, and the likely impact of the scheme on adjacent highway safety due to the increase in vehicular traffic and on street parking. Also note the

	inadequate height of the archway serving the development car park/loading area.
WCC Library/ Museum Housing & Health Officer Wessex Water Authority	- No objections - No objections, subject to restrictive conditions - No objections, although comments made regards possible crossing of site by water main, and disposal of surface water.
Environment Agency Wiltshire Fire Brigade	- No objections subject to conditions - Various comments regards fire safety, including the fact that the single common means of escape from the first floor is not satisfactory.
Wiltshire Constabulary	- Any increase in commercial establishments in the area would be detrimental. Proposed parking area size would not be adequate, and also pattern of offences has indicated that there is a significant increase in anti-social and crime around such commercial premises.
WCC Education provision	- A financial contribution should be made towards educational provision

REPRESENTATIONS

Advertisement	Yes. Expiry 16/3/06
Site Notice displayed	Yes. Expiry 30/3/06
Departure	No
Neighbour notification	Yes. Expiry 9/3/06
Third Party responses	10 letters, stating the following points:

More commercial uses are not needed and will compete with existing uses
Scheme will adversely affect residential amenities, by attracting noise, litter and local youths
Scheme will cause overlooking and loss of privacy

MAIN ISSUES

Principles and policies
Impact on character of area
Impact on residential amenities
Impact on highway safety

POLICY CONTEXT

PS3 G1 G2 R2 SDLP

PPG3 – “Housing”

PLANNING CONSIDERATIONS

Principles, policies and planning history

It is considered that the Inspectorates appeal decision relating to planning application S/04/2412 for residential use of the application site is of significant weight in the consideration of this current outline planning application. A copy of that inspectors’ decision is attached for reference purposes.

In officers opinion, the main issues to arise out of the inspectors decision was that:

The Bemerton Heath area has relatively few pubs or similar social facilities that are open to all (para 5)

In paragraph 6 of his decision, the inspector indicated that the effect of the previous residential application “would be to remove the opportunity for the site to be returned to being a good community pub or similar facility”. He concludes that this would be harmful in denying “local residents an opportunity to have access to a convenient facility that would contribute to their social life, without the need to travel far”.

In paragraph 7, the inspector concluded that the applicants “had not demonstrated that it is not viable to operate a public house at this location”, and “..On this basis I conclude that there is a realistic prospect that the appeal site can be returned to being a well used community pub or similar facility”.

The main test for members to apply to this current application, is whether it would address the above concerns and issues raised by the inspector.

Firstly, it is noted that the applicants have not submitted a viability assessment relating to the existing public house use. This does therefore not address the Inspectors concerns in paragraph 7 of his decision. Therefore in the absence of such information, the LPA must conclude that there is a realistic prospect that the site can be returned to being a well used community pub or similar facility.

Secondly, this scheme differs from the scheme dismissed on appeal in that it relates to a mixed scheme, including several commercial uses. It therefore needs to be determined whether these new commercial use can be seen as realistically being a “similar” replacement facility for the existing public house use, in that it would provide “local residents an opportunity to have access to a convenient facility that would contribute to their social life, without the need to travel far”.

The proposed A1 retail shop would be a very small unit, and in the absence of evidence to the contrary, would be unlikely to offer the kind of facility that would contribute to the social life of the community, particularly given the other available retail units dotted around the estate. Whilst it is noted that the A1 use class would permit this unit to be used for a facility such as a hairdressers or similar, such a use does not perform the same type of function as a public house, which can act as a gathering place for the local community and local groups, and is used for recreational purposes. (The A1 use classes also covers a raft of other uses which would certainly not perform such a function, for instance a travel agents, or pet food shop etc. It is worth noting that further planning permission would not be needed for an initial retail shop to change into another use within that class)

Similarly, a takeaway use of a modest size proposed as part of the applicants scheme would be unlikely to fulfill the inspectors criteria of a use which contributed to the social life of the area in the same way as a public house does, although it is acknowledged that such use would reduce the need for the populace to travel (say to other similar uses on Wilton Road etc).

