
Appeal Decision

Site visit made on 17 August 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/Y3940/W/20/3251257

Land rear of 43 & 45 Estcourt Road, Salisbury SP1 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Ludlow against the decision of Wiltshire Council.
 - The application Ref 20/01314/FUL, dated 10 February 2020, was refused by notice dated 1 April 2020.
 - The development proposed is for the erection of new 1.5 storey building to create 2 x 1 bed apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) highway safety as a result of parking provision in the area, and (2) the significant importance and value of the River Avon Special Area of Conservation (SAC) and other designations.
3. This second reason for refusal was raised at the appeal stage. However, after consideration of the evidence this is clearly an important issue that would need to be considered as a main issue. The appellant has had the opportunity to respond on this issue and has done so.

Costs

4. An application for costs was made by Mr Ludlow against Wiltshire Council. This application is the subject of a separate Decision.

Reasons

Parking Provision

5. The proposal is for a pair of one-bedroom semi-detached dwellings to the rear of the existing terrace along Estcourt Road. There is only a pedestrian access to Estcourt Road and there is no opportunity to provide off-street parking, though the Council standards require 1 space per dwelling in these circumstances.
6. Any parking for the proposed dwellings would have to be on-street. However, this is an area where there are daytime loading bay restrictions along some of Estcourt Road near the site. More widely there are parking restriction controls with the use of residents parking permits on Estcourt Road and the surrounding

streets. This includes the restriction for parking for those with permits only between the hours of 8am to 6pm, Monday to Saturday. The Council has confirmed that within this Parking Zone A the residents parking permit areas are fully subscribed. Therefore, no further parking permits are available for further residents of new developments.

7. On this basis, even if the proposed dwellings were built and occupied, the future occupants could not obtain a parking permit to park on Estcourt Road. If this is the case, then this would likely have the effect of reducing the chance of future occupants owning their own car to keep on Estcourt Road (below levels usually anticipated for new dwellings in this area), as they would not be able to park it near their homes in the daytime for much of the week. This would also mean that the impact to parking pressure would be limited to the evenings and all day Sunday potentially.
8. It is clear from the high density layout of dwellings in this area that it is likely that the availability for on-street parking on evenings and Sundays would be limited to some extent. However, this is a relatively small scale development which is unlikely to result in a significant increase in on-street parking pressure or result in over-spill parking or congestion to any harmful effect. As previously mentioned, the likely car ownership of future occupants is, to my mind, reduced by the fact that there would be no permits available to them for on-street parking. I also note that this site is within a short walk to Salisbury centre where there are alternative sustainable modes of transport available, together with shops, services and employment opportunities, for example. Therefore, occupants of the dwellings proposed would not need to be car dependant.
9. Core Policy 64 states that the provision of car parking associated with well-designed new residential development will be based on minimum parking standards. It also states that reduced residential parking requirements can be considered where parking demand is likely to be low. Whilst general demand for on-street parking is likely to be high in the evenings and Sundays, the parking demand from the proposed development is likely to be low, especially if future residents are dissuaded from having a car due to not being able to have a permit. Furthermore, the broad aim of the policy is that parking demand management measures should promote, where appropriate, a reduced reliance on the car and to encourage the use of sustainable transport alternatives. In my opinion, considering the scale of the proposed development and its location, there is an opportunity for new dwellings where there could be much less of a reliance on the private car due to the accessibility of the site.
10. The appeal decision (ref: APP/Y3940/W/19/3232617) for Carmelite Way has been referred to by the Council. This appeal was partly dismissed on parking provision grounds. However, there is significant differences in the circumstances between this appeal and the one at Carmelite Way. For instance, the development proposed at Carmelite Way was for five three-bedroom houses where there would have been a substantially deficiency in parking provision. This appeal development is for two one-bedroom dwellings and so is of a much smaller scale and therefore likely to result in much less additional parking pressure being generated. Also, the site at Carmelite Way was near a busy junction and a school which both could increase highway safety issues and peak time parking pressures, but this is not the case for the site at Estcourt Road. There is no nearby school that I am aware of, and the junction

with the A36 is a significant distance away. As such, whilst this appeal decision is noted I give it little weight in my considerations of this appeal.

