

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 –05/04/07

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	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2007/0430	ST MARTIN & MILFORD
3 - 8	Mrs B Jones	REFUSAL
SV 16:00	MR CHRIS SHIPPERLEY THE SEAT DEALERSHIP TOLLGATE ROAD SP1 2JG DEMOLISH EXISTING BUILDINGS AND ERECT 1 BLOCK OF 24 FLATS (SOCIAL/AFFORDABLE HOUSING) WITH ASSOCIATED PARKING	Councillor Howarth Councillor Tomes
2	S/2007/0425	ST MARTIN & MIL
9 - 12	Mrs B Jones	REFUSAL
SV 16:30	NH DEVELOPMENTS LTD CARPARK ADJACENT TO TOLLGATE PUB TOLLGATE ROAD SP1 2HZ ERECT 4 HOUSE WITH 6 CAR PARK SPACES	Councillor Howarth Councillor Tomes
3	S/2007/0162	WEST HARNHAM
13 - 19	Miss L Flindell	APPROVE SUBJECT TO S106
SV 15:15	MR J SANFORD-HART 142 NETHERHAMPTON ROAD SALISBURY SP2 8LZ EXTENSION AND CONVERSION OF EXISTING HOUSE INTO 5 NO FLATS, NEW BUNGALOW IN PLOT AT REAR AND ASSOCIATED WORKS	Councillor Dalton Councillor Miss Tomlinson

Agenda item – Land at Downton Road and proposed swap of community land

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/0430		
Applicant/ Agent:	MR CHRIS SHIPPERLEY		
Location:	THE SEAT DEALERSHIP TOLLGATE ROAD SALISBURY SP1 2JG		
Proposal:	DEMOLISH EXISTING BUILDINGS AND ERECT 1 BLOCK OF 24 FLATS (SOCIAL / AFFORDABLE HOUSING) WITH ASSOCIATED PARKING		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:		LB Grade:	
Date Valid:	28 February 2007	Expiry Date	25 April 2007
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

Councillor Chettleburgh has requested that this item be determined by Committee due to: the controversial nature of the application

SITE AND ITS SURROUNDINGS

The site is currently in use as a car salesroom and forecourt for Hyundai and Seat, and forms part of a small industrial complex within the Housing Policy Boundary, north of Southampton Road. To the west and north lies the Conservation Area, and to the south are two and three storey residential properties including properties fronting Tollgate Road, Marina Road and The Beeches. The Dust Hole public house is also in close proximity. The site is also an Area of Special Archaeological Significance. A white retaining wall front Tollgate Road, and the site is raised above street level behind the wall.

THE PROPOSAL

The applicant is seeking to demolish the existing car showroom and erect 24 affordable flats with terraced communal gardens. Parking areas would be provided within the site.

PLANNING HISTORY:

None relevant – various alterations to building since 1980s.

CONSULTATIONS

WCC Highways -	No objection in principle, subject to amendments being made – see below.
Highways Agency -	No comment, and no direction issued
Forward Planning -	Objection on grounds of loss of employment site; full comments awaited.
Housing & Health Officer -	Objection – see below
Wessex Water Authority-	Comments awaited. Points of connection and any easements would need to be agreed.
Design Forum -	see Appendix 1
Waste and Recycling -	Objection, provision is inadequate

REPRESENTATIONS

Advertisement	Yes	Expiry 29/3/07
Site Notice displayed	Yes	Expiry 29/3/07
Departure	No	
Neighbour notification	Yes	Expiry 21/3/07
Third Party responses	No	

MAIN ISSUES

1. Principle and Provision of Affordable Housing
2. New Planning Policy Statement 3 (Housing)
3. Loss of Employment
4. Scale and Design and Impact on Conservation Area
5. Impact on Neighbouring Amenities
6. Contamination and Environmental Health issues
7. Highway Safety
8. Public Open Space

POLICY CONTEXT

Adopted Salisbury District Local Plan G2, E16, H16, D1, R2, TR11, TR14, CN11, H25 (affordable housing)

The guidance in Creating Places, PPG24, PPS23 PPS3, PPS6 and PPS1. And the Affordable Housing Supplementary Planning Guidance

PLANNING CONSIDERATIONS

Principle

The site lies within the Housing Policy Boundary, in an Area of Special Archaeological Significance, and close to a Conservation Area (north west). The development is therefore acceptable in principle under Policy H16, subject to the other policy provisions of the local plan. Also, the provision in principle of 24 affordable homes is welcome and in accordance with the general aims of the Local Plan and supplementary planning guidance.

New Planning Policy Statement 3 (Housing)

PPS3 was published in November 2006, and sets out the Government's current policy stance on housing development. It gives a new national indicative minimum site threshold of 15 units for affordable housing provision and 30 dwellings per hectare. The proposal includes 100% provision of affordable housing.