Of all three uses proposed, the café/bar use is the closest to the existing public house use, and does have the potential to contribute to the social life of the area, although a lot depends on how such a use is operated and run. It is also worth noting that under the government’s Use Classes Order, a public house (A4) is regarded to be in a separate use class to a café (A3), and that the café/bar described could not convert to a public house without further planning permission. This means that ultimately, the proposed café/bar is restricted in its operation, and cannot be operated in the same way as a pub, without requiring further permission. Hence, a café/bar is likely to be operated purely as a mainly drinking/snack establishment, and not be able to be utilised in a more socialistic way (ie. for local gatherings, parties etc). It should also be noted that as proposed, the café/bar would be located below proposed residential units, and therefore, this is likely to have an impact on the types of operations able to be carried out, and will limit the times of operations of the use. It may also transpire that the proposed takeaway use may end up competing with the café/bar use, which ultimately, may well have an impact on the viability of both enterprises.

With all the above uses, a detailed viability study has not been submitted, other than some evidence that there would apparently be some interest from vendors in occupying those uses. Certainly, with further evidence to the contrary, officers dispute whether such a small A1 unit and takeaway unit would be viable in this rather secluded location, particularly given local competition (which is highlighted by the letters of objection). With regards the proposed café/bar use, again there is no evidence that the local demographic makeup desires that form of local facility rather than a public house use.

It is therefore concluded that, in the absence of detailed information to the contrary, the uses as proposed would not meet the requirements set down by the inspector of a public house or “similar use” which would contribute to the social life of the settlement. It is acknowledged that

by definition, more localised facilities may well reduce the need for local people to travel far. However, it is considered that the Inspector was considering this aspect with particular reference to the community having to travel to alternative public houses in the area, and therefore, as this proposal would not replace the public house with what is regarded by the LPA as a similar type of facility, this proposal still encourages the populace to travel outside the area for such services in the same way that the appeal scheme did.

Whilst at first glance the current scheme would also appear to contravene Policy PS3, this policy is intended to relate particularly to villages in the District, and not the main settlements. When Policy PS3 was referred to by the LPA as part of its appeal submissions for the retention of the Butt of Ale Public House (north of the city centre), the appeal Inspector considered that the policy was indeed only applicable to areas outside the Main Settlements, although he did go onto to dismiss that appeal on sustainability grounds (Policy G1 etc). This current application site is located in a very similar location to the Butt of Ale example, and hence, whilst Policy PS3 cannot be used, it is considered that a similar sustainability argument may exist.

Members should however note that of the 10 letters received objecting to this proposal, there is little evidence that the local community wishes a public house to be replaced on the site. Hence, this apparent lack of demand should form part of members' deliberations on this scheme, as a lack of local demand could of course have a significant bearing on the viability of any replacement public house. Members will probably have local knowledge of the likely demand/desire to replace the existing public house.

As well as the above issues, the other impacts of the proposed scheme must be considered.

Impact on character of area

The existing public house building is of a generally poor aesthetic appearance. However, the intended design of this new proposal is of a much larger scale being over 9 metres tall, and located on an elevated site, and the resultant building would invariably be a prominent feature in the street scene.

The detailed design as shown on the submitted plans is also quite bland, although it is accepted that at this stage these elevations are indicative, and that more attractive detailed plans could be discussed and progressed if this outline consent is approved. It is however argued that due to the precise nature of the proposal, further negotiation regards the actual bulk and scale and layout of the proposal may not be possible given the restrictive size of the site and requirements of the proposal.

Therefore, it is noted that whilst changes could be affected to the detailed design/materials, the actual bulk of the building is effectively being agreed by the approval of this reserved matters application.

Impact on amenities

As indicated, whilst the scheme is essential in outline and only indicative, due the precise nature of the proposal, an approval of this outline application is essential an approval of the bulk and scale and layout (internal and external) as suggested. This means that the relationship of the sketch design with adjacent development can legitimately be considered as part of this application.