11. This decision only relates to the site and development proposed in question. It does not set a precedent to other cases for development within central Salisbury, which are likely to have a different set of circumstances and should be considered on their individual merits.
12. Overall, for the reasons set out above, the lack of off-street parking provision would not likely be harmful to highway safety or disrupt the flow of traffic in the area. The proposal is in broad accordance with Core Policy 64 of the adopted Wiltshire Core Strategy (2015) and policy PS6 of the Wiltshire Local Transport Plan 2011-2026, which seek to promote a reduced reliance on the car and to encourage the use of sustainable transport alternatives, amongst other things. The proposal also accords with Core Policies 57 and 61 of the Wiltshire Core Strategy, which requires development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives, amongst other things.

Nature Conservation Sites

13. As raised with this appeal by the Council, there is an issue where phosphates are adversely affecting the River Avon Special Area of Conservation (SAC). The site is within the catchment of the River Avon SAC. Since the determination of this planning application Natural England (NE) has advised that planning permission should not be granted for any additional development which will give rise to additional levels of phosphate entering the River Avon catchment system.
14. The SAC is designated for its important species of wildlife that depend on good water quality that is typical of chalk rivers such as the Avon. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river for example at sewage treatment works. In this case the development of two dwellings could, through sewerage discharge, have the effect of deterioration of the quality of River Avon waters. The increase in dwellings could result in the increase in pollutants into this river which would adversely affect its quality which is important to wildlife species.
15. An appropriate assessment must be undertaken to ensure there is no reasonable scientific doubt as to the effects of the proposal, in combination with other development. Natural England advise that all new residential developments, including those of a smaller scale, within the catchment should achieve 'nutrient/phosphate neutrality'. If they do not, then additional phosphate loads could enter the water environment causing significant adverse effects on the River Avon SAC.
16. Whilst a relatively minor development in scale, Natural England is not content that without mitigation there would be no significant adverse effects on the integrity of the River Avon SAC which would arise in combination with other plans or projects. Natural England does offer developers some support in this matter but as this would be a net increase of dwellings on this site there is no clear mitigation against any net increase in phosphate that is before me to consider now. However, the appellant is suggesting the use of a 'Grampian' condition requiring a mitigation package addressing the additional nutrient

- input arising from the development. However, there is no certainty at this stage over the course of mitigation that would be taken.
17. Without detail of the mitigation package at this stage, there is a considerable amount of uncertainty as to the potential effectiveness of the mitigation available for this proposed development. Therefore, whilst a Grampian condition could potentially prevent development occurring until suitable mitigation was confirmed, an appropriate assessment must consider detailed mitigation proposals at the decision stage.
 18. Whilst this is a small scale development proposed, there are no firm detailed proposals for mitigation before me and as such, I cannot conclude with any clear certainty that, following the conclusions of this appropriate assessment, the adverse effects on the integrity of this SAC would not arise from the development, in combination with other developments within the River Avon catchment area.
 19. For this reason, the proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC), which requires that development demonstrates how it will protect features of nature conservation, to maintain ecological value in the long term, amongst other things.

Planning Balance

20. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In respect of paragraph 11 d) of the Framework with regard to decision-making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including applications involving housing where the Council cannot demonstrate a five year housing land supply), permission should be granted.
21. However, paragraph 177 of the Framework states:
"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."
22. Therefore, even if there is a lack of sufficient housing land supply in the area, as the proposal would have a harmful impact to a habitat site, the Framework in paragraphs 11 and 177 makes clear that the 'tilted balance' in favour of the development does not apply.
23. Nonetheless, the proposal would provide dwellings towards the local housing supply. There would be economic benefits from the construction of the dwellings, and this development could be considered an efficient use of the site, amongst other potential benefits as raised by the appellant. However, such benefits would be significantly and demonstrably outweighed by the harm to the River Avon SAC.

Conclusion

24. For the reasons given above, having regard to all matters raised, the appeal should be dismissed due to the potential adverse impacts to the nature conservation site.

Steven Rennie

INSPECTOR