

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
WESTERN AREA – 4-11-04

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
1	S / 2004 /586 SV Mr S Llewelyn	HINDON RECREATION TRUST PART OF VILLAGE ALLOTMENT SITE OFF ANGEL LANE HINDON	REF	HIND	2-7	KNOYLE Councillor Mr Couper	
2	S / 2004 / 1770 Miss A Rountree	DR AND MRS G LEWIS PILE OAK LODGE DONHEAD ST ANDREW	APPC	DONA	8-11	DONHEAD Councillor Mr Cole-Morgan	
3	S / 2004 / 1980 Mr O Marigold	ANDREW HOLDER 43A RUSSELL STREET WILTON	APP	WILT	12-13	WILTON Councillor Mr Edge Councillor Mr Brown-Hovelt	

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

THE PROPOSAL

This application seeks planning permission for a change of use of part of the village of Hindon's allotment site from allotments that are disused to a recreation and amenity ground for public use. The proposal does not seek planning permission for any specific recreational use/facilities at this stage, although two site layout plans have been submitted for illustrative purposes indicating the sort of facilities that could be provided and the way the ground could be laid out, together with the associated alterations to the existing ground level changes that would be required, subject to further consideration.

PLANNING HISTORY

No previous relevant planning history.

CONSULTATIONS

WCC Highways: Raise concerns that children will make use of the pathway leading to Angel Hill (B3089) where there are no footways or street lighting that will create a road safety hazard. Further concerns are raised regarding the current standard of footpaths 11 and 13 that will be subject to further wear and the use of the track leading to Angel Hill (B3089) by construction traffic that will cause extraordinary wear and tear.

Environmental Health: No observations to make.

Rights of Way Officer: No comments received.

Parks Manager: No objections to the principle of the proposed development.

REPRESENTATIONS

Advertisement	Yes - expired 07/10/04
Site Notice displayed	Yes - expired 15/04/04
Departure	No
Neighbour notification	Yes - expired 08/04/04
Third Party responses	Yes

21 letters of representation have been received in response to the proposed development that raise objections to the proposed development. Although some of these letters support the principle of the provision of recreational facilities within the village they do not consider that this is a suitable site and raise the following concerns/objections:

The allotments are described as being disused, but this is far from the fact. The area has often been widely used for vegetables and fruit growing though currently there are few users; If a water supply was provided to the allotments then the demand would be much greater; The proposal is to provide playing facilities for children older than those who use the existing ones and former activities have been shown to be of no interest to older children; The proposal excludes the majority of the residents of Hindon; It has not been demonstrated that additional recreational facilities are required in Hindon; Should part of the existing allotments be no longer fully required, a better solution would be to turn it over to grazing land; The use of the land proposed would soon become idle and result in attempts to develop the site for housing with access onto a dangerous road; The site is somewhat isolated and the use of this land as a play area would require the supervision of children to prevent vandalism and accidents; The recreation area may become a haven at night for drug taking and under age drinking; The access track from Angel Lane will be torn up if heavy vehicles are required to use it to gain access for the building works; There is no suitable access for the emergency services; The entrances/exits to the proposed development are unsafe due to the restricted visibility, particularly to the B3089, while the footpaths are unmade and hazardous;

The proposal does not include the provision of any parking and it will therefore create congestion in the village;
The footpaths will be used by cyclists causing conflict with the pedestrians;
The proposal will not be in keeping with the character of the adjacent Conservation Area or listed buildings;
The proposed development will adversely affect views into and out of the Conservation Area;
The proposed recreational activities will generate noise and disturbance to the adjoining residents and should exclude the use of skateboards, motor cycles, bicycles etc
No mention has been made regarding the future maintenance costs. The village already has a playground that the Parish Council find difficult to maintain given the limited funds available and if the proposed site is not maintained properly deterioration will soon occur and it will become a derelict site;
The transferral of public land to a private concern representing the interests of a minority of the residents in Hindon should not be allowed and should be the democratic decision of the whole of the community;
The application is premature as Hindon is now producing a Village Design Statement which may identify other preferred uses;
Many of the people living in Hindon are unaware of who the Hindon Recreation Trust are or what the trust deed or indenture contains or what restrictions they are placing on themselves;
The area is environmentally important as a home to rare species of butterflies and orchids;
The land falls within the Cranborne Chase and West Wiltshire Downs AONB
Any change to the existing pattern of drainage down the allotment slope will increase the risk of flooding to properties along the Dene and the lower allotments;
People may trespass across adjacent private land; and
The proposed development will devalue the adjacent/nearby properties.

