

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
CITY AREA – 07-07-05

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

A106 - Approve subject to S106	DOEC - Refer to DLTR (Committee) Now DTLR	REF - Refusal
APP - Approve	NOBJ - No objection	REV - Subject to Revocation Order
APPC - Approve with conditions	OBJ - Objection	DOED - Refer to DLTR
APRE - Part approve / refuse	OBS - Observations to Committee	Now DTLR - (delegated)

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN- CILLORS	NOTES
1	S / 2005 / 874 Mr S Llewelyn	MISS J FIELD AND MR T KNIGHT REAR OF 10-12 ST. PAULS ROAD	APPC		3-9	ST PAUL Councillor Mr Clegg Councillor Mr Fear	
2	S / 2005 / 878 Mr R Hughes	LANESWOOD HOMES LIMITED SITE ON THE CORNER OF WILTON ROAD / DEVIZES	A106		10-16	FISHERTON & BEMERTON Councillor Ms Mallory Councillor Mr Walsh	
3	S / 2004 / 2412 Ms S Waaldijk	COLLINGWOOD INVESTMENTS LTD THE CONQUERED MOON PUBLIC HOUSE WOODSIDE ROAD	OBS		17-19	BEMERTON Councillor Mrs Evans Councillor Mr Osment Councillor Mr Vincent	

END OF LIST

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

Part 1

Applications recommended for Refusal

Item No. Case Officer Contact No.

App.Number Date Received Expiry Date Applicant's Name
Ward/Parish Cons.Area Listed Agents Name

Proposal
Location

No Refusals

Part 2

Applications recommended for Approval

Item No. Case Officer Contact No.

App.Number Date Received Expiry Date Applicant's Name
Ward/Parish Cons.Area Listed Agents Name

Proposal
Location

1	Case Officer Mr S Llewelyn	Contact No 01722 434659	1
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S/2005/874	27/04/2005	22/06/2005	MISS J FIELD AND MR T KNIGHT
STPA			PEONY DESIGN
Easting: 413892.071747124	Northings: 130336.447740287		

PROPOSAL:	FULL APPLICATION -ERECTION OF 3 BED TOWNHOUSE WITH INTEGRAL GARAGE.
LOCATION:	REAR OF 10-12 ST. PAULS ROAD SALISBURY SP2 7AG

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

The site comprises part of the rear gardens of Nos10 and 12 St Paul's Road and also extends across the rear boundary of No14 St Paul's Road, forming a T-shape. The main body of the site consists of an area of land to be severed from No10 St Paul's Road that extends across the rear boundaries of Nos12 and 14 St Paul's Road and that is currently occupied by a brick built flat roof double garage and area of hard-standing. This area of land, which is otherwise laid as lawn and shrub planting, is set behind wooden gates and a brick wall of approximately 2.0 metres in height that in turn is set back from the highway behind a wide grassed verge that constitutes maintained public highway. The double garage and area of hardstand is accessed via a vehicular access from the return part of St Paul's Road that the site fronts onto. The area of land to be severed from No12 St Paul's Road is considerably smaller and is currently occupied by a metal clad garage/store and area of hard-standing.

Nos10 and 12 St Paul's Road are a pair of semi-detached two-storey dwellings with pitched roof forms and a gable elevation fronting onto St Paul's Road. These properties directly overlook the A36 (ring road). Other properties in the immediate vicinity are of a traditional appearance, being two-storeys in height with a pitched roof form and are predominantly of a terraced form. On the opposite side of the road to the application site are St Paul's Church and Hall. Immediately to the south of the site is a pair of two-storey, semi-detached dwellings that have been built on land previously severed from the rear garden of No10 St Paul's Road, while to the east are the rear gardens of the residential properties fronting Meadow Road (South).

The site is located within the Salisbury Housing Policy Boundary.

THE PROPOSAL

This application seeks planning permission to sever a parcel of land from the existing curtilages of Nos10 and 12 St Paul's Road and to erect a 3-bed, two-storey dwelling with an integral garage. The proposal also includes alterations to the existing vehicular access and the demolition of the existing flat roof double garage.

PLANNING HISTORY

S/1986/1045 Planning permission was granted in August 1986 to demolish a single garage and to erect a double garage. *It is this garage that is now proposed to be demolished.*

S/1989/1857 In February 1990, planning permission was granted for the erection of an extension to No10 St Paul's Road.

S/1992/0652 Outline planning permission was granted in June 1992 for the erection of a single dwelling on land to be severed from No10 St Paul's Road.

S/1993/0865 Planning permission was granted in September 1993 to erect a pair of semi-detached dwellings on land to be severed from No10 St Paul's Road with associated vehicular accesses from St Paul's Road.

S/2004/2434 Most recently planning permission was refused on 5th January 2005 to sever a parcel of land from the existing curtilages of Nos10 and 12 St Paul's Road (the same site area as that of the current application) and to erect a 3-bed two and half storey townhouse with an integral double garage. This application was refused for the following reasons:

1. The proposed development by virtue of the overall scale, massing and design would fail to respect the vernacular of the surrounding properties and would appear as an over-dominant, discordant and incongruous form of development in this street scene to the detriment of the character of the area. As such, the proposal would be contrary to Policies G2 and D2 of the Adopted Replacement Salisbury District Local Plan (June 2003).
2. The proposed development by virtue of the limited separation distance to the neighbouring properties in Meadow Road (South) would result in an unacceptable level of overlooking to the detriment of the amenities of the neighbouring residents. As such, the proposal would be contrary to Policy G2 of the Adopted Replacement Salisbury District Local Plan (June 2003).
3. The proposed development fails to make provision towards recreational open space contrary to the requirements of Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003). As such, it would put an additional demand on existing recreational facilities and would set a precedent that would make it difficult for the Council to implement this policy effectively in the future.

CONSULTATIONS

WCC Highways: No objection.

Wessex Water: No objection. The site lies within a foul and surface water sewered area and the developer will need to agree a point of connection onto Wessex systems.

The adjacent site is subject to an adoption agreement under Section 104 of the Water Industry Act 1991 that refers to the construction of sewers by the developer and the adoption of sewers by the sewerage undertaker. These sewers are currently private and it is advised that the applicant contact the appropriate party in order to obtain further details, as the proposals may affect this agreement. Permission to connect to these systems should also be obtained where connection is required.

