

Report To The Southern Area Planning Committee

Date of Meeting	17 October 2013		
Application Number	13/01391/FUL		
Site Address	Ridgeside, The Ridge Woodfalls, Salisbury, Wiltshire, SP5 2LD		
Proposal	Erection of two bungalows, new garage, new vehicular access and driveway, and works to existing dwelling		
Applicant	Willton Homes Limited		
Town/Parish Council	Woodfalls		
Electoral Division	Redlynch and Landford	Unitary Member	Cllr Leo Randall
Grid Ref	419962 120950		
Type of application	Full		
Case Officer	Amanda Iles		

Reason for the application being considered by Members

Cllr Leo Randall considers that this matter needs to be considered by Committee, due to the significant local interest and due to the concerns of the Parish Council.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **GRANTED subject a suitably S106 legal agreement, and subject to suitable conditions**

2. Report Summary

- Design and impact on wider area
- Impact on residential amenity
- Impact on existing and proposed highway systems and parking and turning
- Ecology and impact on National Park
- S106 matters

Parish Council have raised concerns and objections

11 letters raising issues

3. Site Description

Ridgeside is located on The Ridge in Woodfalls which links the New Forest and the village of Downton. It is an early 20th century double fronted brick property with later extensions and a large rear garden which includes land to the rear of the adjacent property, Sunmount. The garden is largely laid to lawn with the land falling from east to west.

The site is located within the Housing Policy Boundary of Woodfalls and the Special Landscape Area, and close to the New Forest National Park. The site is currently served by a vehicular access off the adjacent main road B3080.

4. Proposal

It is proposed to build two single storey bungalows in part of the rear garden area, including the creation of a new access driveway along side the existing dwelling and utilising the existing vehicular access. Works would also be undertaken to the existing dwelling to make way for the planned access driveway. The existing dwelling would be retained with a smaller proportion of garden area. Garage buildings would be provided for the existing and proposed dwellings.

5. Planning History

S/2012/1613 – Demolition existing garage and associated alterations to the existing dwelling. Erect 3 dwellings and garages to rear of existing dwelling. Refused for the following reasons:

(1) The proposed development would be located on, and involve the severance of, an existing garden area, serving a large dwelling in an area characterised by properties set within large gardens. The proposed dwellings would be located within close proximity to other existing dwellings and would result in the creation of a vehicular access between two existing dwellings. Therefore, based on the information provided, it is considered that due to a combination of the orientation, overall design, and juxtaposition of the proposed dwellings in relation to surrounding existing properties, the proposal would have a detrimental impact on the level of residential amenity enjoyed by occupiers of both the planned properties and the existing surrounding properties (The Ridge, Sunmount, 11 Vicarage Park, Magpies and The Manse), due to the inter-relationships, overlooking loss of privacy, reduced amenity area and increased noise and disturbance that will result. As such the proposal is judged to be contrary to Salisbury District Local Plan policies G2, D2, H16 and C6 as 'saved' within the Adopted South Wiltshire Core Strategy and the NPPF, particularly paragraphs 17, 53 & 56.

(2) Insufficient information has been demonstrated that the proposal will not be detrimental to protected species contrary to Salisbury District Local Plan policy C12, as saved within Appendix C of the Adopted South Wiltshire Core Strategy and guidance contained within the NPPF specifically paragraphs 109, 113, 117 & 118.

(3) The proposed residential development is considered to be contrary to Salisbury District Local Plan Policy R2 as saved within Appendix C of the Adopted South Wiltshire Core Strategy and Core Policy 3 of the Adopted South Wiltshire Core Strategy as appropriate provision towards public recreational open space and affordable housing has not been made.

