

Date of Meeting	22nd May 2014
Application Number	14/01573/FUL
Site Address	Ridgeside, The Ridge Woodfalls, Salisbury, Wiltshire, SP5 2LD
Proposal	Erect 2 x 3 bed bungalows and garages to rear of existing dwelling. Alterations to existing dwelling including demolition of existing attached garage
Applicant	Willton Homes Limited
Town/Parish Council	Woodfalls
Grid Ref	419962 120950
Ward	Bourne and Woodford Valley
Type of application	Full Planning
Case Officer	Matthew Legge

Reason for the application being considered by Members

Cllr Randall considers that this matter needs to be considered by Committee, due to concerns over the principle of development of the site, it being back-land development , not in keeping with other properties on the road that generally have spacious gardens and the access has the same issues as the previous refused application.

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

5 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 alongside 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

The following applications are subject of current ongoing Appeals

13/019391/FUL – Demolish existing garage and associated alterations to existing dwelling. Erect 2 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.

The proposal, by reason of its design and layout, would result in a cramped development which would not be in-keeping with the spacious character of established surrounding development (in particular, the south-eastern proposed dwelling). Furthermore, by reason of the cramped layout, the proposal would not provide adequate amenity space for the occupiers of the dwellings commensurate with established surrounding development (in particular, the south-eastern dwelling). Additionally, the proposed vehicle parking and turning arrangements within the site would be cramped and contrived, and so be likely to lead to conflict and/or nuisance for occupiers of the proposed dwellings.

This is contrary to Policies G2 and H16 of the Salisbury District Local Plan (which are 'saved' policies in the South Wiltshire Core Strategy) and the NPPF, particularly paragraphs 17, 53 and 56.”

2. The proposed access to the site, by reason of its physical characteristics (specifically, its limited width and its gated design) and by reason of the inevitable intensity in its use (serving three dwellings), is considered to be hazardous for both its users and other users of the public highway. This is in view of the conflict which would result when vehicles either pause before the electric gate has opened or meet another vehicle head to head at the access, requiring the entering vehicle on the highway to either pause on the highway or reverse on to the highway. Such a

manoeuvre is considered to be hazardous to both the entering vehicle and other users of the highway, and as such would be detrimental to highway safety.

This is contrary to Policy G2 of the Salisbury District Local Plan (which is a 'saved' policy in the South Wiltshire Core Strategy).

3. The proposed residential development is considered to be contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy in the South Wiltshire Core Strategy) and Policy CP3 of the South Wiltshire Core Strategy in that it does not make provision for contributions towards recreational open space/facilities and affordable housing which are essential infrastructure made necessary by the development.”

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

National Planning Policy Guidance (NPPG)

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 development represents tandem and therefore an inappropriate Backland development and contrary to Planning Policy H16. This policy is very specific when it comes to tandem developments and states that “the proposal will not constitute tandem or inappropriate backland development” and therefore the development fails to meet the policy.*
- *The Planning Committee still considered the proposal to be cramped and represents over development with inadequate on site vehicle parking/ turning. Also the scale and density will have an adverse impact on the character of housing in this section of Woodfalls and would set a precedent to the detriment of the parish and therefore contrary to Planning Policies D2 and G2*
- *The natural constraints of the entrance for vehicles and pedestrians represents a serious highway safety hazard for both the owners and visitors when entering and leaving the property. This will not be helped by the expected increase in street parking on “The Ridge”, the current density and flow of traffic on the B3080 and the closeness of Morgan’s Vale Village Hall.”*

Third party – 5 letters raising concerns:

- Dangerous access, including road
- Lack of turning area within the scheme
- Overdevelopment and backland development
- Increased surface water runoff
- Design is out of keeping
- Impact upon amenity and loss of daylight
- Impact on protected species
- Concern over connections to existing sewerage

8. Consultee responses

Wiltshire Council Environmental Health

No objections subject to conditions

Wiltshire Fire and Rescue

Generic comments

Wiltshire Council Housing

No Affordable Housing is being sought by the Council on sites with 4 or less proposed dwellings

Wiltshire Council Highways

No objections.

Wiltshire Council Ecology

Conditions required securing ecological mitigation.

New Forest financial contribution not yet applicable to this application.

Wiltshire Council Archaeology

No comment

Wessex Water

General water/drainage issues. Public sewer crossing the site

New Forest National Park

No comment

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. The previously refused scheme (S/2012/1613) 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.

Following that refusal, another scheme (13/019391/FUL) was submitted for two bungalows within the rear garden which offered small garden areas for the 2 proposed bungalow but a larger garden area of the application dwelling known as Ridgeside. This application was nevertheless refused due to concerns over the cramped nature of the development and the impact to highway safety.

Consequently, the current scheme needs to be considered against these reasons for refusal.

9.2 Design and impact on wider area

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 previous refusal comments that the *“proposal, by reason of its design and layout, would result in a cramped development which would not be in-keeping with the spacious character of established surrounding development (in particular, the south-eastern proposed dwelling). Furthermore, by reason of the cramped layout, the proposal would not provide adequate amenity space for the occupiers of the dwellings commensurate with established surrounding development”*. This revised scheme increase the size of the garden areas for the two proposed bungalows. The increased garden area is aimed to mitigate against this refusal argument.

