

# Schedule Of Planning Applications For Consideration

*In The following Order:*

Part 1) Applications Recommended For Refusal

*Part 2) Applications Recommended for Approval*

*Part 3) Applications For The Observations of the Area Committee*

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

## *ABBREVIATIONS USED THROUGHOUT THE TEXT*

<b>AHEV</b>	-	<b>Area of High Ecological Value</b>
<b>AONB</b>	-	<b>Area of Outstanding Natural Beauty</b>
<b>CA</b>	-	<b>Conservation Area</b>
<b>CLA</b>	-	<b>County Land Agent</b>
<b>EHO</b>	-	<b>Environmental Health Officer</b>
<b>HDS</b>	-	<b>Head of Development Services</b>
<b>HPB</b>	-	<b>Housing Policy Boundary</b>
<b>HRA</b>	-	<b>Housing Restraint Area</b>
<b>LPA</b>	-	<b>Local Planning Authority</b>
<b>LB</b>	-	<b>Listed Building</b>
<b>NFHA</b>	-	<b>New Forest Heritage Area</b>
<b>NPLP</b>	-	<b>Northern Parishes Local Plan</b>
<b>PC</b>	-	<b>Parish Council</b>
<b>PPG</b>	-	<b>Planning Policy Guidance</b>
<b>SDLP</b>	-	<b>Salisbury District Local Plan</b>
<b>SEPLP</b>	-	<b>South Eastern Parishes Local Plan</b>
<b>SLA</b>	-	<b>Special Landscape Area</b>
<b>SRA</b>	-	<b>Special Restraint Area</b>
<b>SWSP</b>	-	<b>South Wiltshire Structure Plan</b>
<b>TPO</b>	-	<b>Tree Preservation Order</b>

**LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE**  
**NORTHERN AREA COMMITTEE - 5 OCTOBER 2006**

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

<b>Item Page</b>	<b>Application No Officer Recommendation</b>	<b>Parish/Ward Ward Councillors</b>
<b>1.</b>	<b>S/2005/1509</b>	WYLYE
	Mrs B Jones	REFUSAL
	CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS TO RESIDENTIAL  MANOR FARM, FISHERTON DE LA MERE, WARMINSTER BA12 0PY	Lower Woodford and Wylve Valley  Cllr Brady
<b>2.</b>	<b>S/2006/1417</b>	DURRINGTON
<b>S.V.</b> 4.00pm	Mrs B Jones	APPROVE SUBJECT TO S106
	CHANGE OF USE OF OUR LADY OF HEAVEN CHURCH FROM D1 TO MIXED USE, WITH B1 ON GROUND FLOOR AND RESIDENTIAL USE (C3) ON FIRST AND SECOND FLOORS AND THE ERECTION OF A FURTHER 2 SEMI-DETACHED DWELLINGS AND ASSOCIATED WORKS  OUR LADY OF HEAVEN CHURCH, PHILIP ROAD, DURRINGTON SP4 8DT	Durrington  Cllr Baker Cllr Rodell Cllr Mrs Greville
<b>3.</b>	<b>S/2006/1770</b>	SOUTH NEWTON
<b>S.V.</b> 3.25pm	Mr T Wippell	APPROVE WITH CONDITIONS
	OUTLINE PLANNING FOR ONE CHALET BUNGALOW  LAND AT WAYSIDE STOFORD BOTTOM STOFORD SALISBURY SP2 0PW	Lower Woodford and Wylve Valley  Cllr Brady

# Part 1

## Applications recommended for Refusal

1

Application Number:	<b>S/2005/1509</b>		
Applicant/ Agent:	THE JONATHAN BARLOW PARTNERSHIP		
Location:	MANOR FARM FISHERTON DE LA MERE WARMINSTER BA120PY		
Proposal:	CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS TO RESIDENTIAL		
Parish/ Ward	WYLYE		
Conservation Area:	LB Grade:		
Date Valid:	27 July 2005	Expiry Date:	21 September 2005
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

### REASON FOR REPORT TO MEMBERS

Members previously considered the application in 2005 and resolved that, provided:

- a) the applicant and any other relevant parties undertake, under Section 106 of the principal act to
  - i) secure the regular mowing and maintenance of the grass verges which form the visibility splays at the junction of the site entrance with the A36, in so far as they are in the ownership/control of the applicant (and any other relevant party) and
  - ii) pay a commuted sum in respect of Policy R2 of the Salisbury District Local Plan

the above application should be approved for the following reasons:

The proposed conversion of existing redundant farm buildings to residential dwellings would be sustainable, and in accordance with the adopted policy provisions of the Salisbury District Local Plan. The amended layout of the scheme would not affect the existing protected trees or verges on the site, and the Local Planning Authority does not consider that the development would be detrimental to highway safety, provided the grass verges are maintained at all times to maximize available visibility at the junction with the A36.

