

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
WESTERN AREA –09-09-04

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 & COUNCILLORS	NOTES
1 SV	S / 2004 / 1485 Mr O Marigold	MR R GRAY OLD GARDEN HOUSE HIGH STREET TISBURY	APPC	TISB	3-6	TISBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper	
2	S / 2004 / 1492 Miss L Flindell	D A & R J CHALK LAND ADJACENT TO SUNNY DALE TISBURY ROAD FOVANT	APPC	FOV	7-9	TIBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper	
3 SV	S / 2004 / 1623 Miss L Flindell	MR AND MRS T GRANT SWALLOWCLIFFE DOWN SWALLOWCLIFFE	A106	SWAL	10-12	TISBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper	
4	S / 2004 / 1671 Mr O Marigold	TOGL PROPERTIES 24 NORTH STREET WILTON	A106	WILT	13- 16	WILTON Councillor Mr Edge Councillor Mr Brown-Hovelt	

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 O Marigold	Contact No 01722 434293	1
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S/2004/1485	06/07/2004	31/08/2004	MR R GRAY
TISB	TIS		ANTHONY CHARLES SOUTHEY, RIBA
Easting: 394392.9		Northing: 129345.3	

PROPOSAL:	FULL APPLICATION -CONVERSION OF HOUSE TO 5 FLATS
LOCATION:	OLD GARDEN HOUSE HIGH STREET TISBURY SALISBURY SP3 6HD

REASON FOR REPORT TO MEMBERS

Officer's recommendation is contrary to the view of a statutory consultee (Highway Authority)

SITE AND ITS SURROUNDINGS

The site consists of an existing two storey dwelling in the centre of Tisbury. The property has the access road to the recently completed development of Old Garden Mews to the north

THE PROPOSAL

The application proposed to convert the existing seven-bedroom dwelling into 5 flats, of which three would be one bedroom and two would be two bedroom flats.

PLANNING HISTORY

None

CONSULTATIONS

Highway Authority Recommend refusal. Tisbury is not well served by bus services and journeys to the nearest major towns would be necessary for shopping, employment, leisure and health purposes. The proposed conversion into five flats, where there is limited parking facilities on site, would be likely to give rise to the on-street parking of additional cars attracted to the premises and thereby interrupt the free flow of traffic, to the danger of road users in an area which is already congested with on-street parking.

Environment Agency No comment

REPRESENTATIONS

Advertisement	Yes	expired 12/08/04
Site Notice displayed	Yes	expired 12/08/04
Departure	No	
Neighbour notification	Yes	expired 02/08/04
Third Party responses	Yes	One letter of objection relating to lack of car parking
Parish Council response	Yes	Object on grounds of lack of car parking

MAIN ISSUES

Whether adequate car parking facilities are necessary for this location
Impact on the character and appearance of the Conservation Area
Impact on living conditions of nearby properties
Recreational Open Space

POLICY CONTEXT

G2, H16, TR11, CN8

PLANNING CONSIDERATIONS

Car Parking

The main issue in this application revolves around whether the proposed conversion requires car parking provision. Recent government guidance in PPG13 makes clear that there is a general desire to reduce the level of demand for private cars in the interests of sustainable development, and that Local Planning Authorities 'should not require developers to provide more spaces than they themselves [*ie the developer*] wish, other than in exceptional circumstances'.

The Parking standards in the Local plan reflect this, by only requiring a maximum number of spaced, not a minimum. Therefore, while permission could be refused for a scheme that provided too many spaces, a scheme cannot normally be refused for too few spaces, because the Government wants to discourage use of the private car and encourage use of public or sustainable means of transport.

In this particular instance, the flats would be well located in the centre of Tisbury, within walking distance to a range of facilities including shops, a take away, a dentists, a convenience store, pubs, vets, churches, a public library and a branch of Natwest bank (albeit with limited opening hours). Indeed, Tisbury is identified in policy H22 as one of the more 'urban' settlements in the District. Although the Highway Authority comment that the village is not well served by bus services, Tisbury is well served by the railway, with around 20 trains in each direction on weekdays, making commuting into Salisbury (or beyond) a realistic option.