PPS3 seeks to ensure a wide choice of high quality homes, improve affordability and increase supply, through sustainable mixed communities. It sets out the criteria to consider when assessing design quality as the extent to which the development:

- Is easily accessible and well connected to public transport and community facilities and services and is well laid out
- Provides or enable good access to amenity space
- Is well integrated with and compliments neighbouring buildings and the local area in terms of density, scale, layout and access
- Facilitates efficient use of resources during construction and in use
- Takes a design led approach to the provision of car parking space, with a high quality public realm
- Creates a distinctive character and supports a sense of local pride and civic identity
- Provides for biodiversity.

Furthermore, the thrust of Local Plan policy is that general living/amenity standards for affordable housing should not be compromised.

Loss of Employment

Policy E16 states that on existing employment land, the redevelopment of premises for other purposes will only be permitted where, "The proposed development is an acceptable alternative use that provides a similar number and range of job opportunities." The only exceptions are where the land or premises are a non employment use that would bring improvements to the local environment. The proposed development makes no provision for replacement employment use, and no evidence has been submitted to demonstrate that the site would no longer be viable for an employment generating use. It is also difficult to argue that the proposal would bring environmental benefits as the immediate locality is characterised by employment uses, and the current showroom visually presentable and appropriate to the area. The proposal is therefore considered to be contrary to Policy E16.

Scale and Design and Impact on Conservation Area

Policy CN11 seeks to ensure that special care is taken when considering new development to ensure that views from and into Conservation Areas are safeguarded. The site is considered to be sufficiently distant from the CA not to detrimentally affect views.

The supporting comments of the Design Forum are attached in Appendix 1. The design policies of the adopted Local Plan have been reinforced by the recent adoption of Creating Places as supplementary design guidance. Policy D1 sets out 7 criteria for extensive development. In summary, new development will be permitted where the proposals are compatible with, or improve their surroundings in terms of the layout and form of development, any features adjoining the site, the scale and character of townscape building heights, building line, plot size, density, elevation design and materials), the scale and use of spaces between buildings, views and vistas, landscape, roofscape and long/medium distance views.

The proposed design is contemporary, and would extend to four storeys in height, although the lower ground floor would be partially sited below existing grounds levels. The north and east elevations include minimal fenestration, as these elevations would face existing employment and commercial uses. Materials would comprise white render, and timber boarding, with a metal roof. The height of the building above existing ground levels would range between 8.5m (east) and 11.5 metres (south) approximately.

The Design Forum welcomes the scheme as an improvement to an original proposal, and considers it is appropriate for the site and its surrounding context, and would make a welcome addition to the Salisbury townscape. However, officers have some concerns that the building may appear very tall within its context given the existing site levels and adjacent buildings. Members may therefore consider that in terms of building height and scale, the proposal fails to satisfy Policy D1.

Impact on Amenities, Refuse, Recycling, Contamination and Environmental Health Issues

The immediate neighbours to the site would be existing commercial uses, and it is therefore unlikely that the occupiers of the commercial premises would be unduly, overlooked or disturbed by the proposal, in accordance with Policy G2.

However, the EHO has raised three objections to the proposal as follows:

1. The site has a past history of potentially contaminative use. No information has been provided in respect to the assessment of land contamination and I am unable to determine whether the site is suitable for the proposed end use having regard to the Environmental Protection Act 1990 Part ii (a)
2. The site is adjacent to various industrial units and the neighbouring office units are served by a multitude of small air conditioning units. No information is provided in respect of the noise environment or noise amelioration measures
3. The right hand lower ground floor unit (no number on plan) and the flat above have layouts that result in a bedroom and living room being above and below one another. The significantly differing patterns of use of these rooms are likely to give rise to nuisance and detriment to amenity. The layout needs to be amended.

The EHO considers that the contaminated land investigation and noise survey must accompany the application and refusal is recommended, as the proposals would be contrary to Policy G2 of the SDLP.

There is further planning concern that if noise nuisance occurs to occupiers of the flats due to the proximity of the employment uses, the ongoing viability of the employment uses may be threatened.

Waste and Recycling

It is considered that the developer should provide 24x180 litre bins for refuse and 24x180 litre bins for plastic/cardboard, and each household would require a 55litre kerbside box for household recycling. Alternatively, the developer could provide a communal bin store (10x1100 litres for refuse, recycling and cardboard and 5x240 litre bins for paper glass and cans). Sufficient storage space for bins and or boxes at the edge of the curtilage of the property adjacent to the public highway must be provided. In conclusion, the waste and recycling officer considers that the size of the bin store on the plan looks far too small to accommodate the number of bins required.