It is also understood that there is a public surface water sewer crossing the site and there may also be a foul sewer crossing the site. A minimum 3.0metre easement to this

apparatus is normally required for the purpose of maintenance and repair and to protect the integrity of Wessex systems. Diversion or protection works may need to be agreed.

Environmental Health: No observations to make.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes - expired 02/06/05
Departure	No
Neighbour notification	Yes - expired 26/05/05
Third Party Response	None received.

POLICY CONTEXT

The following policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are relevant to the current proposal:

G2, D2, H8, TR11 and R2.

MAIN ISSUES

1. Principle of Development
2. Visual Impact/Character of the Area
3. Residential Amenity
4. Highway Issues
5. Impact on Trees
6. Policy R2 – Provision of Recreation Facilities

PLANNING CONSIDERATIONS

1. Principle of Development

The application site comprises part of the existing curtilage of Nos10 and 12 St Paul's Road that lies within the Salisbury Housing Policy Boundary where residential development will be permitted in accordance with Policy H8 of the Adopted Replacement Salisbury District Local Plan (June 2003) provided that it complies with the other policies of the Local Plan.

In the light of the above, the acceptability of the proposed residential development rests with the detailed considerations as set out below and whether the current proposal has addressed the grounds of objection to the earlier refused scheme.

2. Visual Impact/Character of the Area

The application site fronts onto a return section of St Paul's Road that only two other properties (Nos6 and 8), which have also been previously severed from No10, front onto. The site is located within an established residential area of Salisbury where the properties in the immediate vicinity are predominantly of late Victorian origin and of terraced form that creates a tightly knit form of development in this area, although there are some semi-detached properties including Nos10 and 12 St Paul's Road. The properties are generally of a traditional appearance with angled bay windows and of a relatively modest overall scale and height. The more recent dwellings at Nos6 and 8 St Paul's Road are of a more modern design and appearance but respect the general scale and form of the surrounding properties.

The application site is to be severed from the existing rear gardens of Nos10 and 12 St Paul's Road, but with regards to the resultant plot sizes of both the proposed new dwelling and those of the parent properties at Nos10 and 12 St Paul's Road it is considered that they would be in keeping with those of the other surrounding properties and would respect the established character of the surrounding area. As such, it is therefore considered that there is no objection to the principle of the application site as a suitable plot for residential development and in this respect the proposed development also conforms to Government guidance contained in PPG3

that advocates that Local Planning Authorities should promote the more efficient use of previously developed land.

In determining the previous application, however, it was considered that the proposed 2½ storey townhouse with an overall ridge height of 10.1 metres would stand substantially higher than the surrounding properties and by virtue of its overall scale would visually appear out of keeping with the surrounding properties that are generally two-storeys in height. Furthermore, it was also determined that the design of the proposed dwelling failed to respect the local vernacular of the surrounding properties and would introduce features, such as the window proportions and juliet balconies to the first floor level and dormer windows at the roof level that were alien features to the street scene and immediate surrounding area. For these reasons, it was considered that the proposed dwelling would appear as a discordant and incongruous form of development.

The key question, therefore, concerns whether the current proposal addresses this previous objection. In this respect, the proposed dwelling has been reduced in scale with a lower overall ridge and eaves height and now more closely reflects the scale of the surrounding properties. The design of the dwelling that is the subject of this current application has also been significantly amended in comparison to the earlier refused scheme and now incorporates some of the detailed design features that are characteristic of the surrounding properties. With regard to this, the proposed dwelling has now been designed to reflect the Victorian style of the surrounding properties and now includes sliding sash windows of traditional proportions to the front elevation while the other fenestration openings would also be of suitable proportions, the introduction of a simple entrance door to the front elevation and a full height bay window that is characteristic of Nos10-20 St Paul's Road. In addition, the proposed material finishes of the dwelling would also be in keeping with the surrounding properties, these being a red facing brick with a rendered finish to the full height bay window and a tiled roof. In light of the above, it is considered that the design of the proposed dwelling suitably reflects the character of the surrounding properties and would sit relatively comfortably within the street scene.

3. Residential Amenity

With regards to residential amenity, in determining the previous application it was assessed that the proposal would not harm the amenities of the occupants of the properties fronting St Paul's Road, including the parent properties at Nos10 and 12 St Paul's Road. In this respect, it was considered that although the proposed dwelling would be clearly visible to the rear of these properties it would be sufficiently distanced so that it would not have an overbearing impact or lead to a material loss of light. Although the proposed dwelling would be located marginally closer to the boundary with Nos10 and 12 St Paul's Road than the previously refused scheme given that the overall massing of the side elevation facing towards these neighbouring properties has been reduced in comparison to the earlier scheme, by virtue of a reduction in the depth and height of the building, it is therefore considered that there is no reason to reach a different conclusion in respect of the current proposal. With regards to privacy, despite the presence of a window at each of the first and second floor levels in the northern elevation given that these were proposed to serve bathroom facilities it was previously considered that they could reasonably be obscure glazed so that no loss of privacy would occur to the parent properties at Nos10 and 12 St Paul's Road. Although the current proposal also includes first and second floor windows in this elevation serving a bathroom and attic room respectively, it is similarly considered that these can be obscure glazed, while any views from the glazed ground floor elevation to the kitchen/family room would be obscured by the boundary treatments. While the first floor windows in the rear elevation of some of the adjacent properties fronting the main section of St Paul's Road (Nos10-16) would allow some views overlooking the rear garden of the proposed plot, this is already a common relationship between those properties fronting St Paul's Road and those fronting the side roads off St Paul's Road, such as Meadow Road (South) and George Street (South), due to the tightly knit form of development that exists in this area.

In relation to No8 St Paul's Road that lies immediately adjacent to the south of the site, as with the previous application the proposed dwelling would be located within 2.5 metres of its side (northern) elevation that contains a small window. However, despite its relatively close proximity it is not considered that this would be unduly harmful given that this window serves a staircase landing, while the proposal would not give rise to any material loss of light given the orientation between this neighbouring property and the proposed dwelling. In terms of overlooking,

although the proposed dwelling contains two windows in the side facing elevation given that these would serve a bathroom and shower room they can reasonably be obscure glazed to prevent any potential loss of privacy. Any views from the windows in the rear elevation would be sufficiently oblique so that the more sensitive/private amenity area to the rear of No8 St Paul's Road would not be overlooked to a harmful extent.