Potential occupiers of the flats are likely to be aware of the restrictions of parking in the area and those with cars are unlikely to purchase a flat where they cannot park and the flats would be unlikely to accommodate families. Given the relatively good facilities available in Tisbury and the good links by train to Salisbury and elsewhere, it is considered that there is no reason why potential occupiers of the flats would need to have a car for their daily lives.

On street parking can take place in the designated bays immediately outside the property, which are less likely to be congested when the shops are shut and are not time-restricted in the evenings. Outside of these bays, parking is prohibited by double-yellow lines and therefore enforcement of these restrictions would prevent any on-street parking that is generated by the proposed flat conversion.

It also has to be borne in mind that the existing seven-bedroom house will generate some parking requirement (4 spaces maximum) itself. The applicants have indicated that three of the spaces that are currently used by the new properties at Old Garden Mews could be used by the occupants of the flats, although these are more likely to be occupied by residents of the new dwellings.

Overall, despite the objections from a local resident, the Parish Council and the Highway Authority, your officer's view is that a refusal of permission on the grounds of inadequate car parking could not reasonably be defended at appeal.

Impact on the character and appearance of the Conservation Area

Given the property's location in the centre of the village, it is not considered that the change of use would harm the character of this part of the Conservation Area. The only physical alterations are the loss of the chimney and the addition of windows. It is not considered that the window alterations would harm the character and appearance of the Conservation Area.

The Conservation officer has expressed concern at the loss of the chimney (particularly to the front). This would not, of itself, require permission, but a condition could be imposed on an approval requiring its retention. To preserve the character and appearance of the Conservation Area, it is recommended that this is done.

Impact on living conditions of adjoining properties

The proposed conversion is likely to result in more people, and therefore more noise, disturbance etc, to surrounding properties. However, the nearest property adjoining the site itself (but detached from the application property) is a shop at ground floor level, with some form of accommodation above. It is not considered that the change of use, would result in harm to the living conditions of surrounding properties.

Additional windows are proposed to the sides and rear. The window facing south, at loft level, would serve a bathroom and would not harm the living conditions of the property on that side. The Velux windows to the rear and escape window on the north side would be sufficiently far enough away from its neighbours not to harm their living conditions.

Recreational Open Space

The proposed development of flats generates an open space contribution of £2,573. The applicants have submitted a unilateral agreement agreeing to pay this amount (though not the cheque). Provided the cheque is submitted, this would comply with policy R2.

CONCLUSION

The proposed flats would be located in the centre of Tisbury, with good access to a range of facilities and services and good transport links to alternative urban settlements. In the light of Government advice, it would not generate an additional on street parking requirement and would not therefore harm highway safety.

The proposal would not harm the living conditions of adjoining properties or result in undue pressure on recreational open space.

RECOMMENDATION: APPROVE:

REASONS FOR APPROVAL:

The proposal is considered acceptable in principle, its design and impact on the amenities of nearby properties and given the nature of the proposed development and its sustainable location, is unlikely to harm highway safety.

And 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) Notwithstanding the details shown on the approved plans, the existing chimney on the front roof slope of the property hereby approved to be converted shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the character and appearance of the Conservation Area

(3) No development shall take place until details and samples of the materials to be used for the additional windows have been submitted to and approved, in writing, by the Local Planning Authority, and development undertaken in accordance with the details thereby approved.

Reason: In the interests of the character and appearance of the Conservation Area

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

G2 General development criteria
H16 Housing Policy Boundaries
TR11 On street parking
CN8 Development in Conservation Areas

NOTES:

S/2004/1492	20/07/2004	14/09/2004	D A & R J CHALK
FOV			
Easting: 399710.88437441	Northing: 129199.929977834		

PROPOSAL:	CHANGE OF USE -CHANGE OF USE FROM PUBLIC TO RESIDENTIAL USE FENCE TO BOUNDARY
LOCATION:	LAND ADJACENT TO SUNNY DALE TISBURY ROAD FOVANT SALISBURY SP3 5JY

REASON FOR REPORT TO MEMBERS

Council land

Recommendation departs from policy H18 of the Adopted SDLP

SITE AND ITS SURROUNDINGS

Sunny Dale is a detached residence occupying a corner plot with Tisbury Road and Sutton Road in the village of Fovant. The site forms part of the amenity land associated with the dwellings at The Elms to the south of Sunny Dale. It is a small triangular piece of land in the northwest corner, currently laid to grass and is at a higher level to the road and footpath to the east with bank on the eastern boundary and existing post and rail fence.

