

Report

Report subject: Planning Application S/2005/1648

Report to: Planning and Regulatory Panel

Date: 6th February 2006

Author: Oliver Marigold, Senior Planning Officer on behalf of the Head of Development Services

PLANNING APPLICATION S/2005/1648 AT KINGSWAY HOUSE, WARMINSTER ROAD, WILTON FOR CHANGE OF USE AND CONVERSION OF GRADE II LISTED BUILDING TO 31 DWELLINGS

Report Summary:

To consider a full application for the 'change of use and conversion of a grade II listed building to form 31 dwellings'. The application has been brought before the Panel because the Western Area Committee's recommendation is considered to be a material departure from the policies in the Local Plan. Further to the site visit held earlier that day, the Committee considered the previously circulated report of the Head of Development Services, together with the schedule of late correspondence circulated at the meeting on 19th January 2006 and the Committee made the following recommendation:

RECOMMENDED TO PLANNING AND REGULATORY PANEL

(1) That the above application be approved for the following reasons:-

The proposed conversion, in that it would provide affordable accommodation and would re-use this grade II listed building without harming the building's character and appearance, would not harm highway safety, protected species, protected trees nor the amenities or interests of nearby properties or other matters of acknowledged importance, would be acceptable within the terms of Local Plan policies of the Replacement Salisbury District Local Plan.

(2) Subject to the applicants entering into a s106 agreement making provision for:

- (a) affordable housing in accordance with Local Plan policy H26
- (b) a contribution of £20,000 towards highway safety and public transport improvement
- (c) contribution towards recreational open space

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)



Awarded in:
Housing Services
Waste and Recycling Services



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 walls and roofs 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 ensure that the proposed works will be in keeping with the existing character of the listed building and its setting.

3. All new external and internal works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance except where indicated otherwise drawings hereby approved.

Reason: in the interests of the character and appearance of the listed building

4. Prior to the commencement of development, details of any external lighting for the site shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of the character and appearance of the listed building

5. Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

6. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 1990) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The Arboricultural Method Statement shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all

works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

7. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

8. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining the amenity value of the area

9. The access and visibility splay shall be constructed in accordance with the approved drawing no 022-1541-100P1 (dated April 05) prior to the occupation of the development.

Reason: in the interests of highway safety

10. The development hereby approved shall be undertaken in full accordance with the recommendations of the ecologist's report dated November 2005 and the Method Statement in relation to pollution during construction dated December 2005.

Reason: In the interests of the river system and protected species

11. No development shall take place until a waste audit (including recommendations) has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details and recommendations.

Reason: in the interests of ensuring sustainable development

12. Prior to the commencement of development, details of the means of glazing of windows serving habitable rooms shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of the living conditions of occupiers of the flats

13. Notwithstanding the provisions of Class[es] E, F, H and H of Schedule 2 (Part 1) to 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 extensions to the dwelling(s) 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: in the interests of the character and appearance of the listed building
14. No development shall take place until details of a scheme for the provision of lighting between the Park and Ride site and the application site has been submitted to and approved by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved, and no residential unit shall be occupied until the lighting has been installed and operative.
- Reason: in the interests of sustainable development
15. No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.
- Reason: In the interests of the conservation of energy and water resources.

Western Area Committee also asked that officers write to Wiltshire County Council recommending that the financial contribution be spent not on the railway bridge, but be spent on sustainability and footway improvements.

The Western Area Committee considered the following officer's report, as amended to incorporate late amendments, before making its recommendation:-

REASON FOR REPORT TO MEMBERS

Proposal would be a departure from the Minerals and Waste Local Plan (which forms part of the Development Plan), in that the site forms part of a site allocated for a Household Recycling Centre and/or dry, non-hazardous waste recycling. It would also depart from policy H22 of the Local Plan in that the site is allocated for an alternative use (ie waste recycling). The application would therefore need to be determined by Planning and Regulatory Committee.

SITE AND ITS SURROUNDINGS

The application site has a prominent location on the corner of Warminster Road (A36) and Kingsway. It has a width of 73m, a median depth of 60m and an area 0.44 ha. The site forms the southwestern corner of Kingsway/ Barnack Industrial Estate.

The site is occupied by a three storey Victorian building which comprises four two /three storey wings radiating outward. It is occupied by various commercial / uses, the main one being Moody's furniture warehouse (Use Class B8).

The premises are Grade II Listed. It is built in the main of red brick with a slate roof. The building forms the only remaining workhouse of its kind in Salisbury and was constructed in 1838.

The site is bounded by a prominent brick wall (of approximately 2m in height), with vehicular / pedestrian access from Kingsway. A verge beyond the site to the southeast has significant mature trees. These overhang the site and are the subject of a Tree Preservation Order (2005).

The locality is commercial in character. To the north and northeast are the rest of the Kingsway/ Barnack Industrial Estate. This comprises predominantly small industrial units in use as workshops such as joinery and motor mechanics. Wilton Spiritual Church is also situated immediately to the north.

The site and surrounding area are designated as an Area of Special Archaeological Significance and as part of the Landscape Setting of Salisbury and Wilton in the Salisbury District Local Plan. On the western side of the highway is an Area of High Ecological Value. The Wilton Park and Ride operates to the south of the site. The A36 Warminster Road, at this point, is a 30mph zone. There is a narrow footway alongside the road and this narrows on the side towards Wilton. To access the turn it is necessary to cross the A36.

The site lies outside of the Housing Policy Boundary – the boundary is some 200m to the south – and within an area allocated for a Household Recycling Centre and/or dry, non-hazardous waste recycling.

THE PROPOSAL

The application seeks full planning permission for the demolition of lean to & garages, alterations; and change of use to residential (4 houses, 27 apartments); alterations to access and provision of 36 parking spaces. All of the units would be for Affordable Housing under policy H26 of the Local Plan.

The development would comprise 4 houses / bungalows, 27 apartments, 33 parking spaces, 3 special needs parking spaces and 16 bicycle spaces. The proposed residential occupancy can be further broken down as follows: -

- 19 1-bed apts
- 7 2-bed apts
- 1 1-bed hse
- 3 2-bed houses
- 1 2-bed maisonette
- 31 units in total

The following documents accompany this application; transport and environmental Statement, a planning and design statement and a noise survey in connection with PPG24. In addition, Housing Association Details and that the Registered Social Landlord would be “Signpost”, the tenure mix would incorporate both affordable rent and shared ownership although the percentage split between the two tenures has not yet been finalised. The S106 Agreement would allow for any proportion of these. Funding would be through the Housing Corporation Social Housing Grant and Signpost Association’s own resources. Timescales depend upon the Association securing grant funding from the Housing Corporation.

PLANNING HISTORY

05/186	demolition to lean to and garages; alterations, WD change of use to residential (4 houses, 27 apartments); alterations to access and provision of 36 parking	13.04.05
05/187	Demolition to lean to and garages; alterations, change of use to residential (4 houses, 27 apartments); alterations to access and provision of 36 parking spaces	WD 13.04.05
05/1196	Change of use and conversion of grade ii listed building to 31 dwellings	WD 27.07.05
05/1197	Change of use of grade ii listed building (currently furniture storage) to 31 dwellings	WD 27.07.05

CONSULTATIONS

Highway Authority – Require additional plans showing amendments at the access point and showing the required visibility splay. Because the existing boundary wall is part of the listing and cannot be removed a revised access was discussed and a further plan submitted. This has not been included in the submission, but this redesign would be acceptable.

Subject to a condition requiring this amendment, and a contribution of £20,000 is secured by a legal agreement for safety improvements at the low bridge and public transport improvements, no highway objection is raised.

English Nature - Providing the recommendations set out in the bat survey are adhered to, no objection on grounds of protected species. The method statement (in relation to protection of the river from pollution) is acceptable.

Environmental Health – concerns have been expressed regarding the location and its acceptability for residential use, given the proximity of noise, dust and fumes from the nearby A36 and industrial uses. The report by Casella Stanger (the applicant’s noise consultants) indicates that noise levels are (just) within PPG24 noise exposure category B and that indoor noise levels can be reduced to acceptable levels with standard thermal double glazing units in the closed position. If all habitable windows are provided with a window design that is approved as part of the planning process by a condition, a satisfactory outcome can be achieved.

Conservation – It is important for this building to be fully utilised and if it were to be left vacant then it will quickly deteriorate. It is more likely that Moody’s will move out as the majority of the building no longer meets their needs. Consider that the next best use, after the current one, would be for residential use – particularly given the original use of the building [as a workhouse]. The secondary glazing to the windows would be acceptable because the changes would be reversible. No objection raised to the alterations to the listed building.

WCC Waste Planning – Object to the proposal on the grounds that it would be contrary to policies 4 and 5 of the Waste Local Plan regarding the allocation of the site as a preferred area, and policy L21 in the safeguarding of that allocation. Allowing residential development here would prejudice the development of the wider allocated site for recycling uses. If the application is to be approved, policies of the Waste Local Plan are relevant in relation to a waste audit and provision of recycling facilities.

Housing - this department supports the proposal to refurbish this building for 1 and 2 bed flats, to be offered as a mixture of social rent, shared ownership, and possibly some low cost open market sales to help fund the affordable units.

Housing need in Wilton is as follows:- Total 113, of which 94 require 1 or 2 bed property. This would indicate a high level of need for such a scheme in Wilton, and would help a number of people onto the homeownership ladder as well as providing a number of homes for people whose only option is affordable rent.

Wessex Water – Site lies within foul sewerage area

Biological Records Centre – English Nature will need to be consulted on the application

English Heritage – Do not consider that it is necessary for this application to be notified to English Heritage

Highways Agency – No comments to make on this application

REPRESENTATIONS

Advertisement	Yes	expired 15/09/05
Site Notice displayed	Yes	expired 15/09/05
Departure	Yes	see above
Neighbour notification	Yes	expired 07/09/05
Third Party responses	Yes	5 letters raising issues relating to: <ul style="list-style-type: none"> • Poor walking and cycling route from the site to the local community • Development would be isolated from Wilton • Existing pavement is narrow and unsuitable • Dangerous nature of the highway • Hourly bus service runs past the site, but access to the more frequent buses from Wilton to Salisbury would again involve a long walk • Use of the Kingsway (via the P&R site) by cyclists would be a much safer cycle route

- Conflicts between industrial area and residential uses
- Proximity of bakery/food manufacturing unit 50m from the site which starts at 1am. Deliveries commence at 5am. The bakery moved out of its site in North Street to this site because of concerns relating to noise and disturbance, and are concerned that complaints could result from future occupiers.

Town Council response	Yes	Support the application because it would be a sympathetic conversion of the listed building and would provide much needed accommodation. However, raise concerns regarding inadequate level of car parking.
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MAIN ISSUES

1. Whether the proposal is acceptable in principle and whether the benefits of the scheme outweigh any conflict with policy.
2. Environmental health considerations (including impact on adjoining industrial units)
3. Highway safety considerations
4. Impact on listed building
5. Protected species, recreational open space, trees and other considerations

POLICY CONTEXT

Replacement Salisbury District Local Plan

- H22 Residential development outside of HPBs on previously developed urban land
- H26 Affordable Housing on sites adjoining settlements
- CN3 Alterations to listed buildings
- CN4 Change of use of listed buildings
- CN5 Development within the curtilage of listed buildings
- G1 General Development Criteria
- G2 General Development Criteria
- E16 Land used for employment purposes

Waste Local Plan

- 4 & 5 Allocation of site as a preferred area
- L21 Safeguarding of allocated sites

PLANNING CONSIDERATIONS

Whether the proposal is acceptable in principle and whether the benefits of the scheme outweigh any conflict with policy

The site lies outside of the Housing Policy for Wilton and therefore the creation of new residential development is not normally acceptable. However, policy H22 of the Local Plan does permit the erection of new residential development on previously developed urban land outside of an HPB (such as this), subject to certain criteria.

These criteria are that (i) the site is not identified for alternative development in *this* Local Plan, that (ii) the site is well related to the pattern of the settlement and that (iii) the site is accessible by public transport. Furthermore the policy goes on to say that “*proposals which would involve land currently in employment use will only be permitted if the business is relocated to an alternative site in the settlement which does not increase reliance on the private car, or the land and building(s) are unsuitable and not viable for alternative employment uses*”.

Policy E16 relates to the loss of employment sites. It makes clear that *“on land allocated or currently used for employment purposes, the construction, change of use or redevelopment of premises for other purposes will only be permitted where the proposed development is an acceptable alternative use that provides a similar number and range of job opportunities. The only exceptions to this are where the land or premises are no longer viable for an employment generating use and/or where redevelopment of a site for a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs”*.

However, the proposal is also for 100% affordable housing and therefore policy H26 is also relevant. It says that proposals for affordable housing for local people may be acceptable on small sites within or adjoining settlements, including land outside defined housing policy areas where housing development would not otherwise be permitted. Such proposals will only be acceptable where they meet certain criteria.

Although the site lies outside of the HPB, the Housing Policy Boundaries are not intended to indicate the overall extent of a particular settlement (as identified in policy H23) and therefore consideration needs to be given to whether the site lies within (or adjoins) the ‘settlement’ of Wilton in relation to policy H26. It is considered that this site clearly forms the ‘built up’ part of Wilton, albeit at its edge. Indeed the Salisbury and Wilton ‘Landscape Setting’ boundary specifically excludes the Kingsway industrial estate. It is therefore considered that the site clearly falls within the settlement of Wilton.

Pulling these policy strands together, it therefore need to be considered whether the proposal complies with the policy criteria and whether, if it does not, the benefits of the scheme outweigh any policy conflict.

Policy and loss of employment floorspace

The applicants have argued that the buildings are not viable for future employment use. They claim that the building is hugely inefficient as an employment use compared to modern units and that the maintenance liability is too great and unpredictable. They also say that employment uses are unlikely to generate sufficient investment to preserve and restore the listed building’s fabric.

In light of policy H22’s requirement that employment uses have to be relocated in the settlement where the existing building is located, the applicants point to the fact that the one tenant currently occupying the building, Independent Living, is relocating to new offices being built nearby on the Kingsway Estate. However, the principal former occupier, Moody’s Removals, has already vacated the building and re-located to a site at Old Sarum, Salisbury.

In support of the application, the applicants have submitted a statement from a firm of Chartered Surveyors (Middleton and Major) who conclude that *“it is difficult to see how the property can affectively be used at a viable cost for employment purposes”*.

To comply with policy E16 in particular, the Council’s forward planning section have made clear that the Council normally require a marketing exercise to be undertaken, for a period of 6 to 9 months, to fully demonstrate that a potential employment site is no longer viable for employment uses. The applicants have not done this and this would normally justify refusal.

However, policy E16 does accept loss of employment floorspace where redevelopment of a site for a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs.

In this case the proposal would bring conservation benefits in that residential use is more likely to allow for refurbishment of the listed building than business uses and because residential use is the closest use to the building’s original use as a Victorian Workhouse. The building’s listed status is a clear constraint on future uses, making further employment uses less likely. This limits the usefulness of a marketing exercise.

It is not clear what level of employment took place (in terms of number of jobs) before the principal occupiers vacated the building. However the previous use, primarily as storage, is unlikely to have generated a significant number of jobs when compared to B2 or B1 uses. It is understood that the current use has 11 part time jobs and 1 full time job, although this is shortly to relocate nearby.

Finally the provision of affordable housing would go some way to overcoming Wilton’s housing need – a clear and important objective of the Authority - as evidenced by the support for the application by the Housing Department. This is a factor that has to be balanced with the loss of the employment floorspace.

Overall, it is considered that there is sufficient reason in this case to accept the loss of employment floorspace, even though a marketing exercise has not been undertaken.

Allocation within the waste Local Plan

A further consideration is the fact that the site forms part of an area allocated in the waste Local Plan for a Household Recycling Centre and/or dry, non-hazardous waste recycling. This is also relevant to policy H22 which requires that a site is not allocated for an alternative use. The proposal would clearly be contrary to these aspects of the Local Plan.

Wiltshire County Council are concerned that if the proposal were approved, it would prejudice the use of the rest of the allocated area (which includes much of the Kingsway Industrial Estate) for a Household Recycling Centre and/or dry, non-hazardous waste recycling, because of the potential of complaints from occupiers of the flats to noise, disturbance etc from the uses.

However, it is understood that the proposed waste used were limited to Household Recycling and/or dry, non-hazardous waste recycling because of the proximity of residential uses nearby anyway. Furthermore, in response to concerns relating to the nearby industrial units (see below), measures are proposed, or can be required by condition, that will ensure that the occupiers of the flats have a reasonable standard of amenity.

In light of these factors, and the benefits relating to affordable housing and conservation outlined above, it is considered that the proposed scheme can be reasonable permitted despite the conflict with the Waste Local Plan and criteria (i) of policy H22.

Whether the site is suitably/sustainably located for residential use

Concerns have been expressed that having residential accommodation at this location would not be suitable or sustainable. However, although the site is clearly on the edge of Wilton, the Highway Authority have not objected on sustainability grounds. The site is located close to a route served by buses every hour, and is located within reasonable walking distance of Wilton town centre. The site is also located relatively close to the Park and Ride site (and the potential site for a new railway station). The applicants have also proposed cycle storage to serve some of the units.

Furthermore, the Highway Authority have not objected partly on the basis of funding being secured for public transport improvements (and highway safety improvements, although these relate to the low bridge). Issues regarding the location of the residential uses with regard to noise and disturbance are considered below. Overall, it is considered that the site would be acceptable in sustainability terms.

Environmental health considerations (including impact on adjoining industrial units and amenities for occupiers)

Although the Council's Environmental health department originally had concerns regarding the amenities of occupiers of the dwellings, because of noise and disturbance from adjacent industrial units and from the highway, it is understood that these concerns have been overcome on the basis that the applicant will provide secondary glazing and sound attenuation for all habitable rooms, and that this can be secured by condition.

Consideration has also been given to the proximity of units in terms of overlooking and intervisibility between units. It is accepted that in some cases, some of the units would have distances to other units that fall below the normal 20m separation distance for privacy. However, as the proposal involves the conversion of a listed building (therefore limiting the scope for changes to the building) and given that some intervisibility is expected in urban locations, it is not considered that this should justify refusal in this instance.

Highway safety considerations

Although concerns have been expressed highway safety concerns, the Highway Authority have raised no objection to the proposal, subject to conditions and subject to a contribution towards safety improvements (to the low railway bridge) and towards public transport provision. Provided these are made (through a s106 agreement) it is considered that the proposal would be acceptable in highway safety terms.

Impact on listed building

The proposal has been the subject of discussions between the Council's Conservation Officers and the applicants. The Conservation department are of the view that the proposal would not harm the character and appearance of the listed building, or its setting, and that the proposal would benefit the building in that it would bring it into use preventing its further deterioration) as encouraged by PPG15.

Protected species, recreational open space, trees and other considerations

The applicants have submitted a protected species survey which demonstrates that protected species would not be harmed by the proposal – English Nature have confirmed that provided the report's recommendations are set out this would be acceptable. English Nature has also confirmed that the method statement (in relation to the protection of the river Wylye from pollution) is acceptable.

The Arboricultural Officer has confirmed that the proposal would not harm protected trees (those on Kingsway Road), subject to condition. A recreational open space contribution can also be secured by s106 – on site provision is considered impractical in this location.

A waste audit can be secured by condition – this relates to whether building materials are to be re-used, how they are to be disposed of, waste packaging etc and also how residents are going to be encouraged to recycle (the application already includes recycling facilities within a separate building).

CONCLUSION

Overall, although the proposal would clearly involve a departure from the Local Plan (in that the site is allocated for a recycling centre) and despite the lack of information regarding employment alternatives, it is considered that the affordable housing and listed building benefits of the proposal would provide sufficient justification to recommend approval, subject to a s106 agreement and conditions.

RECOMMENDATION: Refer to Planning and Regulatory Committee

APPROVE SUBJECT TO S106

Subject to the applicants entering into a s106 agreement making provision for:

- (a) affordable housing in accordance with Local Plan policy H26
- (b) a contribution of £20,000 towards highway safety and public transport improvement
- (c) contribution towards recreational open space

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 walls and roofs 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 ensure that the proposed works will be in keeping with the existing character of the listed building and its setting.

3. All new external and internal works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance except where indicated otherwise drawings hereby approved.

Reason: in the interests of the character and appearance of the listed building

4. Prior to the commencement of development, details of any external lighting for the site shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of the character and appearance of the listed building

5. Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

6. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 1990) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The Arboricultural Method Statement shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

7. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and

species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

8. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining the amenity value of the area

9. The access and visibility splay shall be constructed in accordance with the approved drawing no 022-1541-100P1 (dated April 05) prior to the occupation of the development.

Reason: in the interests of highway safety

10. The development hereby approved shall be undertaken in full accordance with the recommendations of the ecologist's report dated November 2005 and the Method Statement in relation to pollution during construction dated December 2005.

Reason: In the interests of the river system and protected species

11. No development shall take place until a waste audit (including recommendations) has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details and recommendations.

Reason: in the interests of ensuring sustainable development

12. Prior to the commencement of development, details of the means of glazing of windows serving habitable rooms shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of the living conditions of occupiers of the flats

13. Notwithstanding the provisions of Class[es] E, F, H and H of Schedule 2 (Part 1) to 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 extensions to the dwelling(s) 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: in the interests of the character and appearance of the listed building

14. No development shall take place until details of a scheme for the provision of lighting between the Park and Ride site and the application site has been submitted to and approved by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved, and no residential unit shall be occupied until the lighting has been installed and operative.

Reason: in the interests of sustainable development

Options for consideration:

- a)** Accept the officers' and Western Area Committee's recommendation that permission should be granted subject to a s106 and conditions.
- b)** Reach an alternative decision.