

Deadline	10-Jan-2011		
Application Number:	S/2010/1750		
Site Address:	Site next to Rose & Crown High Street Bulford Salisbury SP4 9DS		
Proposal:	Erection of a single three bed detached dwelling house and formation of new access to High Street		
Applicant/ Agent:	Sixteen Twenty Eight		
Parish:	Bulford		
Grid Reference:	416811 143536		
Type of Application:	Full		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

Councillor Smale has requested that this item be determined by Committee due to issues relating to the scale of development and its relationship to adjoining properties.

1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

1. The principle of development;
2. The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area;
3. The impact of residential use on adjacent uses and vice-versa;
4. The impact on highway safety
5. Public recreational open space
6. Other considerations

The application has generated objections from Bulford Parish Council and two local residents.

3. Site Description

The application site consists of vacant land between the Rose and Crown pub, a residential dwelling and a church hall, situated off the Bulford High Street. A public footpath runs to the rear of the site.

In planning terms, the site is within Bulford's Housing Policy Boundary but outside of the Conservation Area (which starts beyond the public house). It is also within an Area of Archaeological Significance.

4. Relevant Planning History

<i>Application Number</i>	<i>Proposal</i>	<i>Decision</i>
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S/2010/0869	Proposed detached dwellinghouse and new access	Refused
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5. Proposal

It is proposed to erect a new detached dwelling and form a vehicular access onto Bulford High Street.

The proposal represents a re-submission of a previously refused scheme for a new dwelling (S/2010/0869) where concerns were raised by the Southern Area Planning Committee over how well the design put forward related to the character of the area. The previous application, which was for a dwelling of an unreservedly contemporary design, was refused for the following reasons:

The proposed development by reason of its design, shape, and form would result in an incongruous and alien form of development at odds with the local vernacular such that it would fail to respect or enhance the character and appearance of the area, its architectural characteristics, the materials of adjoining buildings and would not promote or re-enforce local distinctiveness. As such the proposal would be contrary to saved policies D2 and G2 of the adopted Salisbury District Local Plan and advice in Planning Policy Statement 1: Delivering Sustainable Development.

The current scheme differs in that the design now put forward is of a more traditional style and form.

It should be noted that amended plans were also received during the application process, changing the materials to be used on the front elevation from predominantly black tar stained timber cladding to flint with brick quoins. Timber cladding would be restricted to the apexes above the dormer windows and the front projecting extension. There would also be an area of render to the front extension and the roof would be tiled in slate.

7. Planning Policy

Local Plan: policies G1, G2, D2, H16, CN11, CN21, R2, TR11, TR13, TR14

Central government planning policy: PPS1, PPS3, PPS5, PPG24

7. Consultations

Parish Council	Object. Overdevelopment of site; overshadowing of adjacent footpath, inappropriate access arrangements; design is out of character with adjacent listed buildings; residential use is incompatible with adjacent commercial uses including pub and petrol filling station;
Environmental Health	No objection subject to recommendations of the submitted Noise Survey being carried out.
Highways Officer	No objection subject to standard highways conditions.
Conservation Officer	The current design is very suburban and has too much of the 'executive house' appearance. In my view this approach is a retrograde step.

8. Publicity

The application was advertised by site notice and neighbour consultation.

2 letters of letters of objection received

Summary of key relevant points raised:

- Inappropriate turning facilities;
- Site is overlooked by the pub;
- Design and materials are inappropriate for the Conservation Area and nearby listed buildings;
- Conflict with surrounding commercial uses;
- Overlooking of, and loss of light to, adjacent church hall and yard;
- Fire hazard due to poor access and proximity of dwelling to neighbouring buildings and footpath;
- Affect upon flight paths of bats;
- Disturbance during construction works

9. Planning Considerations

9.1 *The principle of development*

The site lies within the Housing Policy Boundary of Bulford. As such, Local Plan policy H16 permits the development of infilling and small-scale re-development in principle, provided that it does not constitute tandem or inappropriate backland development; does not result in the loss of an important area of open space and does not conflict with the Local Plan's design policies, as well as meeting other Local Plan requirements.

It is considered that the proposal does not constitute unacceptable tandem or inappropriate backland development, given that the dwelling would face the highway (albeit being set well back) and would not have intervening development between. The land is overgrown and unused and the proposal would not involve the loss of important open space. In principle development of this site would comply with Local Plan policy H16, but subject to detailed considerations (including design), below.

