

<b>Date of Meeting</b>	12 <sup>th</sup> January 2017
<b>Application Number</b>	16/09228/FUL
<b>Site Address</b>	Land at rear of 82 Britford Lane Harnham Salisbury Wiltshire SP2 8AJ
<b>Proposal</b>	Proposed development of two detached chalet dwellings and garages
<b>Applicant</b>	Mr & Mrs Harvey
<b>Town/Parish Council</b>	SALISBURY CITY
<b>Electoral Division</b>	ST MARTINS AND CATHEDRAL – (Councillor Ian Tomes)
<b>Grid Ref</b>	414887 128716
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

### Reason for the application being considered by Committee

Councillor Tomes has called in the application for the following reasons:

- Scale of development
- Relationship to adjoining properties

### 1. Purpose of Report

To consider the above application and the recommendation of the Head of Development Management that planning permission should be APPROVED subject to conditions.

### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle
- Impact to the character and appearance of the area
- Residential amenity
- Highway considerations
- Archaeology
- Ecology
- Sustainable Construction
- S106 obligations/CIL

The application has generated 4 third party representations, and an objection from Salisbury City Council.

### 3. Site Description

The site is to the rear (south) of No 82 Britford Lane and lies within the designated Housing Policy Area (H8) of Salisbury and within an Area of Special Archaeological Significance. To the north side of Britford Lane are the water meadows (a conservation area).

The red line of the application site includes the adjacent former nursery site for the vehicular access from Britford Lane.

### 4. Planning History

The area of the site which comprises the garden and rear garden of No 82 Britford Lane has the following site history of planning applications:

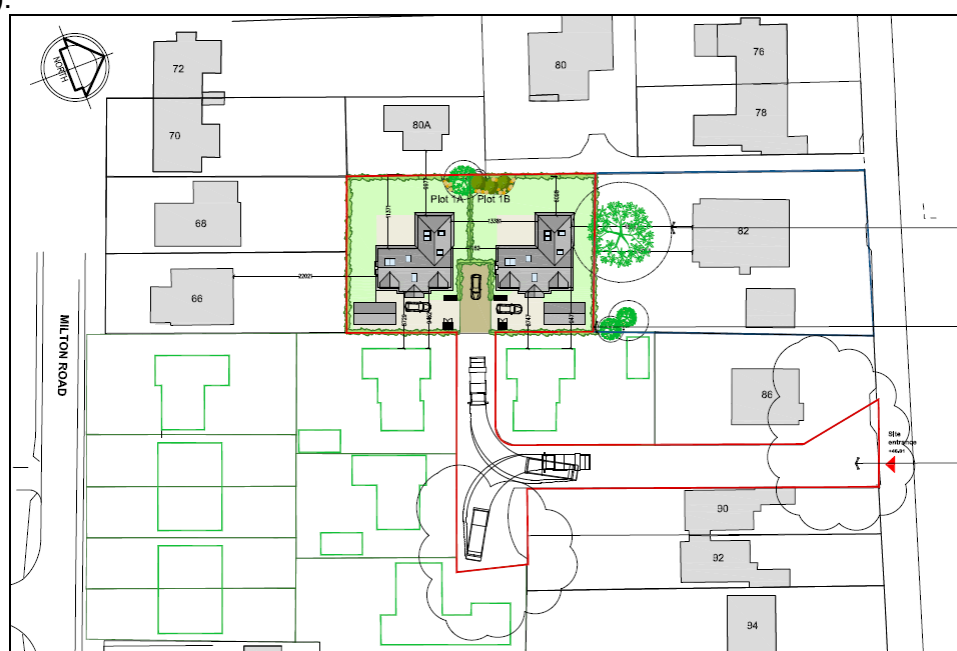
Application ref	Proposal	Decision
S/1995/1160	Construction of new garage following removal of old garage and outbuildings, 82 Britford Lane	Approved 11/09/1995
S/1990/0244	Outline application - erection of bungalow and garage and alteration to vehicular access, 82 Britford Lane	Refused 18/04/1990

The vehicular access from Britford Lane includes the adjacent former nursery site for which the following applications are relevant:

Application ref	Proposal	Decision
14/05111/OUT	Outline planning permission with all matters reserved (save for access and scale) for the proposed retention of existing dwelling and replacement of a commercial	Approved 20.03.15
15/08258/FUL	Redevelopment of nursery site with the erection of 11 dwellings with associated parking and access	Refused 18.12.15
16/05521/FUL	Replacement of a commercial nursery site with 9 dwellings including access, parking and landscaping	Approved 18 July 2016

## 5. The Proposal

The application is for two detached chalet bungalows in the rear garden of No. 82 Britford Lane, with vehicular access to the site from Britford Lane via the adjacent nursery site. The extract from the proposed block plan below shows the relationship of the new dwellings and those surrounding the site, including the dwellings approved under 16/05521/FUL (outlined in green):



## **6. Local Planning Policy**

### **The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20th January 2015:**

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 20: Spatial Strategy: Salisbury Community Area

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Providing affordable homes

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 64: Demand Management

### **Saved policies of the Salisbury District Local Plan:**

R2 (Open Space Provision)

H8 (Salisbury Housing Policy Boundary)

### **Wiltshire Local Transport Plan 2011-2026:**

Car Parking Strategy

### **Government Guidance:**

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance (NPPG)

### **Supplementary Planning Guidance:**

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

## **7. Summary of consultation responses**

### **Salisbury City Council: Object**

On the grounds of overdevelopment.

**County Archaeologist:** Support subject to conditions (requiring a programme of archaeological works)

### **Dorset & Wiltshire Fire & Rescue:**

Comments relating to fire safety measures which could be added as an informative and recommendation for a condition requiring details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development to be agreed and implemented.

**Wiltshire Council Ecologist:** No comment

### **Wiltshire Council Highways:**

It is considered that the proposed development for two dwellings will not have any significant impact on highway safety and recommend that no highway objection be raised to it subject to conditions (first 10 metres of the access at Britford Lane to be consolidated and surfaced; scheme for discharge of surface water to be agreed; access and vehicle turning area to be provided and maintained)

For your information Britford Lane is a byway open to all traffic.

### **Wiltshire Council Public Protection:**

No objections subject to conditions (hours of construction/demolition & contaminated land - although there is no history of commercial greenhouses on the site where the properties are to be developed, there is historical evidence of greenhouses on the land) and informative regarding no burning of waste or other materials to take place on the development site.

**Wiltshire Council Rights of Way:**

Defer to advice from Wiltshire Council Highways as the access to the property is via a surfaced byway.

**8. Publicity**

The application was advertised by site notice and neighbour consultation letters.

**4 representations have been received objecting to the scheme, summarised as follows:**

- Overdevelopment of area and unacceptable high density (mass and scale of properties are too large in relation to plot size and in combination with 9 houses being constructed on adjacent old Souchez Nursery Site, which was previously refused for 11 on the grounds of scale and impact on adjoining neighbours)
- Proposal cannot be treated as a stand-alone development as it effectively extends the new Souchez Nursery development with access via this site with 6 dwellings accessed from Briford Lane
- Existing dwellings will be surrounded by development, loss of amenity value and detrimental to character of area
- Close proximity of development to adjacent dwellings (including plots 6 and 7 of approved adjacent scheme)
- Loss of privacy and overlooking to adjacent dwellings/gardens (site is at higher level to properties in Milton Road)
- Loss of semi-rural outlook from neighbouring dwellings (to mass of bricks and tiles of proposed elevations and roofs) and loss of daylight
- Increased noise and disturbance from use of access road to existing dwellings and from use of dwellings/gardens
- Britford Lane is unsuitable for additional traffic (unadopted with no pavements, street lights and surface drainage through soakaways only and surfacing being provided by local residents, with no facility for lorry turning). Access should be via Milton Road
- Are not affordable dwellings
- Concerns about a retaining wall to site boundary

**9. Planning Considerations**

**9.1 Principle of development**

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS) which also includes some saved policies of the Salisbury District Local Plan (SDLP).

