

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
NORTHERN AREA 09/12/04

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
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Item	Application No. Office	Applicant's Name Location	Rec	Parish/Ward	Page Nos.	Ward Councillors
1	<u>S / 2004 / 2117</u> Mr A Madge	MS W CALLOWAY PARKHOUSE GARAGE PARKHOUSE CORNER ROUNDABOUT CHOLDERTON	REF	CHOL	2-5	Councillor Hewitt Councillor Wren

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			

1	Case Officer Mr A Madge	Contact No 01722 434541	1
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S/2004/2117	04/10/2004	29/11/2004	MS W CALLOWAY
CHOL			GERALD STEER
Easting: 423192.1	Northing: 143519.4		

PROPOSAL:	FULL APPLICATION -DEMOLITION OF EXISTING HOUSE AND GARAGES AND ERECTION OF TWO NEW DWELLINGS
LOCATION:	PARKHOUSE GARAGE PARKHOUSE CORNER ROUNDABOUT CHOLDERTON SALISBURY SP4 0EG

REASON FOR REPORT TO MEMBERS

Councillor Hewitt requests determination at committee in view of the previous applications controversial nature

SITE AND ITS SURROUNDINGS

The site consists of an existing dwelling, a petrol filling station, garage and forecourt, located on the junction between A338 and the western-bound slip road to the A303. The site lies in the open countryside, some distance to the north and on the boundary between Wiltshire and Hampshire. The site consists of previously developed land.

THE PROPOSAL

The application proposes the demolition of the garage, filling station and existing dwelling and associated buildings, and the erection of one replacement dwelling and one new dwelling, together with garages and residential curtilage.

PLANNING HISTORY

Residential Development and alteration to access, Withdrawn on 12th February 2003 (02/1023)

S/04/0485 One replacement dwelling demolition of garage buildings and construction of one house and alteration to existing access refused 28 April 2004.

CONSULTATIONS

Highway Authority

Recommend that the application be refused on transportation grounds - The proposal located remote from services and employment opportunities is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

Highways Agency

no objection

Environment Agency	No objection provided that the development can connect into the mains foul sewer and subject to a number of conditions regarding foul drainage, flood risk, contaminated land.	
Environmental Health	Raise concerns regarding contamination of the site (in light of its current use) and would require a full site investigation (including risk assessment) to establish whether site is suitable for proposed development by condition.	

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	yes	expires 11/11/04
Departure	No	
Neighbour notification	yes	expires 01/11/04
Neighbour response	No	
Parish Council response	Yes	Thanks planning department for waiting for parish council response and raise no objection to the proposal.

MAIN ISSUES

Impact on character and appearance of the countryside and Special Landscape Area

Whether the proposed development is in accordance with the Government's sustainability objectives

Loss of the existing garage and petrol station facility

Impact on flood Risk

Impact on living conditions of adjoining properties

The issue of whether the land is contaminated

Recreational Open Space

POLICY CONTEXT

G1, G2, H22 and H23, H30, C1, C2, C6, G8, R2

PLANNING CONSIDERATIONS

Impact on character and appearance of the countryside and Special Landscape Area

Local and National policies make clear that new dwellings in the open countryside will be resisted. While policy H23 only relates to development on undeveloped land, and there is national policy support for the efficient use of previously developed land, policy H22 only identifies sites adjoining Housing Policy Boundaries (or similar designations) as being acceptable for new dwellings, for sustainability reasons. Taking both policies H22 and H23 together (and their explanatory text), therefore, the Previously Developed status of the land does not over-ride the general policies of restraint in the countryside,

Meanwhile, policy H30 requires that a replacement dwelling must not be significantly larger than the dwelling to be replaced. In this instance, the proposed dwelling at plot 1 would clearly be significantly larger, in terms of footprint, size and bulk, and would be contrary to policy H30.

Notwithstanding this a material consideration is Northern area committees previous discussion and decision on the last planning application where it was felt that the benefits of the scheme in terms of improving the general character and appearance of the area from that of the currently run down garage facility to that of two well designed individual properties outweighed the policy consideration in this case.

In design terms, the proposal has clearly been designed to take careful account of the dwellings in the village of Cholderton, as identified by the applicant's Design Statement, and the overall design of the resultant development would be an improvement over the existing buildings on the site.

Given committees previous consideration of the application, the fact that the last planning application was not refused on the grounds of policy H22 and that there would be significant benefits from redeveloping the site in terms of appearance of the area it is considered on balance that this proposal would be acceptable in terms of its impact on the character and appearance of the countryside.

Sustainability Issues

As the proposal involves a new dwelling in the open countryside, it would clearly conflict with the aim of Government and Council policy to limit new development within, or adjoining, built up settlements.

