

REPORT OUTLINE FOR AREA PLANNING COMMITTEE**Report No.**

Date of Meeting	31st March 2022
Application Number	PL/2021/08473
Site Address	1 Bourne View, Allington, Salisbury SP4 0AA
Proposal	Erection of single 2-storey 3 bed dwelling (Outline with some matters reserved)
Applicant	Mr Bill Baxter
Town/Parish Council	Allington
Electoral Division	Winterslow & Upper Bourne Valley – Cllr Rich Rogers
Grid Ref	51.14899, -1.708863
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

At the request of the elected member Cllr Rich Rogers due to the proposal being considered as over-development for size of building plot, adversely impact on the neighbouring plot, removal of available parking spaces resulting in insufficient parking for either property. Allington has also had a recent major housing development and a number of these houses remain vacant.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

2. Report Summary

The main issues to consider are:

1. Principle of development
2. Character of the area
3. Residential amenity
4. Highway issues
5. Trees
6. Ecology
7. Other issues raised

3. Site Description

The site is situated in the village of Allington, defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4

(Amesbury Community Area). As a Small Village there is no defined village boundary for the settlement. The site lies outside the Boscombe Conservation Area and there are no Listed Buildings in the immediate locality.

The application site is located in Bourne View, a residential development comprising mainly of semi-detached two-storey dwellings with a small number of single storey dwellings located on plots to the south of the site. It lies within the built-up area of the village, between an existing dwelling (1 Bourne View) and the A338 highway.

The plot of land currently forms part of the residential curtilage to 1 Bourne View and lies to the side (east) of the existing dwelling. A close boarded timber fence has been erected on the west boundary which partially separates the site from the existing dwelling. At the time of the site visit the rear part of the site appeared to be overgrown with trees and shrubs, although the front part of the site is still utilised for parking by the occupiers of the dwelling. Land to the rear (north) of the site forms part of land associated with Clouds Farm and the boundary is formed by a group of trees. Immediately to the south of the site is a small car park area serving existing residential properties in Bourne View. The A338 highway lies on lower ground to the east of the site, with a steep embankment from the site boundary down to the pavement alongside the highway. There are no immediately adjacent neighbouring properties other than the existing dwelling at 1 Bourne View.

There is an existing vehicular access to the site from the unadopted vehicular access road providing access to existing parking spaces to the side of 1 Bourne View and those within the application site. This part of Bourne View serves houses numbered 1 to 6 and 25 to 27 Bourne View and is single width.

4. Planning History

S/2008/1316 - CONSTRUCTION OF DWELLING ADJACENT TO NO.1 BOURNE VIEW, BOSCOMBE, SALISBURY TOGETHER WITH ALTERATIONS TO ACCESS – Refused for the following reason:

The proposal would result in sub-division of the garden within the curtilage of No.1 Bourne View. The construction of a dwelling on the site as proposed, with gardens adjoining the busy main road to the east, would be out of character with other residential properties in the vicinity, which are of generally homogenous design, and generally characterised by narrow rear gardens and low density housing. Furthermore, the cramped and congested design and layout, would reduce the existing spacious character of the original dwelling, and would be visible from the A338 and wider countryside beyond. The development would therefore be contrary to Saved Policy D2 of the Adopted Salisbury District Local Plan and the Adopted Supplementary Planning Guidance "Creating Places".