In determining the previous application, however, it was considered that the proposed development would have an unacceptable impact upon the amenities of the occupants of the properties in Meadow Road (South) to the rear of the site. In this respect, the previous application only achieved a separation distance of 16 metres between the main rear elevations of the proposed dwelling and those properties in Meadow Road (South) to the rear and as such failed to respect the generally accepted practice of a minimum back-to-back separation distance of 21 metres. While it was acknowledged that the surrounding area is characterised by a tight knit pattern of development where the back-to-back relationship between properties fails to meet this generally accepted rule of thumb (eg. the back-to-back relationship between the properties fronting the eastern side of Meadow Road (South) and those on the western side of George Street (South) is about only 12 metres) this is a historic pattern of development. Furthermore, although it is appropriate for new developments to take influence from the character and identity of the surrounding area it is not the case that it should adhere to this rigidly in all respects. Therefore in determining the previous proposal, it was considered appropriate to apply a more modern standard of separation distances between residential properties, particularly given that development has not historically existed on the eastern side of St Paul's Road where the application site is located. As such, it was considered that by virtue of the limited separation distance to the properties in Meadow Road (South) to the rear that an unacceptable degree of overlooking would arise to the detriment of the privacy of the occupants of these dwellings.

With regards to the current proposal, the rear elevation of the main two-storey body of the proposed dwelling would not now project beyond the rear elevation of the existing properties at Nos6 and 8 St Paul's Road. Although the proposal would still fail to achieve the generally accepted separation distance of 21 metres to the properties in Meadow Road (South), being separated from these properties by about 18 metres, this relationship would be no different to that which has previously been accepted and that currently exists between Nos6 and 8 St Paul's Road and the properties to the rear. As such it is considered that the proposal would accord with the surrounding pattern of development and a reason for refusal could not be substantiated on this ground alone. Furthermore, the first floor windows in the rear elevation of the proposed dwelling would both serve bedrooms and given the nature of use of such rooms (not principal habitable rooms of the dwellings) it is not considered that they would give rise to a material loss of privacy. The proposed velux windows in the rear roof elevation have also been purposely designed with a bottom sill height set at least 1.6 metres above the internal floor level in order to minimise any potential overlooking of the properties to the rear of the site. In light of the above, it is considered that the current proposal has reasonably addressed the objections to the previous application on amenity grounds.

4. Highway Issues

With regards to highway issues, the proposed development provides a single garage space to serve the proposed dwelling. The latest Government guidance contained in PPG3 and PPG13, however, seeks to reduce the need to travel, especially by car, and to promote other modes of transport and states that developers should not be required to provide more spaces than they themselves wish. In light of this guidance coupled with the proximity of the site to the city centre and its accessibility to the shopping and public transport facilities that this location offers it is considered that this level of parking provision is acceptable and there is no objection to the proposal on this basis from WCC Highways.

In respect of other highway related matters, the proposal also includes an access crossing over the existing area of grassed verge that constitutes maintained public highway to serve the proposed garage. Although it is considered likely that parking will occur on this access crossing it is not considered that such parking would prejudice highway safety. However, in order to discourage cars from parking within the existing highway verge area it is considered appropriate to condition that the existing concrete access crossing that will not form part of the access to the proposed garage shall be removed and replaced by grassed verge prior to the first occupation of the dwelling. As such, no highway objection is raised to the proposed development.

5. Impact on Trees

The proposal would require the removal of a small ornamental highway tree that is located within the grassed verge between the back edge of the pavement and the existing boundary wall to the application site in order to facilitate the proposed vehicular access crossing. However, this is not of any significant amenity value and no objection is raised to its removal.

6. Policy R2 - Provision of Recreation Facilities

In accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan the provision of recreation facilities must be considered for all proposals for new residential development. This proposal would involve the creation of an additional 3-bed dwelling and therefore in accordance with Policy R2 of the Local Plan a recreational contribution of £1,573.00 has been calculated to be required. This can be secured via a Section 106 Agreement.

RECOMMENDATION: **APPROVE**

REASONS FOR APPROVAL

The application site is capable of being severed in the manner proposed to form a residential plot of a size that will be in keeping with those of the surrounding area, while the proposed dwelling would be of a scale and design that would integrate satisfactorily within the street scene and the wider surrounding area. The proposed development would not materially affect the amenities of the neighbouring residential properties and would provide an acceptable level of on-site parking so that there is no highway objection. The requisite contribution towards the provision of off-site recreational facilities can be secured via a Section 106 Agreement. As such, it is considered that the proposed development would comply with Policies G2, D2, H8, TR11 and R2 of the Adopted Replacement Salisbury District Local Plan (June 2003).

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. Details and samples of all external facing and roofing materials to be used in the construction of the dwelling hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the dwelling is satisfactory.

3. Prior to the commencement of development, details/a plan indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to, and approved in writing by, the Local Planning Authority. The erection of the approved boundary treatment shall be completed before the dwelling is first occupied. Development shall be carried out in accordance with the approved details, maintained for a period of five years and thereafter retained.

Reason - In the interests of visual amenity and privacy for the occupants of the neighbouring properties.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-

enactments thereof, no further windows (other than those expressly authorised by this permission) shall be inserted in the south and north (side) elevations (such expression to include the roof and wall) of the dwelling hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - To avoid loss of privacy to the neighbouring properties.

5. Both in the first instance and upon all subsequent occasions, the windows coloured ORANGE on the approved plan on the south and north (side) elevations shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

Reason - To protect the amenity and privacy of the adjoining properties

6. No development shall take place until such time that a scheme for the closure of the existing vehicular access and the removal of the redundant access crossing over the maintained public highway verge and reinstatement of this land as a grassed verge has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details prior to the first occupation of the dwelling.