Highway Safety

The Highway Authority has no objection in principle regarding the proposal, but has requested amended plans. Therefore, if Members are minded to approve the application, this should be subject to satisfactory receipt of the following:

- The ramped car park access should be laid out at right angles to Blakey Road and not the angle proposed.
- In the interests of pedestrian safety, the development should include a paved footway to a minimum width of 2m across the ramped access area.
- The bin store gates should open inwards to avoid obstruction
- It is not clear whether the retaining wall fronting Flat 9 on Tollagte Rd is to be lowered, or demolished and then rebuilt. If the latter, and its ultimate height is 1.4m or greater above the adjacent footway level, details of the wall including calculations must be agreed through condition prior to construction.
- The access to the cycle store is unacceptable. A door must be provided on the long corridor (instead of near the lift) so one can enter and go straight to the cycle store.
- Due to limited space, a cycle stand rack is recommended with high and low trough positions should be conditioned.
- The Design Forum has noted that adequate provision for disabled parking has not been made.

In conclusion, no objection would be raised under Policy G2, subject to the above amended plans being received. However, if Members are minded to refuse the application, a suitable highway reason should be attached to ensure that these matters are considered subsequently.

Public Open Space

The applicant has signed not yet returned a Section 106 Agreement in respect of Policy R2. The relevant commuted payment would normally be due within the 13 week period for the major application, and this should form part of any subsequent recommendation for approval by the committee.

CONCLUSION

Whilst the proposal to provide 24 affordable homes close to the city centre is welcome in principle, the development would involve the loss of an existing employment use, contrary to Policy E16. Furthermore, the required noise and contamination surveys have not been submitted with the application, and the EHO has therefore been unable to determine whether residential use is acceptable on this site. As a result of the environmental issues raised, the general living environment created could be likely to have an adverse impact on future occupiers of the affordable housing. Subject to receipt of some amendments to the scheme, the highway

authority would raise no objection in principle. Whilst the Design Forum welcomes the scheme, officers have some concerns regarding the scale and height of the building in relation to its elevated setting.

RECOMMENDATION: REFUSE

Reasons for Refusal

1. The development would result in the loss of an existing employment site, and makes no provision for an alternative employment use. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the site is no longer viable for employment use, contrary to Policy E16 of the adopted Salisbury District Local Plan.
2. The site has a past history of potentially contaminative uses. No information has been provided in respect to the assessment of land contamination and the Local Planning Authority is not satisfied that the site would be suitable for the proposed residential use, given the potential for contamination. Furthermore, the site is adjacent to various industrial units and several small air conditioning units serve the neighbouring office units. No information is provided in respect of the noise environment or noise amelioration measures, and in the absence of this information, the Local Planning Authority is not satisfied that the amenities of future occupiers would not be unduly disturbed by the adjacent employment uses. The development would therefore be contrary to Policy G2 of the adopted Salisbury District Local Plan and the guidance in PPG24.
3. The right hand lower ground floor unit and the flat above have layouts that would result in a bedroom and living room being above and below one another. The different patterns of use of these rooms are likely to give rise to nuisance and detriment to the amenity of future occupiers, contrary to Policy G2 of the adopted Salisbury District Local Plan.
4. The layout of the development as proposed would be detrimental to the highway safety of existing and future users, and adequate provision for disabled parking and covered cycle parking has not been made, contrary to Policy G1, G2, TR14 and TR11 of the Salisbury District Local Plan.
5. Inadequate provision has been made to provide sufficient storage space for waste and recycling bins and boxes in a suitable location at the edge of the curtilage of the property adjacent to the public highway. The size of the bin store as proposed is too small to accommodate the number of bins required for the development. The proposal would therefore be contrary to Policy G2 of the adopted Salisbury District Local Plan.
6. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

And contrary to the following policy/policies of the adopted Salisbury District Local Plan:

Policy G1	Sustainable Development
Policy G2	General Principles for Development
Policy E16	Employment
Policy D1	Design
Policy R2	Public Open Space
Policy TR11	Parking Standards
Policy TR14	Cycle Parking

And the guidance in Creating Places, PPG24, PPS23, PPS6, PPS3 and PPS1.

Informatives

1. The applicant is advised that the outstanding highway safety issues are as follows:
 - The ramped car park access should be laid out at right angles to Blakey Road and not the angle proposed.
 - In the interests of pedestrian safety, the development should include a paved footway to a minimum width of 2m across the ramped access area.

- The bin store gates should open inwards to avoid obstruction
- It is not clear whether the retaining wall fronting Flat 9 on Tollagte Rd is to be lowered, or demolished and then rebuilt. This needs to be clarified
- The access to the cycle store is unacceptable. A door must be provided on the long corridor (instead of near the lift) so one can enter and go straight to the cycle store.
- Provision for disabled parking should be made.