THE PROPOSAL

It is proposed to change the use of the amenity land to residential curtilage of Sunny Dale and to erect close boarded fencing to the north east site boundary and trellis to the south east boundary 1.83m high. Additional plans have been provided showing that the close boarded fence to the north east boundary adjacent to the highway will replace the existing post and rail fence at the top of the bank to 0.9m high.

PLANNING HISTORY

None

CONSULTATIONS

WCC Highways - No objection
Housing & Health Officer - No observations

REPRESENTATIONS

Advertisement Yes, expiry date 19.08.04
Site Notice displayed Yes, expiry date 19.08.04
Departure Yes, policy H18 adopted SDLP
Neighbour notification Yes, expiry date 11.08.04
Third Party responses Yes, one letter with no objection to the change of use of the land or erection of fence, but concerned for future use of site as building plot/extension, or vehicular or pedestrian access to Tisbury Road
Parish Council response Support subject to condition;

The land which is the subject of this application shall be maintained and retained as a garden in perpetuity and shall not otherwise be developed, resold or separated from Sunny Dale

MAIN ISSUES

Principle, loss of amenity land, impact on street scene, residential amenity

POLICY CONTEXT

Adopted SDLP G2 (General), C4 & C5 (AONB), H18 (Amenity open space)

PLANNING CONSIDERATIONS

Policy H18 of the Adopted SDLP states that development will not be permitted on areas within Housing Policy Boundaries, which are formally laid out as amenity open space. However, it is not considered that this corner of land forms an important part of the amenity open space, and visually, the fencing proposed to the same height as the existing post and rail fencing to the north east boundary and 1.83m high trellis fencing to the south east boundary, is not considered to have an adverse impact on the street scene.

With the low level fencing and trellis proposed to the site boundaries, the development of structures within the site may have an impact upon the street scene and visual amenity of the area, it is therefore considered prudent to remove permitted development rights for the erection of structures and extensions to Sunny Dale on the site. The site will form part of the residential curtilage of Sunny Dale, and due to its restricted size, it is considered reasonable to condition that it should not be let, sold, or otherwise disposed of separately from Sunny Dale. Any future applications for additional development on the land would be judged on their own merits at that time and concerns regarding future applications are not material considerations to this application.

CONCLUSION

By reason of its size, position and shape, it is considered that the piece of land does not form an important part of the amenity open space, and subject to conditions restricting further development on the site, that the proposal will not be harmful to the overall appearance of the area.

RECOMMENDATION: APPROVE: for the following reasons

It is considered that the piece of land which is the subject of this application does not form an important part of the amenity open space, and that the addition of fencing to the boundaries in the manner proposed will not have an adverse impact on the street scene.

And 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.

(2) This development shall be in accordance with the additional plan reference MJL.04.

Reason: For the avoidance of doubt.

(3) No development shall commence until samples of the proposed finish for use on the fencing/trellis hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

(4) Notwithstanding the provisions of Classes A, D, E and G of Schedule 2 (Part 1) and Classes A of Schedule 2 (Part 2) 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 erection of any structures within the land or extensions to the associated dwelling within the land outlined in red on the drawing received on 7th July 2004 unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the site in the interests of amenity.

(5) The land outlined in red on the drawing received on 7th July 2004 shall not be sold, leased, rented or otherwise disposed of separately from the associated dwelling, Sunny Dale.