Reason - In the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no enlargement or other alteration to the dwelling permitted by Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

Informative Notes:

1. The applicant is advised that the existing footway and grassed verge fronting the development form part of the maintained public highway. It is therefore advised that prior to the commencement of these works the approval of the Local Highway Authority will need to be sought for the construction of a new vehicular footway and verge crossing to be constructed to the satisfaction of the Local Highway Authority. The applicant is also informed that approval should also be sought for the removal of the redundant access crossing over the highway verge and the laying of a new grassed verge in this area. The applicant is advised to contact Jackie Baldwin of Wiltshire County Council (Tel No 01225 713411) in the first instance to obtain the necessary forms and details in respect of this matter.

And in accordance with the following policies of the Adopted Replacement Salisbury District Local Plan (June 2003):

Policy Purpose

G2	General Criteria for Development
D2	Infill Development
H8	Development within the Salisbury Housing Policy Boundary
TR11	Provision of Off-Street Parking
R2	Provision of Recreational Facilities

NOTES:

S/2005/878	04/05/2005	29/06/2005	LANESWOOD HOMES LIMITED
FISH			MR A STOCKEN
Easting: 413709.609124452	Northing: 130376.571998835		

PROPOSAL:	FULL APPLICATION -ERECTION OF 12 RESIDENTIAL FLATS WITH VEHICULAR ACCESS AND ON SITE PARKING
LOCATION:	SITE ON THE CORNER OF WILTON ROAD / DEVIZES SALISBURY SP2 7ED

REASON FOR REPORT TO MEMBERS

Councillor Walsh has requested that this item be determined by Committee due to:
the prominent nature of the site
the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located in a highly prominent corner location abutting Wilton Road, Devizes Road (old spur), and onto St Pauls Road about itself. The site has apparently been historically used as a petrol filling station, the buildings now being mostly demolished, and the site hardsurfaced. During its operation, the site had accesses onto both the Wilton and Devizes Road.

The surrounding area is a mix of residential and commercial uses.

THE PROPOSAL

It is proposed to erect a block of 12 flats on the site, incorporating some on site parking for up to 8 vehicles, and a small landscaped area. Access is proposed via the Devizes Road spur.

The application is supported with a variety of literature, including:

A short design statement
A noise and pollution assessment
A market assessment of the uses for the site
Land contamination report

PLANNING HISTORY

Various applications for previous garage use, plus:

05/0081 – Erection of 12 flats. Withdrawn

CONSULTATIONS

WCC Highways - In view of the proximity to the city centre a reduced parking level as indicated on the submitted plan (8 spaces for 12 dwellings) is acceptable. However, minor changes to the layout needed to enlarge access and improve usability of parking spaces. Also, suggest that the existing concrete cross over across the footway on the devizes road be replaced with a new section of footway and a new vehicular footway crossing the access point.

Highways Agency - No comments

Housing & Health Officer - No objections subject to conditions

Wessex Water Authority - Records show that site is affected by public foul and surface water sewer. Water apparatus to be protected during development.

Environment Agency - No objections, subject to contamination condition, and safeguarding water interests of the site.

Civic Society - - The Civic Society object to the proposal on the following grounds:

Question whether residential is a suitable use for the site.

Missed opportunity for office use

Does not consider implications for building on a corner

Concern about resultant spaces between buildings and within some of the flats

Cramped rooms with little space for storage

Question whether would satisfy Part M of Building Regulations

Little assurance that detailing has been considered

No details of rainwater goods, door, window

Generally quality of the scheme does not meet standards that should be expected for this site.

Design Forum - The design forum is concerned that the proposed scheme for this site will not be carefully detailed and constructed to a high quality. On this key site on one of the major approaches to the city, it is important that the proposal is well proportioned, well detailed and constructed with high quality materials. The use of Upvc, cheap joinery, and fibreglass must be avoided. Details at a scale of 1:20 must be provided. It may be appropriate to set the building back by 800 –1000mm to give some privacy to ground floor rooms. Additional protection could be given by providing railings to this forecourt. The windows to the ground floor parking area facing devizes road would be more appropriate as grills or louvers. Suggested that the scheme including bridging over the internal courtyard and replanning the flats to have a narrower frontage and a greater depth, and be redesigned with a gap along its northern boundary.

REPRESENTATIONS

Advertisement	Yes. Expiry 2/6/05
Site Notice displayed	Yes. Expiry 2/6/05
Departure	No
Neighbour notification	Yes. Expiry 26/5/05
Third Party responses	None

MAIN ISSUES

Principle

Impact on character of area

Impact on adjacent amenities

Impact on highway safety

Contamination

POLICY CONTEXT

PPG3 (Housing)

G1 G2 D1 D2 R2 E16 SDLP

PLANNING CONSIDERATIONS

Principle and loss of employment site

The site is located within the Housing Policy Boundary, and therefore, in principle, residential redevelopment of the site may be acceptable, under policy H16. However, it is also covered by policy E16, given its previous commercial use.

Whilst the previous use of the site was as a petrol filling station, and hence technically in "employment use", it is considered that this site is not ideally located for such a reuse, and its actual employment generating potential (if rebuilt as a petrol filling station) would be limited.

Therefore, the site in theory could be redeveloped for another employment use, subject to the impacts of such a use. However, the agent has submitted some limited information regards the suitability of the site for a potential employment, or mixed employment/retail use. This evidence suggests that the site could not very easily be redeveloped for these purposes given the small scale of the site and the requirements of commercial users. Evidence has also been submitted which seems to indicate that there is a growing surplus of office accommodation in the city, with

the inference that demand is reducing for such development. However, no proper marketing exercise seems to have been undertaken.

Notwithstanding this evidence (which is not conclusive), Members need to consider carefully how the redevelopment of this site with non residential commercial uses might impact on the adjacent residential uses, in terms of noise and disturbance, and in terms of overshadowing/dominance etc.

For instance, a mixed development with ground floor retail use would raise serious noise and disturbance issues with regards the impact on the amenities, as well as serious issues regards access and design (Members should note that many months ago, a scheme was received for pre-application discussion indicating a mixed residential scheme with retail at ground floor level. This scheme did not receive a favourable response from the Design Forum, due in particular to the operation of the retail units, and blank facades facing Wilton Road, with loading area in full view of Devizes Road). An all-office accommodation scheme might be less problematically, but would seem difficult to achieve given the client requirements outlined in the agents evidence, and given the small and unusual shape of this site, which may well result in a tall office block which may have serious impacts on adjacent amenities.