9.2 *The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area*

Local Plan policy D2 is relevant. It requires that proposals for infill development must respect or enhance the character and appearance of the area in terms of the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths. Infill dwellings should also respect or enhance the architectural characteristics of the area and materials of adjoining buildings.

Government advice in PPS1 (paragraph 34) says that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Paragraph 38, however, says that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is,

however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

In this case the architectural characteristics of the surrounding area are varied, although generally follow traditional lines. The adjacent Rose and Crown, immediately to the north, is a brick and flint public house of attractive design and proportions though it is not listed. To the south are 41 to 45 High Street, dwellings and a church hall, of which numbers 41 and 43 are listed. These are also of brick and flint and date from 1769, being a former farmhouse, now divided into two dwellings.

Beyond these, further to the south, are a row of modern terraced bungalows. To the west (opposite the site) are a number of brick two storey dwellings of fairly bland and unremarkable modern design. To the east is a petrol filling station and further relatively recent (possibly 1980s) residential development.

The Council's Conservation Officer and Design Forum have previously indicated their preference for a contemporary design approach for the site, although this has been rejected by the Southern Area Planning Committee. Consequently, the design now put forward is a more traditional approach, both in terms of design, shape, form and materials.

In terms of the impact upon the listed buildings, it is considered that these and the pub would remain the predominant features of the street scene and that the new dwelling would not harm their setting. Meanwhile Bulford's Conservation Area starts on the other side, and to the rear, of the Rose and Crown, and the proposed dwelling would not be visible from within the Conservation Area.

Public views from the highway are largely screened by the pub or ameliorated (though not entirely screened) by hedging fronting the road boundary. Although the dwelling would be visible from the High Street above existing hedging at some points (as well as being seen from the footpath to the rear), it would not be overly dominant in the street scene.

In terms of plot widths and the risk of 'over-development', the dwelling would largely fill the width of the plot at its western end, but there other examples of existing dwellings that fill the plot width, including the adjacent 43 High Street. The length of the site also helps reduce the impact of the dwelling on its surroundings. It is difficult to conclude that the proposal would result in a 'tight' or cramped' pattern of development.

Overall it is considered that, on balance, the proposed design addresses the specific reasons for refusal given by the Southern Area Planning Committee, and that the dwelling as proposed on the site is more sympathetic to the area's character and appearance. It is therefore considered that the proposal would be acceptable having regard to Local Plan policies G2, D2, CN11 and the advice contained within PPS1.

9.3 The impact of residential use on adjacent uses and vice-versa

Consideration has been given to the impact of the proposal on adjacent uses (and vice-versa), including the impact on the public house, on the church hall, and from the petrol filling station.

The Council's Environmental Health department expressed initial concerns that the proximity of the public house to the proposed dwelling would result in an incompatibility of uses. They were concerned that noise and disturbance from the public house would be likely to affect the amenities of occupiers of the future dwelling, and that complaints generated from the new

dwelling could affect the operation of the pub. Environmental Health were also concerned that the proximity of the petrol filling station could also affect the amenities of the dwelling.

The dwelling has been designed so that there would be no windows on the north, east and south elevations, so no windows would face the pub, filling station or church hall, and all windows (other than flat rooflights for the bathrooms) would face west.

Furthermore, the applicants have undertaken a noise assessment through a firm of environmental consultants. PPG24 sets out four noise exposure categories (NEC), based on World Health Organisation guidelines, for determining the effect of noise. The applicant's noise assessment identified that during the daytime the level of noise on the site falls within category A, where noise is not a material consideration.

During the night time, however, the level of noise translates into NEC B, where noise is a material consideration. The reason for increased noise levels at night time relates to lower background noise levels and a greater expectation of quiet. This means that the effect of a chiller unit at the back of the pub is that much greater during the night compared with daytime levels.

In response to this, the applicant's consultants recommended either that the chiller is relocated (with the agreement of the public house), or that mechanical ventilation is provided to the proposed bedrooms to mitigate against the noise of the chiller unit and ensure that noise within the dwelling falls within acceptable levels. The applicants have proposed the latter.

The Council's Environmental health department has reviewed the submitted noise assessment and considers that it is acceptable. They consider that the proposed noise mitigation methods of mechanical ventilation would be acceptable and reasonable, would provide adequate living conditions, and would overcome their initial objections.

In relation to concerns expressed by others, there is no reason to believe that siting one house next to another would lead to unacceptable fire risks. Access for the emergency services is a matter to be considered under the Building Regulations. Overlooking of land used by children is not a sustainable reason to refuse planning consent. In fact any overlooking of the church hall would be oblique and no worse than occurs at present. It is considered that the proposed dwelling would be sufficiently far away from neighbours for it not to result in an unacceptable loss of light or outlook. Disturbance from building works could be limited to acceptable hours by condition.