2. It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

Application Number:	S/2007/0425		
Applicant/ Agent:	NH DEVELOPMENTS LTD		
Location:	CAR PARK ADJACENT TO TOLLGATE ROAD TOLLGATE ROAD SALISBURY SP1 2HZ		
Proposal:	ERECT 4 HOUSES WITH 6 CAR PARK SPACES		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	27 February 2007	Expiry Date	24 April 2007
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

Councillor Howarth has requested that this item be determined by Committee due to: the interest shown in the application and the controversial nature of the application

SITE AND ITS SURROUNDINGS

The site is the former car park for the Tollgate Inn public house (Grade II listed) and is broadly rectangular in shape, with access onto Tollgate Road. The locality is residential in character, comprising two storey red brick Victorian and Edwardian terraces. Houses backing onto the site have limited amenity, as they are small dwellings with no front gardens and no off street parking.

The site lies within the Housing Policy Boundary and Conservation Area, and Area of Special Archaeological Significance.

THE PROPOSAL

The applicant already has approval for a two storey scheme, comprising a traditional terrace of four dwellings with off street parking spaces. However, the number of bedrooms has been increased from 3 to 4 with the 3rd and 4th bed/dressing room being provided in the roof. The new rooms would be served by 8 rooflights (4 on each of the front and rear elevations). 6 parking spaces are proposed as before to the rear of the site, and small amenity areas are proposed to the rear for each dwelling. Effectively, the application seeks consent to erect the dwellings *with* rooflights, without compliance with Condition 2 of S/05/1884

PLANNING HISTORY

S/03/1320	4 houses and garages and alteration to access	Refused	Appeal
Dismissed			

This application sought permission for four houses and garages and alteration to the access on the site. The proposal comprised three storey accommodation, served by rooflights. The application was refused on appeal (details as attached in Appendix)

S/04/2709	4 Houses with 6 parking spaces	Approved
S/05/1884	4 Houses with 6 parking spaces	Approved

Condition 2. Notwithstanding the provisions of Schedule 2 (Part 1) Class A to E of 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 extension to the dwellings, nor any alterations to the roof (including the insertion of dormer windows or rooflights) nor the erection of any structures within the curtilage 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.

CONSULTATIONS

WCC Highways -	No objection subject to condition requiring covered cycle parking
Archaeology -	No comments
Wessex Water -	Points of connection to be agreed
Conservation -	Objection (see below)

REPRESENTATIONS

Advertisement	Yes	Expiry 29/3/07
Site Notice displayed	Yes	Expiry 29/3/07
Departure	No	
Neighbour notification	Yes	Expiry 20 /3/07

Third Party responses Yes Two letters of objection on the following grounds: rooflights are undesirable, loss of privacy, overlooking, adjoining houses/gardens are at a lower level than the site, previous condition prevented dormers or rooflights, damage caused by boundary hedges.

MAIN ISSUES

1. Site History and Public Inquiry
2. Impact of rooflights on neighbouring amenity and character of the Conservation Area

POLICY CONTEXT

Adopted Salisbury District Local Plan Policy G2, D2, H16, CN5, CN8, CN11.
And the guidance in PPS3, PPG15 and Creating Places.

PLANNING CONSIDERATIONS

Site History and Public Inquiry: Impact of rooflights on character of the Conservation Area

Policy D2 sets out the criteria for infill development, and states that proposals for street development should respect or enhance the character of the area in terms of ...the architectural characteristics of adjoining buildings. Policy CN8 states that in Conservation Areas, only development that preserves or enhances the existing character of the area will be permitted, and that the design of new development should respect the character of the area. Policy CN11 seeks to safeguard views into and out of Conservation Areas.

The appeal for S/03/1320 focussed on the effect of the proposed development on the character and appearance of the Conservation Area, the setting of Tollgate public house and neighbouring residential amenities. The Inspector's report is attached as Appendix 1. The proposed rooflights are not considered to affect the setting of the listed building.

The Inspector noted there were only "a few" rooflights in the locality and that these were some of the design features to be found in the Conservation Area *generally*. However, he also noted *that extensive use would be made of rooflights in one building, which again would be uncharacteristic*. It should be noted that the total number of rooflights was the same as in the current proposal: 4 to the front and 4 to the rear elevations.

The Conservation Officer maintains that the existing rooflights in the area are unattractive, and detract from the historic part of the Salisbury Conservation Area. Creating Places states that rooflights, "Can add a rather discordant feature in traditional townscape or on older buildings." For these reasons, a Conservation objection is raised to the proposed amendment to incorporate rooflights on the front and rear roof slopes. In conclusion, the use of rooflights in this quantity would be uncharacteristic of the Conservation Area, and would not preserve or enhance its character, contrary to Policy D2, CN8 and CN11.