It is considered that as proposed, the occupiers of dwellings to the south west of the site are most seriously affected by this scheme in terms of loss of privacy, having a number of large windows facing south west on the building. Although it is acknowledged that some of these windows could be omitted, the remainder serving the residential flats at first floor would result in a loss of privacy to garden areas to the south west. The massing of the building would also dwarf existing dwellings to the south, adding to the reduction in amenity.

Given the scale of the proposal, and its elevated site, the scheme would also be imposing when viewed from adjacent residential dwellings to the east and north. Whilst gardens to the north may suffer additional overlooking and would lose some of their existing private character, it is

considered that dwellings sited on the opposite side of the road to the east would not be so affected as to warrant refusal in this regard.

However, notwithstanding the above, it is considered that the introduction of the proposed uses would result in a significant increase in the use of the adjacent highway system by domestic and commercial traffic, some during antisocial hours. Whilst no supporting traffic information has been submitted in support of this application, it is considered in the absence of any evidence to the contrary that the proposed uses would be likely to represent a significant change to the current or previous pedestrian and traffic flows around the residential area caused by the public house operation, and in officers opinion, will be likely to significantly reduce the amenities currently enjoyed by occupiers of existing adjacent dwellings, and of course, adversely impact the occupiers of the proposed flats, through the introduction of additional traffic noise and pollution, as well as noise and general disturbance from users of the proposed scheme, particularly the commercial uses as proposed.

Notwithstanding the above, it is also noted that the illustrative scheme would not provide any significant usable external amenity space for occupiers, and given the locational aspects of the flats above commercial premises and adjacent to loading/unloading areas, the future amenities experienced by future occupiers of the flats would be affected by the operation of commercial uses.

Impact on highway system and safety

As above, the scheme is likely to generate a significant increase in vehicular and pedestrian movements around the site and immediate residential area, some during antisocial hours. Further, the scheme only provides on site parking for some of the occupiers of the proposed development, with no parking apparently proposed for visitors or customers. Further, it is noted that on the indicative plans, the archway leading to the private parking courtyard would be only 3 metres high, thus severely restricting access to the rear loading and bin areas to smaller vehicles.

As a result, it is likely that the scheme as proposed would generate a significant amount of new vehicular movements in and around the site, with loading/unloading taking place from commercial (and domestic delivery) vehicles which would have to park (and turn etc) within the public highway system.

On the above basis, the officer agrees with WCC Highway's recommendation to refuse this application.

The appeal inspector's conclusions regards the Butt of Ale appeal and the last appeal on this application site are also considered of relevance, in that the loss of the public house you will ultimately result in residents being forced to utilise motor cars and to travel to other public houses in the area. It is therefore considered that the absence of a suitable replacement community facility on this site, the scheme as proposed would encourage unsustainable travel patterns.

CONCLUSION

The revised scheme has not addressed the concerns of the appeal inspector, and would not produce a community facility central to the social life of the area, which would reduce the need to travel to other areas.

Furthermore, the scheme as suggested in terms of its composition, form, and layout would result in significant harm to residential amenities and have an adverse impact on the surrounding highway systems.

RECOMMENDATION: REFUSE for the following reasons:

1.No viability assessment has been submitted relating to the viability of the public house use, or the likely viability of the proposed commercial uses. In the absence of such evidence, the applicant has not demonstrated that it is not viable to operate a public house at this location, or that any of the suggested uses would themselves be viable replacement facilities. Therefore, given that the proposal is not considered to offer a replacement public house or a similar

replacement facility which would contribute to the social life of the area, and would ultimately encourage unsustainable travel movements and patterns, it is considered that the proposal conflicts with policy DP1 (i) of the adopted Wiltshire Structure Plan, and criteria (i) and (ii) of policy G1 of the adopted Salisbury District Local Plan.

