

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 22/11/2007

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
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1	S/2007/1785	BEMERTON
SV 15:30	Mr R Hughes	APPROVED WITH CONDITIONS
P 4-11	AMANDA DAWSON PEGASUS PLANNING GROUP CONQUERED MOON PUB WOODSIDE ROAD BEMERTON HEATH SALISBURY DEMOLITION OF PUBLIC HOUSE AND REDEVELOPMENT OF SITE FOR 100% AFFORDABLE HOUSING (14 NO. 2 BED FLATS) INCLUDING CAR PARKING AND ACCESS	Bemerton Ward Councillor Mrs Evans Councillor Osment Councillor Vincent

Agenda Item:

Tree Preservation Order at B&Q Store Southampton Road Salisbury

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2007/1785		
Applicant/ Agent:	AMANDA DAWSON		
Location:	CONQUERED MOON PUBLIC HOUSE WOODSIDE ROAD BEMERTON HEATH SALISBURY SP2 9EE		
Proposal:	DEMOLITION OF PUBLIC HOUSE AND REDEVELOPMENT OF SITE FOR 100% AFFORDABLE HOUSING (14 NO. 2 BED FLATS) INCLUDING CAR PARKING AND ACCESS		
Parish/ Ward	BEMERTON		
Conservation Area:		LB Grade:	
Date Valid:	3 September 2007	Expiry Date	3 December 2007
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

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

The proposal relates to the demolition and removal of the existing public house building and use, and the creation of 14 affordable apartments, with access from Barnards Hill Drive, and 14 parking spaces. 10 of the flats would be shared ownership, 4 for rent.

The application has been submitted with the following documents:

Waste Audit and recycling audit
Affordable housing statement
Statement of Community Involvement
Design and Access statement

PLANNING HISTORY

S/2006/0329 – Outline application for 10 flats above a retail unit, a takeaway, and a café/bar.
Refused 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.*

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.

CONSULTATIONS

WCC Highways	Object due to inadequate parking provision
WCC Library/ Museum	No response
Housing & Health Officer	No objections, - construction condition.
Wessex Water Authority	No objections, although comments made regards possible crossing of site by water main, and disposal of surface water.
Environment Agency	No objections subject to conditions
Wiltshire Fire Brigade	Various comments regards fire safety, including the fact that the single common means of escape from the first floor is not satisfactory.
Police design officer	No objections
SDC Waste recycling officer	Provision of recycling facilities need to be secured
WCC Education	No response
SDC Housing	No objections

REPRESENTATIONS

Advertisement	Yes. Expiry 4/10/07
Site Notice displayed	Yes. Expiry 4/10/07
Departure	No
Neighbour notification	Yes. Expiry 25/9/07
Third Party responses	2 letters, including one letter from Salisbury Campaign For Better Transport stating the following points:

14 parking spaces is too much
No reference on plans to bike or bin storage
The area badly needed pub or at least a community centre
No safe areas for young children to play

MAIN ISSUES

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

POLICY CONTEXT

PS3 G1 G2 D1 D2 R2 H25 SDLP SPG Affordable Housing

PPG1, PPS3 – “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 planning application.

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

- a) The Bemerton Heath area has relatively few pubs or similar social facilities that are open to all (para 5)
- b) 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”.
- c) 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”.

Furthermore, the previous reasons for refusal are obviously of significant weight in the determination of this current application.

The main test for members to apply to this current application, is whether it would address their previous concerns as expressed in the previous reasons for refusal, and the concerns and issues raised by the inspector.

Retention of public house use

Firstly, it is noted that the applicants have submitted a short viability assessment relating to the existing public house use, which indicates that the building would cost significantly more to rebuild than it would take in profit, although this financial assessment is based on the rather poor last year of trading, and it has not been specified how the costs of any rebuilding works have been calculated or what they might entail.

However, the existing public house has been unused and derelict since for a number of years. Due to fire damage and vandalism, it appears that at the very least, the existing buildings would have to undergo significant repair (and therefore at presumably significant cost) before it re-opened as a public house. Therefore, the comments of the local populous regards this matter are a significant material consideration.

The applicants held a public exhibition regards the future of the site, which unfortunately seems to have been rather poorly attended, and from the results of that meeting (as supplied by the applicant – see appendix to this report), there appears to be no overwhelming desire from the local public to see a replacement public house use on the site (see Statement of Community Involvement submitted with the application). Notwithstanding this matter, this current application has only generated a few letters from the local populous, and there has been no significant representations regards the retention of the public house use.

Based therefore on the current reaction to date of local people, it therefore appears that a replacement public house use is not what is desired on this site.

However, the removal of the existing public house use, and its total replacement with a residential scheme would completely remove any community use of the site which currently or has existed. This would seem to contravene the spirit of the previous Inspectors decision, and would seem to be contrary to the aims of the Local Plan in retaining and enhancing community uses. Therefore, in the opinion of the LPA, this new scheme needs in some manner to make provision for a community facility.

