

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 20TH MARCH 2008

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/2008/0196	ST MARTIN & MIL
P4-10	Miss A Rountree	APPROVED WITH CONDITIONS
SV 17:00	RELPH ROSS 13 BROWN STREET SALISBURY DEMOLITION OF EXISTING BUILDINGS (21ST CENTURY ANTIQUES & BUILDINGS TO REAR) ERECTION OF NEW RETAIL UNIT & 12 RESIDENTIAL UNITS	ST MARTIN & MILFORD WARD Councillor Howarth Councillor Tomes
2	S/2008/0197	ST MARTIN & MIL
P11-13	Miss A Rountree	APPROVED WITH CONDITIONS
SV 17:00	RELPH ROSS 13 BROWN STREET SALISBURY DEMOLITION OF 21ST CENTURY ANTIQUES & BUILDINGS TO REAR	ST MARTIN & MILFORD WARD Councillor Howarth Councillor Tomes
	S/2008/0117	EAST HARNHAM
3	Mr Shane Verrion	APPROVED WITH CONDITIONS
P14-16	MR AND MRS WILLIS 105 BOUVERIE AVENUE SOUTH SALISBURY FELL (T5) 1 X BEECH AND REDUCE VERTICAL BRANCHES BY UP TO 3 METRES ON 4 X BEECHES	HARNHAM EAST WARD Councillor Ms Hill Councillor Ms McKeown

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2008/0196		
Applicant/ Agent:	RELPH ROSS PARTNERSHIP		
Location:	13 BROWN STREET SALISBURY SP1 1HE		
Proposal:	DEMOLITION OF EXISTING BUILDINGS (21ST CENTURY ANTIQUES & BUILDINGS TO REAR) ERECTION OF NEW RETAIL UNIT & 12 RESIDENTIAL UNITS		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	1 February 2008	Expiry Date	2 May 2008
Case Officer:	Miss A Rountree	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

13 Brown Street is a collection of buildings which are currently used by a second hand furniture business. The building which fronts the site is a turn of the 20th century building with shopfront. The site is located within the Secondary Shopping Area, the Eastern Chequers and the Conservation Area of Salisbury.

THE PROPOSAL

Permission is sought to demolish the existing buildings and construct new ones to create a new retail unit and twelve residential units. There is no on-site parking proposed but secure cycle units will be provided for the residential units. The buildings to the rear of the site will be contemporary in style with mono-pitched standing seam zinc roofing and will be constructed from a mixture of render, brick and timber cladding. The retail unit to the front of the site and the residential units behind and above will be constructed from facing brick with plain clay tile roof with a traditional timber shopfront facing onto Brown Street. Amenity space will be provided to the rear of the site with several other landscaped areas and a first floor terrace for units 5 and 6.

Since the previous application was refused an office element has been removed, the residential accommodation increased to twelve units, the design of the retail unit altered and additional information submitted.

PLANNING HISTORY

87/1461	Change of use to cafe Rear Of 7 – 11 Brown Street	AC	28/10/87
90/507	Construction of new office buildings (existing buildings on site to be demolished) and construction of access at 15 Brown Street	AC	20/06/90
94/798	Change of use for sale of old and new furniture and effects, also the making of new and reproduction furniture and repairing furniture at 15 Brown Street	AC	03/08/94
96/606	Renewal of permission for retail warehouse (S/94/0798) at 13 Brown Street	AC	25/06/96