The previous report is attached in [Appendix 1](#) (with its own appendices 1-6), and members will recall that the application is also contrary to two statutory consultees recommendations, namely the Highways Agency and Highways Authority recommendation.

The application was also previously deferred at the meeting on 22/9/05 to enable supply of the clarification of the sightlines following the applicant's meeting with the Highway Authority and the correct blue lines on the application plan to show clearly what land is in the applicant's control.

### PLANNING CONSIDERATIONS

#### Highway visibility

The applicant previously submitted a site plan clearly outlining red and blue land in relation to the required sightlines and this plan was considered by committee ([Appendix 7](#)). However, it has come to light through the land registry documents required for the preparation of the Section 106 Agreement that the applicant does not have full ownership or control of the required sightlines, namely splays of 215metres to the edge of the carriageway, from a set back of 2.4m.

[Appendix 8](#) contains a letter from the Highways Agency (6<sup>th</sup> September 2006) and copies of the land registry documents, showing the extent of the applicant's land ownership. The Highways Northern Area Committee 05/10/2006

Agency maintains, but does not own, the narrow grass banked strip of land from the carriageway edge to the boundary of the applicant's land. The Highways Agency state in their letter that they do not wish to enter the S106 Agreement, and would discourage any agreements that allow landowners to carry out routine maintenance on their land.

Therefore, the applicant is unable to fully meet the requirements of the committee recommendation for the Section 106 Agreement, as it would only be possible to secure in the Agreement the maintenance of land above the grass bank. Members would therefore have to assume that the Highways Agency land would continue to be maintained as part of a maintenance programme in perpetuity, but the Local Planning Authority would have no planning powers to control this.

### **Liability**

The Highways Agency has not changed its previously stated position that unless the existing visibility is further improved to the full Highways Agency standards, this application should still be refused on the grounds of highway safety. Members previously resolved to go against a very strong recommendation for refusal for a number of reasons, and because they were satisfied that at least the required visibility splay including the grass banks could be maintained in perpetuity through a legal agreement.

Recent case law has found that a Local Planning Authority was negligent and liable for a person injured as a result of the Local Planning Authority's approval of a dangerous access. Members therefore need to be mindful of the risk that if anyone were injured as a result of the approval of this application against highway advice, it would be the legal responsibility of the Local Planning Authority.

### **CONCLUSION**

Whilst the applicant is able to enter a Section 106 Agreement to secure the maintenance of part of the visibility splays at the junction of the site entrance with the A36, it would not be possible to secure the maintenance of the full visibility splay requirements up to the edge of the highway as part of a Section 106 Agreement, as the grassed banks of land to the east and west adjoining the highway are in the control of the Highways Agency, and the Agency does not wish to enter the S106, or encourage any agreements that allow landowners to carry out routine maintenance on their land. Whilst the Agency has suggested that maintenance would continue along the strip, the Local Planning Authority would not have any planning control over the maintenance of the required safety splays, should any maintenance contracts cease. Furthermore, the Local Planning Authority would risk being legally responsible in the event of an injury as a result of an approval.

**RECOMMENDATION: REFUSE** for the following reasons:

1. Without further improvements to access and visibility, the proposed development would generate turning movements on a fast, straight section of derestricted trunk road, to the detriment of road safety on the A36. The required improvements to provide visibility to Highways Agency standards (splays measuring 215 metres to the edge of the carriageway to the east and west, from a set back of 2.4m) would require the removal of several mature beech trees covered by Tree Preservation Orders and the lowering of the verge, which is likely to damage existing root systems to the detriment of tree health and the environment of the development within the Area of Outstanding Natural Beauty.

Furthermore, it is not possible for the Local Planning Authority to secure through a legal agreement the regular mowing and maintenance of the grass bank verges to the full extent of the visibility splays, as the sections of the splays immediately adjacent to the highway are currently managed by the Highways Agency, who wish neither to enter into a legal agreement nor to encourage landowners to carry out routine maintenance on highway land. Therefore, in the absence of any planning control over the maintenance of the full visibility splays, the proposal is considered to be seriously detrimental to highway safety, contrary to Policy G1 and G2 of the Salisbury District Local Plan.

(2) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Salisbury District Local Plan because appropriate provision towards public open space has not been made.

