

Date of Meeting	19/10/2017
Application Number	17/04897/FUL
Site Address	92 A Queen Alexandra Road Salisbury Wiltshire SP2 9LB
Proposal	Demolish existing & erect two No.3 bed houses & two No.2 bed bungalows with parking.
Applicant	Landmark Estates Limited
Town/Parish Council	SALISBURY CITY
Electoral Division	FISHERTON AND BEMERTON VILLAGE – (Cllr Walsh)
Grid Ref	412707 131301
Type of application	Full Planning
Case Officer	Lucy Minting

Reason for the application being considered by Committee

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

- Scale of Development.
- Relationship to surrounding property
- Car parking

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 and to consider 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 of development – Previous application/appeal decision
- Scale and design, impact to character and appearance of area and the living conditions of proposed and nearby properties
- Highway considerations - parking
- Sustainable construction
- Drainage
- S106 contributions & CIL
- Other issues

The application has generated 7 third party representations, and an objection from Salisbury City Council

3. Site Description

The existing dwelling is two storey and sited centrally within the site with two gated vehicular accesses from Wellington Way. There is a low level brick wall with railings fronting Wellington Way, close boarded fencing to the other site boundaries and a number of trees.

4. Planning History

Application ref	Proposal	Decision
16/10685/FUL	Demolish existing & erect 2 No. 3 bed houses & 2 No 2 bed bungalows with parking.	Withdrawn
16/06703/FUL	Demolition of existing dwelling & erection of five dwellings with associated access, parking and landscaping	Refused 16/09/2016 Appeal dismissed (Planning Inspector's report is attached at appendix 1)
S/2010/0653	Construction of 4 no. Houses and 2 no. Bungalows with parking & alteration to access. Existing house to be demolished	Refused 21/07/2010
S/1987/1407	O/l application - erection of bungalow	Refused 28/10/1987

5. The Proposal

Background:

Full planning consent was refused and dismissed at appeal for demolition of the existing dwelling and erection of 5 dwellings and associated parking, with vehicular from Wellington Way under 16/06703/FUL.

The Inspector's report to 16/06703/FUL is attached at appendix 1 and is a material consideration to this application. Of particular note is that the Inspector *'found no harm in respect of the character and appearance of the area, regarding parking provision, or as to the living conditions of future occupants'*, although the appeal was dismissed on the grounds of *'harm found as regards the living conditions of neighbouring occupants.'*

Revised scheme:

The revised proposal now under consideration is to demolish the existing dwelling and erect 2 three bedroom detached two storey dwellings to the Wellington Way site frontage with driveway to the side accessing 2 two bedroom single storey bungalows to the rear of the site.

9 car parking spaces are proposed (2 for each of the dwellings plus 1 visitor parking space).

6. Local Planning Policy

Adopted Wiltshire Core Strategy (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 57 – Ensuring High Quality Design and Place Shaping

Core Policy 60 – Sustainable Transport

Core Policy 61 – Reducing the need to travel

Core Policy 64 – Demand Management

Housing Land Supply Statement (March 2017)

Adopted Salisbury District Local Plan saved policies listed in Appendix D, of the Wiltshire Core Strategy:

R2 (Open space provision)

H8 (Salisbury Housing Policy Boundary)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework, Planning Practice Guidance

Supplementary Planning Guidance:

Councils Adopted Supplementary Planning Document 'Creating Places'.

7. Summary of consultation responses

Wiltshire Council Highways: No objections

Given the appeal comments on the previous application (paragraphs 14 to 16), we cannot realistically object to this current application.

Recommend the following conditions are attached to any permission (development shall not be first occupied until the parking spaces to plots 1 and 2 and the first 5m of the access drive have been consolidated and surfaced; the gradient of the access/parking areas shall not be at any point steeper than 1 in 15 for a distance of 5m from their junctions with the public highway; scheme for discharge of surface water from the accesses/driveway agreed and implemented prior to first occupation) and an informative advising the applicant that a licence will be required from the local highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Wiltshire Council Public Protection: No objections

Recommend condition to protect the amenity of nearby residents (hours of construction/demolition, dust management and no burning of waste).