15/10099/PNEX - Prior notification for larger home extension - Proposed single storey rear extension with a rear projection of 6 metres, eaves height of 2.4 metres and ridge height of 2.65 metres - Approved

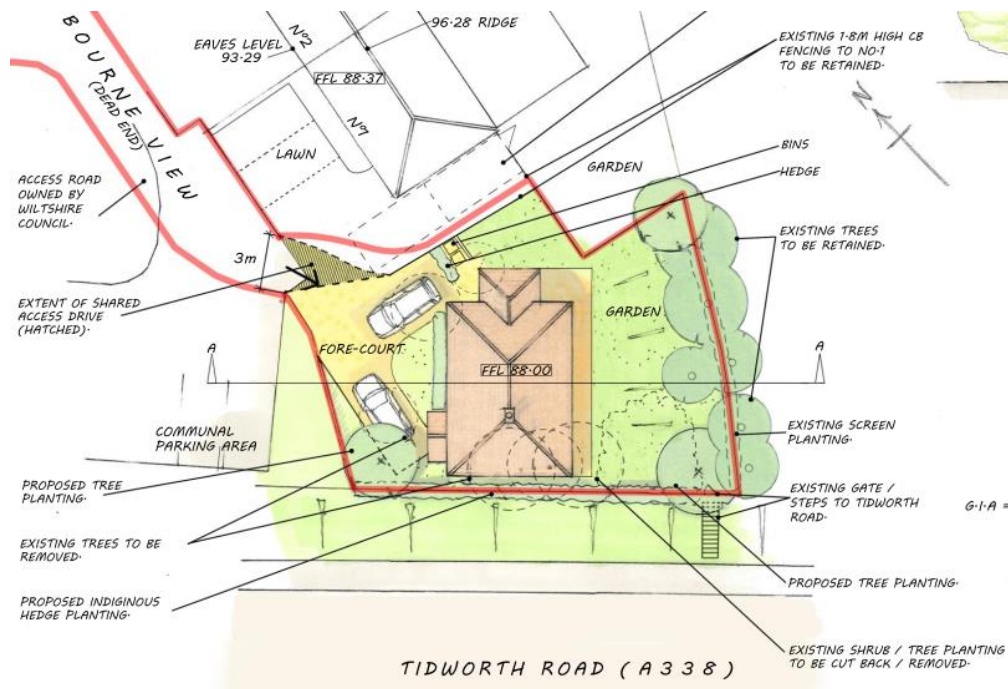
15/07549/FUL - Remove 2 existing buildings and erection of single storey rear extension (1 Bourne View) - Withdrawn

5. The Proposal

The proposal is an outline application for the construction of a new detached dwelling to include consideration of access only. Matters of appearance, landscaping, layout and scale

are reserved for future consideration as part of a subsequent application for approval of reserved matters.

Access to the proposed site would be as existing and would be shared by the existing and proposed dwellings at the point closest to the road, as shown by the shaded triangular section on the site plan below. The site plan also provides an indicative layout of the site and shows 2 car parking spaces in the position of an existing gravelled parking area.



Proposed Site Plan (indicative layout)

Although an outline application, the proposal is described specifically as a detached 2-storey, 3 bedroomed dwelling. Indicative plans show a 2-storey dwelling of brick construction with a hipped roof which replicates the appearance of 1 Bourne View, albeit that this proposal is a detached house and the existing dwelling is semi-detached. The siting of the proposed dwelling is shown to be angled towards the access and car parking area rather than in alignment with the existing dwelling, with the end elevation parallel with the highway.

A timber boundary fence has been erected to separate the proposed site from the curtilage retained by 1 Bourne View, which includes 2 parking spaces to the side of the dwelling.

Whilst the site is within the same ownership as the dwelling, the dwelling is not within the ownership of the applicant and therefore is not included within the application site or blue line to denote land in the same ownership.

6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 4 – Spatial Strategy for the Amesbury Community Area

Core Policy 45 – Meeting Wiltshire's Housing Needs

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 - Sustainable Transport
Core Policy 61 - Transport and Development
Core Policy 64 - Demand Management
Core Policy 69 - Protection of the River Avon SAC

Salisbury District Local Plan (2003)

Saved policy C6 – Special Landscape Area

National Planning Policy Framework 2019

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places);

Government Planning Practice Guidance

National Design Guide

Habitat Regulations 2017

7. Summary of consultation responses

Allington Parish Council –

The Parish Council wish to object to the planning application due to Highways - access points. The plans state that there are no trees on the site but there are a lot of trees, this also needs to be considered.