City Area Committee 20/03/2008

99/1292	Demolition of existing workshop and showroom at 7-11 Brown Street	AC	15/11/99
99/2163	Removal of existing workshop & showroom and replacement with four semi detached houses with workshop/office at ground floor level and conversion of first floor accommodation of existing showroom into three flats (resubmission) at 7 – 11 Brown Street	WD	03/04/03
99/2164	Alteration of first floor to provide one additional unit of accommodation (residential) at 7 – 11 Brown Street	A106	04/04/00
01/210	Of first floor to flats at 7-11 Brown Street	R	21/05/0
07/0377	Demolition of existing buildings (21st century antiques shop) on 13 brown street and to rear, erection of new restaurant, office and nine residential units	WD	04/04/07
07/0378	Demolition of existing buildings (21st century antiques) on 13 brown street and to rear, erection of new restaurant, office and nine residential units	WD	18/04/07
07/1706	Demolition of existing buildings (21 st Century Antiques and Buildings to rear). Erection of new retail unit, office unit and 9 residential units.	REF	16/10/07
07/1707	Demolition of 21 st Century Antiques and buildings to rear.	REF	16/10/07

CONSULTATIONS

WCC Highways	- No Objections
Environmental Health Officer	- No Objections subject to Conditions
Environment Agency	- No Objection subject to conditions and informatives
Wiltshire Fire & Rescue	- Consideration should be given at Building Regulations stage to ensure adequate access and water supplies for firefighting plus the use of domestic sprinklers

REPRESENTATIONS

Advertisement	Yes	Expired 06/03/08
Site Notice displayed	Yes	Expired 13/03/08
Departure	No	
Neighbour notification	Yes	Expired 26/02/08
Third Party responses	Yes	1 letter of support 1 letter of objection regarding: <ol style="list-style-type: none"> 1. The residential units will be noisy due to the public houses and nightclub nearby 2. Impact on adjacent Grade II* listed building during demolition (not a material planning consideration - covered by the party wall act) 3. The retail aspect is not in keeping with the streetscene 1 letter of observation regarding: <ol style="list-style-type: none"> 1. The impact of the proposal on the roofscape of the area.

MAIN ISSUES

Scale & Design
Water Source Protection & Contaminated Land
Impact on Residential Amenity
Impact on Archaeology
Impact on Highway Safety

POLICY CONTEXT

Adopted Salisbury District Local Plan G1, G2, D2, D6, H4, H16, CN8, CN9, CN11, CN21, R2

PLANNING CONSIDERATIONS

Principle of Development

The buildings to the rear of the site have an extant permission for demolition but the frontage building on Brown Street, currently a shop, does not. Therefore the main issues for members to consider are the demolition of the building fronting Brown Street and the redevelopment of the site. Being located within the Eastern Chequers and the Housing Policy Boundary the principle of redevelopment for residential purposes is acceptable and the retention of a retail unit means there is not judged to be any loss of employment on the site. However, in order to ensure that the retail function remains on site, in the interest of the vitality and viability of the area, it is considered prudent to add a condition restricting its use to A1.

Scale & Design

Brown Street is of a mixed character but this side of the street is largely comprised of two storey brick buildings dating from the 19th and early 20th century with listed buildings at either end. While a contemporary approach to design is welcomed it is considered that any development directly facing onto Brown Street should be of traditional proportions. On the previous application the contemporary style of the building housing the retail unit was not judged to adequately reflect the proportions and style of the frontages of the rest of the street which are of a traditional character and materials.

The scale and character of the proposed shop unit is now more traditional and is considered sympathetic to the terrace and the street in general. There is still some concern that the shopfront does not reflect the proportions of a traditional shopfront due to the fascia being slightly too high and deep but being a vast improvement on the previous scheme it is considered to be acceptable in the context of the Conservation Area.

The contemporary design of the buildings to the rear of the site contributes positively to the surrounding area and as they are relatively concealed from the streetscene they are not judged to be detrimental to the Conservation Area

D6 seeks to ensure that buildings within the Salisbury Central Area are traditional in style and materials. Although the proposed roofing material and design is non-traditional the roofs are no higher than the surrounding buildings and the proposal is judged to conform with policy D6 by adding variety to the skyline while not prejudicing views of Salisbury Cathedral.