6. Relevant Planning Policy

National Planning Policy Framework, (NPPF) particularly paragraphs 17, 53, 56, 109, 113, 117 & 118

South Wiltshire Core Strategy

Core policies 1, 3, 15, 18, 19 & 22

Salisbury District Local Plan Saved Policies – G1 G2 D2 R2 TR11 H16 C6 C12
Adopted Supplementary Planning Guidance “Creating Places”

Draft Wiltshire Core Policies CP 24, 25, 41, 43, 50, 52, 57 and 61

7. Third party responses

Redlynch Parish Council

Object to the proposal - recommend Refusal, for the following reasons:

- The size, mass, scale and density of the development still represents inappropriate backland development and would set a precedent in this part of Woodfalls
- The proposed development is not in keeping with the neighbouring properties and in our view would adversely impact on the well-being of the occupants of “Sunmount”.
- The proposed development may have an impact on the National Park due to its proximity.
- The NPPF does not appear to support the use of residential gardens for windfall sites.
- The proposed access to the site and highway safety are still issues for the Parish Council which are contrary to the Highways Authority recommendations, members still felt that the design of the entrance would be difficult for vehicles to negotiate and made worse by the additional parking space in front of Ridgeside. This is likely to lead to more vehicle parking on The Ridge giving rise to vehicle/pedestrians conflicts and impede the natural flow of traffic.
- New Permitted Development Rights would increase the habitable floorspace without reference to the Local Authority. Therefore if the Planning Authority is mindful to approve this application - strongly recommend that Permitted Development Rights be removed.

Third party – 11 letters raising concerns:

- Housing will have adverse impact on neighbour amenity
- Detrimental to highway safety with access onto busy road
- Create noise and disturbance to adjacent garden areas
- Garden grabbing
- Scale and massing out of keeping
- Increased light pollution
- Allows space for additional dwelling on site
- PD rights need to be withdrawn
- Resultant plot for Ridgeside would be out of keeping
- Potential for future loft conversion and overlooking/loss of privacy
- Lack of a protected species survey
- Access will cause congestion including trade vans

- No contribution towards open space or affordable housing
- Where will waste bins be stored and collected?

8. Consultee responses

Wiltshire Council Environmental Health

No objections subject to conditions

Wiltshire Fire and Rescue

Generic comments

Wiltshire Council Housing

The affordable housing contribution should be in line with the policy requirement and secured via a S106 agreement.

Wiltshire Council Highways

No objections.

Wiltshire Council Ecology

Further to additional surveys, no objections. New Forest financial contribution not yet applicable to this application.

Wessex Water

General water/drainage issues. Public sewer crossing the site

9. Planning Considerations

9.1 Principle

The application site is located within the Housing Policy Boundary, where in principle, housing development is acceptable in principle.

9.2 Design and impact on wider area

The previous scheme would have resulted in 3, two storey dwellings across the site, which would have been visible from the surrounding dwellings and surrounding road system. Partly as a result, the previous scheme was refused.

The existing rear garden of the existing property is large, and is located in a fairly secluded location, set back off the street scene, and partially screened by adjacent buildings and other planting.

The creation of the new access driveway would result in the removal of the garage associated with the existing property, and as a result, the rear garden area would inevitably become more visible from the street scene. However, the planned bungalows would be of a relatively modest height, and would be located in the southern portion of the garden, adjacent to, and partially screened from the street scene by the adjacent residential property "Sunmount". Therefore, from the main road to the east, it is unlikely that the new dwellings would be readily visible, or play much part in the visual character of the area.

The site is more visible from the west, as the site and surrounding land is located on higher ground compared to land and properties to the west of the site, where there is a significant change in levels down to Morgans Vale Road. In officers opinion, the planned bungalows are likely to be partially visible from some locations along Morgans Vale Road, given the elevated nature of the site.

However, whilst this would represent a change from the current open garden which exists, the character of this area has clearly developed over time, with numerous in-fill development clearly having taken place over the years, giving the area a rather fragmented character, (although this is most true of the Morgans Vale Road area, rather than the housing adjacent the Ridge). The area is however clearly characterised by a varied building form, with no particular architectural character or building line readily apparent.

In officers opinion, it would therefore be difficult to defend a reason for refusal based on the impact of the development on the character of the area.

9.3 Impact on residential amenities

A number of strong objections have been received, related to the impact of the proposal on adjacent dwellings and amenity. The previous reasons for refusal was based partly on this issue, as the previously proposed 3 dwellings would have been readily visible from surrounding garden areas, and would have significantly impacted on the level of privacy and enjoyment experienced by occupiers of those adjacent properties.

The revised scheme has attempted to address the previous reasons for refusal by proposing two single storey bungalows as opposed to 3, two storey dwellings. The previous scheme removed most of the existing garden area to the existing house, leaving a much reduced amenity space for occupiers. The dwellings as designed previously were arranged in a horse-shoe shaped layout, and given their height, were readily visible from surrounding houses and garden areas, and had a number of windows which would have overlooked adjacent garden areas.