The reuse of brownfield previously developed land in sustainable location for residential development is also the primary thrust of government guidance with PPG3.

It would therefore seem that an all residential scheme on this site would be a more appropriate compromise solution to the challenges offered by the site.

Impact on character of area

The surrounding area offers an eclectic mix of architectural styles and built form, ranging from modern two storey buildings, to older, more traditionally styled three storey town houses. However, this is a highly prominent site at the entrance to the city centre. Consequently, any scheme needs to be of a high quality, in terms of its overall design and architectural detailing, and needs to be appropriate for its important positioning within the urban fabric.

Since withdrawal of the original application on this site, the LPA have undertaken detailed discussions with the applicants agent (without prejudice), and have sought the views of the Council's Design Forum on a number of occasions.

It is clear that the Design Forum has had a number of issues with the development of this site and its comments (summarised elsewhere in this report) partially relate to the need to rethink the current scheme, and indicate some nervousness towards the detailing and likely build quality of the final proposal. Whilst the comments of the Forum are noted, Members must determine the scheme before them, which is for a solely residential development.

The scheme is considered to be a significant improvement compared to the previously withdrawn scheme, in that it would be sympathetic with the character of the surrounding area in terms of its architectural details and overall bulk, massing and height, and would, if handled and constructed properly, represent an imposing and attractive building, suitable for such an important site. To this end, the agent has supplemented his original drawings with a number of larger scale details of the various architectural features of the building. Subject to details of materials being agreed, it is considered that the resultant scheme would be acceptable.

Impact on amenities

There are two parts to the assessment of this scheme. Firstly, the likely impacts on occupiers of the new flats, and secondly, the likely impacts on adjacent amenities surrounding the site.

a) Amenities of occupiers

Whilst the comments and concerns of the Design Forum are noted and understandable given the close proximity of the site to busy roads and junctions, Members should note that the site is within the HPB. Secondly, the land immediately adjacent this site contains numerous residential dwellings, which front onto the main roads (particularly note the various dwellings fronting

Devizes Road and adjacent to Churchill Way). Given this context, it may be difficult to argue that the use of this particular site for housing development would be any different from the use of adjacent land, subject to the views of the EHO.

However, in this instance, the EHO has considered the submitted noise and pollution assessments submitted by the applicant and has now raised no objections to the scheme subject to conditions.

As a result, subject to conditions, it is considered that a refusal of permission based on the likely adverse impacts of the development on future residential occupiers would be difficult to support.

The creation of a small area of private open space within the site is considered a bonus in terms of residential amenities, given the city centre location of the site.

b) Amenities of adjacent neighbours

It is considered that the removal of the previous petrol station use would be likely to be of benefit to adjacent amenities, in terms of the reduction of general traffic, noise and pollutants, including the decontamination of the site. Conversely, the residential use of the land is likely to result in traffic movements well below that caused in the past by the previous use, and only a modest level of traffic would be generated by the 12 flats, particular given the lack of formal parking areas around the site (see highways section below).

In terms of general impacts such as loss of privacy and overshadowing, the scheme has been carefully designed to avoid both any significant overlooking or overshadowing. This has been achieved by the avoidance of any significant windows on the internal courtyard elevations of the scheme which would other face towards dwellings and rear gardens of buildings in Devizes and Wilton Road. Furthermore, both the Devizes and Wilton Road elevations have been “stepped” and lowered in height to two storey where it abuts adjacent development. This has two positive impacts. Firstly, it reduces the bulk and massing of the buildings as view from adjacent dwellings, and secondly obstructs less light than taller buildings would tend to do in this position (the existing dwellings largely being to the north of the new development).

In terms of its likely impacts on adjacent amenities, it is considered that the proposal reaches the right balance between built form and protection of amenities, given the cramped nature of the site.

Impact on highway safety/parking issues

The proposed use is likely to have a far lesser impact on highway safety than the use of the site as a petrol station, particular given that the access onto Wilton Road would no longer be used.

Secondly, whilst 12 flats are proposed, this site is located in a highly accessible and sustainable location close to services and facilities. Given the severe restriction on on-street parking around the site and the general area, it is therefore hoped that this development would be likely to attract occupiers without vehicles and also encourage others to use more sustainable means of transport other than the private car.

WCC Highways has indicated that it has no objections to the scheme or the level of parking but that several of the on site parking areas as marked on the plan would probably be difficult to use. However, given the sustainable location, it is considered that the scheme would acceptable without any parking provision at all.

Given the close proximity of the site to the city centre, therefore, the “useability” of the parking spaces is not considered to be of particular relevance in the determination of this application, in that this, in officers opinion, is a site where the level of available parking should be significantly reduced to encourage sustainable transport uses.

Contamination issues

The EHO has accepted the conclusions of the contamination report submitted, and finds the scheme acceptable subject to suitable conditions.

Open space issues

A small area of open space is provided on site for use by residents. This is considered to be sufficient given the central location of the site.

A unilateral agreement has been received regards the provision of a commuted sum towards public open space. Once this payment is received, the proposal would be in accordance with policy R2.

CONCLUSION

In principle, the redevelopment of this site for residential purposes is considered acceptable, and preferable to the previous petrol station use, and in line with government guidance.

In design terms, the scheme is a significant improvement compared to the previous scheme, and is now considered acceptable.

The redevelopment of the site for residential purposes is likely to have far less impact than the previous petrol filling station use, and the scheme has been sensitively designed to avoid any significant loss of privacy or overshadowing of adjacent neighbours. The use of the site for residential purposes has not been objected to by the EHO.

The redevelopment of the site is likely to have less impact in traffic terms than the previous commercial use, and given its sustainable location, is likely to encourage use of sustainable modes of transport other than the private car.

RECOMMENDATION: SUBJECT TO THE RECEIPT OF A COMMUTED SUM TOWARDS THE PROVISION OF OFF SITE PUBLIC OPEN SPACE IN ACCORDANCE WITH POLICY R2, THEN:

APPROVE: for the following reasons

In principle, the redevelopment of this site for residential purposes is considered acceptable and in accordance with the aims of policy E16, and preferable to the previous petrol station use, and in line with government guidance.