WC Highways –

My previous highway comments identified the need to red line the access road and the point of access and serve notice on WC and the adjacent land owner. I note that the plan and application form has now been amended to address these matters. The plan suggests that the two parking spaces within the front garden of No.1 are already in place, if they have not yet been created then the front garden covering the parking spaces would also need to be redlined.

I do not wish to raise a highway objection to the proposal subject to a condition requiring the driveway to be suitably surfaced in a consolidated material and appropriately drained.

8. Publicity

The application was publicised by newspaper advertisement and neighbour notification to properties immediately adjacent to the site. Re-consultation by neighbour notification has been undertaken following the receipt of revised plans with the amended red line site area to include access from the public highway. Representations from 8 third parties have been received in objection to the proposal at the time of writing the report.

Comments are summarised as follows:

Objections:

- Previous refusal for dwelling on this site
- Trees and bushes on and adjacent to site - application form states there are none

- Plot is too small and too close to the bank
- Insufficient capacity for a new dwelling
- Will make Bourne View too congested
- Access road is too narrow
- The road is already busy with dangerous parking on road
- Vehicles have to reverse up and down access road
- Insufficient parking
- Other properties with no parking use car park
- Reduction in parking for No. 1
- Parking for No. 1 is a hedgerow
- Adding another house will make access more dangerous
- Loss of trees and bushes - will make it look more concrete than it already is
- Loss of trees which provide a sound barrier to road
- Possible destabilisation of the bank
- Development is sought for financial gain
- Will not benefit the village
- Overlooking and loss of privacy to No. 1
- Fear for children's safety
- The land was intended as garden not another dwelling
- The village has had 24 houses built recently and these are not yet occupied

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

9.1 Principle of Development

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages; only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' and identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. At the Small Villages development will be limited to infill within the existing built area.

Core Policy 4 confirms that development in the Amesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Amesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2. At the settlements identified as villages, a limited

level of development will be supported in order to help retain the vitality of these communities. Allington is designated as a small village under Core Policy 4. Under the core strategy there are no designated settlement boundaries to define the limits of 'the existing built area' for small villages or other small settlements. For small villages, therefore, development will be limited to infill development which:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

Whilst the settlement boundaries for small villages contained within the Salisbury Local Plan have not been saved under the Wiltshire Core Strategy and therefore the presumption in favour of development within these smaller settlements is removed, the previous limits of development are useful for the assessment of whether the proposal site can be considered to be physically within the settlement or outside of it. The identified site was included within the previous limits of development for Boscombe and the existing dwelling is within the existing built up area of the village. It is therefore considered that the proposal can be considered to represent an acceptable form of development in the curtilage of an existing dwelling within the built-up area of the settlement. There would be no encroachment into the surrounding countryside and development would not elongate the small village settlement, as reflected in the former policy boundary area.

It is noted that a dwelling on this site was refused in 2008, with the full reason for refusal set out above. The reason for refusal was given on the grounds that the dwelling proposed would be out of character and contrary to design policy. There was no 'in principle' reason for refusal given that it was within the housing policy boundary of the Salisbury Local Plan that applied at the time of the decision. Although the policy criteria has changed since the time of the previous decision, the principle of a dwelling remains capable of support subject to meeting the relevant criteria for small scale development in small villages.

In view of the above, the principle of small-scale development of a single dwelling within the existing built-up area of a small village settlement can be considered acceptable in terms of the settlement strategy of the WCS. The acceptability of the scheme is subject to detailed consideration of the site-specific constraints and impacts, in this case the access and parking arrangement, the visual impact of the proposed development and relationship with the existing built form and residential properties form the main considerations in the assessment of whether the site is capable of accommodating the proposed dwelling.