2. It is considered that the development of the site for 10 dwellings, and 3 commercial uses including access and parking, would be likely to result in the creation of a scheme comparative to that shown on the indicative plans. Therefore, notwithstanding the issues outlined in reason 1 above, it is also considered that the scheme would have an adverse impact on residential amenities and highway safety, due to the dominance of the development, the likely loss of privacy, the general noise and disturbance created, and the likely increase in vehicular and pedestrian traffic. The scheme would therefore be contrary to the aims of policy G2 (i), (ii), & (vi) of the Salisbury District Local Plan.

Application Number:	S/2006/0493		
Applicant/ Agent:	MR AND MRS FONE		
Location:	19 NEW ZEALAND AVENUE SALISBURY SP2 7JX		
Proposal:	ALTERATIONS TO ROOF AND FORMATION OF DORMER		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	LB Grade:		
Date Valid:	7 March 2006	Expiry Date	2 May 2006
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

REASON FOR REPORT TO MEMBERS

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

Impact on Street Scene
Personal Circumstances of Applicant

SITE AND ITS SURROUNDINGS

19 New Zealand Avenue is a detached property situated in an established residential area of Salisbury. The dwelling has been enlarged to the rear with a two-storey extension.

THE PROPOSAL

The proposal is to create a new bedroom and en-suite bathroom in the roof-space of the 19 New Zealand Avenue.

A new gable-end will be created to the rear, and a dormer added to the side of the dwelling to provide the necessary headroom for a staircase.

RELEVANT PLANNING HISTORY

05/988	Alterations to roof and formation of dormer window	WD
11/07/05		
05/1511	Alterations to roof and formation of dormer window	R
06/09/05		

(See Planning Considerations below for reasons for refusal)

REPRESENTATIONS

Advertisement	No
Site Notice displayed	No
Departure	No
Neighbour notification	Yes

Third Party Representations: None received

Consultations: None

Policy Context: G2, D3, H16

PLANNING CONSIDERATIONS

A previous application was withdrawn, and one refused in September 2005, after concerns that the proposal would be overly prominent within the street scene, and detrimental to the visual amenity of the area. This new proposal therefore has to be considered in the light of this previous application, and the differences between the schemes critically examined.

Visual Amenity

Whilst the applicant has made efforts to reduce the size and scale of the current scheme, by reducing the size of the dormer from 9 metres to 5.5 metres and hipping the roof either side, the side-facing dormer is still considered to unbalance the character of the property, and be overly

prominent from the street scene. The position of the dormer has only been moved back 2 metres from the front of the property, and will still be visible when traveling up the road from the south.

Overall, it is considered that although the visual impact of the proposal has been reduced, the changes to the scheme do not overcome the original reasons for refusal, and as a consequence, and on balance, it is considered that the impact of the extension on the property and wider street scene would still be significant enough to warrant refusal on those grounds alone.

Residential Amenity

Whilst the rear dormer window would increase the amount of overlooking of the rear gardens of the adjacent dwelling, it is considered that the loss of privacy would not be so severe as to warrant refusal on those grounds alone. The window is relatively small, and although oblique overlooking to adjacent gardens may occur, the impact would not significantly increase from current levels to warrant refusal. Overlooking to properties to the rear will not occur, due to boundary screening, and given that the properties are over 50 metres apart.

The side dormer window of the extension would also bring the built form of the roof close to the adjacent boundary. However, given the distance from the southern boundary, which would remain, and the marked difference in levels between the application site and the adjacent dwelling to the south, on balance, it is considered that the harm caused by the roof extension in terms of overshadowing and dominance would not be significant.

The window in the side-facing dormer has been omitted to eliminate overlooking.

Personal Circumstances

The applicant has stated personal (and confidential) circumstances as to why the scheme should be approved, and these circumstances must be taken into account as a material planning consideration as part of the decision making process.