This revised scheme therefore represents a significant change to the previous scheme, with the two bungalows being located in the southern part of the existing garden area. The properties would take up roughly half the existing garden area, leaving the existing dwelling with a significant, albeit reduced, elongated garden space. The bungalows have been sited as far away from the western boundary with "Magpies" as appears possible, and similarly, there is now no housing development planned in the garden area adjacent to either "The Old Pond House" to the north west, or "The Manse" to the north, although the parking and turning facilities would remain in the centre of the site together with the two planned garage buildings. The amount of built form adjacent these dwellings would therefore be significantly less than the previous scheme.

It is therefore considered that the main impacts of the revised development will be on No. 11 Vicarage Park to the immediate south of the site, "Woodlynch", and "Sunmount", located to the immediate east of the site.

It is clear that the bungalows would be visible from adjacent garden areas of these properties, as both existing dwellings are located near the boundary of the site and are two storey, so have a view over the application site. However, whilst being visible, the bungalows would be of restricted height, some 6 m to the ridge, with no first floor windows, and therefore it is unlikely that the bungalows would result (as currently designed) in any loss of privacy/overlooking issues. Similarly, it is unlikely that the proposals would cause any overshadowing or dominance issues with adjacent properties. As a result, it is likely that the most significant change will be the introduction of general noise and disturbance, particularly to Sunmount, which would have the planned access driveway located adjacent to its existing boundary.

However, given the reduction to two dwellings, and that the driveway would be only approximately one car wide, and given that two dwellings are proposed, the volume and speed of traffic would be likely to be quite limited, and hence have a relatively limited impact. Similarly, the number of vehicular manoeuvres and hence general noise and disturbance, is also likely to be quite limited. It may therefore be difficult to justify refusal of the scheme on the grounds of harm caused by noise and disturbance created by the dwellings.

A number of objections referred to the future ability of the dwellings to expand, using Permitted development rights, which allow development of dwellings without the need for further planning permission. However, such rights can be “withdrawn” by the LPA, and officers have suggested two such conditions, which would restrict the ability of future occupiers to enlarge their properties or to create first floor windows or accommodation.

9.4 Highways, Parking & turning

A number of third parties have raised concerns regards the impact of additional dwellings on highway safety.

The main B3080 road is very busy, and traffic speeds are very high, although officially limited. The existing access arrangements include a wide tarmac apron between the site access and the main road, and therefore this allows for above average visibility when exiting onto the main road, and will also allow vehicles turning into the access to leave the highway, whilst another car exits onto the main road. The narrow nature of the planned access driveway would also help reduce traffic speeds of vehicles exiting onto the highway and coming off it.

The highways concerns have been explored with the Council’s Highways officer as part of this current application and the previous application for 3 dwellings. He remains of the opinion that the access, parking and turning arrangements are satisfactory, and offers no objection to the current scheme. Members should note that the previous scheme did not contain a reason for refusal on highway safety grounds.

Consequently, whilst the third party concerns are understood and the speed of the road traffic is acknowledged, officers advise that a refusal of this scheme on highway safety terms would be difficult to justify.

9.5 Ecology and impact on National Park

The area around the site is biodiverse, and there is a pond on the site believed to contain newts. A number of the third party concerns relate to the lack of an ecology survey. However, following the submission of a survey related to protected species, the Council's ecologist does not object to the scheme. The Council ecologist has also advised that at the current time, a contribution towards the ecological impact of the development on the Forest is not required at this time. She therefore raises no objections to the proposal.

Consequently, whilst the third party concerns are understood, officers advise that a refusal of this scheme on highway safety terms would be difficult to justify.

9.6 S106 matters

A number of the third party concerns relate to the lack of a financial contribution or community benefit.

The residential development proposed requires the provision of a financial contribution towards public open space in accordance with policy R2, and a financial contribution towards affordable housing provision in accordance with policy CP3 of the South Wiltshire Core Strategy.