In design terms, the scheme is a significant improvement compared to the previous scheme, and is now considered acceptable.

The redevelopment of the site for residential purposes is likely to have far less impact than the previous petrol filling station use, and the scheme has been sensitively designed to avoid any significant loss of privacy or overshadowing of adjacent neighbours. The use of the site for residential purposes has not been objected to by the EHO.

The redevelopment of the site is likely to have less impact in traffic terms than the previous commercial use, and given its sustainable location, is likely to encourage use of sustainable modes of transport other than the private car.

And subject to the following conditions

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

02 Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)

REASON: To secure a harmonious form of development.

03 This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 18/04/05, as amplified by the large scale details of submitted on 18/05/05, amended by the applicant's letter received on 7/06/05, unless otherwise agreed in writing by the Local Planning Authority. (B02A)

REASON: For the avoidance of doubt.

04 There shall be no other windows inserted in the first and second floor courtyard elevation(s) of the building.

REASON: In order to protect adjacent amenities

05 Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority. The Investigation must include:

- A full desk top survey of the historic data
- A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages)
- A risk assessment of the actual and potential pollution linkages identified
- A remediation programme. The remediation programme shall incorporate a validation protocol for the remediation work implemented.

A validation report shall be forwarded to the Local Planning Authority prior to habitation of the premises.

REASON: In order to ensure a suitable scheme of decontamination for the site

06 The architectural features of the buildings hereby permitted shall be painted in a colour to be agreed in writing with the Local Planning Authority and such painting shall be completed within 12 months of the date of completion of the building(s). The colour so agreed shall thereafter be retained in perpetuity unless the Local Planning Authority gives written approval to any variation.

REASON: To secure a harmonious form of development.

07 The proposed hall window(s) in the rear courtyard elevations shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall be maintained in this condition thereafter.

REASON: To ensure adequate privacy for the occupants of neighbouring premises.

08 Prior to the occupation of the development hereby approved, the proposed vehicular access and public footway along the Devizes Road (spur) frontage of the Development shall be replaced by a new section of footway to adoptable standards, details of which are to be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of development.

REASON: In the interests of highway safety and amenities

09 The landscaped amenity area and car and bicycle parking area shall be completed and made available for use prior to the first occupation of the residential units.

REASON: In the interests of amenity of the development

10 Prior to any development commencing, a scheme for the management of the construction of the proposal, including times of operations, and details of how adjacent amenities and the adjacent highway are to be protected, shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be developed as agreed.

REASON: In the interest of amenity

11. The development shall be carried out in strict accordance with the approved noise/pollution attenuation measures.

REASON: In the interest of amenity

12. No development shall take place until full details and drawings of all architectural features (including door surrounds, window heads/sills), windows, doors, rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

REASON: In the interests of visual amenity

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

G1 – Sustainable Development
G2 – General Development Control Criteria
D1 – Design Criteria
D2 – Design Criteria
R2 – Public Recreational Open Space
E16 – Loss of Employment.

NOTES:

Part 3

Applications recommended for the Observations of the Area Committee

Item No. Case Officer Contact No.

App.Number Date Received Expiry Date Applicant's Name
 Ward/Parish Cons.Area Listed Agents Name

Proposal
 Location

3	Case Officer Ms S Waaldijk	Contact No 01722 434388	3
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S/2004/2412	09/11/2004	04/01/2005	COLLINGWOOD INVESTMENTS LTD
BEM			J G ADAIR
Easting :412170.8	Northing: 131583		

PROPOSAL:	FOR RESIDENTIAL DEVELOPMENT CONSTRUCTION OF NEW ACCESS DEMOLITION OF EXISTING PUBLIC HOUSE
LOCATION:	THE CONQUERED MOON PUBLIC HOUSE WOODSIDE ROAD SALISBURY SP2 9EE

REASON FOR REPORT TO MEMBERS

Committee may recall that this application was deferred on the 17th February 2004 in order that a view could be acquired from an independent consultant in respect of the viability of the public house. The Officer's previous report to Committee is attached as an appendix for information purposes.

Whilst this process was underway the applicant enacted their right to appeal to the Planning Inspectorate for the Council's non-determination of the application.

The application is therefore now the subject of a non-determination written representation appeal and the ability to make a formal decision has been taken out of the Council's hands.

However it is normal practice to request how Committee would have determined the application. There are two options: -

raise no objection to the proposal and resolve that the Local Planning Authority would have granted planning permission with or without conditions and not contest the appeal; or

object to the proposal, and resolve that the Local Planning Authority would have refused planning permission.

The views of Sidney Phillips "Hotel, Licensed Property and Business Agents" were sought as independent consultants and copies of the information submitted with the application was forwarded to them.

Having considered the information and generated more themselves, Sidney Phillips have raised several concerns which form background documents to this report. Their main conclusions are that:

“ 12. It should be firmly appreciated that any purchaser of this property trading free of tie would be able to gain large discounts from suppliers who compete strongly in the competitive free of tie market. The benefit of Enterprises bulk purchasing strength is of no benefit to previous tenants of the Conquered Moon as Enterprise Inns retain all barrellage discount and therefore tenants pay premium prices for products which prevents them from being able to pass discounts onto customers and make pricing more attractive to compete with other free of tie premises such as clubs and city centre venues who heavily discount”

CONCLUSION

“The only issue of great significance we fail to agree on is the asking price which has been quoted for the Conquered Moon. We believe the asking price for the premises in its dilapidated condition and subject to its lease from the city council is unrealistic and may well have discouraged potential purchasers.

Therefore there is a significant weakness in the test to establish if any alternative operator can run a viable business to serve the community” (16th May 2005).

This letter is contained as an appendix together with comments from the applicants.

In addition, Committee will recall that a member of the public informed Committee at its February sitting, that he had submitted an offer for the premises.

Additional correspondence has also subsequently been received by way of a letter dated May 2005 making an offer of £190,000 for the premises. This offer is from a publican who would retain the premises as a public house. The letter states, inter alia:

“ ... we have increased this offer and are now awaiting a response ... This property has been completely stripped internally so I will have to invest £175,000 approximately for refurbishment”

A letter from the Estate Agent marketing the premises for the applicants confirms that this offer was considered to be ***“ ... below an acceptable level with regards to both [the applicants] book value and expectations of securing the best possible price in the current market”*** (letter from Christies dated 21 April 2005).