Water Source Protection and Contaminated Land

The site overlies a major aquifer and falls within groundwater Source Protection Zone 1. This zone surrounds a nearby drinking water hole borehole at Deans Farm which is vulnerable to pollution and requires careful protection from contamination. The previous application was refused due to insufficient assessment of land contamination but a Phase 1 Environmental Risk Assessment has since been submitted. This has identified that there has been no major industrial or commercial activity on or adjacent to the site which could have led to significant contamination. It is recommended that post-demolition the made ground should be inspected and soil samples taken and submitted to a AKAS accredited laboratory to identify any residual contamination. If significant contamination is identified beneath the site post-demolition a quantitative risk assessment for the proposed use and a remedial strategy should be produced. If necessary the risks can then be mitigated through the excavation and disposal of the contaminated soils or incorporation of appropriate design controls.

Environmental Health are content that providing a condition is added to ensure that these recommendations are carried out sufficient assessment has been made of potential land contamination. With the submission of the Phase 1 Assessment the contaminated land conditions suggested by the Environment Agency have required reworking but providing a suitable condition is added both bodies are happy that the previous reason for refusal has been overcome.

As there has been some history of rainwater drainage at the site a condition is added regarding the submission of a scheme of surface water drainage. In addition the Environment Agency have also suggested conditions regarding the submission of a construction management plan and a scheme for water efficiency which have been duly added.

Impact on Residential Amenity

The previous application was refused due lack of information regarding the noise environment or noise amelioration measures as several of the domestic units of the development wrap around the adjacent nightclub which is currently licensed to operate until 5am.

Since the previous application was refused a report measuring the existing noise levels for the site has been submitted. The Environmental Health team are now satisfied that providing where residential accommodation shares a party wall with the "Club Rouge" premises a higher specification wall design is provided, the impact on the living environment of future occupants will be minimal. A condition is therefore added to ensure that the details of this wall are submitted prior to development commencing.

Previously there was also concern from Environmental Health that further residential and commercial accommodation in this location was likely to increase congestion caused by traffic and parking on Brown Street contributing poor air quality in the area. As the scheme has since been amended to remove the office element, there is already a retail unit on the site, and there is no parking proposed on the site the scheme is not judged to contribute to traffic congestion any more than the existing situation.

There is limited amenity space provided but as the site is within the city centre relatively close to a recreational open space, this is not considered to be an issue.

With regard to the residential amenity of nearby dwellings there is a residential terrace backing on to the rear corner of the site and the balcony of a flat to the northern boundary overlooks the site. Due to the unusual relationship with surrounding buildings the proposed dwellings will be overlooked by nearby buildings but these are largely commercial and for the same reason the proposal is not judged to be any more detrimental to the residential amenity of nearby residential dwellings than the existing situation. In terms of overshadowing being of similar height to surrounding buildings, the proposal is not judged to be detrimental.

Impact on Archaeology

The site lies within the Black Horse Chequer of the medieval city which is one of the areas of the city where no archaeological excavations have taken place. From current knowledge it is clear that Milford Street, forming the southern part of this chequer, was the main route into the city from the east. It appears that merchants constructed their houses on the Milford Street frontage with additional houses at the rear of the street. As such the potential to find archaeological features is therefore high and the County Archaeologist has recommended that an archaeological investigation takes place prior to construction. Therefore a condition requiring this has been added.

Impact on Highway Safety and Car Parking

The site lies within an area well supported by an existing network of public transport and there are three pay and display car parks within a five-minute walk and it is not necessary for on-site car parking to be provided. The scheme will have covered cycle shelter for the residential element of the development and as such Wiltshire County Council Highways Department have no objection to the proposal.

Contribution to Public Open Space and Waste & Recycling

Provided the applicant returns the signed Section 106 agreement which has been sent to them and pays the relevant commuted sum prior to consent being issued Policy R2 will have been complied with.

A contribution will also be required to provide the development with adequate waste & recycling facilities. As such a condition is added to ensure that a scheme for such provision is submitted prior to development commencing.

CONCLUSION

Since the previous application the design of the retail unit has been altered, further details with regard to contamination and noise environment have been submitted. Following the changes made the design of the residential and retail units are judged to preserve and enhance the surrounding Conservation Area while being acceptable in principle. Therefore the proposal is judged to conform with saved policies G1, G2, D2, D6, H4, H16, CN8, CN9, CN11, CN21 and R2 of the Adopted Salisbury District Local Plan.