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

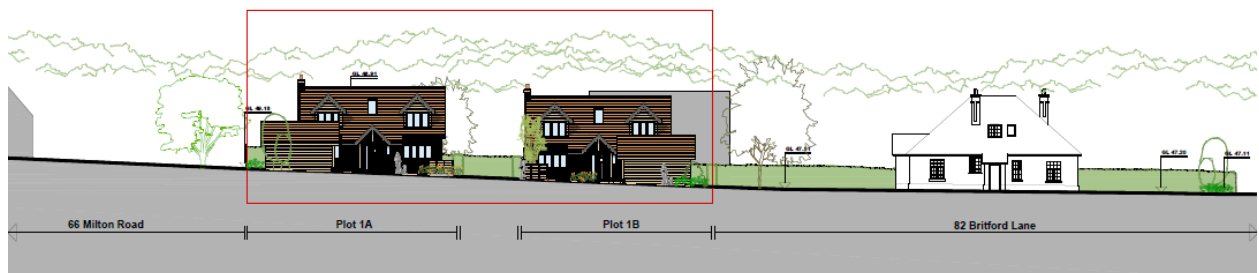
Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Within the Settlement Strategy, Salisbury is identified as being a Principal Settlement. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It 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. The site is within the Limits of Development for Salisbury (the Housing Policy Boundary of Salisbury under saved policy H8), and therefore the principle of the residential development is acceptable, subject to compliance with other relevant planning policies.

## 9.2 Impact to the character and appearance of the area

The National Planning Policy Framework sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely plan-led, should always seek to secure high quality design.

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses (including in terms of ensuring residential amenity is safeguarded).



The proposed development is set back from the road and being set behind existing dwellings, it is considered that it would have a limited effect on the character of the surrounding area.

### 9.3 Impact to residential amenity

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

Objections to the proposal (summarised above) include that the proposal is in effect an extension of the adjacent former Nursery site which was approved for 9 dwellings having had an earlier scheme for 11 dwellings refused. However, the area of land where the dwellings are proposed was not included previously in the red line site for the applications that have been submitted on the Nursery site, and each application must be assessed on its own merits.

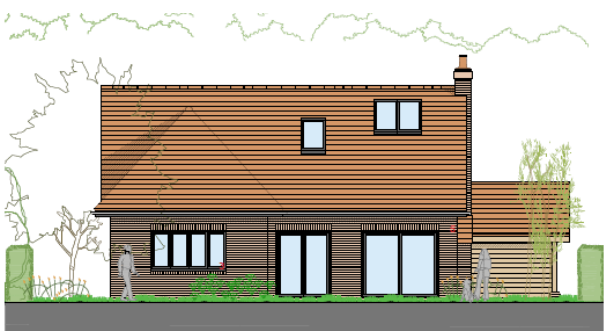
The proposed dwellings have been designed as chalet style dwellings with accommodation set within the roofspace. Dormer windows are proposed on the front (east facing) roof slopes, whilst the other roof slopes have rooflights only. The gable ends have no fenestration:



**East Elevation - Plots 1A and 1B**



**North Elevation - Plots 1A and 1B**



**West Elevation - Plots 1A and 1B**



**South Elevation - Plots 1A and 1B**

Nos 66 and 68 Milton Road are chalet style dwellings and their rear elevations face the south elevation of Plot 1A.

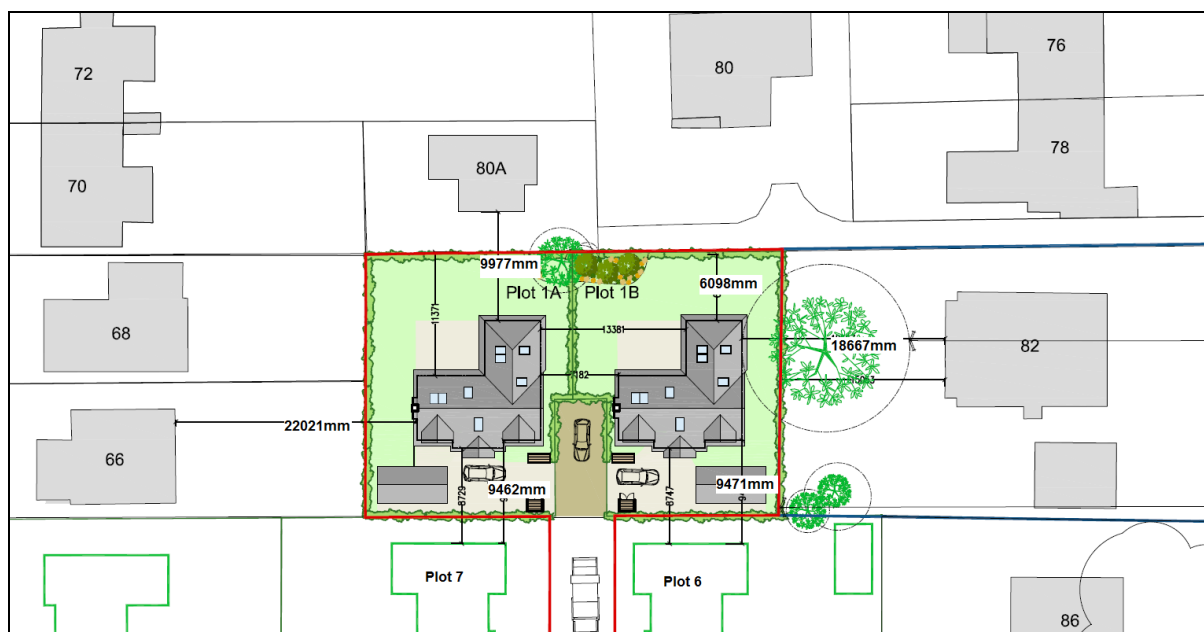
The rear elevation of No 82 Britford Lane to the north of the site will face towards the north elevation of plot 1B.