It is considered that the proposal would not be unacceptable in terms of its proximity to other uses, and that it would not conflict with saved Local Plan policy G2.

9.4 The impact on highway safety

Consideration has been given to the impact on traffic and highway safety. Initial concerns were expressed by the Highways Department about vehicles being able to enter and leave the site safely. In response the applicants have proposed a 'car turntable' where cars are turned within the site enabling them to drive in and out of the site in a forward gear.

Although the Parish Council has expressed concern at the long term suitability of this solution, the Highways Department have accepted the use of the turntable and now raise no objection. On this basis, a reason for refusal on highway grounds would be difficult to defend at appeal, and it is considered that Local Plan policy G2 would be satisfied in this respect.

9.5 Public Recreational Open Space

Local Plan policy R2 requires that all new residential proposals must provide for additional public recreational open space facilities. For schemes of less than 10 dwellings, a financial contribution is normally sought, secured by means of a legal agreement under s106 of the Town and Country Planning Act.

It is considered that such a contribution is required in this case, and that permission should therefore be subject to a legal agreement being submitted by the applicant.

9.6 Other considerations

Any cutting down of trees would not have required permission. The opening in the hedge has already occurred and again would not have needed consent. In relation to the footpath to the rear, the path is already somewhat dark and gloomy, though the dwelling would add to this to some extent. The applicants have proposed that lighting could be installed to counteract this impact. It is considered that this could be secured by condition.

10. Conclusion

It is considered that the proposed design has addressed the previous reason for refusal in relation to the uncharacteristic design, shape and form of the dwelling and that it would now respect the character and appearance of the area, including its architectural characteristics and materials. Subject to conditions the proposal would not result in unacceptable living conditions or adverse impacts upon neighbouring uses, and there would be no harm to highway safety or any other material planning consideration.

11. Recommendation

Subject to the submission of a unilateral agreement under s106 of the Town and Country planning Act 1990, in relation to public recreational open space, it is recommended that:

Planning Permission be GRANTED for the following reason:

It is considered that the proposed design has addressed the previous reason for refusal in relation to the uncharacteristic design, shape and form of the dwelling and that it would now respect the character and appearance of the area, including its architectural characteristics and materials. Subject to conditions the proposal would not result in unacceptable living conditions or adverse impacts upon neighbouring uses, and there would be no harm to highway safety or any other material planning consideration. The proposal would therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies G1, G2, D2, H16, CN11, CN21, R2, TR11, TR13, TR14 and PPS1, PPS3, PPS5, PPG24.

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) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....927 110 Rev. E...
Plan Ref....927 111 Rev. H...
Plan Ref....927 115...

Date Received....26.01.11....
Date Received....26.01.11...
Date Received....26.01.11....

Reason: For the avoidance of doubt.

- 3) The development shall be carried out in accordance with the recommendations of the submitted Noise Survey Report (JTEC Environmental dated 12th – 17th July 2010) and passive wall vent details submitted by the agent on 07/12/10.

Reason: To ensure acceptable internal noise levels to the new dwelling.

Policy: G2

- 4) No development shall commence on site until written details 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. Where so requested by the local planning authority, samples of materials shall be provided on site for further written agreement. 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: D2

- 5) No works to externally face the new dwelling shall commence until a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected 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 panel, using flints hand laid in a random pattern with no preformed panels.

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

Policy: D2

- 6) 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 occupied.

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

Policy: D2

- 7) No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope. The works 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: D2

- 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) details of new trees and hedgerows including species, planting sizes and densities;
 - (e) means of enclosure;
 - (f) car park layouts;
 - (h) hard surfacing materials;
 - (i) minor artefacts and structures (e.g. refuse and other storage units);

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

Policy: G2

- 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: G2

- 10) Prior to the commencement of development a scheme for the provision, use, retention and maintenance of the proposed turning circle shall be submitted to and approved, in writing, by the Local Planning Authority. The turning circle shall remain clear and available for use at all times and shall be operated and maintained in accordance with the approved details.

Reason: In the interests of highway safety

Policy: G2

- 11) The development hereby permitted shall not be occupied until the first 5 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: G2

- 12) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

Reason: To ensure that the development can be adequately drained

Policy: G2

- 13) 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 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: G2

- 14) Prior to the commencement of development, a scheme for the provision, use, retention and maintenance of lighting of the public footpath immediately behind the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to the first occupation of the dwelling and shall be used and maintained in accordance with the details thereby approved.