Subject to the receipt of a suitable sum towards the provision of open space, then: -

APPROVE FOR THE FOLLOWING REASON:

Reason for Approval

Following the changes made the design of the residential and retail units are judged to preserve and enhance the surrounding Conservation Area while not prejudicing the residential amenity of nearby dwellings, highway safety or the water source, . Therefore the proposal is judged to conform with saved policies G1, G2, D2, D6, H4, H16, CN8, CN9, CN11, CN21 and R2 of the Adopted Salisbury District Local Plan.

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) 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 secure a harmonious form of development.

- (3) The retail premises hereby permitted shall be used only for the purposes set out under Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. (V02A)

Reason: To enable the Local Planning Authority to exercise control over the use of the premises in the interests of regulating any alternative kinds of operations which could have adverse effects upon the amenities of nearby dwellings.

- (4) Following demolition no construction shall take place within the application site until the applicant, or their agents or successors in title, has:
 - (a) secured the excavation of the application site; or
 - (b) secured the implementation of a programme of archaeological work within such lesser area as shall be identified in a written scheme of archaeological evaluation which shall have been submitted and approved in writing by the local planning authority: and secured the implementation of a programme of archaeological work within such a lesser area as shall be identified in a subsequent written scheme of archaeological excavation (if any) which shall have been submitted and approved in writing by the local planning authority.

Reason: To ensure that the archaeology of the site is adequately recorded.

- (5) Construction work shall take place only between the following hours: 0800 and 1800 Mondays to Fridays, 0800 and 13:00 on Saturdays and at no time on Sundays or Bank/Public Holidays. This includes the delivery of materials to the site.

Reason: In the interest of the amenity of surrounding land users.

- (6) The demolition of existing buildings, structures and foundations, together with the removal of debris resulting there from, shall take place only between the following hours:- 0800 and 1800 Mondays to Fridays 0800 and 13:00 on Saturdays and at no time on Sundays or Bank/Public Holidays. (K04A)

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

- (7) Prior to commencement of the construction phase of development the results of a post demolition site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. The investigation shall be carried out in accordance with the recommendations made in the Phase 1 Environmental Risk Assessment, dated November 2007.

Reason: To enable the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

- (8) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including any pollution prevention measures, has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be implemented before the construction of the drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment

- (9) No development approved by this permission shall be commenced until a construction environmental management plan, incorporating pollution prevention measures has been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details

Reason: To prevent pollution of the water environment

- (10) 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. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources.

- (11) No development shall commence until details of acoustic insulation for the party wall shared with the property known as "Club Rouge" has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenity of future occupants.

- (12) Prior to development commencing a scheme for provision of waste & recycling facilities shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of the provision of adequate refuse and recycling facilities

INFORMATIVE - ENVIRONMENT AGENCY

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

INFORMATIVE - ENVIRONMENT AGENCY

With regards to condition 8 above any surface water drainage scheme must contain risk assessments associated with the current and proposed uses, to ensure that there is no potential contamination of groundwater. This is especially important as the supporting planning documents currently indicate Sustainable Drainage (SuDS) techniques. If these techniques are inappropriately designed they could create pathways for pollution in this sensitive area.

INFORMATIVE - ENVIRONMENT AGENCY

With regard to condition 10 above 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, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit www.environment-agency.gov.uk > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website.