In summary of this Authorities position on the issue, whilst it is accepted that personal circumstances may justify a valid requirement for additional living accommodation to be created at the property, it is also considered that a development could be achieved in a more acceptable way that would limit the harm caused to the character of property and the visual amenity of the wider area.

Therefore, on balance, it is considered that this issue should not be given significant weight as to warrant approving this application.

A confidential report on personal circumstances will be submitted to the Committee as an exempt item for further discussion.

RECOMMENDATION: Refuse

For the following reasons:-

Notwithstanding the personal circumstances of the applicant and the alterations to the previous scheme, the revised proposal is considered to be overly prominent within the street scene, and detrimental to the visual amenity of the area, contrary to policy D3 of the adopted Salisbury District Local Plan.

INFORMATIVE:

This decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

- G2 - General Criteria for Development
- D3 - Good Design
- H16 - Housing Policy Boundary

Part 2

Applications recommended for Approval

3

Application Number:	S/2006/0722		
Applicant/ Agent:	DAMEN ASSOCIATES		
Location:	35-37 HARTINGTON ROAD SALISBURY SP2 7LG		
Proposal:	DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF 2 NO. TWO BEDROOM DWELLINGS AND 1 NO. ONE BEDROOM DWELLING WITH ASSOCIATED CAR PARKING AND WORKS		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	LB Grade:		
Date Valid:	3 April 2006	Expiry Date	29 May 2006
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

Councillor Walsh has requested that this item be determined by Committee due to: the local interest shown in the application

SITE AND ITS SURROUNDINGS

The application site forms a rectangular plot of about one third of a hectare, located within the cul de sac of Hartington Road. The area is characterised by the distinctive appearance of the two and three storey dwellings within the cul de sac, which appear mainly to be of Victorian and Edwardian origins and are traditional in their character and detailing.

Whilst a residents' parking permit scheme (Zone D) is in operation, some of the dwellings are set back from the road, and have hard-standing for parking within their front gardens. The application site forms one of two pairs of semi detached cottages set forward within their plots, and fronting onto the pavement. The cottages each have a double pitched tiled roof, and two windows facing into the street. The cottages have scalloped barge boards, shared chimney, traditional sash windows, and rendered/pebble-dashed walls. The rear elevations of the properties have been extended symmetrically, at ground and first floor level. To the rear of both cottages is a long enclosed garden. At some time in the past, the cottages were combined to provide one 5 bed dwelling.

The site lies within the Salisbury Housing Policy Boundary, in an Area of Special Archaeological Significance and within a Water Source Catchment Area.

THE PROPOSAL

Full planning permission is sought to demolish the existing cottages (currently one dwelling) and replace with a new two and a half storey building comprising 2 No two bed units and 1 No one bed flat. Three off street parking spaces would be provided by setting the replacement structure back from the pavement by about 6m.

The proposed building would have a traditional appearance, with a bay window feature, scalloped barge boards, shared chimney, pitched roof, brick walls and rendered window head details. The sash style windows would be tilt and turn upvc.

The 1bed unit would be provided in a single storey structure to the rear of the two storey portion of the building. The overall height of the building would be comparable to the adjacent 3 storey terrace (Nos 27-33), but would appear to be slightly lower than the terrace of cottages opposite City Area Committee 25/05/2006

the site, which are on higher ground. The existing rear garden would be sub divided to provide amenity space for each unit, with cycle/store sheds. 1.8m close boarded fence would form the boundaries for the gardens, and with No 39.

PLANNING HISTORY:

S/06/340 Demolition of existing building and construction of three two bed dwellings and associated car parking. WD

CONSULTATIONS

WCC Highways - No objection
Environmental Health - No objection subject to condition to control of hours of demolition and construction.
Wessex Water -Within Source Protection Zone. Points of connection and any easements to be agreed with WW. LPA to be satisfied with disposal of surface water.

