

REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	15 th November 2012		
Application Number:	S/2012/0562		
Site Address:	Land at Woodland Drive, Winterslow, Salisbury, SP5 1SZ		
Proposal:	Erect three new dwellings and associated works		
Applicant / Agent:	Mr James Sharp		
Parish Council	Winterslow Parish Council		
Electoral Division	Winterslow	Unitary Member	Cllr C Devine
Grid Reference:	Easting 423985 Northing 133066		
Type of Application:	Minor		
Conservation Area:	No		
Case Officer:	Mrs J Wallace	Contact Number: 01722 434687	

Reason for the application being considered by Committee

The application was called to committee by Cllr Divine because of the scale of the development, It's Environmental/highway impact and because of widespread public concern in the village of Winterslow in regard to the existing flood risk.

1. Purpose of report

To consider the above application and to recommend that planning permission be **granted** subject to the applicant entering into a legal agreement with regard to the provision of public open space.

2. Report summary

The main issues in the consideration of this application are as follows

1. Policy considerations
2. Scale and design
3. Impact upon amenities of neighbours
4. Drainage and flooding
5. Highway safety

7 letters of objection,
Winterslow Parish Council objects
Support from, Public protection, drainage and highways

3. Site Description

The site is an area of open land at the eastern end of Woodland Drive, adjacent to Middleton Road, close to a bus stop. To the west of the site are an electricity sub-station and an informal parking area for dwellings on Woodland Drive. The southern side of the site is bounded by hedge adjacent to a public footpath. The sub-station and a small strip of land which provides access to it are both excluded from the application. The land, the subject of the application was very overgrown with brambles etc, but was recently cleared.

Under the original planning approval (S/1977/204) for the erection of 24 dwellings on Woodland Drive, this area was intended for use as a play area, as a number of drains and sewers cross it. However, it does not appear that the play space was ever formally laid out or made available as a play area for the adjacent dwellings, contrary to the requirements of Condition 4, which required the space to be laid out and managed and maintained to the satisfaction of the LPA. It appears that the Parish Council did not accept the land and that for maintenance purposes; it was sold on to one of the dwellings on Woodland Drive.

4. Relevant Planning History

1972/0202	Erection of 26 Houses garages and roads	no decision
1977/0204	Erection of 24 Houses garages and roads	Approved with Conditions
2005/2348	Erection of 3 retirement homes	Refused
2011/254	3. No. new dwellings and associated works	Refused

5. Proposal

The proposal is for full planning permission to erect three, two storey two-bedroomed dwellings, with access and parking.

6. Planning Policy

The following saved policies of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) are relevant.

G1 and G2	General criteria for development
D2	Design criteria
H16	Housing Policy Boundary
C6	Special Landscape Area

The following SPG is relevant:-
Salisbury SPG Creating Places

The following policies of the adopted South Wiltshire Core Strategy are relevant
Core Strategy 3 Affordable Housing

Wiltshire Local Transportation Plan 2011-2026

The following national policies are relevant
National Planning Policy Framework

7. Consultations

Winterslow Parish Council

Object. Residents object to multiple houses, overdevelopment, serious issues regarding drainage in an already prominent flooding area. Increased parking/highway issues. Ownership of sewer not known; southern or Wessex water? Potential claims of issue of ownership of land/car parking area Concept is acceptable, however, concerned regarding drainage issues as land forms part of Winterslow Flood Area.

Wessex Water

A public water main lies close to the site. Building within 3 metres will not be permitted. Will require a formal application for connection to the public water supply. Contact Southern Water for foul sewerage disposal.

Southern Water

No response, but previously commented that a 'Public sewer crosses the site, and there should be no development within 3m either side of public sewer. A formal application for connection to the foul sewer will be required'.

Wiltshire Fire & Rescue

Consideration should be given at building regulations stage to fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection.