INFORMATIVE: - PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

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

- Policy G1 Sustainable development
- Policy G2 General Development Guidance
- Policy D2 Infill development
- Policy D6 Development within the Central Area of Salisbury
- Policy H4 Development within the Eastern Chequers
- Policy H16 Development within the Housing Policy Boundary
- Policy CN8 Development within Conservation Areas
- Policy CN9 Development within Conservation Areas
- Policy CN11 Development within Conservation Areas
- Policy CN21 Archaeology
- Policy R2 Open Space Provision

Application Number:	S/2008/0197		
Applicant/ Agent:	RELPH ROSS PARTNERSHIP		
Location:	13 BROWN STREET SALISBURY SP1 1HE		
Proposal:	DEMOLITION OF 21ST CENTURY ANTIQUES & BUILDINGS TO REAR		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	1 February 2008	Expiry Date	28 March 2008
Case Officer:	Miss A Rountree	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

13 Brown Street is a collection of buildings which are currently used by a second hand furniture business. The building which fronts the site is a turn of the 20th century building with shopfront. The site is located within the Conservation Area of Salisbury.

THE PROPOSAL

Permission is sought to demolish the existing buildings on the site. A separate application to construct new buildings to form a new retail unit and 12 residential units has been submitted.

Since the previous application was refused the building fronting onto Brown Street has been altered from a contemporary building to a more traditional building constructed from facing brick with clay tile pitched roof and traditional shopfront.

PLANNING HISTORY

87/1461	Change of use to cafe Rear Of 7 – 11 Brown Street	AC	28/10/87
90/507	Construction of new office buildings (existing buildings on site to be demolished) and construction of access at 15 Brown Street	AC	20/06/90
94/798	Change of use for sale of old and new furniture and effects, also the making of new and reproduction furniture and repairing furniture at 15 Brown Street	AC	03/08/94
96/606	Renewal of permission for retail warehouse (S/94/0798) at 13 Brown Street	AC	25/06/96
99/1292	Demolition of existing workshop and showroom at 7-11 Brown Street	AC	15/11/99
99/2163	Removal of existing workshop & showroom and replacement with four semi detached houses with workshop/office at ground floor level and conversion of first floor accommodation of existing showroom into three flats (resubmission) at 7 – 11 Brown Street	WD	03/04/03
99/2164	Alteration of first floor to provide one additional unit of accommodation (residential) at 7 – 11 Brown Street	A106	04/04/00
01/210	Of first floor to flats at 7-11 Brown Street	R	21/05/02
07/0377	Demolition of existing buildings (21st century antiques shop) on 13 brown street and to rear, erection of new restaurant, office and nine residential units	WD	04/04/07
07/0378	Demolition of existing buildings (21st century antiques) on 13 brown street and to rear, erection of new restaurant, office and nine residential units	WD	18/04/07

07/1706	Demolition of existing buildings (21 st Century Antiques and Buildings to rear). Erection of new retail unit, office unit and 9 residential units.	REF	16/10/07
07/1707	Demolition of 21 st Century Antiques and buildings to rear.	REF	16/10/07

CONSULTATIONS

Conservation - No Objection

REPRESENTATIONS

Advertisement	Yes	Expired 06/03/08
Site Notice displayed	Yes	Expired 13/03/08
Departure	No	
Neighbour notification	Yes	Expired 26/02/08
Third Party responses	No	

MAIN ISSUES

Impact on Conservation Area

POLICY CONTEXT

Adopted Salisbury District Local Plan CN8, CN9 & CN11

PLANNING CONSIDERATIONS

Impact on Conservation Area

Brown Street is of a mixed character but this side of the street is largely comprised of two storey brick buildings dating from the 19th and early 20th century with listed buildings at either end. The buildings to the rear of the site have an extant permission for demolition but the frontage building on Brown Street, currently a shop, does not. All the buildings on the site are of poor quality but they contribute towards the street scene.

The previous application was refused as the Local Planning Authority had not approved, and was not in receipt of a scheme, which it considered a suitable replacement for the existing buildings. While a contemporary approach to design is welcomed it is considered that any development directly facing onto Brown Street should be of traditional proportions. The previously proposed contemporary style of the building facing onto Brown Street was not judged to adequately reflect the proportions and style of the frontages of the rest of the street

The scale and character of the proposed shop unit is now more traditional and is considered sympathetic to the terrace and the street in general. There is still some concern that the shopfront does not reflect the proportions of a traditional shopfront due to the fascia being slightly too high and deep but being a vast improvement on the previous scheme it is considered to be acceptable in the context of the Conservation Area. The contemporary design of the buildings to the rear of the site contributes positively to the surrounding area and as they are relatively concealed from the streetscene they are not judged to be detrimental to the Conservation Area

As such the Local Planning Authority are now in receipt of a scheme which is judged to be an appropriate replacement for those buildings proposed to be demolished.