Impact of the rooflights on neighbouring amenity

It is important to note that the appeal Inspector considered the appeal rooflights to be *located high up the roofslopes, in particular to avoid overlooking to the rear*. The rooflights were 1.5m above the eaves in the rear elevation, which allowed only minimal overlooking. However, the Inspector noted that *the Council's main concern was the potential direct overlooking of the rear gardens of nearby terraced houses from the first floor windows in the rear, southern elevation*. He did not feel that the impact of the proposed rooflight (and other windows) facing the rear of 12 Tollgate Rd *would be so serious as to justify refusal on its own*. Overall, he felt that the appeal proposal could result in a strong feeling of intrusion and that the properties in St Martins Church Street and 12 Tollgate Road *have limited residential amenity which it would be unreasonable to significantly reduce*.

Following the appeal, the windows in the south elevation of the scheme were reduced from 6 first floor windows and 4 rooflights, to just four first floor windows, and the scheme was approved, subject to conditions controlling future insertion of windows.

The current scheme incorporates the four first floor windows, but once again seeks to reintroduce the rooflights. In this case, the rooflights would be set at 1.7m, which would limit overlooking to people taller than 5'7" in height. However, this would not reduce the *perception* of overlooking felt by occupiers of the rear gardens of the terraces, particularly when bedroom the windows are open and lights are on.

The applicant suggests that the rooflights could be set at a level of 1.7m above floor level, and subject to internal fire doors and sprinkler systems, this is likely to be acceptable in building regulation terms. However, the very limited outlook from these bedrooms would make the proposal undesirable in terms of the amenities of future occupiers of these rooms, due to the lack of outlook. When coupled with the restricted headroom in these rooms, the development is very likely to lead to pressure on the Local Planning Authority in future to provide alternative windows that would provide more light, outlook and headroom for occupiers, to the detriment of neighbouring amenities. In conclusion, the development would be undesirable in terms of the amenities of future occupiers, due to limited outlook. Whilst there would be no direct conflict with any local plan policies, the development would appear not to provide the high quality new housing promoted in PPS3, contrary to this national policy guidance.

CONCLUSION

In conclusion, the proposed scheme seeks to provide 8 rooflights set at 1.7m above floor level, to prevent *actual* overlooking. However, the *perception* of overlooking from occupiers of the gardens of adjoining terraces would be increased by the proposal to a level comparable with the appeal proposal, and the restricted outlook from bedrooms 3 and 4 and associated restricted headroom is likely to create unsatisfactory living conditions for future occupiers.

As acknowledged by the Inspector, there are only a few rooflights in the Conservation Area. The concentrated use of them on the proposed dwellings would be uncharacteristic of the area, and the rooflights themselves would introduce an architectural characteristic that would not respect or enhance the character of the Conservation Area.

RECOMMENDATION: REFUSE

Reasons for Refusal

1. The proposal seeks to provide eight rooflights set at 1.7m above floor level for bedroom three and bed/dressing room four. The rooflights would increase the perception of overlooking from the dwellings for occupiers of the gardens of adjoining terraces, which have limited amenity space. The outlook from these rooms would be severely restricted and is therefore likely to create unsatisfactory living conditions for future occupiers. The development would therefore be contrary to Policy G2, D2 of the adopted Salisbury District Local Plan and the guidance in PPS3.

2. Existing dwellings in the Conservation Area are acknowledged by a previous appeal Inspector to include only a few rooflights. The concentrated use of eight rooflights on the proposed

dwellings would therefore be uncharacteristic of the area, and the rooflights themselves would introduce an architectural characteristic that would neither respect nor enhance the character of the Conservation Area. The development would therefore be contrary to Policy D2, CN8 and CN11 of the adopted Salisbury District Local Plan and the guidance in Creating Places.

3. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

And contrary to the following policy/policies of the adopted Salisbury District Local Plan:

Policy G2 General Principles for Development

Policy D2 Design

Policy H16 Housing Policy Boundaries

Policy CN8 and CN11 Conservation Areas

Policy R2 Public Open Space

And the guidance in Creating Places, PPG15 and PPS3

Informative

It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

Part 2

Applications recommended for Approval

3

Application Number:	S/2007/0162		
Applicant/ Agent:	PLANNING & DESIGN LTD		
Location:	142 NETHERHAMPTON ROAD SALISBURY SP2 8LZ		
Proposal:	EXTENSION & CONVERSION OF EXISTING HOUSE INTO 5 NO FLATS, NEW BUNGALOW IN PLOT AT REAR & ASSOCIATED WORKS		
Parish/ Ward	WEST HARNHAM		
Conservation Area:		LB Grade:	
Date Valid:	26 January 2007	Expiry Date	23 March 2007
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

REASON FOR REPORT TO MEMBERS

Councillor Dalton has requested that this item be determined by Committee due to the controversial nature of the application

SITE AND ITS SURROUNDINGS

142 is a two storey detached property located within the Housing Policy Boundary of Salisbury. It occupies a corner plot with Tylers Close access road running to the east of the site and gardens of dwellings in Upper Street to the west. The property has been extended with a two storey flat roof extension built to the west boundary of the site.