No 80A Britford Lane to the west of the site is a single storey dwelling approved under application 16/02342/FUL and the side (east) elevation facing towards the proposed development site has a ground floor sunroom and landing window only on the east elevation and faces the rear elevation of plot 1A.

The front elevation of No 80 Britford Lane faces the development site (the rear elevation of Plot 1B).

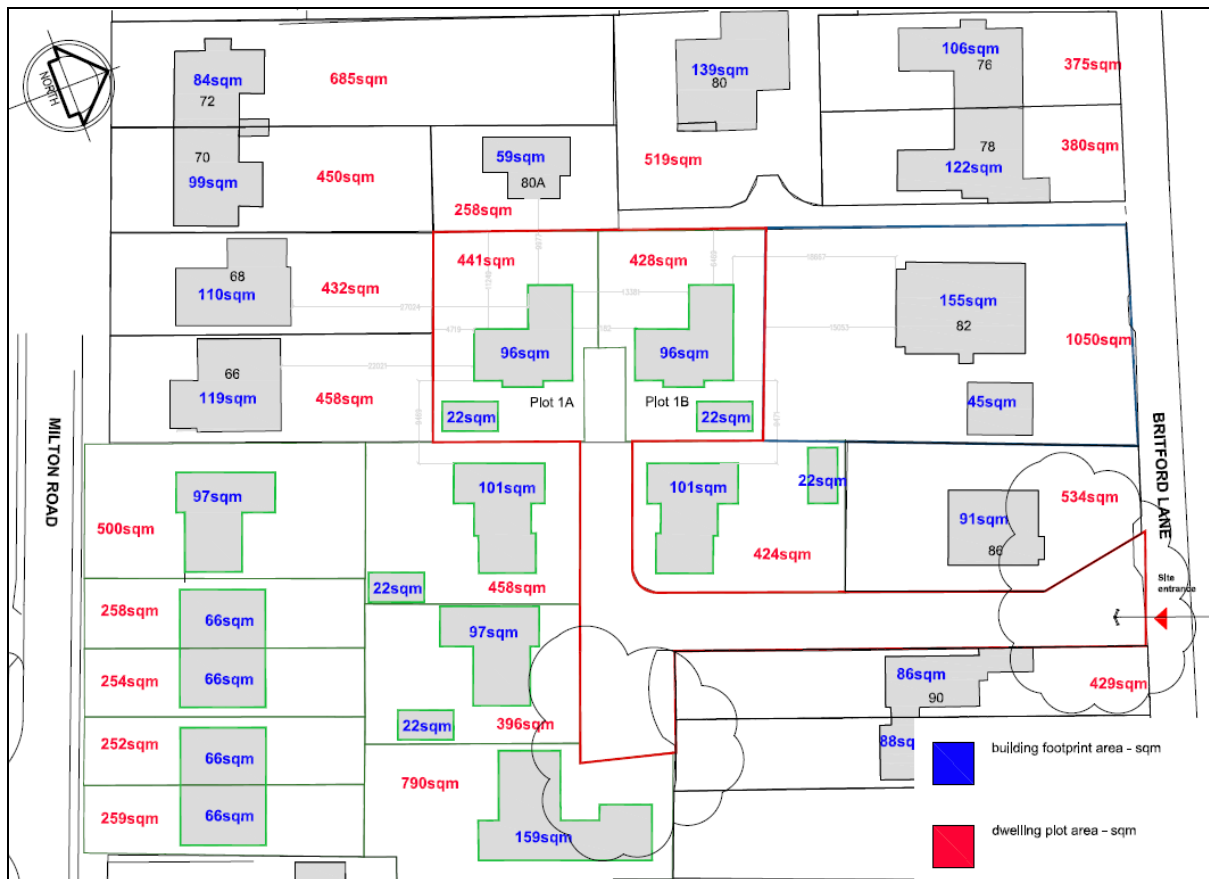
The dwellings approved under 16/05521/FUL include plots 6 and 7 along the east boundary of the site. Plots 6 and 7 are designed with only utility room access door and WC window at ground floor and bathroom/ensuite windows at first floor levels on the west facing elevation towards the front elevations of the proposed dwellings.

The block plan shows the distances between the dwellings surrounding the site:



It is considered that by reason of the distance between existing dwellings, their chalet style design with accommodation set within the roofslope (rather than full height two storey eaves), position of fenestration and with rooflights only proposed on the north, south and west facing roof slopes that the proposed scheme will not result in undue overlooking or overbearing impact upon outlook that would substantiate a reason for the refusal of the application.

The application documentation also includes a comparison plan of plot areas in the vicinity of the site:



Both dwellings have outside amenity space; such it is considered that appropriate levels of amenity are achievable within the development itself.

It is considered the proposed development would not result in an overdevelopment of the site and would not unduly disturb, interfere, conflict with or overlook adjoining dwellings to the detriment of existing occupiers.

It will however be necessary to remove otherwise permitted development rights for extensions and for additional windows above ground floor level to ensure that neighbouring amenity will be maintained.

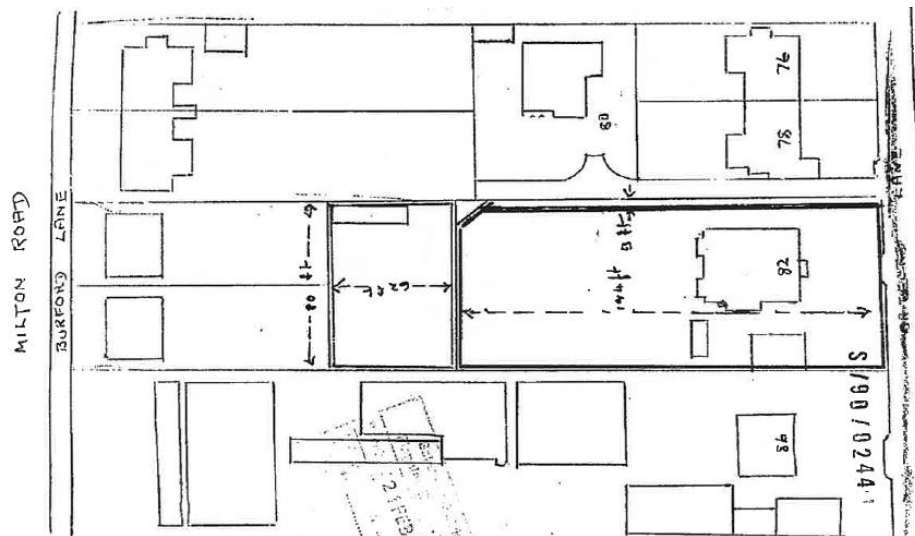
#### 9.4 Highway considerations

Outline planning permission was previously refused for development of this site with a bungalow under application S/1990/0244:

- (1) *The proposal would result in backland development which would be undesirable because of the unsatisfactory access and the adverse effect on the occupiers of the neighbouring property*
- (2) *Having regard to the size and shape of the plot and its relation to adjoining development, the proposed development would be detrimental to the visual amenities and the quiet enjoyment of the adjoining properties and its occupiers*
- (3) *The proposed access to the site is inadequate and its use would be detrimental to highway safety.*

This earlier application differed to that now proposed as it was only submitted in outline with no details of the proposed dwelling and only a very narrow access was proposed between Nos 78 and 82 Britford Road:





This application now proposes to utilise the access approved under the adjacent Nursery site.

The highways authority has confirmed that Britford Lane is a byway open to all traffic and has raised no objections to the proposed scheme subject to conditions (that the first 10 metres of the access at Britford Lane is consolidated and surfaced; a scheme for discharge of surface water from the access/driveway; and the access and vehicle turning area to be provided and maintained).

The proposed development is considered acceptable in terms of access, parking and turning provision, and would not be prejudicial in terms of highway safety.

### 9.5 Ecology

The application includes an ecological survey report which concludes that no protected or priority species were identified during a survey of the site and that the garden is of low ecological interest. The Council's ecologist has no comments to make on the application.

### 9.6 Archaeology

The Council's archaeologist explains that the site is of archaeological interest with significant archaeological findings nearby; including Bronze Age barrows with human remains just to the south-west and has recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out as part of any development.

### 9.7 Sustainable Construction

The WCS' key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41- Sustainable Construction which specifies sustainable construction standards required for new development.

For new build residential development the local planning authority is now seeking energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes via planning condition.

## **9.8 S106 obligations and CIL**

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department. If the application were to be approved, an informative would be added advising that the development would be subject to CIL.

The proposal results in a net gain of 2 residential units. However, in line with recent government guidance, taken by itself, the small scale proposal would not generate the need for S106 contributions. The large adjacent development to which it is intrinsically linked was subject of a viability appraisal, and it is understood that this was not subject to any S106 contributions. Thus, in this case, it is considered that no additional contributions are sought.

## **10. Conclusion**

Subject to conditions it is considered that the proposed re-development of the site will not have adverse impacts to the character and appearance of the area, residential amenity or highway safety.

### **RECOMMENDATION: APPROVE, 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) The development hereby permitted shall be carried out in accordance with the following approved plans:

Arboricultural Impact Assessment and Method Statement dated 19/09/2016, including Tree Protection Plan GH1652b, received by this office 21/09/2016

Plan Reference: P16-065 02-02-003, dated August 2016, received by this office 21/09/2016

Plan Reference: P16-065 02-03-001, dated August 2016, received by this office 21/09/2016

Plan Reference: P16-065 02-03-002, dated August 2016, received by this office 21/09/2016

Plan Reference: P16-065 02-05-001, dated August 2016, received by this office 21/09/2016

Plan Reference: P16-065 02-05-002, dated August 2016, received by this office 21/09/2016

Plan Reference: P16-065 02-02-002A, dated 07/11/2016, received by this office 11/11/2016

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

(3) No development shall commence on site until the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

(4) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

(5) No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

(6) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The site includes the adjacent former Nursery Site and this condition is necessary to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

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

REASON: To ensure that the site access is laid out and constructed in a satisfactory manner.

(8) No part of the development hereby permitted shall be first occupied until the access and vehicle turning area has been completed in accordance with the details shown on the approved plans. These areas shall be maintained for these purposes at all times thereafter.

REASON: In the interests of highway safety.

(9) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

(10) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.  
REASON: In the interests of amenity.

(11) The development shall be completed in accordance with the Arboricultural Impact Assessment and Method Statement dated 19/09/2016, including Tree Protection Plan GH1652b, received by this office 21/09/2016.  
REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.  
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.

(13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows, rooflights or dormer windows inserted above ground floor level in the roofslopes or gable ends of the dwellings.  
REASON: To secure adequate standards of privacy for the occupants of neighbouring premises.

**INFORMATIVE: Private Property/Access Rights**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

The applicant is advised to consider the third party comments re private rights and the developers should satisfy themselves/resolve matters before development commences. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

**INFORMATIVE TO APPLICANT: Community Infrastructure Levy**

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  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

**INFORMATIVE TO APPLICANT: Archaeology work**

The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

**INFORMATIVE TO APPLICANT: Dorset & Wiltshire Fire & Rescue**

The applicant should be made aware of the letter received from Dorset & Wiltshire Fire & Rescue Service regarding advice on fire safety measures. This letter can be found on the application file which can be viewed on the council's website against the relevant application record.

**INFORMATIVE TO APPLICANT:**

No burning of waste or other materials should take place on the development site during the demolition/construction phase of the development.