9.2 Character of the area

The proposal is for a new dwelling to be sited on land to the side of an existing dwelling within a residential location and lies between the dwelling and highway. As described above, the development of a dwelling on this site would not elongate the small village

settlement or encroach into the surrounding countryside and is considered to constitute infill in this context.

From the vantage point of Bourne View, a dwelling on this site would appear as a continuation of the existing row of houses, rounding off the row of houses numbered 1 to 6. Any development would inevitably be quite prominent when viewed from the A338 since a dwelling on this site would be sited in close proximity to the highway verge and at a higher level than the carriageway and would necessitate the clearance of some of the established vegetation and trees. However, it would not be unduly harmful to observe a dwelling in this location in the context of the existing residential character of the area.

The site has been previously partitioned off from the host dwelling and at the time of the site visit had become overgrown other than for the parking spaces at the front of the site which are in use. Concern has been raised in respect of the impact of loss of trees and vegetation on the site. Within the established curtilage to the existing dwelling the trees and vegetation could be cleared without the need for any planning permission as the trees within the site are not protected by any TPO and the site is not within the Conservation Area. However, an updated topographical survey and tree survey have been requested in respect of the local concerns expressed with regard to the loss of the trees and considered further below at paragraph 9.5. Based on the tree survey report, the trees on the north boundary are to be retained and protected during construction and it is not considered that the loss of category 3 trees would result in a demonstrable loss of visual amenity to support a reason for refusal.

The refusal of an outline application in 2008 on the grounds that a dwelling on this plot would be out of character is noted. The current proposal is also made in outline but indicative plans show a dwelling which is markedly different to the indicative scheme considered in 2008. The indicative plan now shows a dwelling of simple form which relates to that of the existing semi-detached dwellings to which it would relate. The details of the scale, appearance, layout and landscaping are reserved for future consideration and as such the decision on this application is to establish the principle of development with access only. The submitted indicative plans indicate that the site is capable of accommodating a dwelling and it is considered acceptable for the detailed consideration of scale and appearance of the dwelling to be reserved for future consideration. A reason for refusal of outline permission on design/character grounds is not considered to be appropriate.

9.3 Residential Amenity

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to "...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)".

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed dwelling would share a boundary with one residential property, 1 Bourne View. The land to the north is not developed with a residential property but forms part of the land associated with Cloudlands Farm, with Cloudlands House being approximately 45 metres from the site boundary.

The proposed dwelling would be sited to the side of the host dwelling, which has no window openings on the side facing the site. The curtilage to the existing dwelling would be reduced as a result of the sub-division of the plot but retains garden areas to front and rear and a driveway to the side. The details of the proposed dwelling will be assessed at reserved matters stage, however it is considered that a two-storey dwelling could be positioned on the site without demonstrable loss of amenity to the existing dwelling through overlooking, overshadowing or loss of amenity space.

The indicative proposal shows that the site area is sufficient for the siting of a dwelling with private amenity space, bin storage and parking to serve the dwelling and it is concluded that the site would be capable of allowing for an adequate standard of amenity for future occupiers subject to consideration of detail at reserved matters stage.

9.4 Highways issues

The proposed dwelling would be accessed off an unadopted highway which is within the ownership of Wiltshire Council. The means of access is existing and serves gravelled car parking spaces to the side of the existing dwelling and on the application site. The proposal does not necessitate the creation of a new or significantly altered access. Although the site is adjacent to the A338 highway there would be no vehicular access from the classified road as there is a significant change in levels. Parish council and third-party objections have been received regarding the impact of an additional dwelling on the narrow access road having regard to the potential for increased congestion and impact on parking for existing residents who rely on the shared car park.

Consultation has been undertaken with the Council's Highways Officer who has not raised any objection in principle to the additional dwelling and associated vehicle movements, subject to the minimum parking standard being met for both the existing and proposed dwellings and suitable consolidated surfacing to the access.