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 of just over 5m which is lower than those bungalows which were refused as part of application 13/019391, and would be located in the eastern and southern portion of the garden, adjacent to, and partially screened from the street scene by the adjacent residential property known as Sunmount and the application dwelling at Ridgeside. 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 allow some 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 forms, 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 the two recent refusals were 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 recently refused scheme for 2 bungalows (13/01391/FUL) did not include a refusal reason which related to neighbouring amenity but did comment that "*the cramped layout, the proposal would not provide adequate amenity space for the occupiers of the dwellings commensurate with established surrounding development*". This revised scheme increase the size of the garden areas for the two proposed bungalows. The increased garden area is aimed to mitigate against this refusal argument.

It is clear that the bungalows would be have a degree of visibility 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 5-6m 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

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.

A number of third parties have raised concerns regards the impact of additional dwellings on highway safety. The recent refusal reason comments *“Additionally, the proposed vehicle parking and turning arrangements within the site would be cramped and contrived, and so be likely to lead to conflict and/or nuisance for occupiers of the proposed dwellings”*

The highways concerns have been explored with the Council’s Highways officer as part of this current application and the previous application for 3 and 2 dwellings. He remains of the opinion that the access, parking and turning arrangements are satisfactory, and offers no objection to the current scheme.

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 without any objection from Wiltshire Council Highways.

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

Affordable Housing

Policy CP3 of the adopted South Wiltshire Core Strategy requires a financial contribution to be made by applicant's towards the provision of off-site affordable housing where the proposal is for four units or less. The Wiltshire Core Strategy which will replace the South Wiltshire Core Strategy is currently in preparation and as originally drafted proposed a similar affordable housing policy to CP3. However, in his considerations the Strategy Inspector has expressed concern that such a policy may no longer be appropriate due to different circumstances now, and that the Council should therefore look at alternatives to fulfilling its affordable housing objectives. With this in mind the Council has gathered further evidence for the Inspector, and this demonstrates that on sites proposing four units or less consideration should now be given to requiring no affordable housing contributions.

On the back of this evidence a revised affordable housing policy has been prepared for the Wiltshire Core Strategy and presented to the Strategy Inspector. On sites of four units or less the revised policy requires no affordable housing contribution. Although this policy has not yet been adopted or, for that matter, has not been subjected to scrutiny through the Strategy process, it does define the Council's likely direction of travel on affordable housing based on up to date evidence. In view of this it is the Council's intention to now have regard to the revised policy in all relevant planning applications received after the date of publication of the strategy report (that is, 28 February 2014) and in relation to all other planning applications which remain outstanding after this date.

Contributions towards Recreation Open Space

The residential development as proposed does require the provision of a financial contribution towards public open space. The Salisbury District Local Plan 2011 is and remains in force in the area. The relevant policy from the Salisbury District Local Plan 2011 relating to the provision of open space is R2 which states:

'New residential development will be required to make provision for recreation open space (comprising facilities for communal outdoor sport and children's play), in accordance with a standard of 2.43 hectares per 1000 population. Additional amenity open space (including landscaped areas, public gardens and roadside verges) will be sought where appropriate'

Where development schemes of 1 – 9 units are proposed, it is accepted that it would be unreasonable and often impracticable to provide even a small play area on site and so a commuted payment is taken instead. The Payment sought reflects the number and size of the dwelling being provided and the payment is sought for outdoor recreation purposes within the locality of the development.

In 2006 the Council carried out a study (The Open Spaces Study 2006), to ascertain the existing provision and to assess the actual demand for Open Space. This study is the most current and is used by the Council in assessing the need for provision of Open Space for proposed developments within the Salisbury District Area.

This application has agreed to and duly signed a legal agreement with the Council to secure the payment of such monies.

10 Conclusion

The proposed two bungalows are considered to be of a more modest scale and height so as to reduce 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 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 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 – DRG No. ST452-23b	11/02/2014
Vehicle manoeuvring – DRG No. ST452-24b	11/02/2014
Proposed site layout – DRG No. ST452 -25	11/02/2014
Proposed Elevations – DRG No. ST452-26	11/02/2014
Proposed Elevations – DRG No. ST452-27	11/02/2014
Arboricultural plan – DRG No. 2864/2014	11/02/2014
Abbas Ecology survey and recommendations Feb 2014	14/02/2014

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 be 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

9. 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 that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

10. Before development commences all works in relation to great crested newts, including but not limited to removing the existing pond, providing a new pond and providing 2 newt hibernacula, will be undertaken in strict accordance with Habitat Creation as Ecological Mitigation for Reptiles and Potential Great Crested Newt Population (Abbas Ecology, amended February 2014) and a professional ecologist will be present on site during these works and will supervise all aspects of these works. A report will be submitted to and approved in writing by the Local Planning Authority to demonstrate that the above report has been fully implemented and to confirm whether great crested newts were found.

REASON: In the interest of Protected Species

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.