A petition against the proposed development containing a total of 76 signatures has also been submitted in response to the application. This petition, principally, objects to the proposed change of ownership of the site from public to private ownership.

Parish Council Support.

POLICY CONTEXT

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

G2, CN11, C5, R1A, R1C and R20.

MAIN ISSUES

1. Principle of Development
2. Visual Impact
3. Residential Amenity
4. Highway Issues

PLANNING CONSIDERATIONS

1. Principle of Development

The proposed change of use from disused allotments to a recreation and amenity ground is intended to provide outdoor recreation provision for older children within the village of Hindon, as there is currently a shortfall in outdoor recreation provision within the village especially for outdoor adult recreation and youth facilities. This contention is supported by the Council's most recent survey of open space provision that was undertaken in 2000 that identified a total shortfall of 1.13 hectares of recreation provision and no provision of adult/youth facilities within Hindon whatsoever. In accordance with Policies R1A and R1C of the Adopted Replacement Salisbury District Local Plan (June 2003), the principle of proposals for the provision of new outdoor recreation facilities is considered to be acceptable subject to there being no adverse impact on the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, no adverse impact on the amenities of neighbouring residents and provided they are acceptable by means of public transport and other sustainable modes of transport. The site is

also located immediately adjacent to the Hindon Conservation Area and in accordance with Policy CN11 of the Adopted Replacement Salisbury District Local Plan (June 2003) new development is acceptable provided that views from and into the conservation area are safeguarded.

Given that the application site forms part of an allotment garden, albeit that it is no longer used for this purpose, Policy R20 of the Adopted Local Plan that considers the development of allotment sites is applicable to this proposal. This policy states that;

“The development of allotment sites will not be permitted unless alternative facilities are provided in an appropriate location, or the allotments are no longer required in the locality”.

The supporting paragraphs to this policy acknowledge that allotment sites are generally well utilised although it is also recognised that demand for plots varies from time to time, while the Local Planning Authority does not wish to enforce the retention of such facilities where they are clearly no longer required. As such, the development of these sites is prohibited unless alternative sites are made available or it can be demonstrated that the demand for allotments no longer exists in the local area.

In support of the proposed development, the applicant’s agent has advised that the application site comprises an area of former allotments that have long since fallen out of use and that is currently unkempt and overgrown. The applicant also states that the site excludes that part of the allotment site that is currently in horticultural use and that sufficient land would also be retained for cultivation as new allotments should there be demand for additional allotment plots in the future. However, no evidence has been submitted to support the contention that there is no longer any demand for these allotment plots, such as records of the number of applications to demonstrate the demand or otherwise for the allotments over a reasonable period of time. Furthermore, a number of objections have also been received to the application on the grounds that the demand for the allotments within Hindon would be much greater if a water supply was provided to the site, while no evidence has been provided to demonstrate that the area of land that would be retained for new allotments would be sufficient to meet future demand should this arise. In the absence of adequate information to demonstrate that there is no demand for the allotments, it is considered that the proposal would result in the loss of allotments, albeit that they are currently disused, without the provision of a suitable and equivalent alternative facility contrary to the requirements of Policy R20 of the Adopted Replacement Salisbury District Local Plan (June 2003) and as such there is an ‘in principle’ policy objection to the proposal.

2. Visual Impact

The application site is quite prominent in the local landscape by virtue of its elevated position on this sloping land and the open/exposed nature of the site that makes it clearly visible from more distant views across the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Given these circumstances, together with the fact that the site is located immediately adjacent to the Hindon Conservation Area where the views into and out of the conservation area could be affected, the visual impact of any proposed structures/equipment to be provided within the site would be critical. Furthermore, ancillary structures such as fencing to enclose possible court areas and to the perimeter of the site, together with associated changes in ground levels that would be required to provide level playing areas for tennis, basketball etc, could also potentially have a significant adverse impact upon the landscape.