The sale particulars from the applicants show that the site has been marketed at £225,000.

CONCLUSIONS

In light of the additional information supplied by the Independent Consultant, not least their opinion that the premises have been marketed at an unreasonably high price, it cannot be concluded that the site has been adequately tested on the open market. In addition, having to purchase stock from Enterprise Inns meant the public house had not been able to trade on the open market which may well result in the low sales the applicant have reported as a reason for the public house not being viable.

Based upon the consultants views, it would appear that there is no reason to believe that were the premises run on a competitive basis where the managers could purchase stock on the open market and introduce features, which would encourage visitors, that it would not be viable.

RECOMMENDATION: That had the LPA been able to determine this application it would have refused planning permission for the following reasons: -

(1) The proposal would result in the loss of a local facility and the encouragement of vehicular travel contrary to the sustainability policies of the local plan. It has not been satisfactorily

demonstrated that the site has been realistically advertised on the open market for the existing or an alternative community use. The above would be contrary to policies G1 and PS3 of the Adopted Salisbury District Local Plan 2003.

(2) Provision has not been made for a contribution towards recreational open space in accordance with policy R2 of the Adopted Salisbury District Local Plan. The proposal would therefore place additional demand on existing recreational facilities and would set a precedent that would make it difficult for the Council to effectively implement this policy 2003.

Informatives:

Refusal reason 2 relating to Policy R2 could be overcome if all the relevant parties can agree to a unilateral agreement in accordance with the standard requirement of public recreational open space.

This decision has been made in accordance with the following policies of the adopted Salisbury District Local Plan 2003: G1 PS3 R2 D2 and H8/H25.

File 04 2412 appeal committee report

APPENDICES:

Former report as seen by Committee in February 2005
Correspondence from applicant
Correspondence from agent

NOTES:

APPENDIX 1

REASON FOR REPORT TO MEMBERS

Councillor David McCarthy has requested this application be brought to committee due to the controversial nature of the application.

SITE AND SURROUNDING AREA

The application site is occupied by a vacant building which was last occupied as a public house. It is single storey and detached with a prominent location within the streetscene although the building is set back from the footway and on an incline. There is ancillary parking and sitting out areas to the east and north.

The locality is residential in character consisting of rows of semi-detached and terraced houses situated on the northern outskirts of Salisbury City Centre. There are no alternative public houses in close proximity. The closest public house is The Royal Oak, which is situated to the east; approximately 20 minutes walk away. There are other community facilities near by such as retail outlets, a church, sports club, football club, and a school, but none of a similar nature to a public house.

The site is situated within the Salisbury Housing Policy Boundary.

THE PROPOSAL

This application seeks outline permission for the demolition of the existing public house and a change in the use of the site to residential. (Affordable Housing).

Only the acceptability of the principle of the development is sought at this stage. All other matters (siting, access, landscaping, design and external appearance) are reserved matters for consideration under separate application should planning permission hereby sought be forthcoming.

Various documentation / information has been submitted in support of the loss of a local community facility which would affect the vitality and viability of the locality, including:

Letter from Leaseholder's Estate Manager to Estate Agents – undated but with a received stamp dated 13 Oct 2004. States monies have been put into the PH and that the decision to sell was not taken lightly and included a very robust disposal nomination process.

Signboards advertising the site – April 2003 to April 2004. (No mention of alternative commercial possibilities although later signs on site state this).

Advertising with an estate agent and in various publications; Salisbury Journal, Estates Gazette, The Publican, Daltons Weekly – October 2003 to date irregularly.

On estate agent website.

Direct marketing to clients on the estate agents books.

The application notes Signpost Housing Group as the interested party regarding affordable housing. Correspondence from Signpost states:

“ ..Should the purchase of the site complete successfully it will be the Associations intention to undertake a consultation process with the community In connection with the detailed design and possible provision of a community facility within the development” Letter dated 4th November 2004.

The applicants have also stated that they “ ... would be prepared to enter into a Section 106 undertaking agreeing to a payment for off site provision of required open space”

RELEVANT PLANNING HISTORY

04/ 987. Outline permission was refused on the 29th June 2004 for the following reasons:

(1) The proposal would result in the loss of a local community facility, which is central to the economic well being of the area, and would thereby have an adverse impact upon the vitality and viability of the locality in conflict with Policy PS3 of the Adopted Salisbury District Local Plan 2003. Insufficient documentation has been submitted to demonstrate that the premises are no longer viable for the existing or an alternative community use.

(2) The loss of a local community facility which is central to the economic and social well being of the area would promote a pattern of land use that would increase the need to travel, contrary to Policy G1 and PS3 of the Adopted Salisbury District Local Plan 2003.

(3) The proposal would not make provision for a contribution towards recreational open space in accordance with policy R2 of the Adopted Salisbury District Local Plan 2003.

CONSULTATIONS:

ADVERT:	NO
SITE NOTICE:	EXPIRY: 16.12.04
NEIGHBOUR NOTIFICATION:	EXPIRY: 6.12.04
NEIGHBOUR RESPONSES:	None.
SDC Property Management:	"The Council, in its capacity as landowner lease the site to Enterprise Inns. The pub ceased trading some time ago ... willing to recommend sale of freehold interest if consent for residential is forthcoming.
Forward Planning:	Spirit of PS3 applies and G1 relates to viability of local communities - both should be considered.
WCC Highways:	No objection subject to conditions – no more than 5 houses and details of pedestrian access to Wilton Rd.
Wessex Water:	Request informatives should permission be granted.
Environment Agency:	No objection. Recommends condition as below.

POLICY CONTEXT

G1 Sustainability; G2 general criteria for development; PS3 local community facilities; E16 retention of employment generating uses; H1 housing; H8 / H25 housing policy boundaries; D2 infill development; and R2 off site open space.

MAIN PLANNING CONSIDERATIONS

The acceptability of the proposal given the policies of the Local Plan;

Character of the locality and amenity of the street scene; and

Highway considerations.

Principle of development

The site forms 'brownfield' land within the Salisbury Housing Policy Boundary (H8). Residential development within such areas may be acceptable in principle, subject to other policies in the local plan and environmental considerations.