Provision of a replacement community use

This scheme differs from the scheme previously refused by members in that this current scheme contains no on site community or other similar replacement facility.

Prior to this application being submitted the various possibilities of a community use being provided on this site together with housing was explored by the applicant, and suggestion were made to utilise the adjacent garaging site. However, it was not possible to use the adjacent garaging site, and consequently, it proved impossible to provide both a community facility and housing on the (current application) site without resulting in similar concerns as expressed previously by the LPA regards the previous mixed application.

However, in the applicants supporting evidence, the applicant has offered to make a financial contribution towards off site community facilities, (of £20,000 pounds).

The question for the LPA is therefore whether such an offer is sufficient to address the previous reasons for refusal, regards the loss of the public house or similar community facility.

Regards this matter, it is generally understood that whilst no necessary planning permissions are in place local for such a facility, the local neighbourhood association has plans to create a new community centre on the Bemerton Heath estate, by utilising building offered by the Treetops Nursery, although this has not yet been finalised. In officers opinion, this a material consideration of weight and adds weight to the argument that it may be more appropriate to accept a financial contribution towards the provision of an off site facility, rather than refuse this current application due to the lack of a provision of a community facility on the application site.

However, when a development replaces a use which it is considered desirable to retain, it is normal practice for the development in question to provide a significant financial contribution, and/or build a replacement facility. The current financial offer from the applicants of £20,000 pounds is based on an understanding by the developer that the existing buildings offered by Treetops Nursery will cost in the region of £15000, although officer have little evidence regards these matters, and no formal response has been received from the Council's Community Initiative section. Therefore, officers welcome members input and local knowledge regards these issues.

Members should note that a payment such as £20,000 would form only a small proportion of what would actually be required to create/construct a new community facility, and conversely, if other financial contributions from other sources do not materialise, this sum would not be sufficient in isolation to provide a new community facility off site. It is therefore entirely possible that if the redevelopment of this site is allowed subject to such a financial contribution, then no replacement community facility may materialise.

However, in mitigation, a financial contribution of £20, 000 pounds for even a normal market development of 14 dwellings is actually quite a large sum of money in any event, particularly when you consider that the 88 dwellings erected on the Old Dairy site (now "The Romans") only secured a contribution of £30, 000 pounds (although this was a few years ago). Furthermore, the provision of 14 Affordable houses is of significant weight in policy terms, particularly given the high level of need in the Bemerton Heath area.

Whilst in officers opinion a development of 14 non affordable open market housing could possible provide additional monies towards an off site community payment, this would not of course achieve the aims of the Council or national planning policies in terms of securing more affordable homes. Furthermore, if members so wished, they could decide that any other financial

contributions normally require as part of such a scheme are waived in favour of the additional contributions being provided towards a new off site community centre. Obviously members need to understand that the reduction of other contributions may have knock on impacts in terms of the provision of other facilities, and therefore the impacts of the development may not be fully mitigated.

Whilst at first glance the current scheme would also appear to impact the aims of 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.

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

Impact on character of area/design

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

However, in officers opinion, the intended design of two simple separate blocks of accommodation would blend readily into the surrounding area, subject to suitable materials, and would be less dominating and less bulky than the previously refused scheme, partially due to the lowering of level of land and slightly lower ridge and broken ridge heights of the scheme. In officers opinion, the current scheme therefore represent a visual improvement over the scheme recently refused, and overcomes partially reason for refusal no.2.

Impact on amenities

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 windows facing south west on the building.

However, the general massing of the buildings would not be as large or dominating as the previous refused scheme, being far more residential in its scale and massing. The arrangement and size of the windows facing adjacent properties is also of a more residential scale and appearance, and therefore the perceived and actual loss of privacy to adjacent properties would in officers opinion be less significant than the refused scheme.

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 loose 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.

A small amenity area is provided on site, although this would not be able to serve the needs of residents in terms of drying of clothes etc, but act only as a small sitting out area for a few residents at a time. Given that this scheme is designed to be acceptable to an RSL and social housing space standards, it is considered that an objection would be difficult to sustain regards this aspect of the scheme, particularly as the area contains similar residential flats surrounded only with communal grassed areas, and particularly as there are no adopted amenity space standards in the Local Plan or at national level.

Impact on highway system and safety

WCC Highways have objected to the scheme, due to the low level of parking provision, and hence the likelihood of on street parking resulting from this scheme.

However, this scheme has been designed to meet the requirements and standards of the RSL, and the applicants have furnished the LPA with written evidence from the RSL that they are happy with the provision of one parking space for each flat, as historically, they have found that their residents have a lower car ownership than other sections of the community. The applicants have also pointed out that any future occupants of the dwellings would be within easy walking distance of a bus stop, and could cycle to the city centre.

This is a difficult issue. Officers are on one hand minded to agree with WCC Highways regards the lack of parking on the site. However, in order to justify a refusal, the harm caused by such under provision must be tangible.