In support of the application, two site layout plans have been submitted to indicate the sort of facilities that could be provided and how they could be laid out together with an indication of the changes in the ground levels that would be required depending upon the type of facilities and equipment to be provided. These site layout plans, however, have been submitted for illustrative purposes only and currently no firm proposals for the scheme design and facilities to be included within the proposed recreation ground have been advanced. In the absence of any firm proposals of the type of facilities to be provided and the associated ground level changes that would be required, it is impossible to make a proper assessment of the potential visual impact of the proposed change of use of this site to a recreation ground. However, it is considered that some types of facilities could be provided within the proposed recreation ground without causing any significant harm to the surrounding landscape or adversely affecting the views into and out of the conservation area subject to careful design and landscaping, while the applicant has

confirmed that the scheme will not incorporate any exterior lighting as it is intended that the facilities will only be in use during daylight hours. Furthermore, in visual terms, it is also considered that the principle of the use of this area of land, in its current form, as an area of open recreation and amenity ground is acceptable. As such, it is considered that subject to conditions removing permitted development rights for the erection of any structures/equipment and prohibiting any alterations to the existing ground levels being undertaken so that these can be controlled through a subsequent application(s) the proposed change of use of this site to a recreation and amenity ground is acceptable in visual terms.

3. Residential Amenity

With regards to residential amenity, the nearest residential property is "The Nook" that lies immediately adjacent to the north eastern boundary of the application site, while the other surrounding residential properties are further distanced so that they would not be unduly affected. Although it is recognised that certain types of facilities, such as skateboard ramps, can generate relatively high levels of noise, recreational use per se is not inherently noisy from machinery or similar rather just from human voices. In the absence of any firm proposals of the type of facilities to be included within the proposed recreation ground it is not possible to assess the likely levels of noise that they may generate, although it is considered unlikely that the degree of noise and disturbance that would be created from human voices would materially affect the peaceful enjoyment of their property by the occupants of "The Nook". Furthermore, it is important that it is not intended to provide floodlighting to the recreation ground, as confirmed by the applicant, as this would otherwise enable the facility to be used when it is dark and during the more sensitive hours during the early morning and late evening when it could have a greater impact upon the amenities of the nearby residents. There is no objection to the proposal by Environmental Health.

4. Highway Issues

With regards to highway issues, the key consideration relates to the proposed means of access to the application site. The site can be accessed along several routes, including via footpaths 11 and 13 leading to "The Dene" to the south east and "High Street" to the north west respectively. Both of these footpaths are grassed and have a changing character from worn grass, compacted stone and finally a loose gravel surface. As a result of the proposed change of use, both of these routes would be subject to an intensification of use and further wear and tear. In light of the current standard of these footpaths, it is considered that it is essential that both routes be upgraded to an acceptable surface throughout their length. However, following discussions with the applicant the proposal has not been amended to incorporate these works. While this issue could potentially be overcome via a legal agreement requiring the upgrade of these routes, given that the applicant does not own the footpaths concerned it is not considered that there is a reasonable likelihood of this being achieved as it would also necessitate the owners of the land to enter into these agreements as well. In the case of footpath 13, in particular, this would require the agreement of a large number of third party residents to upgrade the surface treatment as it passes in front of their properties which have ownership over the land. Furthermore, the applicant has not provided such an agreement in support of this application.

The application site can also be accessed via a track/pathway that is designated as a road used as a public path and that leads to "Angel Lane" (B3089), to the north west of the site, where there are no footways or street lighting, where visibility at the junction is poor and where vehicle speeds are relatively fast. Although it is accepted that the users of the proposed recreation ground are most likely to use the footpath routes from "The Dene" and "High Street", it is possible that the proposal would encourage increased use of the pathway from Angel Lane, particularly by those residents living within the village to the north of the B3089 and given that footpath 7 that runs from the top end of "High Street" adjoins Angel Lane directly opposite this pathway. Furthermore, given that there is no means of preventing pedestrians accessing the site via this pathway from Angel Lane it is considered that the proposal would be prejudicial to highway safety by virtue of such pedestrian movements. On this basis, WCC Highways have raised an objection to the proposal.

Concern has also been raised by WCC Highways regarding the use of the track/pathway from Angel Lane to the application site by construction traffic as this could result in damage to the

surface of this path, particularly if used at times when the weather is poor. However, it is considered that the use of this route can be controlled by an agreement to determine the level of use and size of vehicles and confirmation that any repairs deemed necessary will be carried out at the applicants' expense.