Reason: To ensure that the small piece of land will be associated with a dwellinghouse.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan: **G2 (General), C4 & C5 (AONB), H18 (Amenity open space)**

NOTES:

3

Case Officer
Miss L Flindell

Contact No
01722 434377

3

S/2004/1623	28/07/2004	22/09/2004	MR AND MRS T GRANT
SWAL			
Easting: 396609.669380814	Northing: 126425.051291674		

PROPOSAL:	FULL APPLICATION -REBUILDING OF FARM BUILDING TO FORM ANNEX TO MAIN HOUSE
LOCATION:	SWALLOWCLIFFE DOWN SWALLOWCLIFFE SALISBURY SP3 5PH

REASON FOR REPORT TO MEMBERS

Recommendation departs from policy H33 of the Adopted SDLP

SITE AND ITS SURROUNDINGS

Swallowcliffe Down was converted into residential accommodation from redundant farm buildings under S/98/1091. The property is located within open countryside within the AONB. There are a number of outbuildings to the north of the property. There was an outbuilding/store, which was granted planning permission under S/2003/2255 for conversion to an annex to the main house, but was demolished during the conversion works. The applicant has stated that this was due to the walls becoming dangerously unstable when underpinning.

THE PROPOSAL

It is proposed to rebuild the outbuilding in accordance with the plans approved under S/2003/2255 for use as an annex to the main house.

PLANNING HISTORY

03/979 Alteration of farm building to annex to main house forming extra accommodation withdrawn 13.06.03

03/2255 Alteration of farm building to annex to main house forming extra accommodation AC 24.03.04

CONSULTATIONS

WCC Highways -	No highway objections
Housing & Health Officer	- No observations
Wessex Water Authority	- Awaiting response
Environment Agency	- If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is any increase in effluent volume into an existing system, a Discharge Consent will be required. This should be obtained from the Environment Agency before any discharge occurs and should be obtained before any development commences.

REPRESENTATIONS

Advertisement	Yes, expiry date 16.09.04
Site Notice displayed	Yes, expiry date 02.09.04
Departure	Yes, Policy H33
Neighbour notification	Yes, expiry date 23.08.04
Third Party responses	No
Parish Council response	No objections

MAIN ISSUES

Principle, drainage

POLICY CONTEXT

Adopted SDLP G2 (General), C4 & C5 (AONB), H33 (Accommodation for dependent persons)

PLANNING CONSIDERATIONS

Principle

The adopted SDLP policies are permissive of the conversion of buildings in the open countryside to alternative uses subject to a number of criteria. However, building work has started and the barn has been demolished, so these policies are no longer relevant.

Policy H33 of the Adopted SDLP requires that if additional accommodation is created as a result of a conversion of an existing building within the curtilage of the main dwelling, then any approval is subject to the applicant entering into a legal agreement with the LPA that the ancillary accommodation will not be let or sold separately from the main dwelling. The previous approval for conversion was subject to such a legal agreement.

Whilst the proposal is no longer a conversion of the existing building, but a new-build, in light of the fact that the proposal seeks the reconstruction and re-erection of the outbuilding in accordance with the previously granted approval plans for conversion into an annex, it is considered that the proposal will be acceptable subject to a restrictive occupancy condition.

Drainage

This application proposes discharge to an existing septic tank. The Environment Agency confirmed in the last application that a discharge consent is not required as it concerns an existing discharge to an existing soakaway which adheres to a number of points. However if a polluting discharge were traced to any property, they would expect the faulty equipment plant, tank or discharge methods to be corrected by the owners of the property, as their expense. The Environment Agency retain the right to take action under Water Resources Act 1991 and Environment Act 1995.

CONCLUSION

The final external appearance of the building will be unchanged from the original submission, and it is considered that subject to restrictive conditions and a legal agreement that the proposal will be acceptable.

It is considered reasonable to remove permitted development rights and restrict extensions and additional windows being added to the accommodation to preserve the character and appearance of a traditional outbuilding.

RECOMMENDATION:

Subject to considering any additional representations regarding the proposal within the consultation period (16th September 2004) and these raising no additional substantive issues of concerns to members and;

Subject to the applicant entering into a legal agreement with the LPA that the ancillary accommodation will not be let or sold separately from the main dwelling.