The parking provision shown on the indicative layout confirms that 2 parking spaces can be achieved to meet Wiltshire Council's parking standards for the proposed 3-bed property and 2 existing parking spaces are within the retained curtilage for the existing 3-bed dwelling. The current site plan does not include the formation of spaces to the front of 1 Bourne View as this is outside of the application site, however the parking provision to the existing dwelling could be increased independently of the development of the application site.

In view of the Highways Officer raising no objection on highway safety and the plans demonstrating that the parking standard can be met, a reason for refusal would not be sustainable.

9.5 Trees

A tree survey has been undertaken to assess the trees on site and the impact of development. The proposed development will retain trees on the north boundary as identified as H4 within the tree survey and annotated on the tree plan. The report identifies that it will be necessary, prior to the commencement of any construction activity, to provide a Tree Protection Plan, and a Schedule of Arboricultural Supervision in order to safeguard the retained trees. The indicative footprint of the proposed dwelling is outside of the root protection area and the necessary tree protective fencing can be sought by condition. It is confirmed that the proposed development does require the removal of T1, T2, T3 and G5 as identified within the tree survey and annotated on the tree plan. These trees comprise 2 common ash, 1 wild cherry and 1 European larch. They are described as unremarkable trees of limited merit and valued as category C trees.

9.6 Ecology

This development falls within the catchment of the River Avon SAC. The proposal would result in a net increase of 1 residential unit on the site which has potential to increase adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application is located within a small village settlement with reference to Core Policy 2 of the WCS, it is considered to fall within the scope of the mitigation strategy and generic appropriate assessment, it can therefore be concluded that it would not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

9.7 Other considerations

Concerns are raised regarding the potential for destabilisation of the bank alongside the highway, however no objection has been received from the highways officer and it will be for the design of the dwelling to ensure that adequate retaining features are incorporated during development.

The Parish Council and third-party representations have highlighted that there has been recent residential development in the village and that there is no need for another dwelling, this would not constitute sustainable grounds for refusal of an application for a single dwelling where policy considerations are met particularly given that the LPA is currently unable to demonstrate a 5 year housing land supply.

The motives of the developer are not material to the consideration of the application.

10. Conclusion (The Planning Balance)

The principle of a single dwelling can be supported in a small village settlement having regard to the adopted development plan (WCS). The proposed means of access and indicative parking arrangement for the proposed dwelling does not raise any overriding highway safety concerns and no objection is raised by the highways officer on the basis that the existing dwelling retains the minimum parking standard of 2 spaces. Detailed consideration of the dwelling and site layout, with the exception of the means of access, is reserved for future consideration but indicative plans show a form of residential development which appears to be broadly visually compatible with existing residential properties. The impact on the amenities of existing occupiers would not, subject to detail, be materially harmed. Taking into account the multiple objections to the proposal with regard to the nature of the existing access and parking provision in this locality and the visual impact/relationship with surroundings, it is concluded that there are no material considerations in the planning balance which would result in demonstrable harm or impacts that would weigh convincingly against approval of development having regard to paragraph 11 of the National Planning Policy Framework 2021.

RECOMMENDATION: Approve subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 21-3348-LOC E dated 17.12.2021
Site Plan, Plans, Section and Front Elevation 21-3348-SK01-G dated 08.03.2022
(indicative other than in respect of means of access)
Topographical Survey BV14/06/21 Rev B March 2022
Tree Survey and Arboricultural Impact Assessment HELLIS March 2022 V2.0

REASON: For the avoidance of doubt and in the interests of proper planning.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until tree protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been erected in accordance with a Tree Protection Plan showing the exact position of each tree, identified as H4 in the Tree Survey and Arboricultural Impact Assessment HELLIS March 2022 V2.0, together with details of the protective fencing which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site and shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. The dwelling shall not be occupied until parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

8. The dwelling shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C and E shall take place on the dwellinghouse hereby permitted or within its 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.

Informatives:

- The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website. <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