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 04/5/06
Departure	No	
Neighbour notification	Yes	Expiry 27/4/06
Third Party responses	Yes	6 letters of objection on grounds of:

Impact on traffic and parking, modern appearance is out of keeping with traditional character of street, reduction in size of proposal is welcomed, overdevelopment, impact on neighbours, loss of residents' parking spaces, noise, dust and pollution, impact on neighbours during construction due to dust and pollution, loss of privacy and light, dominance and overlooking into No 33, third unit would exacerbate parking problems, 1bed unit out of character with family units contained in Hartington Road. Also: disruption to residents, effect on property prices, difficulty accessing other property at the end of the cul de sac during construction, large vehicles would cause obstruction and cause damage.

MAIN ISSUES

Character, scale and design
Neighbouring amenities
Highway Issues
Public Open Space

POLICY CONTEXT

Adopted SDLP G2, H16, D2, R2.
PPG3
Creating Places (Design Guide SPG)

Character, scale and design

The area has a very strong sense of character, created by the mix of Victorian and Edwardian properties fronting onto the cul de sac. Some properties are set back, with off street parking, and some (such as the application site) front onto the road. Properties opposite the site are built on a higher ground level. The buildings generally have period features and walls are either painted, rendered, or brick. The area is not, however, designated as a Conservation Area, and the site lies within the Housing Policy Boundary. Therefore, the type of redevelopment proposed is acceptable in principle under Policy H16, subject to the design policies of the Local Plan. Furthermore, PPG3 supports greater densities for residential development within settlements, but suggests that this should not be at the quality of the built environment.

Policy D2 states that proposals for infill development will be permitted where proposals respect or enhance the character or appearance of the area, in terms of:

the building line, scale, heights and massing of adjoining buildings and the characteristic building plot widths

the architectural characteristics and the type, colour of the materials of adjoining buildings and

the complexity of richness of materials, form and detailing of existing buildings, where the character of the area is enhanced by such buildings and the new development proposes to replicate such richness.

The proposal is supported by a design statement, which states that a structural engineer's report (also submitted) has indicated defects in the existing property, requiring major structural work. The statement also attempts to explain the design concepts for the scheme and the local demand for smaller units. It is noted from the elevation plans that the proposed scheme broadly reflects some of the architectural characteristics of the dwellings it replaces and other period buildings in the cul de sac. These features include the pitched roof with scalloped barge boards, bay windows, sash style windows, facing brick, and rendered detailing over windows.

The existing plot width would remain similar, and the building line in the cul de sac already varies, as previously described. Therefore, the principle of stepping the building back within the plot is not considered to be contrary to Policy D2 in this case. The height and visual impact of the proposed building was of concern under the previous application. However, the ridge height of the current scheme would be comparable with the ridge line of properties to the east, and would appear to be slightly lower than the terrace of cottages opposite, which are on higher ground. Whilst the proposed building would be further forward than Nos 27-33, it is unlikely to appear *unacceptably* tall within the street-scene, given the buildings on higher ground opposite the site. Furthermore, three storey dwellings with accommodation in the roof already exist within the cul de sac, and therefore, the proposed accommodation in the roof is not considered to be setting a precedent.

Criteria (ii) and (iii) refer to architectural characteristics and richness. Whilst these requirements have been broadly reflected in the proposal, the building would clearly look different to all the others in the cul de sac, as it would no longer form part of a pair / terrace of similar dwellings. However, it is also noted that the adjacent pair of cottages has been modernised over time, and do not obviously share the same period features as other dwellings in the cul de sac (eg rendered, without sash windows, plain bargeboards). Therefore, as the style and materials of the proposed building are generally in keeping with the period characteristics of neighbouring dwellings (where these are evident), the proposal is on balance considered to comply with Policy D2.

Impact on neighbouring amenities

Policy G2 provides general criteria for development and also seeks to ensure the avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings, to the detriment of the occupiers.

Several third parties have raised objections on the grounds of disturbance during construction. The EHO has requested that a condition is applied to any planning permission, to ensure that hours of demolition and construction are controlled. A condition requiring a scheme for the management of the demolition and construction processes (eg noise, dust, delivery and storage of materials etc) should also be applied to address these concerns, given the restricted environment of the cul de sac.