APPROVE: for the following reasons

The final external appearance of the building will be unchanged from the original approved submission (S/03/2255). As such it is considered that subject to restrictive conditions and a legal agreement that the proposal will be an acceptable form of development within the open countryside.

And 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.

(2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

(3) Notwithstanding the provisions of Class A-D 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, additional windows, addition or alteration to the roof of the outbuilding conversion hereby permitted unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

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

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2 (General), C4 & C5 (AONB), H33 (Accommodation for dependent persons)

INFORMATIVE: - Environment Agency

If a polluting discharge were traced to any property, the Environment Agency would expect the faulty equipment, plant, tank or discharge methods to be corrected by the owners of the property, at their expense. The Environment Agency retain the right to take action under the Water Resources Act 1991 and Environment Act 1995.

The Environment Agency advise the owner to contact a drainage specialist in order to establish whether the existing septic tank is adequate for the intended future use of the property. Where a public sewerage facility becomes available, since the installation of the septic tank, the Environment Agency encourage connection onto it.

NOTES:

S/2004/1671	05/08/2004	30/09/2004	TOGL PROPERTIES
WILT	WLN		STRUTT & PARKER
Easting: 409764.9		Northing: 131341.4	

PROPOSAL:	FULL APPLICATION -CHANGE OF USE OF GROUND FLOOR FROM RETAIL TO RESIDENTIAL NEW PITCHED ROOF GROUND FLOOR EXTENSION VARIOUS ALTERATIONS TO FENESTRATION
LOCATION:	24 NORTH STREET WILTON SALISBURY SP2 0HE

REASON FOR REPORT TO MEMBERS

At Councillor Edge's request, on the grounds of loss of the retail unit and impact of additional parking.

SITE AND ITS SURROUNDINGS

The site consists of a shop unit on the ground floor, with 2 x two bedroom flats and 1 x two bedroom maisonette on the upper floors, in the centre of Wilton. The building is currently a flat-roofed block, which appears somewhat out of keeping with the street scene.

THE PROPOSAL

The application proposes to convert the shop unit into 1 x one bedroom flat and 1 x studio flat, together with the addition of a pitched roof to improve the appearance of the block, the erection of a small extension to the rear, the addition of 'Juliet' balconies to some of the windows and the 'filling in' of the currently inset shopfront.

This application is a resubmission of application S/2004/1169, which proposed similar development but with balconies to the side and rear, which have now been amended or removed so that there is no adverse overlooking. Additional information has been given regarding amenity space and removal of flood risk.

PLANNING HISTORY

None

CONSULTATIONS

Highway Authority – none of the existing flats have off street parking within the central area of Wilton. No objection is raised.

Conservation Officer – Proposal would be an improvement in terms of the character and appearance of the Conservation Area provided appropriate materials are used.

Environmental Health – no observations

Environment Agency – no objection: the measures to reduce the impact of flooding are appropriate

Wessex Water – lies within sewered area

REPRESENTATIONS

Advertisement	Yes	expires 09/09/04
Site Notice displayed	Yes	expires 09/09/04
Departure	No	
Neighbour notification	Yes	expires 30/08/04
Third Party responses	No	
Parish Council response	Yes	no objection but sadly note loss of another retail unit and potential for car parking facilities

MAIN ISSUES

Impact from loss of shop unit
Impact on highway safety and car parking
Impact on living conditions of neighbouring properties and future occupiers
Impact on character and appearance of the Conservation Area
Recreational Open Space

POLICY CONTEXT

G2, G4, R2, E16, H16, CN8

PLANNING CONSIDERATIONS

Impact from loss of shop unit

Concern has been raised by the parish council and local member that the proposed loss of the shop unit would be harmful. However, the Adopted Local Plan's Shopping section has no policies that seek to retain shopping units outside of Salisbury and Amesbury, and therefore a refusal on this basis would be difficult to defend at appeal. In the past, attempts have been made to apply employment policies to the loss of such units, but these attempts have not been successful at appeal.