5. Conclusion

In conclusion, it is recognised that the underlying objective of this application is commendable as it seeks to provide a facility for a group of the community that are presently not provided for within the village. However, the proposal would result in the loss of existing allotments, albeit that they are currently disused, without the provision of adequate information to demonstrate that there is no demand for the allotments. As such, it is considered that there is an 'in principle' policy objection to the proposal as it would conflict with Policy R20 of the Adopted Replacement Salisbury District Local Plan (June 2003).

With regards to the visual impact of the proposal and notwithstanding the absence of any firm proposals for the facilities to be included within the proposed recreation ground, together with other ancillary structures and ground level changes, it is considered that the principle of the use of this site as an area of open recreation and amenity ground is acceptable and that it would be possible to accommodate some facilities within this site without causing any significant harm to the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty or the views into and out of the adjacent Hindon Conservation Area. Nevertheless, it will be necessary to impose conditions preventing the erection of any structures/buildings or alterations to the existing ground levels without the benefit of separate formal planning permission. In terms of residential amenity, it is also considered that the proposed use would not cause any material harm by virtue of associated noise and disturbance.

With reference to highway issues, however, it is considered that the proposed recreation ground would result in an intensification of the use of the footpaths leading to the site that would damage their surfaces without any realistic prospect of these footpaths being upgraded by the applicant in accordance with the requirements of WCC Highways. Furthermore, it has also been assessed that the proposal would encourage the increased use of the pathway from Angel Lane (B3089) where there are no footways or street lighting, where visibility at the junction is poor and where vehicle speeds are relatively fast and as such it is considered that the proposal would be prejudicial to highway safety by virtue of such pedestrian movements.

RECOMMENDATION:

REFUSE for the following reasons:

(1) The proposed development would result in the loss of an existing allotment site that provides a community facility, and in the absence of the provision of an alternative site of equal quality or sufficient evidence to demonstrate that demand for the allotments no longer exists in the locality it is contrary to Policy R20 of the Adopted Replacement Salisbury District Local Plan (June 2003).

(2) The proposed development would give rise to an intensification of the number of pedestrian movements along the pathway that leads to Angel Lane (B3089) (road used as a public path (Path No9)) where there are no footways nor street lighting and where visibility is poor. As such it would be prejudicial to highway safety. Furthermore, the proposal would also generate increased pedestrian activity along Public Footpaths 11 and 13 that would cause deterioration of their surfaces that are already in a poor condition. As such, the proposal would fail to provide an adequate and satisfactory means of access to the site contrary to Policy G2 (i) of the Adopted Replacement Salisbury District Local Plan (June 2003).

NOTES:

PLANNING HISTORY

2983	Extension to dwelling	AC	12/01/68
3397	Extension to form additional bedroom	AC	12/12/69
1971/0278	Erection of Garden Shelter	A	14/01/72
1971/0204	Erection of a Conservatory	A	15/10/71
1972/0230	Extension forming bedroom, bathroom and kitchen	A	11/08/72
2004/0515	Erect Agricultural Barn	R	28/07/04
2004/1771	Replacement Dwelling	WD	18/10/04
2004/1798	Mobile Home in Connection with Replacement Dwelling	WD	18/10/04

CONSULTATIONS

SDC Arboricultural Officer	- No Objections
WCC Highways	- No Objections subject to amendments
English Nature	- No Objections subject to condition
Wessex Water Authority	- No Objections
Environment Agency	- No Objections
The Garden History Society	- Objection
English Heritage	- Objection

REPRESENTATIONS

Advertisement	Yes	Expired 14/10/04
Site Notice displayed	Yes	Expired 14/10/04
Departure	No	
Neighbour notification	Yes	Expired 14/10/04
Parish Council response	Yes	No comment
Third Party responses	Yes	2 letters of objection regarding: The site is not yet developed and will result in an urbanisation of the area Damage to footpath 7 during works caused by construction lorries Blocking of the footpath during works by vehicles and materials Reduction in walkers eating & drinking at The Forrester's PH during works

Point 4 is not a material planning consideration but the remaining points will be dealt with in the following report.