THE PROPOSAL

To convert and extend the existing property into five flats (three on the ground floor and two on the first floor) and to construct a new single storey bungalow to the rear of the site. A parking area is proposed to the flats accessed from Netherhampton Road, whilst it is proposed to access the bungalow via Tylers Close.

PLANNING HISTORY

2006/1841 Extension and conversion of existing house into 5 flats, new bungalow in plot at rear and associated works Withdrawn 30/10/2006

CONSULTATIONS

WCC Highways - I can confirm that the agent has addressed all the concerns raised in connection with S/2006/1841.

The access has been widened over the first 5 metres from the back of footway and the flanking boundary wall is indicated to be removed. Both these measures will improve maneuverability at the junction with Netherhampton Road. (Whilst it would be a better arrangement to provide parking off the Close which is a private road, the changes shown in the latest submission overcome my concerns about highway safety at the access point). The number of parking spaces and space for turning have been improved for the five flats. The layout of the parking for the bungalow is now shown to be improved over the earlier scheme, where a second car can reverse with clear inter-visibility with pedestrians on the private access road.

I therefore recommend that no highway objection be raised subject to the parking and turning area being constructed and laid out in accordance with details which shall be submitted for the further approval of the LPA: the parking and turning areas shall be completed in accordance with the approved details before the first occupation of the development and thereafter maintained for these purposes.

Environmental Health Officer - I have no objection in principle to this proposal. However I think the design of flat No 2 could be altered so that the WC compartment does not open directly into an area used for preparation and cooking of food by the provision of a small lobby outside the bedroom

Wessex Water Authority - The development is located within a sewered area, with foul and surface water sewers. Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.

The developer has proposed to dispose of surface water to soakaways. It will be necessary, if required, for the developer to agree points of connection onto our systems for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

Wiltshire Fire and Rescue Service –Have submitted a letter of recommendations with regard to fire safety measures. This information could be added as an informative to any consent.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes, expiry date 9 th October 2006
Departure	No
Neighbour notification	Yes, expiry date 28 th September 2006
Third Party responses	Yes

9 letters of objection/concern, summarised as follows:

- Development will affect elderly residents in Tylers Close. Proposed access/visitors parking area to rear bungalow via Private Drive (Tylers Close) – conflict with restrictive covenants/private ownership rights/unauthorised parking restricting Tylers Close resident parking/possible damage and unfair that Tylers Close residents pay for upkeep/unlawful for council to give permission for access to a private road without owners permission
- Applicant has not been in touch with the owner of Tylers Close. Developer has no rights to use Tylers Close for access
- Additional cars accessing onto Netherhampton Road pose highway safety hazard. An application for one dwelling on a neighbouring site turned down on these grounds.
- Insufficient parking- owners likely to park in Netherhampton Road – highway and pedestrian safety hazard as would restrict visibility and conflict with bus stop opposite.
- Parking problems – parking spaces/turning space inadequate - will make parking difficult and if all spaces in use refuse collection area would be inaccessible
- Application implies that parking will be insufficient as the layby in Tylers Close is noted on the plan to be used for excess parking
- Application would set a precedent for similar applications
- Outlook from property opposite entrance will change to car park area – additional cars will increase headlight beam nuisance to 123 Netherhampton Road to unacceptable level

- Noise, disturbance and disruption during building works/development will necessitate upgrade of existing public utilities- applicant already caused disturbance clearing the site with bonfires and leaving rubbish
- Developer refers to 110-112 (S/2001/1050) Netherhampton Road, which has been converted into flats- this development had existing flats and has garages for car parking and is different as only accommodates 4 flats on three floors with easier access to the back with a wider drive. This application did not affect neighbour's property or residents of a private road.
- The development will improve the southern aspect of the property but the money making scheme of overdevelopment will be a detriment to the environment and residents in the immediate vicinity.
- Overdevelopment of site – too many flats proposed/overcrowding
- Drainage problems – since development at Wellworthy site, residents in Netherhampton Road have suffered from blocked drains. Wessex Water need to advise if the drainage in Netherhampton Road could cope with further housing development.
- Concerns that developer will connect to private infrastructure
- Impact to character of area
- Development may require scaffolding on adjacent land, which will not be permitted.
- No windows should be permitted to overlook No 148/no increase in elevations