The applicants argue that a residential dwelling would result in less traffic generation than the existing garage use. But many of the trips to the garage and filling station would be expected to be from local residents (who are possibly visiting the petrol station as part of linked trips), while occupants of the new dwelling would be making all their journeys from an unsustainable location.

It also has to be borne in mind that the loss of the existing facility is likely to result in longer journeys by local residents to obtain fuel and garaging facilities (i.e to Thruxton). Although the site abuts a bus route, any residents of the new dwelling would be heavily reliant on the private car for access to most services and facilities.

None the less as with the principle issue of a new dwelling in the countryside, at the previous northern committee, consideration was given to this issue and it was felt that the dwelling would be unlikely to generate significantly more traffic than the existing garage use of the site and that as such the development wasn't unsustainable. Clearly there are arguments either way on this issue but given the comments of the parish council who raise no objection to the application, the comments of the previous northern area committee and the fact that the application was not refused previously on sustainability grounds it could be seen as unreasonable to recommend refusal on these grounds on this occasion.

Loss of the existing Petrol station and garage facilities

The applicants in their statement say that the garage is poorly positioned in relation to the existing road network and that the oil companies are not interested in continuing with the site, with fuel currently being purchased on an ad-hoc basis from an independent supplier. The applicants say that the garage is run-down and falls far short of health and safety regulations.

The garage facility is considered to be an employment use and as such policy E16 makes clear that the displacement of employment uses for residential development will only be acceptable where the existing use is no longer viable. The applicants have submitted details of turnover and profit for the last three years from 2001 – 2003. These show that there has been a decline in both the turnover and the profit from the business to a point where last year the business was running at a loss and is expected to do so again this year. Since the mid 1980's the garage has suffered from the opening of the new section of the A303 which has seen a decline and drop in the level of business as a result.

Policy E16 requires applicants to demonstrate that the land or premises are no longer viable for an employment generating use, in view of the fact that no effective marketing exercise has been carried out at the premises and the applicants viability statement only concentrates on the existing use of the premises and not alternative employment uses it is not considered that it has been adequately demonstrated that there would not be alternative employment uses that would be suitable at this site. The site is located away from residential properties and close to the main road network where it seems likely that other alternative small employment uses would be suitable.

Impact on Flood Risk

The applicants have argued that the existing site, consisting largely of hard materials, suffers from flooding and that the proposed dwellings, which would be raised 600mm above existing levels, would not suffer from similar flooding. They also argue that landscaping and reductions in levels ('depressions') would help to hold water in the event of flooding.

The Environment Agency have not objected to the application on the basis that a flood risk assessment has now been submitted which they now consider is acceptable. They suggest several conditions relating to foul and surface water drainage that should be imposed if the planning permission were to be granted.

Contamination of land

Being a petrol station and garage, the site has a history of potential contaminated land. Without addressing the risk of contamination, it would clearly be inappropriate to allow residential accommodation where such contamination may harm the living conditions of potential future occupiers.

The Council's Environmental Health officers have requested that a site investigation is undertaken in some detail to establish whether the site is contaminated and what mitigation methods would be necessary. A condition has been suggested, and the agent has now submitted sufficient information for it to be considered that the previous reason for refusal has been overcome. Subject to a desk study being carried out on the contaminated land issue.

Impact on living condition of adjoining properties

The replacement of the garage and petrol station with dwellings would, if anything, have a beneficial effect on the living conditions of adjoining properties. Given the advantages to neighbouring properties in terms of the reduction in impact from the garage and filling station, it is not considered that the impact from the additional wall would justify refusal. A condition could require noise attenuation.

Recreational Open Space

A recreational open space contribution would be necessary under policy R2, through s106 agreement. Such an agreement has now been provided.

CONCLUSION

The applicant has submitted sufficient information to overcome the previous reasons for refusal in respect of the contamination of the land and the issue of flooding. However although the applicant has submitted information as regards to the viability of the site and its turnover and profit for the last few years no marketing exercise has been carried out. Policy E16 of the local plan requires that if the new use is not to provide a similar number of job opportunities then the land or premises have to no longer be viable for an employment generating use. On balance it is not considered that the site would be unviable for any other type of employment use and as such the application is recommended for refusal.

RECOMMENDATION: **REFUSE** for the following reasons:

(1) It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the existing employment use of the land is unviable, and the proposal would therefore result in the loss of employment land in the open countryside, contrary to policy E16 of the Replacement Salisbury District Local Plan.

INFORMATIVES: - POLICY

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan: G1, G2, H22 and H23, H30, C1, C2, C6, G8, R2

NOTES:

Part 2

Applications recommended for Approval

Item No.

Case Officer

Contact No.

App.Number
Ward/Parish

Date Received
Cons.Area

Expiry Date
Listed

Applicant's Name
Agents Name

Proposal
Location

No Approvals