The rear (garden) elevation of the proposed dwellings would not include any first floor windows, and the single storey portion would include patio windows and a fully hipped roof. False window panels are indicated on the first floor, and a condition should be applied to ensure that these are not converted into windows, which could give rise to undue overlooking into the rear gardens of both Nos 33 and 39.

South East – No 33

The elevation and floor plans show that the proposed building would be two storey with a single storey rear portion for the 1 bed unit. The two existing buildings are currently separated by a small gap, due to the terrace of No 27-33 being set back from the road. The proposed building would be set back within the plot, which would mean that part of the building would overlap with No 33.

The north elevation of No 33 includes a first and second floor side window and the plans indicate that these would overlook the single storey portion of the building. Therefore, there would not be a significant loss of outlook caused by the two storey part of the building, although there may be some loss of “view” over gardens from these windows, towards the north. Given that the site is to the north of No 33, there would be no significant overshadowing or loss of light to No 33. The proposed south east elevation includes an obscure glazed first floor hall window, a ground floor sitting room window (about level with the height of the existing boundary wall) and the corner of the first floor front bay, facing towards the front garden and parking area. There would also be a shower room roof-light opening towards the front garden. Therefore, there would be no unacceptable overlooking or dominance issues, and the impact is considered unlikely to unduly affect the amenities of the occupiers of No 33, in accordance with Policy G2.

North West – No 39

The No 39 forms part of a matching pair of cottages, and is level in the street frontage with the application site cottages. The extended rear of No 39 is set slightly further back into the garden compared with adjacent No 41, and therefore, the precedent for 2 storey extensions to these cottages which protrude beyond the original rear building line is considered to have been set.

The proposed building would be set back from the frontage, some 6m behind the front elevation of No 39. A close boarded fence currently partially separates the properties to the rear. The proposed building would extend along the south east boundary of No 39 for about 3m, before dropping to single storey, and about 1m from the proposed 1.8m close boarded fence, and for a height of about 6m to the eaves. Whilst the two storey portion of the building would be partly visible from the rear elevation windows of No 39, it is not considered that the degree of the loss of outlook from this property or effects on morning light levels would be unacceptable.

The south elevation of No 39 includes ground and first floor side windows, and these currently face towards the side elevation of the existing cottage. Due to the building line being pulled back from the road frontage, the front living room windows and entrance door on this side elevation are likely to gain light and outlook as a result of the development.

The elevation plans indicate one obscured first floor bathroom window and one shower room roof-light, facing towards the walls and roof of No 39. Therefore, there would be no unacceptable overlooking issues, and the impact is considered unlikely to unduly affect the amenities of the occupiers of No 39 (there may even be some benefits as described), in accordance with Policy G2.

In summary, the impact on neighbouring amenities is considered to be acceptable, subject to conditions relating to the control of hours and management of demolition and construction, in accordance with Policy G2.

Highway Safety

Several third parties have raised strong objections to the proposals on the grounds of

Loss of on street parking spaces for residents in Zone D
Disruption and loss of access during construction

The proposal would create three off street parking spaces, one for each unit, and would result in the loss of on street spaces across the site frontage (estimated 2 spaces). The Highway Authority are mindful of the sub standard nature of Hartington Road in terms of its lack of a

formal vehicle turning area and the junction with Devizes Road, where the visibility is restricted and there are no turning kerb radii. However, having regards to the site being within easy walking distance of the city centre, public transport, and other local facilities which minimises the need for a private car, the Highway Authority do not wish to raise an objection to the development. It is noted that the development includes provision of secure cycle parking in accordance with Appendix VI of the Local Plan.

However, Highways have advised that the LPA should consider removing the rights of occupiers of the new dwellings to access to residents' parking permits on street, to ensure that there is no overall loss of spaces for other occupiers in Hartington Road. It would also be necessary for the Road Traffic Order to be amended to remove the existing spaces from the front of the site, before any of the dwellings are occupied.