Policies G1 and PS3 require development to accord with the principles of sustainable development and to "promote the vitality and viability of local communities".

The Conquered Moon Public House is located within the heart of Bemerton Heath, a large residential settlement on the northern outskirts of Salisbury City Centre. There are no other public houses within a reasonable walking distance. The closest public house is The Royal Oak, which is approximately 20 minutes walk away, along hilly roads. Given the proximity to Wilton Road and Salisbury City Centre, it could not be argued that alternative public house facilities are within a reasonable distance. It is therefore reasonable to consider The Conquered Moon as being a community facility, central to the economic and social wellbeing of the Bemerton Heath locality.

There are other community within Bemerton Heath, such as the Spar retail shop, which is within a five minute walk, a church, school and sports centre, but these do not provide a similar form of community use as a public house. In addition, there is The B. Heath Neighbourhood Centre in Pinewood Way is managed by Salisbury District Council.

It could therefore be argued that the loss of The Conquered Moon Public House would therefore result in the loss of a local facility, which enhances and reinforces the vitality of this residential locality. The loss of such a facility would also result in the increased use of motor vehicles, as local residents would have to seek alternative facilities.

The applicants have submitted documentation showing that efforts have been made to find an alternative operator for the Public House. These efforts include advertising for an alternative community facility and on balance are sufficient to show that the applicants have made reasonable efforts to market the site. They have reported that there is no forthcoming interest in using the facility as a public house or as an alternative community facility. It should also be noted that no representations have been received from residents in the locality regarding the loss of the public house (or regarding any other aspect of the application).

Affordable Housing Need

The offer of affordable housing as part of the application is a material consideration and the provision of such would benefit the community in that there is a need for both shared equity and rented accommodation within the B. Heath area (and throughout the Salisbury District). However, the application makes no distinction between shared equity or rented accommodation or how the affordable housing would be provided. The applicant would therefore still need to demonstrate that a viable affordable housing scheme could be provided in accordance with the Council's Supplementary Planning Guidance "Delivering Affordable Housing in Salisbury District".

Such a statement needs to set out how the affordable provision would be delivered - which Registered Social Landlord is involved, how the housing will be provided (tenures, mix, groupings, management) and demonstrate how this will be funded.

As the above has not been done, it is recommended that any approval is subject to a satisfactory statement being received.

Character of the locality

The locality is residential in character being on the northern outskirts of Salisbury City Centre. The application premises are not of sufficient architectural or historic merit to warrant retention. The redevelopment of the site for residential purposes would not be detrimental to the residential character of the locality.

A residential use is likely to result in significant reduction in noise, coming and going and general disturbance associated with a commercial use such as a public house.

R2

The applicant has confirmed that they are willing to enter into an agreement to contribute towards off site open space. This can be incorporated into any S106 agreement for affordable housing.

Highways

There are no highway objections to the proposal. It is consider that redevelopment for housing purposes be acceptable, the number of dwellings should not exceed 5 or a small building of apartments. In addition satisfactory pedestrian access would need to be provided.

JUDGEMENT

CONCLUSION:

The issues regarding the loss of the public house as a community facility in terms of sustainability are marginal. However, taking into consideration the offer of affordable housing and the degree of marketing undertaken, on balance, the proposal would be acceptable.

RECOMMENDATION: **Provided;**

(A) Submission of a viable Affordable Housing Delivery Statement to the satisfaction of the Head of Development Services;

(B) The applicant and any other relevant parties undertake, under Section 106 of the principal act to:-

- (i) The housing being 'affordable' and**
- (ii) The provision of recreational open space in association with Policy R2 of the SDLP.**

within two months of the date of this letter, then;

APPROVE subject to the following conditions:

REASONS FOR APPROVAL:

Although the proposal involves the loss of a community facility, given the degree of marketing and that the application is for affordable housing, on balance, the scheme would accord with the policies of the Adopted Salisbury District Local Plan 2003.

Subject to the following conditions:

(1) Approval of the details of the siting, design and external appearance of the building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. (A01A).

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001).

(2) Plans and particulars of the reserved matters referred to in condition 1. above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001).

(3) The above plans shall include details of any trees on or adjoining the site including girth, species and canopy, any proposal to top, lop or remove any tree and protection and construction measures for those to be retained including existing and proposed ground levels.

REASON: 0038 To enable the Local Planning Authority to ensure that adequate measures are taken for the identification, treatment and safeguarding of existing trees which are capable of being retained during and after development, in the interests of visual amenity.

(4) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (A03A).

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

(5) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (A04A).

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

(6) The finished floor level[s] of the proposed building[s] shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced. (C03A)

REASON: 0010 To ensure the exact finished floor level[s] of the building[s].

(7) 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 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. (V15A)

REASON: 0107. To enable the Local Planning Authority to retain control over the development in the interests of amenity.

Construction and demolition works shall not take place outside of the following hours:

Monday to Friday 0800 to 2000 hours.
Saturday 0800 to 1300 hours

REASON: To protect the amenities of the locality.

No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and agreed timetable.

REASON: To prevent pollution of the water environment.

No development shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent pollution of the water environment.

The development shall not exceed five dwellings, or as otherwise agreed with the Local Planning Authority.

REASON: In the interests of highway safety.

Details of pedestrian access to Woodside Road shall be submitted for further detail approval and shall include an improved facility for pedestrians to gain safe access via a ramp or other facility.

REASON: In the interests of highway safety.

(C) If the applicant does not comply with (A & B) above the application is automatically delegated to the Head of Development Services to reach a decision as it stands and it is likely that your proposal will be refused for non-compliance with the above provisos

INFORMATIVES:

(1) The developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

The developer must protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Wessex Water can be contacted on Telephone: 01225 526 302.

(3) Sustainable construction measures should be incorporated such as those detailed in the Building Research Establishment EcoHomes standards or similar.

(4) Water efficiency measures should be incorporated into this scheme, which should include, for example, water butts and rainwater recycling to assist in conserving natural resources.

(5) This decision has been made in accordance with the following policies of the adopted Salisbury District Local Plan 2003: G1 Sustainability; G2 general criteria for development; PS3 local community facilities; H8 / H25 housing policy boundaries; R2 open space; and D2 infill development.