Environmental Health

No objection subject to condition regarding hours of work, for neighbour amenity

Land Drainage Department

No objections subject to conditions regarding the Flood Risk Assessment (FRA) and Surface Water Management document, submitted with this application, and the implementation of the mitigation measures detailed within the FRA: i.e. no increase in potential surface water runoff and detailed drainage scheme plans and report to be provided for approval along with the deeper percolation test results.

Highways Department

No objection. The proposed development will not adversely affect drainage protection zones. Parking and turning facilities within the site are adequate.

Affordable Housing

The Housing officer has been provided with sufficient information for a financial viability assessment. The outcome is that in this instance it is not viable to take an affordable housing contribution, due to the additional build costs associated with the proposals, i.e. pile foundation work and electricity easement work.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation with an expiry date of 8 June 2012

7 letters of objection received. Summary of key relevant points raised:

- Concerns regarding impact on/access to drains crossing the site
- Concerns regarding possible pollution from building so close/over drains
- Concerns regarding flooding; new buildings will worsen situation
- The spring on the land opposite will flood this site
- Insufficient evidence that would not worsen existing surface water issues. No independent verification of data in report commissioned by developer.
- Concerns regarding parking, access, safety and congestion as Woodland Drive is very narrow
- Land was provided as green space, should not be built upon
- Loss of trees/hedges and refuge for wild life
- Design, appearance and layout of development is out of keeping
- Houses will be dominant, due to site levels.
- Unsuitable site for three houses, over drains etc
- Density too great, appear cramped and congested
- Loss of views
- Loss of light and outlook
- Loss of overflow parking area, increase in congestion
- Dwellings are poorly designed
- Inadequate gardens, no play areas
- Concerns regarding noise
- No assurance from Electricity Board that access to sub-station would be adequate
- No objections to smaller development of 1 or 2 houses/bungalows

9. Planning Considerations

9.1 Policy Considerations

The site lies within the Housing Policy Boundary (HPB) for Winterslow and within the Special Landscape Area. Policy H16 of the Local Plan makes provision for the residential redevelopment of sites within the HPB.

In this case the principle of the residential development of the site has not been previously rejected. Whilst there have been previous proposals for housing on the site, the refusals of the previous proposals were due to the lack of precise information on network of drainage apparatus and sewer pipes and then due to the impact of the network of drainage apparatus and sewer pipes on the

proposed development. The previous scheme also appeared cramped and congested. There were concerns regarding parking.

Therefore when considering this revised proposal to erect three dwellings on the site, the proposal must be judged on the merits of the redesign as well as against the additional information and the impact of the changes to the scheme on the previous reasons for refusal. Policy D2 regarding design, is therefore relevant as it states that infill development should respect or enhance the character of the area. Also relevant is the guidance provided by the Councils Design Guide, Creating Places, which states that poor design, which takes little or no account of the local setting, will be refused. In terms of national guidance, amongst other things, the delivery of more, high quality housing is encouraged, though this should not be at the expense of good design or an area's character.

When considering the first application (S/2005/2348) it was considered that criteria (ii) of policy H16 was relevant. This criterion refers to the loss of an open area that makes a positive contribution to the character of the settlement. However, although the site formed an area of open space at the end of Woodland Drive, it was gated, locked and apparently in private ownership and therefore, whilst it provided an open area with some vegetation, it was not considered to significantly contribute towards the character of the area, other than to provide an open vista at the end of the cul de sac. However, this application has a greater impact, as the three buildings; extend over a greater proportion of the site. A vista is however, still retained. Therefore, given that the site lies within the HPB, and the open space was not laid out formally, adopted, or maintained as a play area, the principle of housing development on the site is still considered to be acceptable under Policy H16, subject to the scheme complying with the criteria of the other policies in the Local Plan.

9.2 Scale and Design

The proposed three dwellings would be detached, two storey, with pitched roofs and pitched porches over the front doors. It is proposed that all three be two bed roomed, but two of these have a small study on the first floor; which could accommodate a child's bed. No garages are proposed, though each dwelling would have two parking spaces and a timber shed for bicycle storage. The proposed materials of the dwellings are brick walls under concrete profiled roof tiles.