CONCLUSION

The Local Planning Authority are now in receipt of a scheme which is judged to be an appropriate replacement for those buildings proposed to be demolished which will preserve and enhance the Conservation Area. As such the proposal is judged to conform with saved policies CN8, CN9 and CN11 of the Adopted Salisbury District Local Plan.

APPROVE FOR THE FOLLOWING REASONS

REASON FOR APPROVAL

The Local Planning Authority are in receipt of a scheme which is judged to be an appropriate replacement for those buildings proposed to be demolished which will preserve and enhance the Conservation Area. As such the proposal is judged to conform with saved policies CN8, CN9 and CN11 of the Adopted Salisbury District Local Plan.

- (1) The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission. (Z01B)

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

- (2) All existing buildings on the site shall be demolished, and the debris resulting therefrom shall be removed from the site, before the commencement of the construction of the works permitted under S/2008/0196. (K02A)

Reason: In the interests of the amenity of the locality.

- (3) Before any work is undertaken in pursuance of this consent to demolish any part of the building, the developer shall take adequate steps as may be necessary to secure, during the progress of the demolition authorised by this consent, the safety and stability of that part of the building, or adjacent buildings, which are to be retained. Such works shall, where necessary, include measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface and to provide protection of the building against the weather during the progress of the works. (Z08A)

Reason: To safeguard the stability and condition of adjacent buildings which are to be retained.

- (4) The building(s) shall not be demolished before a contract for the carrying out of works for the redevelopment of the site has been made, with the relevant particulars notified in writing to the Local Planning Authority, and planning permission has been granted for the redevelopment for which the contract provides. (Z03A)

Reason: In the interests of the visual amenity of the locality, which is within a designated Conservation Area.

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

Policy CN8	Development within Conservation Areas
Policy CN9	Development within Conservation Areas
Policy CN11	Development within Conservation Areas

Application Number:	S/2008/0117		
Applicant/ Agent:	MR AND MRS WILLIS		
Location:	105 BOUVERIE AVENUE SOUTH SALISBURY SP2 8DZ		
Proposal:	FELL (T5) 1 X BEECH AND REDUCE VERTICAL BRANCHES BY UP TO 3 METRES ON 4 X BEECHES		
Parish/ Ward	EAST HARNHAM		
Conservation Area:	LB Grade:		
Date Valid:	22 January 2008	Expiry Date	18 March 2008
Case Officer:	Mr Shane Verrion	Contact Number:	01722 434416

REASON FOR REPORT TO MEMBERS

This item is before Members to consider a request to fell one Beech tree and reduce the height of 4 other Beech trees by up to 3 metres. The trees are protected by a Tree Preservation Order (TPO 351). A number of objections have been received so the Committee must determine the application (no. S/2008/0117).

Background:

Tree Preservation Order 351, was enacted on the 4th April 2005 and confirmed by City Area Committee, without modification on the 1st September 2005. The order was considered necessary because a number of local residents wrote to the council to say the owner had expressed a desire to remove the trees. The trees were protected because of their high amenity value and their significant contribution to the character of the Avenue.

An application was received in September 2006 to fell the two trees closest to the dwelling (T5 & T6) and to carry out arboreal operations as recommended by the tree surgeon to 4 other trees adjacent to the road. The felling of one defective tree (T6) was approved, along with the clearing of a telephone line, and the remainder of the application was refused.

The applicant appealed against the refusal but the appeal was rejected because insufficient information had been provided regarding the extent of the pruning works. The Government Office for the South West did not comment on the refusal of consent to fell tree T5.