One letter of support, subject to (summarised):

- The bungalow is similar to existing in Tylers Close – subject to withdrawal of pd rights for extensions into roof space
- Storage sheds should be restricted to not be higher than the current boundary fence
- Boundary fencing should be maintained by the new owners.
- Gross floor area is within permitted limits

Letter from applicant responding to above comments, summarised:

No rubbish has been left for residents

Tylers Close is owned by the Treasury who have been contacted

Applicant is arranging easement for access/covenants give right of access to residents not ownership

Developer would rectify any damage to Tylers Close

If Tylers Close is not suitable for use by one more bungalow, then it would suggest it is not suitable for any

Proposed development provides greater parking and turning space than 110-112 Netherhampton Road

MAIN ISSUES

Principle, scale and design, impact on highway safety, neighbour amenity and character and appearance of the area

POLICY CONTEXT

Adopted Local Plan policies G1 (sustainable development), G2 (General), G3 (water requirements), D2 (infill development), D3 (extensions), H8 (Housing Policy Boundary), R2 (open space provision), TR11 and TR14 (Transportation), R2 (Recreation open space)

PPS 3 - Housing

PLANNING CONSIDERATIONS

Principle

The site is located in the Housing Policy Boundary, where the principle of new small-scale development and redevelopment is established as acceptable subject to various criteria and policies contained within the Local Plan.

Policy G1 of the Adopted Local Plan promotes the effective use of land in urban areas, however PPS 3 makes it clear that whilst new development must make the best use of available land this

should not compromise the quality of the environment. The local plan policies seek to only allow the redevelopment of a site for residential purposes where they show a high quality design that respects and enhances the character and appearance of the local area. Policy D2 requires that infill development should respect the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths. Policy D3 relates to extensions to existing properties and requires them to be compatible in terms of the scale, design, and character of the existing property and use of complementary materials.

Impact on highway safety, neighbour amenity and character and appearance of the area

Dwellings in Netherhampton Road are mixed in scale, design and materials to include single storey bungalows and detached and semi-detached two storey dwellings.

The main dwelling is a 1930s detached property constructed of clay facing brick with rendered elevations under a concrete profiled tiled hipped roof. The property has been extended to the rear with a large two-storey flat roof extension built on the boundary with dwellings in Upper Street. The previous application proposed to extend the building to the side of the existing flat roof extension with another two-storey flat roof extension and a ground floor flat roof extension to the side elevation of the main dwelling. Whilst the dwelling has already been extended with a two-storey flat roof extension, this is to the rear of the dwelling, and considered subservient to the main dwelling and not to detract significantly from the original character and appearance of the dwelling. The previous application was recommended for refusal on the grounds that the flat roof extensions dominated the existing property, which would have had a detrimental visual impact on the character of the area and street scene.

This application has revised the scheme so that the two-storey extension will have a pitched roof extending over the existing flat roof section to join onto the existing roof. The revised design is considered acceptable to the overall appearance of the site and street scene.

The hipped roof design of the proposed bungalow to the rear of the site is considered appropriate to the character and appearance of the area and adjacent bungalows, and the plot size and size of the bungalow is also comparable with the adjacent bungalow development.

Policy G2 (vi) of the adopted local plan states that new development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.

It is important to consider the effect on the living conditions of the occupants of nearby dwellings and whether the flats would provide satisfactory living conditions for future occupants.

The previous application was considered unacceptable as the proximity of the proposed flats to the proposed bungalow would have an unsatisfactory overlooking and overbearing relationship and provide insufficient private amenity space, with windows to the principal living areas (sitting room/kitchen) on the north elevation at ground and first floor. The bungalow also had windows to the principal living areas (sitting room/kitchen/dining and patio area) on the south elevation. The distance between the proposed flats and bungalow (scaled at 16.5m wall to wall from the submitted plans) was considered to be insufficient and would have resulted in an adverse impact through overlooking from the previous scheme.

This application has been revised so that the orientation of the bungalow has been changed to provide a more private garden area to the north of the bungalow and only the kitchen door and bathroom window on the south elevation.

No outside amenity space is provided for the flats and as such it is especially important that the internal living spaces and arrangement is carefully considered. The internal layout and access arrangements to the flats also been amended. By reorganising the internal layout and position of principal rooms, it is considered that the revised proposal will have an acceptable impact to existing adjoining/nearby residences and future occupiers of the flats. No windows are proposed on the west elevation, which would otherwise overlook the gardens of the dwellings to the west.

Access/parking

It is proposed to access the flats from Netherhampton Road with the addition of a parking area to the rear of the site, and to access the bungalow from Tylers Close.