The existing dwellings in Woodland Drive are characterized by staggered terraces of two storey houses on each side of the street, with the dwellings facing into the cul de sac. Some have dropped kerbs and integral garages. The buildings, are constructed of brick under shallow sloping tiled roofs, none of which roof spaces appear to have been converted to provide accommodation.

The application site lies at the end of the cul de sac, and the levels are generally lower than that of No 21 Woodland Drive, which lies at the end of the cul de sac. The proposed dwellings would be approximately 7.25m tall from ground level to ridge, 6.6m to the eaves as they are designed with very shallow pitched roofs. Their siting is restricted by the drainage protection areas.

The dwelling on plot no.1, on the western side of the site, would be approx. 3.5m from the side elevation of No 21, and would be set some 2m further forward from the frontage of the existing dwellings. The proposed amenity area is very small, and located to the rear of the proposed dwelling.

Adjacent to the northern boundary of the site, beyond the site's boundary hedge, there is a bus stop. The pavement being on a higher level; the rear of the proposed dwellings on plots 1 and 2, will be likely to be overlooked unless this boundary is enhanced and improved. The rear elevation of the proposed dwelling on plot no 2 would be set very close to this boundary, (approximately one metre) and so, no ground floor windows are proposed. The proposed amenity areas are to the east and west of the dwelling, separating it from the other two proposed dwellings. Without substantial boundaries, these two small garden areas will not be private.

The dwelling on plot no 3 is set in the eastern corner of the site, facing west towards Woodland Drive. The rear garden will extend towards the adjacent public footpath, from which it will be screened by the existing hedge; which it is proposed to retain.

The design of the dwellings, which is of no particular architectural merit, would differ from the terraces in Woodland Drive. However, in itself, this is not considered to adversely affect the character of the area. Given the mix of dwelling designs in the village of Winterslow, it would be difficult to refuse the proposal solely because the design of the dwellings is different from that of the adjacent terraces of dwellings. The proposal is therefore considered to be acceptable in terms of design and Policy D2.

9.3 Neighbouring Amenity

Policy G2 makes general provisions for development, including avoidance of *unduly* disturbing or conflicting with or overlooking adjoining dwellings. The proposed dwelling on plot 1, whilst set forward of no 21 Woodland Drive, has no windows on this western elevation and therefore there will be no change of outlook from the front of this dwelling. The proposed property is however, considered to be sufficiently close to no.21 as to result in an awareness of the change, though it is not considered that this will have such a detrimental impact on this dwelling as to warrant refusal on these grounds alone.

In relation to the proposed dwelling on plot 2, it will be some 16m from the rear of no 21 and no first floor windows are proposed on the relevant elevation. The patio area to the west of the dwelling will have French Doors but these will be largely screened from no.21 by the electricity sub-station and therefore it is not considered that the impact would have such a detrimental effect on amenities as to warrant refusal.

9.4 Drainage and Flooding

There have been a number of objections from third parties with regard to flooding caused by the inadequacy of the surface water drainage in this area. The Parish Council has also expressed concern regarding this issue. The site contains a number of foul and surface water sewers and bore holes, maintained by the Highway Authority and Southern Water. Whilst previously Southern Water were concerned that the exact position of the public sewer had not been determined, the applicant has provided information outlining all the drain runs within the site and whilst this must be confirmed on site prior to the commencement of development, Southern Water considers that it would be possible for the developer to connect satisfactorily to the foul sewer to serve the development, subject to formal application.

There have been flooding problems in this immediate area, caused it is suggested by a spring in the area. There have also been flooding problems in the lower parts of the village, the reason appears to be that over the past 20 years the areas which drained the lower end of the village, and stored the peak flow and run off, have been in-filled with development. This new development prevents the water from reaching the valley to drain away. Flooding therefore occurs near the Lion's Head pub in the lower part of the village.