WCC Highway's basic reasoning is that the lack of on site parking will inevitable result in additional on street parking, which will cause a highway danger. Firstly, in officers opinion, it may be difficult to defend a reason for refusal on these grounds as the RSL seems to be happy with the on site provision, based on their own historic evidence that such provision is acceptable. Secondly, it may be difficult to argue successfully that any on street parking which may (or may not) result from the development would be detrimental to highway safety, as Woodside Road is for the most part a fairly straight road, of ample width, where it is relatively easy to park on either side of the road without serious obstruction to pedestrian or vehicular traffic.

Furthermore, at the officers request, 28 bicycle parking spaces have been included into the scheme, thus providing tow spaces per dwelling. This will improve the sustainable credentials of the scheme, and hopefully reduce the reliance of residents on cars.

Obviously, a reduction in the number of residential dwellings would seem to resolve this parking problem to a large extent. However, members should note that any reduction in the number of dwellings on the site will result in a reduction in affordable housing provision, and may mean a smaller financial contribution towards an off site community facility, if indeed the scheme is viable at all.

Consequently, on balance, whilst it would seem likely based on WCC concerns that this proposal would result in additional on street parking around the site, it is considered in this instance that the tangible harm this would cause to highway safety in this location would not be significant enough to warrant refusal of the application on these grounds alone.

Waste/recycling and sustainability

A waste and recycling audit has been submitted with the application, which address Development Plan policies. A recycling/bin storage area has been included in the scheme, and a contribution to such bin provision will be secured via a legal agreement.

The supporting statement indicates that the scheme would achieve Code 3 of the Sustainable Homes regime (in accordance with national requirements, and a scheme of water efficiency measures has been requested by condition. Similar, the Primary Aquifer has been protected during development via a suitable condition.

CONCLUSION

Whilst the scheme would not replace the existing public house use, there seems little pressure from the local community regards such a replacement.

The provision of a new community centre and dwellings on the same site has been explored, but after consideration, it was decided that such a scheme was unworkable, and would not address previous reasons for refusal.

The revised scheme, subject to a suitable financial contribution, could address the concerns of the appeal inspector, in so far that it helps to provide a community facility central to the social life of the area, which would reduce the need to travel to other areas.

Furthermore, the overall design of the scheme is acceptable, and would not cause significant harm to surrounding amenities or highway safety.

Overall, on balance, the tangible benefits of the provision of affordable housing and a contribution towards the provision of community facilities off site are considered in this instance to outweigh any harm caused by the development.

RECOMMENDATION: APPROVE SUBJECT TO A S106 LEGAL AGREEMENT WHEREBY:

- A. A suitable financial contribution is paid towards the off site provision of new replacement community facilities;
- B. A suitable financial contribution towards the provision and maintenance of public open space;
- C. Provision of affordable housing
- D. The provision of suitable recycling facilities on site; then

REASON FOR APPROVAL:

Whilst the scheme would not replace the existing public house use, there seems little pressure from the local community regards such a replacement.

The provision of a new community centre and dwellings on the same site has been explored, but after consideration, it was decided that such a scheme was unworkable, and would not address previous reasons for refusal.

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Furthermore, the overall design of the scheme is acceptable, and would not cause significant harm to surrounding amenities or highway safety.

Overall, on balance, the tangible benefits of the provision of affordable housing and a contribution towards the provision of community facilities off site are considered in this instance to outweigh any harm caused by the development.

And subject to the following conditions:

- 01 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02 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, and details of the hard and soft landscaping, and large scale window, door and porch details, cycle, and bin storage facilities, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure a harmonious form of development.

- 03 Before development is commenced a scheme for water efficiency measures in the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON:

In the interests of sustainable development and prudent use of natural resources

- 04 Before development is commenced a scheme for the protection of the Primary Aquifer from pollution during demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON:

In order to protect the Primary Aquifer from pollution or contamination.

- 05 The bin storage area, cycle parking facilities, and car parking spaces and turning areas shall be provided and made available for use prior to the first occupation of any of the dwellings hereby approved, and such facilities shall be maintain as agreed in perpetuity.

REASON:

In order to ensure the long term provision of recycling and parking facilities on the site.

- 06 Before development commences a scheme to protect the amenities of adjacent neighbours during demolition and construction shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall provide details of hours of demolition and construction, and details of wheel washing; how noise/fumes/dust are to be treated, and the removal of waste/debris from the site, and details of the siting of all machinery/plant and vehicles associated with the development. The development shall be carried out in accordance with the agreed scheme.

REASON:

In order to limit the impact of the development on adjacent amenities.

INFORMATIVE

The site overlies a Primary Aquifer and falls within a Source Protection Zone 1. The Environment Agency has therefore stated that this needs to be protected and with regards condition 04 above, they have requested that a desk study should be undertaken, a site investigation scheme, a risk assessment, a method statement, and a verification report before provided. The full consultation response of the Environment Agency regards this application, and its requirements can be found on the Council's website, and further information regards land contamination and risk management, and water efficiency can be obtained from the environment agency website. The applicant is advised to discuss the content of the required scheme prior to submitting details pursuant to condition 03 & 04.