Objections have been raised with regards to the proposed vehicular access to the bungalow at the rear of the site from Tylers Close, which is a privately owned drive, and that this would conflict with restrictive covenants on the site. However private property rights are non-planning issues.

As the development proposes access to the rear bungalow via Tylers Close, the applicant has certified on certificate B that he has served notice on the owner (The Treasury) and as the new guttering on the two storey extension will overhang the boundary with No 43 Upper Street and No 148 Netherhampton Road he has also served notice on these two properties.

Policy G2 (i) of the adopted local plan states that there must be a satisfactory means of access and turning space within the site together with parking.

Objections have been received to the application on the grounds that insufficient off street parking is available. It is proposed to provide 6 car parking spaces to the rear of the building.

Wiltshire County Council Highways Department objected to the previous application on highway safety grounds on the following grounds:

- Use of the sub standard access generated by the proposed development would be prejudicial to road safety.
- The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety.

They have now recommended that they are satisfied that the applicant has incorporated measures that will improve manoeuvrability at the junction with Netherhampton Road and the changes shown in the latest submission overcome their concerns about highway safety at the access point (the access has been widened over the first 5 metres from the back of footway and the flanking boundary wall is indicated to be removed). They have also confirmed that the number of parking spaces and space for turning have been improved for the five flats and the layout of the parking for the bungalow is now shown to be improved over the earlier scheme, where a second car can reverse with clear inter-visibility with pedestrians on the private access road.

They have recommended that no highway objection be raised subject to the parking and turning area being constructed and laid out in accordance with details which shall be submitted for the further approval of the LPA: the parking and turning areas shall be completed in accordance with the approved details before the first occupation of the development and thereafter maintained for these purposes.

Policy TR14 of the local plan requires a minimum of 2 covered cycle spaces per unit. An area has been provided in the north west corner of the site for bin storage and the provision of 5 secure storage sheds. These sheds are each 2m x 1.5m in floor area (in accordance with Appendix VI of the local plan) for cycle parking. A condition is recommended that full details of the cycle storage provision to include the design should be submitted and agreed.

Recreational Open Space

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment. Applicants are now required to sign agreements during the course of the application. The applicant has signed and returned the draft agreement and payment.

Water Efficiency

The site falls within the catchment of the River Avon and the habitats and watercourse have been suffering as a result of over abstraction of water resources throughout the catchment. Whilst Wessex Water has raised no objections to the proposal; in order to contribute to reducing

water demand in the area to be of benefit to the River Avon and contribute to the preservation of future public water supplies in the area, in accordance with policy G3 of the Local Plan and Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" which promotes the prudent use of natural resources, the Local Planning Authority has agreed with the Environment Agency that conditions that a water efficiency scheme for the development is required to include water efficient appliances, fittings and systems.

CONCLUSION

This application has been considered against the relevant policies from the Adopted Local Plan. It is considered that the revised proposal will be appropriate to the overall appearance of the site and street scene, and will result in an acceptable impact to residential amenity for both existing and future occupiers and subject to conditions will not have an adverse impact to highway safety.

RECOMMENDATION: APPROVE

Subject to the applicant and any other relevant parties entering into a section 106 of the principal act relating to the provision of public recreation open space, then the application be approved.

Reasons for Approval

This application has been considered against the relevant policies from the Adopted Local Plan. It is considered that the revised proposal will be appropriate to the overall appearance of the site and street scene, and will result in an acceptable impact to residential amenity for both existing and future occupiers and subject to conditions will not have an adverse impact to highway safety.

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) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

(3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building. (D01A)

Reason: To secure a harmonious form of development.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows to the flats other than those hereby permitted.

Reason: To secure adequate standards of privacy for the occupants of neighbouring premises

(5) No construction work shall take place on Sundays or public holidays or outside the hours of 8.00am to 6.00pm weekdays and 8.00am to 1.00pm on Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of the amenities of neighbouring dwelling[s].

(6) Before development commences, full details of the cycle storage provision to include the design shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: To ensure that adequate and suitable cycle parking spaces are available to the residents of the development in accordance with the requirements of policy TR14 of the Adopted Salisbury District Local Plan.

(7) No development shall commence on site until details of the parking and turning areas to the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall be completed in accordance with the approved details before the first occupation of the development and thereafter maintained for these purposes.

Reason: In the interests of highway safety.

INFORMATIVES: - POLICY

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions

INFORMATIVE: WATER EFFICIENCY

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum, low-flush toilets, water butts, spray taps, low flow showers, and kitchen appliances with the maximum water efficiency rating.

INFORMATIVE: WILTSHIRE FIRE AND RESCUE SERVICE

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

Part 3
Applications recommended for the Observations of the
Area Committee

No Observations