The current application seeks to fell the tree closest to the house and to carry out specific pruning operations. The applicant states the reason for the work is to make the trees safe and to increase the light at the front of the property.

Objections:

Four letters/e-mails have been received, objecting to the felling and pruning of the trees. The main points have been noted as follows:

The trees form an integral part of the Avenue streetscene.
 The tree should not be felled unless it is diseased or dangerous.
 The trees were present when the current owner bought the house.
 Any restriction of light would have been obvious when the house was purchased.
 Light to windows is already obstructed by a porch.
 If pruning is absolutely necessary it should be closely supervised.
 The pruning should not be permitted if it will adversely affect the appearance of the trees.

Comments on objection:

The points raised highlight the benefits of the trees and emphasise why they should be retained.

It could be argued that tree T5 is not part of the Avenue, because it is set back, but it does contribute to the leafy character of the area and therefore it was included within the Tree Preservation Order.

The trees may obscure light to the front of the property but the permission granted to remove T6, which was the closest tree to the property, would have alleviated this problem significantly.

Permission is not usually given to fell trees which are the subject of a Preservation Order without good reason, and any pruning permitted needs to be of an appropriate standard.

Assessment:

The trees appear to be in good health with no significant structural defects. There is evidence of localised decay around old pruning wounds but all branches appear to be healthy with live buds and few signs of dieback. There is no evidence of fungal fruiting bodies around the base of the trees. In absence of any evidence to suggest otherwise it must be assumed that the trees are healthy and structurally sound.

The application refers to branches that have previously fallen from one of the trees. However, the branch loss was some time ago (summer 2005) and it is not known if the branches were dead or if there were any defects that could have allowed the failure to be foreseen. No further branch loss has been reported since. Regular inspection, and surgery when necessary, should prevent any future problems.

It is evident that the trees have been pruned significantly in the past so management is now required on a regular basis to ensure the trees are maintained in a safe condition.

Conclusion:

There are no good Arboricultural reasons to justify the loss of the Beech tree referred to as T5. The tree is healthy and adds to the character of the area. The applicant has not provided any reasonable justification to fell and remove a protected tree, therefore it should be retained.

The request to prune the trees is reasonable provided the work is carried out to an appropriate standard. Vertical branches can be reduced to decrease the 'sail area' of the canopy, which makes the trees less susceptible to storm damage and branch loss. However, pruning cuts should only be made back to appropriate pruning points.

Options for consideration:

Members should consider the application and decide on one of the following options:

Approve the application

Refuse the application

Part approve/part refuse (permit/refuse work to one or more of the trees)

Recommendations:

The application is recommended for part approval/part refusal.

It is considered that the Felling of T5 should be refused for the following reason:

It is considered that insufficient justification has been provided to prove that the Beech tree (T5) is in a condition that justifies its removal. This tree contributes to the leafy nature of Bouverie Avenue South and it is considered that its removal would be detrimental to public amenity and would detract from the streetscape.

It is considered that the pruning of T1, T2, T3 & T4 should be approved subject to the following conditions:

- 1) The permitted works shall be carried out in accordance with BS3998:1989 Recommendations for Tree Work or as modified by subsequent research.

Reason: To ensure that works are undertaken in an appropriate manner that ensures the long term health, vitality and preservation of the trees.

- (2) The approved works must be commenced within one year from the date of the decision notice. If works are not completed within that time, a new application must be made.

Reason: To ensure that the works undertaken are appropriate to the current state of the trees in relation to their surroundings.

- (3) The Local Planning Authority shall be given at least 10 days advanced notification of the date on which the works are being carried out so the Arboricultural Officer can attend the site to discuss the specification of the pruning works to T1, T2, T3 & T4.

Reason: To ensure that the specification of the work is fully understood.

- (4) The vertical branches of T1, T2, T3 & T4 can be reduced by up to 3 metres, but only back to appropriate pruning points

Reason: To ensure that the amenity value of the trees is maintained through careful pruning.