MAIN ISSUES

Impact on Surrounding Landscape
Impact on Footpath

POLICY CONTEXT

C1, C2, C4, C5, C24, H31, G1, G2, CN18

PLANNING CONSIDERATIONS

Impact on Surrounding Landscape

Local plan policy permits development in the countryside within the existing residential curtilage of the property providing it sympathetic in scale and character to the existing building. The proposed site of the carport is located within the identified residential curtilage of the property having been cultivated as garden in the past although currently somewhat overgrown. The design of the carport is traditional and despite having a relatively high roof will not be prominent in the landscape being screened by trees to the north, west and east and by the existing dwelling to the south. However, it is considered prudent to impose a landscaping condition to ensure that planting is introduced on the north-west boundary of the site to ensure that from Wardour Wood the proposal does not read as an urbanisation of the site.

Although Pile Oak Lodge itself is not listed it lies within the Grade II* landscape of Wardour Castle which is included on the English Heritage Register of Parks and Gardens with Historic Interest. The Garden History Society feel that the carport is "a substantial new development

which will seriously affect the character and appearance of Wardour Castle" and have advised that the application be refused as have English Heritage. However, the proposal is not considered to have a detrimental impact on the surrounding park, as it is a minor development, which is traditional in design and will be well screened from the surrounding area.

Impact on Footpath

Following the amendments requested by WCC Highways the proposal is considered to conform with Policy G2 of the Adopted SDLP in that the proposal will have a satisfactory means of access and turning space and will not place an undue burden on the existing road, as it will not increase the number of vehicles visiting the property. The blocking of the track by cars or construction vehicles and any potential damage caused by them is not a valid material planning consideration and cannot be controlled by condition. However, physically blocking a public right of way with a motorised vehicle and the depositing of materials on the public footpath are offences under the 1980 Highways Act.

CONCLUSION

The proposed carport is considered to comply with Adopted SDLP policies in that it will be appropriate development in the context of the existing dwelling and surrounding landscape.

RECOMMENDATION:

APPROVE: for the following reasons

The proposal is considered to be compatible with the existing dwelling and surrounding AONB and Historic Park and is judged to conform with Adopted SDLP C1, C2, C4, C5, C24, H31, G1, G2 and CN18.

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: 0004 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 amended drawing[s] ref: 24014-28 deposited with the Local Planning Authority on 13/10/04, unless otherwise agreed in writing by the Local Planning Authority. (B01A)

Reason: 0007 For the avoidance of doubt.

(3) The carport hereby permitted shall be used only for private and domestic purposes incidental to the enjoyment of the associated dwelling and not for any trade, business or industrial purposes whatsoever.

Reason: 0023 In order that the Local Planning Authority may retain planning control over the use of the premises.

(4) The carport shown on the approved drawing(s) shall not be converted into a habitable room without the permission in writing of the Local Planning Authority.

Reason: 0023 In order that the Local Planning Authority may retain planning control over the use of the premises.

(5) Before development begins a survey should be completed to establish whether the site provides a habitat for protected species. Any such habitat shall be protected by means of a scheme to be implemented before the commencement of development/the use hereby permitted in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To conserve an established habitat for a protected species of wildlife.

(6) Before development is commenced a hedgerow shall be planted on the north-western boundary of the site in accordance with details to be submitted to and approved in writing to the Local Planning Authority. Any trees, plants or shrubs which die, are removed or become damaged or diseased within 5 years of the completion of the development shall be replaced by trees, plants or shrubs of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The hedge thus planted shall not be removed without the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

(7) The existing garage shall not be demolished nor the access thereto closed until the access and forecourt hereby permitted as shown on drawing no 24014 –28 received by the Local Planning Authority on 13-10-04 has been constructed, surfaced, drained and made available for use. The access shall remain unobstructed for a minimum distance of 6 metres back from the carriageway edge of Footpath 7 to provide adequate parking and turning facilities.

Reason: In the interests of highway safety

(8) Before any development is commenced on the site, including site works of any description, all the existing trees to be retained shall be protected by a fence, of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (50mm) or more shall be left unsevered. (See British Standard BS 5837:1991, entitled 'Trees in relation to construction'). (G15A)

Reason: In the interests of the amenity and the environment of the development

INFORMATIVE:

All public rights must be safeguarded in respect of public right of way footpath 7 which must not be obstructed at any time.