The explanatory text to Policy E16 says that proposals involving a significant loss of employment opportunities will be resisted, but the loss of this shop unit is unlikely to result in the loss of more than perhaps one or two full time jobs. Further, policy H16 makes clear that new residential development within Housing Policy Boundaries is acceptable in principle. Members may recall that the application at 41 – 45 North Street (S/2004/1157) heard at the last Western Area Committee meeting was not refused on this ground, but on other factors.

Overall, the loss of the shop unit could not reasonably form a reason for refusal in the light of local plan policies as they stand.

Impact on highway safety and car parking

The site lies within the centre of Wilton, accessible by a range of transport methods, including good bus links to Salisbury. Government guidance and local plan policy now only requires a maximum number of parking spaces, not a minimum – so permission can only be refused for too many spaces, not too few. Given the proposal's central location, and the lack of parking facilities, occupiers of the flats need not to be reliant on cars, so the proposal is less likely to result in additional pressure on car parking spaces. In any case, the lack of car parking cannot justify refusal.

Impact on living conditions of neighbouring properties and future occupiers

Officers shared the concerns of the Parish Council that the proposal as originally submitted (in application S/2004/1169) would have resulted in harm from overlooking, caused by the balconies added at first floor. The scheme has been amended to either remove these balconies or replace them with 'Juliet' balconies. As the first floor properties already contain flats, the scheme proposed here would not result in an additional level of overlooking that would justify refusal.

The only other possible harm to neighbouring properties would be from additional noise and disturbance to adjoining premises but, given the existing shop and flats use, and the comments from Environmental health, the proposal is considered acceptable in this regard.

The proposed accommodation would provide an adequate standard of amenity for future occupiers, unlike the proposal at 41 to 45 North Street, which fell short of the requirements in the Housing Act 1985. Adequate amenity space to the site and rear is provided, particularly considering the location of the accommodation in a town centre.

Increase in flood risk

The site lies within the flood plain of the River Wylye, and new residential development would not normally be permitted where the site is at risk from flooding. In this instance, however, the Environment Agency have not objected and are satisfied with the methods shown to minimise flood risk.

In contrast to the scheme at 41 – 45 North Street, Environmental Health do not object to this proposal and this application proposes only two units at ground floor level, rather than three. In light of this, and the lack of an objection from the Environment Agency, it is not considered that a refusal on the grounds of flood risk could be defended at appeal.

Impact on the character and appearance of the Conservation Area

The application proposes to improve the external appearance of this building, which currently has a harmful effect on the street scene and Conservation Area because of its flat roof and utilitarian appearance. The addition of a pitched roof and the infilling of the inset shopfront would enhance the Conservation Area's character and appearance.

Recreational Open Space

As the proposal involves an increase in units of accommodation, a contribution towards recreational open space is required. A unilateral agreement and cheque has been submitted which complies with policy R2.

CONCLUSION

The proposed development, while it would result in the loss of a shop unit, could not reasonably be refused on this basis, nor on the grounds of the impact of car parking, flood risk, impact on neighbouring properties or the adequacy of the accommodation. It would also result in an improvement in the character and appearance of the Conservation Area.

Subject to no new material considerations being raised by representation on or before 9th September 2004:

RECOMMENDATION: APPROVE: for the following reasons

The proposed development, while it would result in the loss of a shop unit, could not reasonably be refused on this basis, nor on the grounds of the impact of car parking, flood risk, impact on neighbouring properties or the adequacy of the accommodation. It would also result in an improvement in the character and appearance of the Conservation Area. It would therefore comply with Replacement Salisbury District Local Plan policies G2, G4, R2, E16, H16 and CN8

And 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) 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, windows, doors and roof (including the balconies) of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the plans hereby approved, the windows shall not be constructed of uPVC, and elevations and horizontal and vertical sections of the windows at a scale of 1:5 shall be submitted. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

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

G2 General Development Criteria
G4 Development and flood risk
R2 Recreational Open Space
E16 Employment development
H16 Housing Policy Boundaries
CN8 Development in Conservation Areas

But in the event of no suitable unilateral agreement and cheque being received in accordance with policy R2 of the Replacement Salisbury District local plan, by 29th September 2004 the Head of development Control is authorised to issue a delegated refusal.

NOTES:
