

<b>Deadline</b>	<b>17<sup>th</sup> December 2008</b>		
<b>Application Number:</b>	<b>S/2008/1806</b>		
<b>Site Address:</b>	<b>ELM GROVE FONTHILL BISHOP SALISBURY SP3 5SH</b>		
<b>Proposal:</b>	<b>PROPOSED DEMOLITION OF A DETACHED DWELLING AND ERECTION OF TWO PAIRS OF SEMI DETACHED DWELLINGS TOGETHER WITH ASSOCIATED DRAINAGE WORKS</b>		
<b>Applicant/ Agent:</b>	<b>PEGASUS PLANNING GROUP</b>		
<b>Parish:</b>	<b>FONTHILL BISHOP - NADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>393.645</b>	<b>32.994</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>	<b>FONTHILL BISHOP</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MR A BIDWELL</b>	<b>Contact Number:</b>	<b>01722 434381</b>

**Reason for the application being considered by Committee:**

The Director of Development Services does not consider it prudent to exercise delegated powers, as the recommendation is not strictly in accordance with saved policy H19 of the adopted Salisbury District Local Plan.

**1. Purpose of Report**

To consider the above application and to recommend that for the following matters:

- (i) That two of the dwellings tied to the estate as Local Occupancy housing
- (ii) That two of the dwellings are restricted by reason of an occupancy condition at first occupation
- (iii) That the area of land to the immediate east of Elm Grove, shown in crosshatch on plan Drawing No: 1114/20K, is returned to agricultural use
- (iv) That the appropriate commuted sum in relation to recreation provision under policy R2 is paid

Following completion of a Section 106 agreement within three months of the date of the decision, planning permission be GRANTED

***Neighbourhood Responses***

No letters of support or objection have been received.

***Parish Council Response***

No comments have been received from the Parish Council

## 2. Main Issues

The main issues to consider are:

- Principle of development/sustainability
- Visual appearance design and materials
- Impact on character and appearance of the Conservation Area
- Impact on AONB
- Drainage
- Section 106 issues and way forward

## 3. Site Description

The site is located within the centre of the settlement of Fonthill Bishop at the junction of the main B3089 road with the C class road going off in a westerly direction towards the A303. The site is comprised of a large residential curtilage on which stands Elm Grove and a domestic garage building and shed. The site is part of the wider Housing Restraint area which covers most of the settlement and is within the Area Of Natural Beauty.

## 4. Planning History

Non of relevance affecting this site

## 5. The Proposal

This application will result in the demolition of an existing dwelling known as Elm Grove and its replacement with two pairs of semidetached dwellings. The application also includes the change of use of part of the existing garden to Elm Grove back to agriculture.

## 6. Planning Policy

The following policies are considered relevant to this proposal:

### *Adopted Salisbury District Local Plan*

Policy H19	Housing Restraint Area
Policy C2	Development in the countryside
Policy CN8	Conservation Areas
Policy C5	Development within the AONB
Policy G8	Groundwater Source Protection Areas

### *National Planning Guidance*

Planning Policy Statement 7	Countryside and the Rural Economy
DETR Circular 03/99	Planning Requirements in respect of the Use of Non-incorporating Septic Tanks in New Development.

## **7. Consultations**

### ***Parish Council***

No comments have been received

### ***Highways***

Conclude that this development will not have any significant impact on highway safety and no objections are raised. A condition should be added to ensure that the first 5 metres of the access is properly consolidated prior to first occupation of any of the dwellings.

### ***Environment Agency***

No objections raised but offers standing advice relating to Circular 03/99 (Planning requirements in respect of the Use of Non Mains (private) Sewerage incorporating Septic Tanks in new development) and advises that standard informative and note be added.

### ***Wessex Water***

No objections raised but advise that the council should be satisfied with any arrangements for the disposal of foul and surface water

### ***AONB***

Concerns related to 'amongst other things', a lack of consideration of the AONB within the application documentation, the scale and design overall, the use of different materials on the two buildings and lack of space for recyclable materials and the loss of hedgerow and trees have been raised. Also that in the interest of sustainability, half of the cottages should be affordable.

### ***Conservation***

The scheme has been revised following comments of 14<sup>th</sup> April 2010, and since meeting with the applicants in July. I am now satisfied, on balance, that the scheme that has been produced would not adversely affect the character of the conservation area.

Conditions are suggested for large scale detailed plans for the windows to ensure satisfactory details are agreed, and that cills and lintels should be natural stone.

### ***Salisbury Civic Society***

The society objected to the original proposal via letter dated 25/11/08. No further comments have been received in relation to the amended scheme.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date original consultation site and press notice 27/11/08 and neighbours 14/11/08  
Amended scheme consultees and neighbours 14/11/10

No letters of support or objection have been received.

## **9. Planning Considerations**

### ***9.1 Principle of development/sustainability***

#### *Local Plan Policy:*

This proposal affects a site that is defined in the adopted Salisbury District Local Plan as an area of "Housing Restraint". As such policy H19 (see above) is a weighty material consideration. Policy H19 seeks to ensure that restraint is applied in designated areas primarily in terms of the extent of new additional development proposed, the avoidance of the loss of important open spaces and characteristic features including hedgerows trees walls etc and that proposals will be in keeping with neighbouring properties. However, policy H19 is very specific in that it limits the amount of replacement development to (amongst other things) a single dwelling. Therefore, at face value the proposal being for 4 dwellings could be considered as contrary to policy H19 and moreover, is a departure from it. There are no local facilities services or shops etc which would otherwise support developments for dwellings on a scale such as this. Clearly proposals must be suitably restrained to accord with policy H19. However, Policy H19 is a policy that allows for a replacement dwellings and as such one of the four dwellings is in accordance with policy. In addition it would normally be considered acceptable to allow for one additional dwelling when, for example, a single dwelling is replaced by a pair of semidetached dwellings in a housing restraint area. As such it is considered that the proposal will in essence result in a net increase of two dwellings which are contrary to the letter of policy H19 but considered to be within the spirit of the policy as in paragraph 4.48 of the supporting text.

#### *National Planning Policy:*

However, in addition to local plan policy the national planning framework seeks to ensure that (amongst other things) Sustainability of development is achieved particularly in rural areas such as this. Planning Policy Statement 7 (PPS 7) is where the national policy objectives or, "Key Principles" for rural areas is set out. These objectives or, "key principles" support the need to protect the rural economy through appropriate sustainable development relating to both economic development and opportunities provided by rural housing which can help to create balanced communities.

#### *Paragraph 2 of PPG 7 includes that:*

"Planning policies in Regional Spatial Strategies (RSS) and Local Development Documents (LDDs) should facilitate and promote sustainable patterns of development and sustainable communities in rural areas. This should include policies to sustain enhance and where appropriate revitalise country towns and villages including through the provision of affordable housing and for strong diverse economic activity whilst maintaining local character and a high quality environment. To ensure these policies are relevant and effective local planning authorities should be aware of them circumstances needs and priorities of the rural communities and businesses in their area and of the interdependence between urban and rural areas", moreover, paragraph 4 of PPS7 also includes that: Planning authorities should set out in Local Development Documents (LDD) their policies for allowing some limited

development in or next to rural settlements that are not designated as local service centre's in order to meet local business and community needs and to maintain the vitality of these communities. In particular authorities should be supportive of small scale development where it provides the most sustainable option in villages that are remote from and have poor public transport links with service centre's.

*Local Economic Context:*

This application includes a number of documents that seek to justify the proposal particularly in a local economic context. The applicants have provided the following in order to demonstrate the benefit of the proposal in a local economic context.

*'By way of background, the Fonthill Bishop Cottage Trust is part of the Fonthill Estate. The Estate owns some 9.000 acres centred on Fonthill Bishop and mainly comprises farming and forestry operations. However the Estate is also typical of many such Estates in also operating a diversity of rural activities to support its core business many of which fully accord with the objectives of sustainable development in supporting the rural economy. These include rural employment opportunities, rural sporting activities and limited tourism opportunities.*

*With regard to rural employment, the Estate has secured planning permission for the conversion of a range of rural buildings in a number of locations on the Estate approaching 100.000 sq ft. This includes commercial premises in the form of B1 or B8 type units across the area in Chicklade, Fonthill Bishop, Berwick St Leonard and Tisbury. In those premises there are over 40 businesses employing approximately 200 people at the current time many living in the local area and thus are locally employed.*

*The Estate own about 100 houses which are used to support the estates interests. Occupation of these houses is varied and includes estate employees, retired Estate employees (some on protected tenancies), short term lets for local non Estate employees and holiday lets.*

*The application proposals will accommodate a range of potential occupiers from single households to families. This will increase flexibility for the Estate in supporting its rural business interests and will also enable the Estate to respond to a wide range of local housing needs.*

*Clearly beyond the Estate s boundaries other business and rural enterprises exist whose employees may be able to take advantage of the opportunity provided by the additional housing proposed in this application'.*

It is considered to be evident therefore that there is a local economic context to this proposal. Furthermore, given that there are a number of rural based employment opportunities within close distance of Fonthill Bishop, it would be unreasonable to conclude that for reasons other than location, this proposal does not support the key sustainability/community principles set out in PPS 7.

Consideration should thus be given to whether there are other important material considerations that could provide a way forward. In this case negotiations have centred on how the benefits of the proposal to the local community can be secured in order that they may be considered as outweighing the fact that the settlement lacks facilities such as a school and public house. This proposal is the subject of section 106 agreement which seeks to ensure that the benefits of the proposal are secured and that they inure in perpetuity. The details of the

agreement are set out in Purpose of Report section above.

In combination with the section 106 agreement and on balance, there is no objection to this proposal in principle and thus the relevant remaining planning consideration should centre on detail.

## **9.2 Visual appearance, scale, design and materials**

### *Background:*

This proposal has been the subject of negotiation over a long period of time. The negotiations have been a culmination of measures and several amendments to try and address initial concerns with the proposal related to justification for the loss of the existing dwelling, the overall design and materials proposed, the positioning of the dwellings on the site and a desire to retain existing characteristics including hedgerows boundaries. The need for these negotiations have stemmed from comments received from the consultees (summarised above) but particularly the conservation team and the AONB office.

Members' attention is drawn to the result of the negotiations in the form of amended Plans and covering letter dated 31<sup>st</sup> August 2010. These amended plans illustrate that the proposal has been redesigned to reflect the characteristics of neighbouring estate cottages and the location within the Fonthill Bishop Conservation area and the wider AONB.

### *Scale:*

Previously the proposed dwellings were considered to have an excessive scale in relation to neighbouring cottages and in terms of both height and width. Amendments have been made setting ridge height at approximately 14 metres and width at approximately 7 metres. The proposed cottages are now the same scale (i.e. 94 sq metres) as most other estate cottages. The effect of this is to significantly reduce the frontage of the scheme by the equivalent of half of one property over that previously proposed. This has resulted in an acceptable scale whilst giving the proposal a more appropriate squarer, regular and simpler appearance.

### *Design/Site Position:*

The latest changes to design has allowed for the dwellings to be located as two pairs of semi detached properties set out in one plane and for them to be set back from the road. Previously the design would have resulted in a "dog leg" form which was considered as out of character with the surrounding dwellings and the form of the settlement generally. The latest changes have also repositioned the dwellings further back in to the site so that the gardens form the road frontage and not the dwellings as previously proposed. This change is considered to be key in achieving a characteristic that properly respects the spatial characteristics of the existing settlement and an important aspect of the Conservation Area. This positioning has also ensured that the existing front boundary hedge can remain which itself is considered to be a visually important feature of this settlement.

### *Elevations:*

The latest changes to the proposal have resulted in a simplified elevation treatment. The elevations have been simplified to reflect the elevation and chimney treatment of the Estate cottages to the east considered to be particularly useful in setting a design context in this case.

The changes have resulted in brick detailing on the central gables, single central chimney stacks, fenestration arrangement and location of the front doors that give both simplicity and formality to the cottages.

*Materials:*

Initially discussions centred on the possibility of using Ashlar stone in the materials mix but, officers considered that this would result in an uncharacteristic formal appearance not normally found in Estate cottages. The applicants clarified that as the properties are to be retained within Estate control that a combination of increased construction costs as a result of using Ashlar together with a reduction in rental value and capital value due in part to the officer advice requiring that the units should be reduced in size, has made the project much more commercially sensitive. Whilst these matters do not override the objective to achieve a well designed development of visual quality, as officers did not support the use of Ashlar but were seeking a more traditional cottage appearance, it was considered that a smooth faced stone could be used at the front of the cottages with random coursing, whereas rubble stone would be used at the rear and sides.

The roof materials are to be clay plain tiles and both pairs of dwellings will have centrally located brick chimney stacks. All barge boards / fascia detail will be timber painted Estate green. Window and door joinery will be painted soft wood in a colour to be agreed via conditions.

*Parking Provision:*

In addition the latest changes have allowed for an amendment to the layout providing the opportunity to relocate and increase the proposed car parking serving the development. The number of spaces is now increased to 8 and this number is in accordance with standard requirements set out in the appendix to saved policy TR 11 of the adopted Salisbury District Local Plan. The parking area is now considered to relate physically well to the existing access and activity associated with the Estates farming activities to the west of the site. This access is existing requires no alterations and has removed the need to form a new vehicular access to the site.

On balance the materials now proposed will result in a more appropriate use of materials better suited to the visual characteristic of small estate cottages and the settlement overall.

**9.3 Impact on character and appearance of the Conservation Area**

Since the application was submitted in October 2008, ongoing consultations have taken place with the conservation officers regarding design concerns with the proposal overall. Other than this latest scheme, the proposal has been to the Design Forum on two occasions. Firstly the scheme was not met with favour as it was considered to have an unacceptable design out of keeping with the scale and visual character of the settlement and that materials were formal making the buildings to prominent and not cottage like. On the second occasion the design forum felt that the alterations before them had not addressed the earlier concerns and thus the scheme was not supported by them. However, the proposal now under consideration is considered to be a well thought through satisfactory solution to the previous concerns resulting in an appropriate form of development.

A further point that has now been addressed is the matter of the proposed loss/demolition of the existing dwelling on the site. The conservation officers had advised that the existing dwelling Elm Grove, whilst being non-descript it was nevertheless considered to make a positive contribution to the conservation area. As such any proposal to demolish it would only be acceptable if the buildings to replace it made at least an equal contribution to the character of the conservation area.

The planning statement submitted with the application puts forward the case for the demolition of the building on the basis that it is architecturally stark in contrast with the rest of the village (due to it being constructed of brick), and that it does not meet modern living standards. Whilst it was accepted that brick walls did not reflect the character of the other stone buildings in the village, it was felt that it is part of the mix within the village and that it made a positive visual contribution for other reasons. These include (amongst others) that it has sliding sash windows and a steeply pitched roof suggesting that in this case the building is likely to date from the early 20<sup>th</sup> century.

In response to this the applicants have commented on the role and relationship of Elm Grove to the Village in the following way; it is of a design which is neither vernacular in appearance or texture or has an historical provenance which is linked to the Estate. Furthermore they state that it has been demonstrated from plans and photos that the Elm Grove falls on land which was previously developed for at least one dwelling possibly more which almost certainly would have been of a design reflecting local styles given the morphology of the village.

Also that the application can achieve a reduction of garden land by returning part of this land to agriculture and it will effect the removal of two large outhouses sheds on the site. Furthermore the dwelling and domestic curtilage is subject to the normal Permitted Development Rights even within the AONB and comprises an open market house currently with no restrictions compared to the scheme which is now being offered in the amended proposals. Elm Grove is now vacant the last tenant having vacated the property due to damp and poor living conditions. The building has the following problems:

- The property was not constructed as a quality product and has remained an Estate dwelling needing some of the highest levels of maintenance.
- The property is constructed in solid 9 inch brickwork and damp is rife through the property. There is mould on the walls to the ground floor rooms when furniture is put against the wall.
- Controlling damp in this type of construction is expensive and is rarely a cost effective long term solution.
- The roof leaks and has no felt.
- The property has no damp proof course.
- The gas supply to the property is not up to inspection and has been disconnected.
- The property has single glazed sash windows which are draughty.
- The porch had to be removed as it was falling down.

All properties have a finite life and in this case and the costs of retention and maintenance have to be balanced with the opportunity available to replace it with a sustainable energy efficient scheme as can be achieved in this case. Had the property performed a clearly valuable visual and functional role within the Conservation Area, the balance in determining the benefit of its removal and replacement would be more evenly weighted. However in this case and bearing in mind the offer of affordable housing for 2 of the proposed dwellings we submit that the



benefits in retaining the property is outweighed by its condition and its conflicting contextual character and relationship with its surroundings.

Whilst this issue remains a matter of some debate, based on the much improved details of the amended proposal and the acknowledgement that the proposal overall is now acceptable subject to the conditions recommended in 7 above, the conservation officer has been able to conclude that the proposal would not adversely affect the character of the conservation area. Therefore the proposal is considered to be acceptable from a conservation point of view.

#### **9.4 Impact on AONB**

The site is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding natural Beauty (AONB). As such consultations have been carried out with the AONB office who have not wholly objected to the proposal but had raised significant concerns as set out above. However, the most recent consultation with the AONB office has resulted in a less critical response to the latest proposal. This is considered to be as a result of the ongoing negotiations and subsequent amendments to the proposal, ensuring that most of the objectionable elements have been mitigated. However, the AONB remain of the opinion that the scheme does not address the matters of providing space for separate storage of recyclables and that only minimal space to the rear of the properties is provided.

However, whilst limited concerns remain, the latest plans illustrate that the hedge row will remain, that the materials and design are now acceptable unifying the cottages with nearby estate cottages whilst providing adequate allocated space for recyclables and parking. All of these elements of the proposal are clearly set out on plan "Drawing Number 1114/20K submitted as part of the latest proposal.

The matter raised in relation to the minimal space to the rear of the cottages refers that if more space were provided by extending the rear boundary out, the opportunity would arise for more realistic tree / hedgerow planting that would be less likely to impinge on the buildings. The cottages have been positioned to the back of the site in order to achieve key design and spatial characteristics considered to be necessary (see sections above). Whilst this has resulted in the cottages being nearer to the proposed hedge, any impact from the hedge on the cottages is only potentially likely in relation to cottage 4. Cottage 4 is some 1.5 - 2 metres away from the boundary and although tight, this is not considered to be likely to cause problems. Furthermore. The estate as owners will be responsible for maintaining the buildings and as such will be able to manage the hedge to avoid problems.

The hedge to the rear will also have several trees planted within it which will be allowed to grow up adding to the overall rural characteristic of the site. Furthermore the existing large Chestnut tree at the front of the site off the southern edge of the parking area will also be retained.

A further element of this proposal that is considered to support the desire to protect the character of the AONB is the change of use of a large area of garden to the east of the site formerly part of the garden to Elm Grove. This former garden area will be placed back in to agricultural use which in itself is welcome as it will, without doubt, assist in maintaining the overriding character of the AONB as countryside. Whilst this change of use is part of the proposal it is nevertheless considered necessary to ensure that this change occurs and thus, it will be a provision of the section 106 agreement.

For the reasons set out above it is considered that a combination of the latest amendments to the scheme and the provisions of the Section 106 agreement will ensure that the character of the AONB is not unreasonably affected by this proposal.

### **9.5 Drainage**

The application is within a source protection site where careful consideration must be given to all forms of drainage. The Environment Agency (EA) has been consulted in relation to this current application and has not raised concerns but, has offered standing advice. The standing advice is in accordance with Circular 3/99 (Planning requirements in respect of the Use of Non Mains (private) Sewerage incorporating Septic Tanks in new development). In this circular septic tanks are described as the least favoured option for drainage and that connection to a main sewer should always occur whenever possible unless the applicants can provide good reasons as to why this is not feasible. Fonthill Bishop is not served by a mains sewer and thus connection is not a feasible option.

#### *Foul Water Disposal:*

On the matter of drainage the applicants clarify that the application red line boundary includes land which was originally proposed to accommodate engineering operations associated with a proposed treatment plant which would replace the current inadequate septic tank serving Elm Grove. However, since this application was submitted planning permission has been granted for a new treatment plant to serve other nearby Estate dwellings. This treatment plant is located to the west of the site on land just inside the entrance to Kingstead Farm. The Estate has decided to link the drainage for the proposed 4 dwellings to this new treatment plant rather than use a separate treatment works which they consider to be an added advantage and a significant improvement over the current position of a septic tank to serve Elm Grove.

The treatment works referred to were approved in 2009 under application reference S/2009/0144. At the time of consideration of this application the applicants Fonthill Estate, had considered the possibility of connection of several properties including Elm Grove to it. The capacity of the works / tank was thus, calculated to be more than adequate for the estates requirements at the time and also for future requirements including this current proposal. At the time of the application for the works, the Environment Agency (EA) was consulted and was satisfied with all the works related to the tank and the capacity of it.

In the absence of any clear objections from the EA and as the proposal will connect to the new treatment plant recently approved which is itself fully licensed and has spare capacity, there are considered to be no objections to the proposal from a foul water point of view.

#### *Surface Water Disposal:*

Wessex Water has also been consulted and no objections have been raised. Wessex water has advised that the council should be satisfied with any arrangements for the disposal of foul and surface water. The applicants propose the use of soakaways for surface water though exact details of them have not been included within the application. However, the use of soakaways is normal practice in Fonthill Bishop and thus to achieve a suitable details for the soakaways should be simple. A condition will be imposed to secure satisfactory details before any of the proposal is commenced.

## **9.6 Section 106 - Issues and way forward**

Extensive negotiations have been undertaken at both pre-application and application stage. The negotiations have resulted in a proposal to replace an existing dwelling on the site with two buildings each providing two dwellings.

However as this site is within a settlement where development should be tightly restrained, negotiations have focused on whether the applicants (Fonthill Estate) would be prepared to accept an additional level of tenure control in the form of non market local housing for rent. Although the village lacks facilities it does have a number of sources of employment in converted rural buildings, both within the village and within walking distance of Berrick St Leonard. It would thus be in the interest of sustainability to restrict the occupancy to people employed locally. This restriction will effectively ensure that rents for the properties are below open market levels making them in this way affordable.

It is considered that two of the proposed four dwellings should be restricted in their occupation. The application supporting statement sets out the Estate's intention to control and retain ownership over the properties and has proposed to link ownership of the dwellings to the Estate. This form of control is common practice with estate property.

The applicants have clarified that with regard to the affordable housing element, the Estate is willing to agree to this form of tenure applying to 2 of the 4 proposed cottages. This will be on the basis that it controls occupation of the cottages but is happy to define the type of worker or employee who would be eligible in agreement with the Council. As no registered social landlord (RSL) is involved this is more akin to an occupancy condition related to local business rather than a traditional affordable housing approach. This agreement would inure in perpetuity included within the section 106 agreement.

The applicant's further comment that restriction of occupation within the market will by default result in lower levels of rental income than would be the case with open market housing. Again the Estate would not wish to define rental levels or subsidies as it may be that the properties are used occasionally by a range of rural workers on different levels of income. The properties should therefore be viewed in the context of the Estate's wider property portfolio which it manages as part of its business except that the occupation of the tenants can be controlled and may not necessarily be directly employed by the Estate. However, the applicants have pointed out that it is not inconceivable that from time to time all four dwellings may be occupied by tenants on low incomes as the Estate manages its property portfolio.

### ***Saved Policy R2***

In accordance with Policy R2 of the Adopted Salisbury District Local Plan (June 2003) the provision of recreation facilities must be considered for all proposals for new residential development. The proposed development involves the erection of 4 x 3 bedroom dwellings, but also includes the demolition of one existing 3-bed dwellings. As a result, a payment of £5,178.00 towards the provision of off-site recreational facilities has therefore been calculated to be required with this development pursuant to Policy R2 of the Adopted Local Plan. This will be secured via the Section 106 Agreement.

As a context the above provides what is considered to be a sound basis on which to develop a legal agreement as a way forward. The legal agreement will achieve key objectives of

sustainability by ensuring that two of the dwellings not only remain in the ownership of the estate but, are for rent to persons employed locally preferably estate workers, and that the remaining two are on first occupation restricted to persons currently or, formerly employed locally.

## **10. Conclusion**

It is considered that this revised proposal in combination with the Section 106 agreement, the local occupancy housing element in the scheme and the reduction of the existing domestic curtilage to Elm Grove by returning part of it to agriculture, effectively outweighs the restrictions on numbers of policy H19, with which it otherwise complies. A reduction in the scale of the properties and a design solution (in terms of layout and appearance and use of materials) which reflects the character of nearby estate cottages, the improved level of on site parking and the landscaping retaining and improving upon the existing characteristic hedgerow boundaries means the proposal will result in an acceptable form of development that is considered to comply with policies C2, CN8, C5, G8, and H19, by resulting in replacement dwellings that:

(i) Will not adversely impact on the character of the settlement designated as a housing restraint area

(ii) There will be no loss of important open spaces which contribute to the special character of the area

(iii) Loss of features such as trees, hedges and walls, which contribute to the character of the area will be kept to a minimum

(iv) The development will be in keeping with character of the neighbouring properties.

## **RECOMMENDATION**

**That following completion of a legal agreement to secure the following provisions:**

(i) That two of the dwellings tied to the estate as Local Occupancy housing

(ii) That two of the dwellings are restricted by reason of an occupancy condition at first occupation

(iii) That the area of land to the immediate east of Elm Grove, shown in crosshatch on plan Drawing No: 1114/20K, is returned to agricultural use

(iv) That the appropriate commuted sum in relation to recreation provision under policy R2 is paid

**It is recommended the planning permission is GRANTED for the following reasons:**

This revised proposal in combination with the Section 106 agreement, the local occupancy housing element in the scheme and the reduction of the existing domestic curtilage to Elm Grove by returning part of it to agriculture, effectively outweighs the restrictions on numbers of policy H19, with which it otherwise complies. A reduction in the scale of the properties and a design solution (in terms of layout and appearance and use of materials) which reflects the character of nearby estate cottages, the improved level of on site parking and the landscaping retaining and improving upon the existing characteristic hedgerow boundaries, will result in an acceptable form of development that is considered to comply with policies C2, CN8, C5, G8, and H19, by resulting in replacement dwellings that, (i) will not adversely impact on the

character of the settlement designated as a housing restraint area, (ii) there will be no loss of important open spaces which contribute to the special character of the area,(iii) loss of features such as trees, hedges and walls, which contribute to the character of the area will be kept to a minimum (iv) the development will be in keeping with character of the neighbouring properties.

**And subject to the following conditions:**

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

(2) No development shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY- [CN 8 and G1 Salisbury District Local Plan]

(3) 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.

POLICY- [G1, CN8 Salisbury District Local Plan]

(4) No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

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

POLICY-[G1, CN8, Salisbury District Local Plan]

(5) No works shall commence on site until details of all new rainwater goods (which shall be finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

POLICY- G1, CN8 [Salisbury District Local Plan]

(6) No works shall commence on site until details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY- [G1, CN8 Salisbury District Local Plan]

(7) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use

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

POLICY-[G1, CN8 Salisbury District Local Plan]

(8) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY- [G1,CN8,C4 Salisbury District Local Plan]

(9) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size

and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY- [G1,CN8,C4 Salisbury District Local Plan]

(10) The development hereby permitted shall not be first brought into use 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.

POLICY- [G1 Salisbury District Local Plan]

(11) 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), there shall be no additions/extensions or external alterations to 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 external alterations and in the interest of the visual amenity of the conservation area..

POLICY- [G1 Salisbury District Local Plan]

(12)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), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofs of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY- [G1,CN8 Salisbury District Local Plan]

(13) 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the elevation(s) of the development hereby permitted.

REASON: In the interests of residential and general amenity.

POLICY-[G1,CN8 Salisbury District Local Plan]

(14) No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY-CN8,CN9 Salisbury District local Plan

(15) The development hereby permitted shall not be occupied until the approved sewage disposal drainage works have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

POLICY- [G6, G8 Salisbury District Local Plan]

(16) 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 water drainage has been constructed in accordance with the approved scheme.

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

POLICY- [G6, G8 Salisbury District Local Plan]

(17) The development hereby approved shall be carried out in strict accordance with the documents and plans submitted with the application set out in the list below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

Covering letter dated 31<sup>st</sup> August 2010

Location Plan: Drawing No 1114/26A and 1114/17B

Roof Plan: Drawing No: 1114/23C

West and East Facing Elevations Drawing No: 1114/21B and 1114/22D

Ground and First Floor Plans House 1,2,3,4 Drawing No: 1114/14/F

South Facing Elevation Drawing No: 1114/12H

North Facing Elevation Drawing No: 1114/16F

Site Sections Drawing No: 1114/27C

Site Plan Drawing No: 1114/20K

Reason: For the avoidance of any doubt as to the approved plans and details.

INFORMATIVE

If a new septic tank/ Treatment plant is the only feasible option for the disposal of foul water, or of there is an increase in effluent volume in to the existing system, an Environmental Permit may be required. This must be obtained from us before any discharge occurs and before any



development commences. The process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of an application. The applicant is advised to contact us on 08708506506 for further details on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

#### NOTE TO APPLICANT

If you want to discharge treated sewage effluent, to a river, stream, estuary or the sea and the volume is 5 cubic meters per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage to ground water via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you may be eligible for an exemption rather than a permit. Please note this Environmental Permit may be subject to an Appropriate Assessment under the Habitat Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a water course that is within or up to 3 km upstream of a SAC, SPA, Ramsar or SSSI. This may also apply if it is proposed to discharge into the ground (1) within 250m of a SAC, Ramsar or SSSI.

#### INFORMATIVE

Regarding water supply there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage. It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within or very near to the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

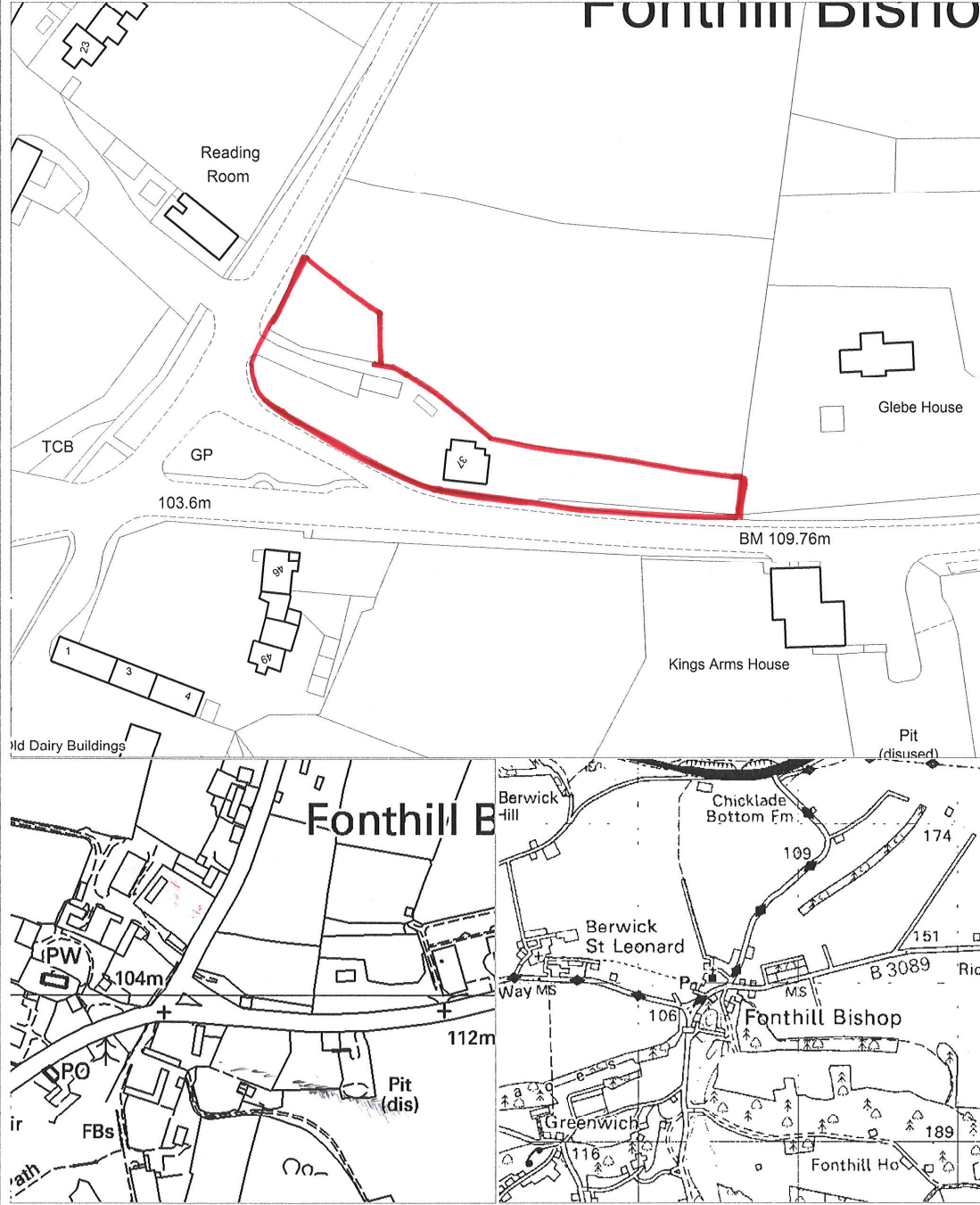
Wessex Water, Claverton Down Bath BA2 7WW Telephone 01225 526000

<b>Appendices:</b>	None
<b>Background documents used in the preparation of this report:</b>	None

PROPOSED DEMOLITION OF A DETACHED DWELLING AND ERECTION OF TWO PAIRS OF SEMI DETACHED DWELLINGS TOGETHER

S/2008/1806

Site Visit N/A



**Wiltshire**  
 Where everybody matters

### ELM GROVE FONTHILL BISHOP

SCALENTS DATE: 17/12/2010 13:33:58  
 Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100049050, Wiltshire Council 2009