And contrary to the following policy/policies of the adopted Salisbury District Local Plan:

Policy G1 and G2	General Principles for Development
Policy R2	Public Open Space
Policy C2	Development in the Countryside
Policy C5	Area of Outstanding Natural Beauty
PPS7	Sustainable development in rural areas
PPG3	Housing

INFORMATIVE: - R2 FOR REFUSAL

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

## Part 2

### Applications recommended for Approval

2

Application Number:	<b>S/2006/1417</b>		
Applicant/ Agent:	TURLEY ASSOCIATES		
Location:	OUR LADY OF HEAVEN CHURCH PHILIP ROAD DURREINGTON SALISBURY SP4 8DT		
Proposal:	CHANGE OF USE OF OUR LADY OF HEAVEN CHURCH FROM D1 TO MIXED USE, WITH B1 ON GROUND FLOOR AND RESIDENTIAL USE (C3) ON FIRST AND SECOND FLOORS AND THE ERECTION OF A FURTHER 2 SEMI DETACHED DWELLINGS AND ASSOCIATED WORKS.		
Parish/ Ward	DURREINGTON		
Conservation Area:		LB Grade:	
Date Valid:	7 July 2006	Expiry Date	1 September 2006
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

#### REASON FOR REPORT TO MEMBERS

Members previously deferred the application to allow time for the applicant to give further investigation to the issues of car parking within the development and the road surface on the surrounding roads, and a site visit for committee. The previous committee report is appended for information. ([Appendix 1](#))

#### PLANNING CONSIDERATIONS

##### Response from the Applicant

The applicant has submitted amended site plans, showing alterations to the parking layout. The following statement was also submitted by the applicant in response to the committee's concerns:

We have now had an opportunity to take a further look at the site layout and would comment as follows:

The 3 bedroom dwellings in fact benefit from 3 car parking spaces per unit as the garages are set so far back into the rear gardens. So there are 2 more spaces overall on site than originally reported and we are up to the maximum acceptable car parking levels for the site overall; We do not see any scope for providing any more car parking spaces on the site without eroding the proposed amenity areas to an unacceptable degree. In addition, creating further access points into the site would further erode the current level of on street car parking; The 4 car parking spaces proposed off Charles Road would only displace a maximum of 2 on street car parking spaces rather than 3 as stated by the Parish Council; The applicant is agreeable to a condition being imposed that requires a Green Travel Plan be provided for agreement with the LPA in advance of the proposed office space being first occupied as per the suggestion of the Parish Council; The applicant is also agreeable to a condition being imposed that requires a parking management plan to be provided for agreement with the LPA in advance of the proposed dwellings or office space being first occupied; and The condition of the road surface is not a matter for the applicant. If the surface is damaged during any construction works then this will of course be rectified.

It was noted that the submitted site layout plan reference A2182/100 Revision A contains a reference to "Total of 10 car parking spaces to be provided for Church redevelopment". In view Northern Area Committee 05/10/2006

of the above, the plan has been amended to refer to "19" spaces (13 plus 6 for the new houses) and the "parking schedule" has been removed for clarity.

## **CONCLUSION**

The proposal seeks to make effective use of previously developed land within an urban settlement. A marketing exercise has been undertaken to test the viability of the existing church and other community uses, and concluded that the ground floor of the site may be viable for either a nursery or B1 office use, which would continue to contribute to the vitality and viability of the local community. The proposed residential conversion would be acceptable in terms of design, scale and impact on neighbours, and the development would not be detrimental to nature conservation interests, or highway safety, subject to the conditions suggested by the applicant. Members' attention is drawn to additional conditions 14 and 15.

**RECOMMENDATION: Approve, subject to receipt of monies in respect of Policy R2, by 12<sup>th</sup> October 2006.**

### REASONS FOR APPROVAL:

The proposed redevelopment of Our Lady of Heaven Church to provide a B1 office use on the ground floor, with residential flats on the first and second floor, and two additional dwellings with associated parking and amenity space in the grounds would be in accordance with the adopted policy provisions of the Salisbury District Local Plan, and would contribute towards the vitality and viability of the local community, would not unduly disturb neighbouring amenities or be detrimental to nature conservation interests or highway safety.

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. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2. No development shall commence until a schedule of materials, colours and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s], windows, any cladding, and roof[s] of the proposed development (comprising materials and finishes for: all site boundaries, all hard surfaces, the church conversion, the two new dwellings and their garages) have all been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development

3. There shall be no occupation of the offices, flats or dwellings hereby approved until the proposed shared use vehicular access has been laid out with a minimum width of 4.5m and in a position to be agreed in writing by the Local Planning Authority, before any development commences. (See the attached plan).