Wiltshire Council Archaeology: No objections

There are no historic environment records in or in the near vicinity of the site. It is possible that the lack of archaeological finds might be due to a lack of previous archaeological work in this area. However, on the evidence available to me at present, I consider it unlikely that significant archaeological remains would be disturbed by the proposed development and so have no further comment to make.

Wiltshire Council Drainage: No objections

The site is in Flood Zone 1 and is not at risk of surface water flooding risk for 1 in 30/100 year events. The site is in an area known to be affected by high ground water levels.

Foul drainage disposal proposed to be to main sewer via an existing connection (note separate permission required from Wessex Water to divert any S105A public sewers crossing the site).

Storm water drainage disposal proposed to be via a soakaway (this could be an issue due to high ground water level – any soakaway MUST have at least 1m of unsaturated soil between the base of any soakaway and the agreed top water level of the ground water taking into account seasonal variations). Applicant may be able to make a connection to public storm sewer system in Roberts Road with separate permission from Wessex Water.

Recommend conditions (schemes for discharge of foul water and surface water to be approved).

Wiltshire Council New Housing: No affordable housing provision is sought

The thresholds for affordable housing have not been met and therefore we will not be seeking any affordable housing provision in this instance.

Salisbury City Council: Object

Overdevelopment of the site and parking is not fit for purpose.

8. Publicity

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

7 Third Party Representations were received, summarised as follows:

- Demolition of 1 and replacement with 4 dwellings is overdevelopment of the site
- Additional traffic generated and insufficient parking spaces which will add to existing parking issues/traffic congestion on Wellington Way (a busy cul-de-sac to some 90 dwellings)
- Concerns re obstruction of the public highway and private driveways during and post construction including obstructing access for emergency services vehicles
- Loss of fruit trees and magnolia tree although appn form states none
- Concern that old driveway between 90 and 94 Queen Alexandra Road will be used for access during/after construction works and it being unsuitable (insufficient width and access onto busy Queen Alexandra Road)
- Access to plots 3 and 4 could/should be via the driveway to Queen Alexandra Road once cleared of overgrown vegetation, easing traffic problems in Wellington Way
- Proposed dwellings in very close proximity of small garden, conservatory and rear windows to 21 Roberts Road (noise from vehicles, overbearing impact, loss of daylight/sunlight, loss of privacy and unsightly view) - Appeal decision supported these concerns
- Very little has changed with the current application from the previous dismissed appeal decision (due to harm to living conditions of neighbouring dwellings) other than the reduction of 1 unit
- Proposed dwellings closer to site boundaries (inc. No 9 Wellington Way) than existing dwelling
- Concerns relating to asbestos inspection/report/regulations if application is approved (this is a non-material planning consideration as covered under separate legislation)
- Concerns approved development may not be constructed in accordance with approved plans
- If approved, request condition controlling deliveries and hours of construction

9. Planning Considerations

9.1 Principle of development

Principle:

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.

Since the previous decision, the Housing Land Supply Statement has been updated (March 2017), with South Wiltshire having 5.69 years deliverable supply:

Table 2: Housing Land Supply relative to the housing requirement of the adopted Wiltshire Core Strategy.

Area	Housing requirement 2006-2026	Housing completions 2006-2016	Five year housing requirement 2016-2021	Deliverable supply 2016-2021	Number of years of deliverable supply
East Wiltshire HMA	5,940	3,153	1,394	2,319	8.32
North and West Wiltshire HMA	24,740	11,756	6,492	7,446	5.73
South Wiltshire HMA	10,420	4,594	2,913	3,316	5.69
Wiltshire HMAs	41,100	19,503	N/A	13,081	N/A
Swindon (within Wiltshire)	900	466	N/A	354	N/A
Wiltshire Total	42,000	19,969	N/A	13,435	N/A

N.B. In accordance with the National Planning Policy Framework, the Council apply the appropriate buffer to its 5-year supply. As the Council considers it requires a 5% buffer in each of its three HMAs, this equates to needing to show a 5.25 year supply of land to meet 5 years worth of requirement.

In addition to considering the acceptability of the proposals in principle; it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

The impact on the character and appearance of the area and the living conditions of proposed and nearby properties:

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 (paragraph 17) which include that planning should be genuinely plan-led, should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

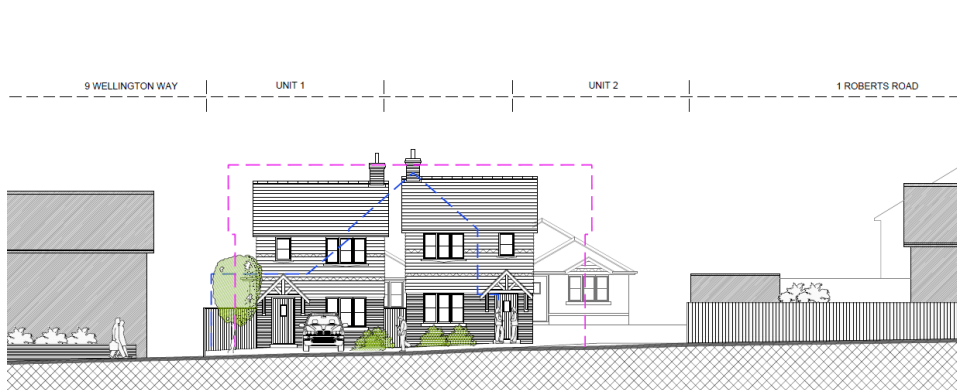
Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality and applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire. Development is expected to meet a number of related place shaping and design criteria in the policy and new development should enhance/bring a sense of character to the area as a whole.

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit ‘How the new dwelling(s) will relate to the context and to each other to create a particular place’.

The refused scheme proposed a terrace of 3 dwellings to Wellington Road, with a pair of detached chalet style dwellings (with accommodation within the roof space) to the rear. The extract from the street scene elevation plan below shows the terrace of 3 dwellings (previous scheme):



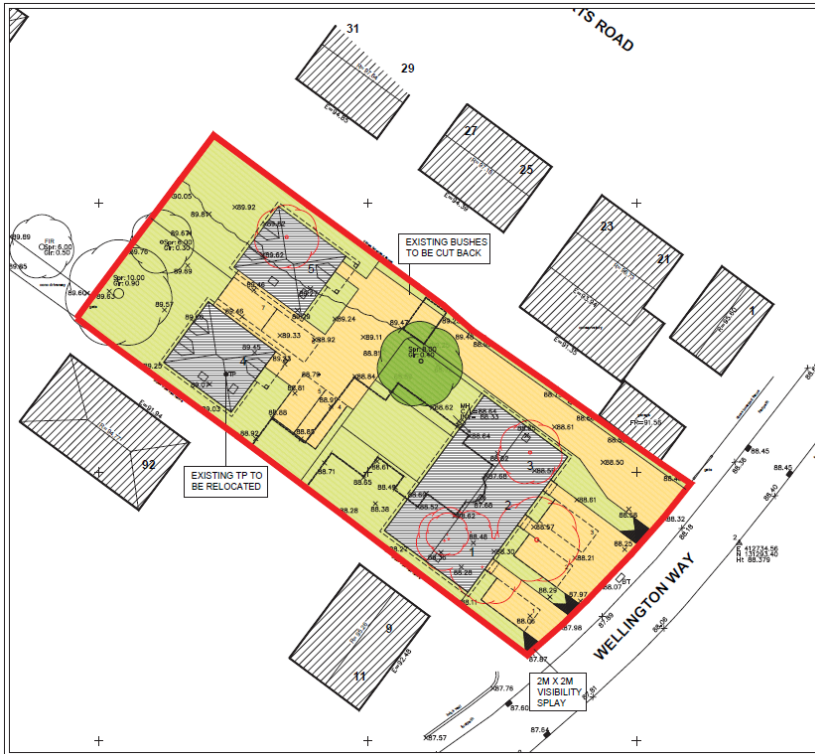
This revised scheme has reduced the number of dwellings to the site frontage to a pair of detached dwellings. The street scene elevation plan outlines the refused/dismissed at appeal scheme in dashed red lines and the existing dwelling in blue:



The Inspector considered that the difference in eaves/ridge height between No 9 Wellington Way and the terrace would not be visually jarring in the context of varying property styles and designs and the staggered building line of Wellington Way properties close to the appeal site; and that the layout retained room for soft landscaping to the site frontage, consistent with similar arrangements seen nearby, such that the inspector considered that the previous scheme would not harm the character and appearance of the area. It is considered that in light of this appeal decision, the revised scheme is also acceptable in terms of impact to the character and appearance of the area.

The Inspector considered that the built form of the previous scheme would be at the end of the relatively short gardens of Nos 21, 23, and 29 Roberts Way with a resultant enclosing effect, significantly impeding the outlook from the rear habitable rooms and the private gardens (particularly Nos 21 and 23 which have been extended at the rear and would have the full height gable end of unit 3 in very close proximity). The Inspector considered that this harm could not be overcome by the use of landscaping/high boundary treatments, or that the roof form of the rear units were not full 2 storey height.

Extracts from the site layout plans of the refused/dismissed at appeal scheme and the revised scheme are attached below:



Extract from layout plan of refused scheme



Extract from layout plan of revised scheme

These show that the revised scheme has moved the built development further from the site boundaries of the site (and neighbouring dwellings). The layout plan also shows the outline of the existing 2 storey dwelling in blue dashed lines.

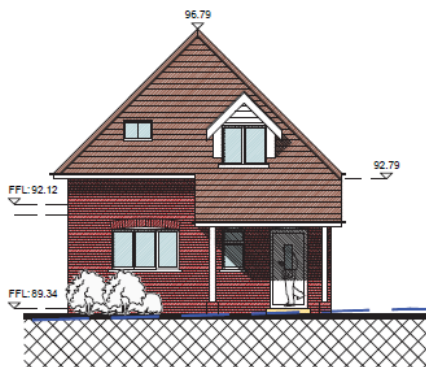
The Inspector did not consider any loss of outlook from the windows of No 9 Wellington Way would be materially harmful and although there would be some loss of outlook from and overshadowing to the side windows to No 92 Queen Alexandra Road, as these windows are non-habitable rooms, the effect would not be materially harmful.

The Inspector also considered that *'bearing in mind the limited numbers of cars which would use this access, any noise and disturbance which would result from use of this access would be at a reasonable level for a residential area.'*

Units 1 and 2 are set further forward than the existing dwelling to be demolished (as in the previous scheme, although as explained above the Inspector considered this was appropriate to the character and appearance of the area), and although units 1 and 2 are still closer to the side boundaries than the existing dwelling, this has been reduced in this revised scheme by removing 1 unit from the scheme.

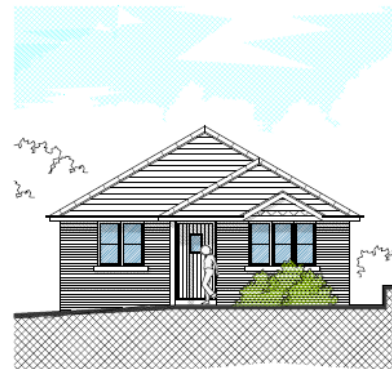
Subject to conditioning that the first floor windows in the side elevations of plots 1 and 2 being obscured glazed and top hung/restricted opening only; it is not considered that the revised scheme will have a significant impact now upon outlook from Nos 21 and 23 Roberts Road to substantiate a refusal of the scheme.

The revised scheme has also reduced the rear units to single storey bungalows only (with resultant lower eaves and ridge heights); such it is now considered that they will not have a materially harmful effect upon neighbouring amenity of the properties in Roberts Road or 92 Queen Alexandra Road:



SOUTH EAST ELEVATION

Rear units on refused scheme



SOUTH EAST ELEVATION

Rear units on revised scheme

Highway considerations – parking/access:

The supporting text to Core Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The resulting LTP3 Car Parking Strategy was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

Based on the current parking standards, the proposed scheme generates a need for 9 parking spaces, made up as follows:

2 x 3 bedroom dwellings	4 spaces
2 x 2 bedroom dwellings	4 spaces
Unallocated visitor parking	1 space
Total	9 spaces

The previous application was refused on insufficient parking provision on the site, although the Planning Inspector did not dismiss the appeal on this ground. Although the previous scheme had a shortfall of four parking spaces against the parking standards, the Inspector considered that there would be adequate parking arrangements and no adverse highway safety effects.

The number of units has reduced with 8 parking spaces proposed for 2x3bed and 2x2bed dwellings and a revised plan has been submitted adding 1 visitor parking space to the side of the driveway. Given the Inspector previously raised no objections to a previous shortfall in parking spaces and as the parking provision for this revised scheme now accords with the Wiltshire Council parking standards, the highways authority has raised no objections to the proposal.

Third party comments include both concerns that the driveway between No 90 and 94 Queen Alexandra Road would be used by building material deliveries/tradesmen; or that this would be a preferable access to units 3 and 4 rather than via Wellington Way.

Planning applications need to edge the development site with a red line on the location plan, and include all land necessary to carry out the proposed development, including land required for access to the site from a public highway. The red line of the application does not include the land between No 90 and 94 Queen Alexandra Road, with vehicular access proposed from Wellington Way.

The application must be assessed on its own merits as it has been submitted. In this case the highways authority has raised no objections to the proposal as it has been submitted with access from Wellington Way.

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.

Drainage:

Although there is no statutory requirement to do so; the Lead Local Flood Authority (LLFA) were erroneously consulted on the application. Comments have been received and are attached above.

The site is in Flood Zone 1 (the zone of least flood risk) and is not at risk of surface water flooding, although the council’s drainage engineer has advised the area is known to be affected by high ground water levels and has recommended conditions for foul and surface water to be agreed.

It is proposed to connect to mains drainage (for which separate consent will be required from the relevant authority), and the issue of surface water drainage will be covered under building regulations for the dwellings themselves, although the highways authority have recommended surface water details be agreed in the interests of ensuring no outflow to the public highway from the accesses/driveways. It is considered reasonable that a condition for the surface water from the accesses/driveways can be added, although the other suggested conditions from LLFA are unnecessary as covered under separate legislation although informatives can be added including the comments from the council’s drainage engineer.

S106 obligations and CIL:

The proposal results in a net gain of 3 residential units. However, in line with recent government guidance, this number of dwellings would not generate the need for S106 contributions.

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.

Other issues:

Objections from third parties (summarised above) include loss of trees, although none of the trees within the site are subject to restrictions for their removal.

Third party concerns relating to obstruction to the public highway during/post construction are covered under other legislation.

The public protection team have recommended conditions (hours of construction/demolition, dust management and no burning of waste). Given the site is in a residential area with existing properties surrounding the site; it is considered reasonable to condition the hours of construction as recommended by the public protection team; although dust and burning of waste are issues covered under separate legislation and an informative can be added advising the applicant of this. Similarly, the third party concerns raised in relation to asbestos are a non-material planning consideration, as asbestos and its disposal is covered under separate legislation.

Conclusion:

The site is within the defined settlement boundary of Salisbury (where the principle of new housing development is acceptable) and subject to conditions it is considered that the proposed development of the site will not have adverse impacts to the character and appearance of the area, residential amenity or highway safety.

RECOMMENDATION: To grant planning permission 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:

Plan Reference: 8745/200 Site, Block and Location Plans and Indicative Street Scene Rev D, dated 06/09/2017, received by this office 06/09/2017

Plan Reference: 8745/204 Unit 4 Plans and Elevations Rev A, dated 11/05/2017, received by this office 06/06/2017

Plan Reference: 8745/203 Unit 3 Plans and Elevations Rev A, dated 11/05/2017, received by this office 06/06/2017

Plan Reference: 8745/202 Unit 2 Plans and Elevations, dated October 2016, received by this office 06/06/2017

Plan Reference: 8745/201 Unit 1 Plans and Elevations, dated October 2016, received by this office 06/06/2017

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 of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure; and
- all hard and soft surfacing materials;

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, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

(5) 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 dwelling 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.

(6) No development shall commence on site until a scheme for the discharge of surface water from the accesses/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.

(7) The development hereby permitted shall not be first occupied until the whole of the parking area serving Plots 1-2, measured from the back of the footway, together with the first five metres of the access drive to Plots 3 & 4, has been consolidated and surfaced (not loose stone or gravel). These areas shall be maintained as such thereafter.

REASON: In the interests of highway safety.

(8) The gradient of the access/parking areas serving Plots 1-2 and the access driveway serving Plots 3 & 4 shall not at any point be steeper than 1 in 15 for a distance of five metres from their junctions with the public highway.

REASON: In the interests of highway safety.

(9) 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: To protect the amenity of nearby residents.

(10) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwellings shall not be first 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.

(11) The first floor windows in the North East and South West Elevations of plots 1 and 2 shall be glazed with obscure glass only and fitted to be top hung only or fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

(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 windows or other forms of openings inserted above ground floor level in the side elevations of units 1 or 2 of the development hereby permitted.

REASON: To secure adequate standards of privacy for the occupants of neighbouring premises.

(14) 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), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

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.

INFORMATIVE TO APPLICANT: Surface Water and Foul Drainage

The application form states foul drainage disposal will be main sewer via an existing connection – the applicant will need to investigate the location of existing foul drainage system and pipework within the site as there may be S105A public sewers crossing the site which would prevent the layout shown thus requiring a layout change or permission from Wessex Water to divert.

The application form states storm water drainage disposal to be via a soakaway – this could be an issue due to the high ground water level – any soakaway MUST have at least 1m of unsaturated soil between the base of any soakaway and the agreed top water level of the ground water taking into account seasonal variations.

INFORMATIVE TO APPLICANT: Works on the highway

The consent hereby permitted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from the local highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

INFORMATIVE TO APPLICANT: Environmental Protection Act 1990

The applicant should be aware that Councils must investigate complaints about issues that could be a 'statutory nuisance' (a nuisance covered by the Environmental Protection Act 1990). If a complaint of statutory nuisance is justified an Abatement Notice can be served upon the person responsible, occupier or owner of the premises requiring that the nuisance be abated.

In light of this legislation, the Public Protection team recommend the following:

- No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.
- Measures should be taken to reduce and manage the emission of dust during the demolition and/or construction phase of the development.

INFORMATIVE TO APPLICANT: Asbestos

Any asbestos should only be removed by a licenced contractor Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

INFORMATIVE TO APPLICANT: Material Samples

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Appendix 1 – Appeal decision to 16/06703/FUL

Appeal Decision

Site visit made on 30 January 2017

by **Veronica Bond LLB (Hons), Solicitor (non-practising)**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2017

Appeal Ref: APP/Y3940/W/16/3163112

92A Queen Alexandra Road, Salisbury SP2 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Landmark Estates (GBR) Limited against the decision of Wiltshire Council.
 - The application Ref 16/06703/FUL, dated 8 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is demolition of existing dwelling and the erection of five dwellings with associated access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing;
 - whether adequate living conditions would be afforded to the occupants of Unit 3 in respect of noise and disturbance; and
 - whether the proposal would provide adequate parking arrangements.

Reasons

Character and appearance

3. The appeal site currently comprises the plot of a single detached property. This dwelling is taller than the adjacent properties at 9 and 11 Wellington Way. However, properties in the immediate area do not appear to rigidly adhere to the same eaves and ridge height, with the staggered building line of nearby dwellings giving a further impression of variation.
4. The proposed development would demolish the existing house and see five new dwellings constructed on the site. The three dwellings at the front of the site would be positioned slightly forward of Nos 9 and 11 and close to the boundary with No 9. The discrepancy in height between No 9 and the three front dwellings would not though be visually jarring in the context of varying property styles and designs and staggered building line of Wellington Way properties close to the appeal site.

-
5. Although there would be three parking spaces on the site frontage, there would remain some room for a degree of soft landscaping, consistent with similar arrangements seen nearby.
 6. I conclude then on the first main issue that the proposal would not harm the character and appearance of the area. It would not conflict in this regard with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) (CS) which seeks high quality design and the enhancement of local distinctiveness. It would accord with Objective 16 of the Council's Design Guide – Creating Places (adopted 2006) which seeks to avoid poor designs which take little or no account of their local settings. There would be no conflict either the aims of the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) relating to good design.

Living conditions – neighbours

7. Properties in the immediate area are generally positioned with their rear gardens end to end, ensuring a reasonably open outlook for occupants. The proposed dwellings would alter this pattern meaning that the built form of the proposed properties would be at the end of the relatively short rear gardens of 21, 23, and 29 Roberts Way. The result would be of an enclosing effect, significantly impeding the outlook from rear habitable rooms and the private garden areas of these properties. The effect would be magnified for the occupants of Nos 21 and 23 which have been extended to the rear and would have the full height gable end of Unit 3 in very close proximity.
8. Properties at 9 Wellington Way and 92 Queen Alexandra Road have side windows on the boundary with the appeal site which would be very close to Units 1 and 4 respectively. Although there would be some loss of outlook from the side windows to No 92, these would not though be directly opposite the side wall of Unit 4. Windows to No 9 would appear to be to non-habitable rooms and on this basis, any loss of outlook from these windows would not be materially harmful.
9. As to overshadowing though, although I note comments in relation to orientation, given the close proximity of the side windows to No 92 and scale of the built form proposed, there would be some overshadowing of the side windows to this property. This would result in a gloomy and unpleasant living environment. Whilst the effect would be similar in respect of the side windows to No 9, on the basis that these windows are to non-habitable rooms, the effect would not be materially harmful.
10. In view of the separation distances involved and scale of the built form proposed, the use of landscaping and high boundary treatments would not overcome the overbearing impact on the outlook for the occupants of the properties as outlined. For the same reasons, the roof form proposed for Units 4 and 5 also would not be enough to prevent the harm identified. Whilst the separation distances might not conflict with any locally adopted standards, this does not preclude the finding of harm.
11. As outlined, I find in respect of the second main issue that the proposal would have a harmful effect on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing. It would conflict in this respect with Core Policy 57 of the CS which includes in its aims ensuring that development has regard to the impact on the amenities of existing occupants.

There would be conflict also in this regard with the aims of the Framework and the Guidance in seeking to ensure a good standard of amenity for occupants of land and buildings.

Living conditions – future occupants

12. The dwelling labelled as Unit 3 would be positioned adjacent to the access for the two rear properties – Units 4 and 5. Bearing in mind the limited numbers of cars which would use this access, any noise and disturbance which would result from use of this access would be at a reasonable level for a residential area. It would not be any different to similar arrangements seen in other residential areas and would not result in poor living conditions for the occupants of Unit 3.
13. I therefore find in respect of the third main issue that the proposal would provide adequate living conditions for the occupants of Unit 3 in respect of noise and disturbance. It would accord in this way with Core Policy 57 of the CS which includes in its aims ensuring appropriate levels of amenity within the development itself. There would be accordance also with the related aims contained within the Framework and the Guidance.

Parking

14. Core Policy 64 of the CS, together with Policy PS6 of the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) (CPS) provide for minimum residential parking standards. In respect of the appeal proposal, this would amount to a requirement for two spaces per dwelling, along with a visitor space shared between the five dwellings. As proposed, there would be a deficiency of some four parking spaces against this standard. Core Policy 64 indicates though circumstances in which reduced residential parking requirements will be considered – including where any parking overspill can be controlled.
15. The availability of on street parking spaces in the vicinity of the site is limited by the presence of vehicle crossovers. These do though mean that many houses have off street parking, thus reducing the demand for on street spaces. Further, there would appear to be a good deal of on street parking spaces available in that on street parking is generally otherwise unrestricted. As such, any parking overspill from the development would be appropriately controlled. Given that the surrounding immediate area appears to see relatively low levels of fairly slow moving traffic, any additional manoeuvring in the road from cars locating a parking space would be very unlikely to result in any highway safety harm.
16. I conclude then on the fourth main issue that the proposal would provide adequate parking arrangements. Whilst it would not meet with the required standards provided for by Core Policy 64 of the CS and Policy PS6 of the CPS, any overspill parking would be adequately controlled as required by Core Policy 64. There would also be no adverse highway safety effects and thus compliance with the underlying aims of these policies. There would be no conflict in this respect with either the Framework or the Planning Practice Guidance which include similar aims.

Other Matters

17. I acknowledge the planning history of the site including as regards a previous application and that there is no in principle objection to the proposed development. The proposal would provide additional units of residential accommodation in a relatively accessible location, and in line with a number of CS policies cited including as regards the housing requirement for the area. This would be in accordance also with the Framework's aims to significantly boost the supply of housing. This offers moderate weight in favour of the proposal.

Conclusion

18. The proposal would offer some moderate benefits as outlined and I found no harm in respect of the character and appearance of the area, regarding parking provision, or as to the living conditions of future occupants. These aspects do not though outweigh the development plan conflict and harm found as regards the living conditions of neighbouring occupants. Given the tri-partite definition of sustainable development in this Framework, the proposal would not therefore represent the sustainable development in respect of which the Framework creates presumption in favour. For the above reasons, I find that the appeal should fail.

Veronica Bond

INSPECTOR