Reason: In the interests of users of the public footpath

Policy: TR13

- 15) 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 north, east and south elevations of the development hereby permitted.

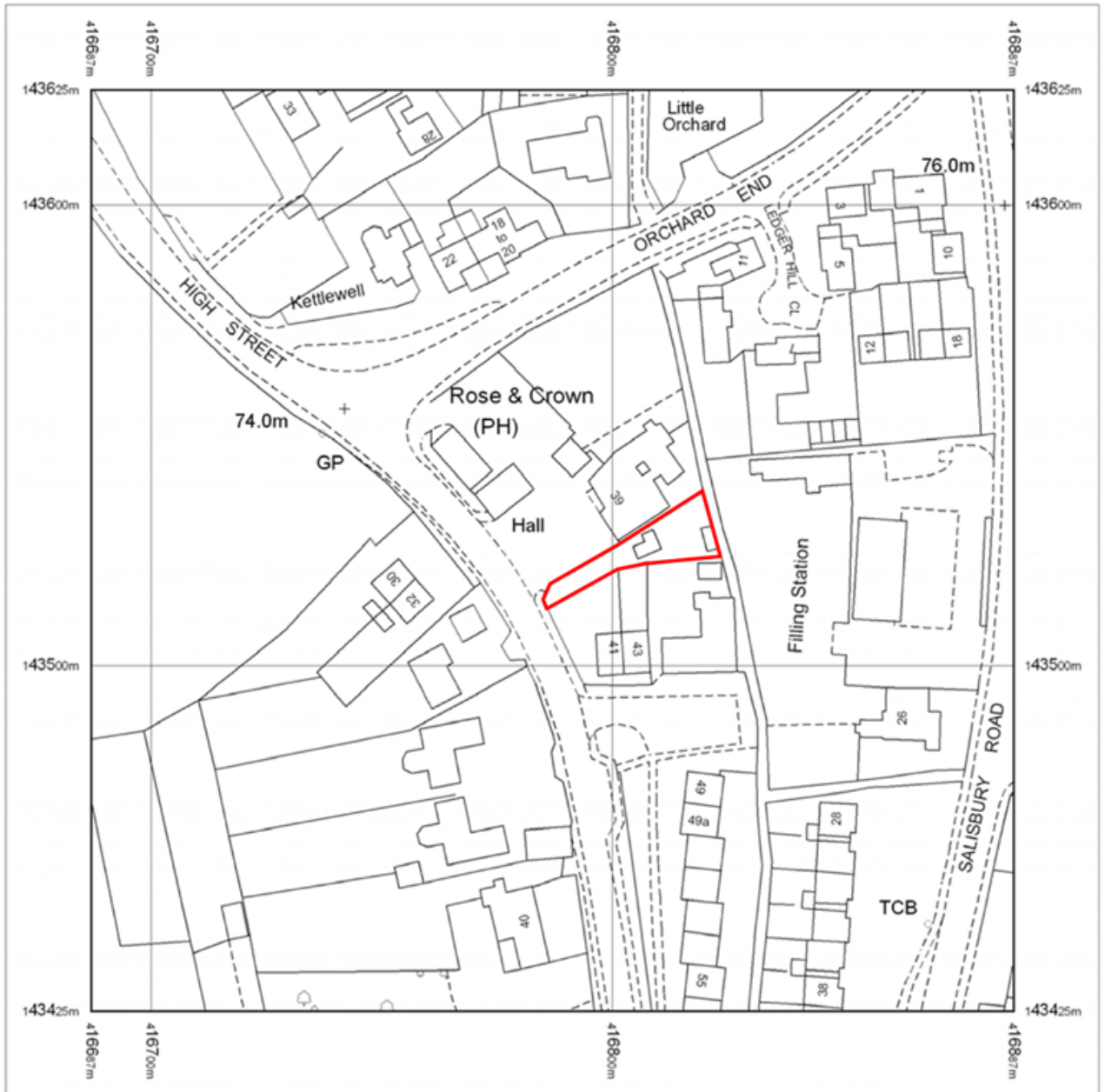
Reason: In the interests of residential amenity and privacy, and to ensure adequate living conditions for the occupiers of the proposed dwelling.

Policy: G2

- 16) No construction works shall take place outside of the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays or at all on Sundays or Bank Holidays.

Reason: in the interests of the amenities or nearby properties

Policy: G2



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