Contribution towards Open Space Provision

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan (saved within the South Wiltshire Core Strategy), applicants are required to enter into a unilateral undertaking and provide a commuted financial payment for full or reserved matters applications. Although it is stated in the Planning, Design and Access statement that the applicant would be willing to pay this, it is necessary to include a reason for refusal relating to policy R2 in the event of an appeal against the decision. Local Plan policy R2 makes clear that all new proposals for residential development must contribute towards recreational open space facilities. This is because the increase in the number of people living within the area puts greater pressure on the existing recreational facilities and generates greater demand for new facilities.

The Council's Open Space Study, published in 2007 (which is not only a current document but also forms part of the evidence base for the proposed South Wiltshire Core Strategy), sets out the requirement of government planning guidance and investigates whether the current level of open space provision is sufficient in terms of quality, quantity and accessibility to meet the needs of residents now, and in the future. The study recommends that the Council develops a strategy for the provision of new open space, sport and recreation as required, ensuring contributions are maximised in areas which are known to have a quantitative shortfall and where housing growth is expected.

Contribution towards Affordable Housing

Under Core Policy 3 of the South Wiltshire Core Strategy an affordable housing contribution is required for all new residential development in order to help address the need for affordable housing in Salisbury and Wiltshire as a whole. Despite what is said in the Design and Access statement the applicants have indicated that they would be willing to pay this, but it is necessary to add a reason for refusal regarding the matter in the event of an appeal against the decision.

10 Conclusion

The proposal is significantly different from the previous scheme refused by the Council. The two proposed bungalows would be of a more modest scale, and of more limited height. They would also be located in the south east corner of the garden, thus reducing significantly the impact of the development on some of the adjacent dwellings in terms of overlooking, overshadowing and loss of privacy. Whilst there would be some impacts on surrounding dwellings due to the introduction of the two dwellings including parking and turning areas, it is considered that the impact would not be significant enough to warrant refusal of the application, given the residential character of the area. The third party concerns regards the proposed access arrangements are noted. However, the Council's Highways officer has raised no objection to the proposal, and consequently, it is considered that it would be difficult to substantiate a reason for refusal based on highway safety. There are no ecology concerns related to this application.

As a result, and subject to a suitable S106 agreement and conditions to mitigate the impacts of the development, the proposal is considered acceptable, and complies with the aims of policies CP3 of the adopted South Wiltshire Structure Plan, and saved policies G2, D2, & R2 of the Salisbury District Local Plan, as well as complying with the guidance provided in the NPPF in relation to the provision of housing.

RECOMMENDATION: THAT THE MATTER BE DELEGATED TO THE DIRECTOR OF DEVELOPMENT SERVICES TO GRANT PERMISSION, SUBJECT TO ALL PARTIES ENTERING INTO A REVISED S106 LEGAL AGREEMENT WHICH:

- a) Provides a financial contribution towards affordable housing
- b) Provides a financial contribution towards public open space

Then Planning Permission be GRANTED, subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E (extensions and outbuildings) shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

4. The dwellings shall be single storey only, with no windows or other rooflights inserted in the roof, and no habitable rooms created in the first floor roofspace.

REASON: In order to protect residential amenity in terms of loss of privacy.

5. The development shall be carried out in accordance with the following approved plans:

Proposed block plan – drawing no ST452-20c
Proposed site layout – drawing no. ST452 -16c
Arboricultural plan - drawing no 2864/UPDATED
Floor plans and works to existing dwelling – drawing no. ST452-17a
Proposed Elevations and sections – drawing no. ST452-19a & ST452 -18
Abbas Ecology survey and recommendations July 2013 as amended in August 2013 to include crested newts mitigation

REASON: For the avoidance of doubt

6. No dwellings shall be occupied until all car parking and associated turning and access arrangements shown on the approved plans has been provided and made available for use.

REASON: In order that sufficient parking is available for occupiers of the dwellings and visitors

7. No construction deliveries, demolition, or other building activity shall take place on Sundays or public holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 and 13:00 on Saturdays.

REASON: In order to reduce the impact of construction works on surrounding residential amenity

8. Before development commences, full details of the treatment and protection of the boundary with "Sunmount" (adjacent the proposed access driveway) during construction works and once the scheme is built out, have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to reduce the impact of the development on adjacent residential amenity

Informative

Wessex water has indicated that its records show a public sewer crossing the site. It is recommended that the applicant/developer contacts Wessex Water Sewer protection team for advice.