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

Policy G1	General Development Guidance
Policy G2	General Development Guidance
Policy C1	Development within the Rural Environment
Policy C2	Development within the Rural Environment
Policy C4	Development within an AONB
Policy C5	Development within an AONB
Policy C24	Extensions to buildings within the Countryside
Policy H31	Extensions to Buildings within the Countryside
Policy CN18	Development within Historic Parks and Gardens

NOTES:

S/2004/1980	15/09/2004	10/11/2004	ANDREW HOLDER
WILT	WLN		
Easting: 409820.007254228	Northing: 131181.613002002		

PROPOSAL:	FULL APPLICATION -VARIATION OF S/106 AGREEMENT ON PERMISSION S/1997/0097
LOCATION:	43A RUSSELL STREET WILTON SALISBURY SP2 0BG

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers as the recommendation removes the safeguard considered by members in determining the removal of condition 5 of S/97/0097.

SITE AND ITS SURROUNDINGS

The site consists of a former workshop and store located on land between 41 and 43 Russell Street, in a predominantly residential area close to the centre of Wilton. The workshop has been converted into two units of accommodation.

THE PROPOSAL

This application proposes that the restrictions on occupation of the property are released. These restrictions were imposed by a section 106 legal agreement entered into in 1997 as part of permission S/1997/0097 for the conversion of the workshop into 2 dwellings. The legal agreement requires 'inter alia' that the converted properties be leased to a housing association and shall only be occupied by persons nominated by the council.

PLANNING HISTORY

Permission (reference S/2003/1628) was granted at WAC on 13th November 2003 to remove the condition on permission S/1997/0097 that limited use of the property to that controlled by Winchester Housing Association specifically. This enabled use of the dwellings by housing associations, but not necessarily Winchester Housing Association.

CONSULTATIONS

Highway Authority – were consulted as part of application S/2003/1628, and raised no objection to the restriction on the use of the properties being removed.

Housing Officer – It seems reasonable that, as every effort has been made to sell to an association, that the s106 requirement be removed.

REPRESENTATIONS

Advertisement	Yes	expired 21/10/04
Site Notice displayed	Yes	expired 21/10/04
Departure	No	
Neighbour notification	Yes	expired 14/10/04
Neighbour response	No	
Parish Council response	No	

MAIN ISSUES

Loss of the affordable housing provided by the accommodation

POLICY CONTEXT

H16, H25, TR11

PLANNING CONSIDERATIONS

The site is contained within the Housing Policy Boundary of Wilton, where the principle of residential development, whether affordable or not, is acceptable. In this particular case, because permission was granted in 1999 and implemented, it has already been accepted that two dwellings are acceptable at this location. The applicant is considering converting the units into one – but this does not require permission in itself.

The condition imposed as part of the original permission granted in 1999 (S/1997/0097), which limited the use of the property to use by Winchester Housing Association, did so primarily because of the inadequate car parking provision. However, parking standards have now changed and, as the condition has now been removed, this cannot form a reason for retaining the restriction through the s106 on the property's use to that by any housing association.

When permission was applied for, the applicant indicated that the dwellings would be for affordable units. However, policy H25 makes clear that the provision of affordable housing is only required where the size of the development exceeds certain limits. As the development involved only a small number of additional units, there was no requirement that they be affordable.

The Authority cannot, therefore, require that the restriction can be maintained - it was only imposed in the first place because the applicant offered their use as affordable housing and because of the car parking issue.

In any case, the applicant has demonstrated that at least 3 Housing Associations are unwilling to take on the properties. Given that there is little prospect of the dwellings now being used as affordable housing, and that the reasons for imposing the restrictions are no longer sustainable, it makes sense that the restrictions be lifted to allow the dwellings to be sold on the open market, where they would still provide housing at the lower end of the housing market.

CONCLUSION

The Authority cannot require that the restriction of the use of these properties for affordable housing be maintained, given the lack of a Housing Association willing to take on the properties and the fact that the original reasons for imposing the restrictions (in relation to parking standards) are no longer relevant. There is no justification in policy terms for preventing the selling of the properties on the open market.

It is therefore recommended that the S106 be varied to delete this provision.

RECOMMENDATION: APPROVE: for the following reasons

The Authority cannot require that the restriction of the use of these properties for affordable housing be maintained, given the lack of a Housing Association willing to take on the properties and the fact that the original reasons for imposing the restrictions (in relation to parking standards) are no longer relevant. There is no justification in policy terms for preventing the selling of the properties on the open market. The proposal would therefore comply with policies H16 and H25 of the Replacement Salisbury District Local Plan

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

H16 Housing Policy Boundary
H25 Affordable Housing
TR11 Parking standards

NOTES: