

<p align="center">SOUTHERN AREA COMMITTEE - 25/11/04 SCHEDULE OF ADDITIONAL CORRESPONDENCE</p>

Agenda
Item No.

8. Fax from County Ecologist – attached in full as Appendix 1
9. Setting priorities for enforcement action – attached in full as Appendix 2

Planslist
Item No.

1. **S/2004/1891 - ADDITIONAL DWELLING TO REPLACE EXISTING REDUNDANT BUILDINGS AT PIPERS WEIGHT COTTAGE, FOREST ROAD, NOMANSLAND,**

Agent letter & questionnaire - Attached in full as Appendix 3

2. **S/2004/2127 - RETENTION OF DWELLING AT HILLVIEW, LYNDHURST ROAD, LANDFORD**

Agent Letter - I can confirm that the client and myself will be attending the meeting if possible. I would be grateful if you could note our intention to speak.

3. **S/2004/2016 - MODULAR CLASSROOM AT WYVERN COLLEGE, CHURCH ROAD, LAVERSTOCK, SALISBURY**

Agent Letter - Permanent accommodation in the longer term is very much on the agenda with the School Governors, Local Education Authority and Diocesan Board of Education. And a priority with the Department for Education and Skills and hopefully will be resolved shortly. In the meantime as pointed out in our letter, there is a short term need to provide additional accommodation.

4. **S/2004/2097 - ERECTION OF 6 HOUSES INCLUDING OFF STREET PARKING WITH VEHICULAR ACCESS AT ORCHARD ROAD AND DOWNTON HILL, MORGANS VALE.**

3 letters (2 from same person) from 3rd Parties - indicating that:
 - a) Highlighted difficulties that refuse lorry has turning in the area
 - b) Concerns regarding the recent Parish Council meeting which did not take on board residents concerns
 - c) Scheme would cause highway dangers
 - d) Reiteration of the recent Inspectors comments
 - e) Dispute financial figures submitted by agent
 - f) Agent hasn't proven that pub was not viable
 - g) Highway safety will be compromised
 - h) No cycling spaces provided
 - i) Parking spaces do not meet standard dimensions of 7m x2.4m
 - j) Turning space is totally inadequate
 - k) Cars will be encouraged to park on the street and narrow the road
 - l) Total rebuilding costs would be £277,466 rather than £700,000 plus
 - m) No reference in officers report of application S/04/1271 further along Appletree Road

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- n) Replacement houses are much larger than previous dwellings on site, and will therefore generate twice the traffic
- o) Serious impact on amenities due to loss of privacy and overlooking
- p) Development is out of character with area. Modern design and living standards to this density do not fit on this site – linear development is not appropriate
- q) Most of the privacy and safety issues could be overcome by replacing the 2 cottages with similar sized dwellings, putting two dwellings on the pub site, all inward looking and all with adequate parking.
- r) If the pub does not need to be rebuilt then the local community should be entitled to have some of their concerns on safety privacy and open space met.

HDS comments on above comments

The officers report and late correspondence address many of the above points. However, for clarification, the Members should note the following:

- a) The inspectors comments agreed that linear development would be in keeping with the area. Therefore a refusal on this basis would be difficult to support on appeal.
- b) The inspectors comments indicated that there would be no highway danger and that 2 parking spaces per dwelling would be adequate. As WCC highways have no objections to the scheme, and the agent has provided more than 2 parking spaces per dwelling, a refusal on parking, turning and highway grounds would be difficult to support on appeal.
- c) Cycle parking could be secured via a suitable condition.
- d) Just because a replacement dwelling may be twice the size of a previous dwelling does not mean that twice the traffic will be generated.

The officer has spoken to the Council's Building Control officers regarding the disputed rebuilding figures. It appears that a thatched public house building of similar dimensions on this site may well cost somewhere in the region of at least £ 500,000 upwards, when internal fitting out is included, plus adherence to modern fire and building standards. The Council's Building Control officers have therefore indicated that the agents stated rebuilding costs may therefore be closer to the mark than the much lower figure mentioned by the third party.

With regards the application further along Appletree Road S/04/1271, the case officer has spoken again to WCC Highways. The county have indicated that the two sites and schemes are different, particularly because of the planned widening of the road proposed by the applicant. WCC Highways have not changed their stance of approval with regards this current application.

Agent – 3 letters regarding Inspectors comments and viability figures.
Attached in full as Appendix 4, 5 and 6

Planning Inspectorate – Decision issued with regards S/04/303. Appeal dismissed.
Decision attached in full as Appendix 7

Redlynch PC – Further comments attached in full as Appendix 8

HDS comments – **Appeal decision – Summary of main conclusions**

Paragraph 3 - The Inspector agreed with the Council that it is necessary to have regard to the wider objectives of Policy PS3, and it is appropriate to apply the policy to the land the subject of this appeal which was last in public house use.

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Paragraph 4 – The Inspector agreed that Morgans Vale is a village that can be seen as a settlement.

Paragraph 5 – The Inspector agreed that the nearby public houses do not provide a comparable community facility for Morgans Vale as their patronage would chiefly rely on accessing by car or taxi..

Paragraph 6 – The Inspector agreed that the Appletree Inn formed a central role in the community life of Morgans Vale

Paragraph 6 & 7 – With regards the viability of the public house, the Inspector remained unconvinced by the agents costings, in the absence of an independent assessment.

Paragraph 9 – The Inspector states that he is satisfied that a linear form of development would be appropriate, and indicated that the illustrative sketches were “..too uniform in design, bulky and have large roofs, with a pitch steeper than the predominant form in the area”

Paragraph 10 – With regards the highway matters, the Inspector stated that he was “...satisfied that the dimensions and position of this access would be adequate and not cause harm to highway safety. The absence of any objection from the Highway Authority reinforces my conclusion on this matter. The provision of two parking spaces for each dwelling would in my view be adequate for the housing proposed.”

HDS comments on appeal decision and agents letters

In the light of the Inspectors comments, the key issue for Members to debate is whether the applicant has submitted adequate details regarding the viability of the public house use in order to address the concerns of the Inspector.

In terms of policy PS3 and viability of the public house, Members should note this current application differs from the appeal scheme in that it has been supported by an independent assessment. The issues surrounding this are contained within your report. The agents independent assessment has however been challenged by a third party, which has resulted in the submission of the two additional letters from the agent.

Members therefore need to consider whether the independent assessment has now proven that the public house use would be unviable. Your officers consider that whilst the evidence submitted by the agent with regards viability are not as detailed as that suggested by the Inspector, the recommendations made in the officers report remain unchanged by the above additional matters.

Members should also note the Inspectors comments about the linear character of the area and the highway issues. In your officers opinion these comments do not conflict with the report before you.

Appendices (8)