Wiltshire Council took over the duties of land drainage authority, when the unitary authority was created. The Council installed phase one of a soakaway system. However, phase two which will incorporate a positive outfall is yet to be carried out and the existing system cannot cope with any additional flows. Therefore, prior to any development a scheme would need to be designed which would incorporate deep bored soakaways, modelled to the critical design rainfall event. On the basis of the information submitted, the Council's drainage engineer considers that subject to a condition requiring a detailed drainage scheme so that there was no increase in the potential surface water runoff, there would be no objection to the proposal.

9.5 Highway safety

Whilst concerns have been expressed by third parties regarding parking congestion in this area, the Highway Authority do not object to the scheme, as the proposed parking and turning areas are considered adequate to serve the development

9.6 Financial contributions.

Public open space. A contribution for recreational facilities would be required for the new dwellings and whilst the applicant has not yet signed a section 106 Agreement nor provided the relevant monies, he has indicated his willingness to do so.

Affordable housing. On the 9 February 2012, the Council's South Wiltshire Core Strategy was adopted. Core policy 3 requires all new residential development to make a contribution towards the provision of affordable housing within the District. However, in this case; the Housing Officer has confirmed that no financial contribution towards off-site affordable housing provision is required, as the scheme would not be viable, due to the additional building costs associated with the proposals from pile foundation work and electricity easement work.

10. Conclusion

The site is within the Housing Policy Boundary

The proposed amenity areas of the dwellings are not large, though this is not unusual in established residential areas.

The design of the dwellings is of no particular architectural merit

The siting of the proposed three dwellings is constrained by the presence of the foul and surface water drains.

The proposal is not detrimental to the amenities of the adjacent dwellings.

The Council's Drainage Engineer considers that sufficient information has been provided for him to be reasonably assured and therefore he has no objection to consent subject to a condition to ensure that a detailed drainage scheme is provided

11. RECOMMENDATION

Subject to a S106 agreement relating to

- 1) A commuted sum towards the provision of public open space then

Planning Permission be GRANTED for the following reasons:

The proposed development accords with the provisions of the Development Plan, and in particular G2 (General Criteria for Development), D2 (design criteria), C6 (Landscape Conservation), TR11 (parking) and policy R2 (Public Open space) which are all 'saved' policies of the Salisbury District Plan and Core policy 3 of the South Wiltshire Core Strategy, insofar as the proposed development is considered compatible in terms of the scale, design, materials and would not adversely affect the character of the area; the amenities of the neighbours, drainage or highway safety

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.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council.

Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Location Plan dated 2011 received on 13 April 2012

Drawing no 0529/01 Rev J dated July 2009 received on 13 April 2012

Drawing no 0529/02 Rev E dated July 2009 received on 13 April 2012

Drawing no LDS/9271-TP1, Topographic survey dated 12/03/08 received on 13 April 2012

Flood risk assessment and drainage strategy Rev. A provided by Such, Salinger, Peters consulting engineers dated April 2012 and received on 13 April 2012

Design and access statement, dated April 2012 and received on 13 April 2012

REASON For the avoidance of doubt

3. 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 all 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

REASON: To secure a harmonious form of development

POLICY: G2, H16 and D2

4. Notwithstanding the provisions of Class[es] A To F 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 dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the dwellings, 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 neighbouring amenities and the character of the area.

POLICY: G2, H16 and D2

5. During construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays and at no time on Sundays, Bank and Public Holidays.

REASON: To minimise the disturbance which noise during construction of the proposed development could otherwise have on the amenities of nearby residential dwellings

POLICY: G2

6. Prior to the commencement of development a detailed drainage scheme, together with deep percolation tests shall be submitted to and approved in writing by the Local Planning Authority. The development shall result in no increase in potential surface water runoff; it shall be carried out in accordance with the approved details and shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, as required by paragraph 9 of the National Planning Policy Framework Technical Guidance.

POLICY: NPPF

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with the plan prior to the first occupation of the first building.

REASON: To ensure proper planning of the development in the interests of amenity.