The use of the road for access for construction vehicles is not a material planning consideration. Other occupiers, for example, could undertake certain building works to their properties without the need for planning permission, and the LPA would have no control over vehicles or disruption associated with the works. However, a condition requiring a scheme for the management of the demolition and construction processes including the management of delivery vehicles within the cul de sac, and to ensure that potential vehicular obstruction is minimised and managed, could be applied to address these concerns.

Public Open Space

The applicant has entered into a Section 106 Agreement in accordance with Policy R2 of the SDLP.

Conclusion

The application site lies within the Housing Policy Boundary for Salisbury, and Hartington Road does not lie within a Conservation Area. It is considered that, on the balance of all the issues, that the proposed replacement building would not detrimentally affect the character of the street-scene, or unduly affect existing neighbouring amenities, provided conditions are attached to any permission to ensure that the demolition and construction processes are appropriately managed to minimise disruption to residents. Furthermore, it is advised that the future rights of occupiers to obtain residents' parking permits should be removed if possible, and members will be advised in due course at committee.

Recommendation: APPROVE

Subject to any further recommendation by the Head of Development Services in late correspondence regarding the removal of rights of future occupiers to parking permits:

Reasons for Approval

The proposed residential development and associated parking would be acceptable in this location close to the city centre, and would not harm the character and appearance of the area, be detrimental to highway safety or unduly disturb the amenities of occupiers of adjacent properties, in accordance with Policies G2, D2 and H16 of the adopted SDLP.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2. There shall be no occupation of the dwellings until the road traffic order for the residents parking scheme in Hartington Road has been amended, to delete the existing parking spaces across the frontage of the site, and until the covered cycle sheds, dropped kerb and three off street parking spaces shown on the approved drawing 8405/2/A have been constructed and are available for immediate use. The three parking spaces and cycle sheds shall be retained thereafter for use by the occupiers of each of the three dwellings hereby approved.

Reason: In the interests of highway safety and to ensure that parking and cycle provision has been made for future occupiers.

3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To ensure a harmonious form of development

4. Notwithstanding the provisions of Class[es] A To F of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings nor the erection of any structures, within the curtilages and no addition or alteration to the roofs of the dwellings (including the insertion of any rooflights or dormer windows) and no insertion of any first or second floor windows other than those hereby permitted unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

There shall be no occupation of the dwellings until the first floor side elevation windows of Dwellings No 1 and 2 have been obscured with obscure glazing to the satisfaction of the Local Planning Authority. The windows shall be maintained in that condition thereafter.

Reason: To avoid undue overlooking

6. The development shall be in accordance with the architectural and boundary details shown on the approved plan 8405/2/A unless the Local Planning Authority gives written consent to a variation.

Reason: For the avoidance of doubt.

7. All existing buildings, structures and foundations on the site shall be demolished (and removed) in accordance with a scheme and timetable to be submitted to and approved by the Local Planning Authority before commencement of the development hereby permitted. (K01A)

Reason: 0060 In the interests of the amenity of the locality of the cul de sac.

8. The demolition of existing buildings, structures and foundations, together with the removal of debris resulting there from and the construction of the new building hereby permitted including the delivery and removal of construction materials to and from the site shall take place only between the following hours:- 08.00 am to 20:00 pm on Mondays to Saturdays only.

Reason: 0061 To avoid the risk of disturbance to neighbouring dwellings/ the amenities of the locality during unsocial hours.

INFORMATIVE

The applicant is advised to contact Wessex Water to agree points of connection and any necessary easements.

And in accordance with the following policies of the adopted Salisbury District Local Plan:

- G2 General Principles for Development
 - H16 Housing Policy Boundaries
 - D2 Design of Infill Development
 - R2 Public Open Space
- CN11 Views out of Conservation Area

And the guidance in:

PPG3 - Creating Places (Supplementary Planning Guidance)