Reason: For the avoidance of doubt and to ensure that vehicles entering and leaving the shared use parking area can do so without obstruction in the interests of highway safety.

4. There shall be no occupation of the offices, flats or dwellings hereby approved until the parking spaces numbered 1-13 on the approved plan have been permanently marked out, and the parking spaces and maneuvering areas have been hard surfaced in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority, before any development commences.

Reason: In the interests of highway safety.

5. There shall be no occupation of the development hereby approved until the driveway serving plot 1 has been surfaced in a suitable consolidated material (not loose stone or gravel) for a distance of 5 metres from the back of footway.

Reason: In the interests of highway safety

6. Detailed working drawings at a suitable scale of 1:10 to show details of the Juliet balconies of the flats hereby approved and a drawing at scale 1:100 showing a lockable gate system for the west side passage shall be submitted to and approved by the Local Planning Authority before any development commences. The development shall be implemented in accordance with the approved details and maintained in that condition thereafter.

Reason: To secure a harmonious form of development in the streetscene, prevent undue overlooking and ensure that the side passage is not used as a "ratrun" by pedestrians.

7. No development shall take place until details of the treatment of all the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to any occupation of the eight new dwellings hereby approved.

Reason: In the interests of the amenity and the environment of the development.

8. Notwithstanding the provisions of Class[es] A to E of Schedule 2 (1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage nor any insertion of additional first floor windows, rooflights or velux unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason: In the interests of neighbouring amenities and to prevent undue overlooking.

9. Landscape Scheme: The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure a satisfactory appearance to the development.

10. The proposal shall be carried out in strict accordance with the details and recommendations of the Bat Survey dated July 2006 (including timing of the development with reference to nesting birds) by Devon Wildlife Consultants.

Reason: To safeguard the nature conservation interests of protected species.

11. The development shall be in accordance with the amended plans ref: A2182/100 Rev A and any other details to be agreed in writing by the Local Planning Authority. There shall be no occupation of the dwellings hereby approved until the proposed stairwell glazing as shown on A2182/105 west elevation has been obscured to the satisfaction of the Local Planning Authority. The stairwell shall be maintained in that condition thereafter.



Reason: For the avoidance of doubt

12. There shall be no occupation of the dwellings or flats hereby approved, until the external conversion of the former church building has been fully completed, and the B1 office use has been fully completed internally and is available for occupation, to the satisfaction of the Local Planning Authority and in accordance with the floor and elevation plans hereby approved.

Reason: In the interests of visual amenity, and to ensure that the residential and B1 office use can be occupied at the same time.

13. The ground floor of the development hereby approved, as shown on Ground Floor plan ref A2182/107 shall be used for B1 office use and for no other purpose (including any other purpose in Class B1 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (V01A)

Reason: For the avoidance of doubt and to enable the Local Planning Authority to exercise control over the use of the premises in the interests of regulating any alternative kinds of B1 or D1 activities which could adversely affect amenities of neighbouring dwellings and flats.

14. There shall be no occupation of the B1 office development hereby approved until a travel plan for the entire office development has been submitted to and agreed in writing by the Local Planning Authority. The plan shall demonstrate how travel to the office development will be managed in a sustainable manner and shall be fully implemented in accordance with the agreed details.

Reason: In the interests of sustainable travel objectives.

15. There shall be no occupation of the B1 office development or dwellings hereby approved until a parking management plan for the entire site has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be fully implemented in accordance with the agreed details.

Reason: In the interests of the proper management of parking on the site and the locality.

#### INFORMATIVES:

1. This approval does not give any consent for the demolition of Our Lady of Heaven Church.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

Policy G1	Sustainable Development	R2	Public Open Space
Policy G2	General Principles for Development	PS3	Community Facilities
D2	Design	E17	Employment
H16	Housing Policy Boundary	and	PPG3 Housing

Application Number:	<b>S/2006/1770</b>		
Applicant/ Agent:	MR AND MRS DAVIES		
Location:	LAND AT WAYSIDE STOFORD BOTTOM STOFORD SALISBURY SP2 0PW		
Proposal:	OUTLINE PLANNING FOR ONE CHALET BUNGALOW		
Parish/ Ward	SOUTH NEWTON		
Conservation Area:		LB Grade:	
Date Valid:	24 August 2006	Expiry Date	19 October 2006
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

### **REASON FOR REPORT TO MEMBERS**

Cllr Brady has called this application to committee due to the interest shown in the application, and the controversial nature of the application

### **SITE AND ITS SURROUNDINGS**

The site relates to a plot of land which is occupied by a dwelling known as "Wayside" and its curtilage. This dwelling is on a corner plot with an existing access onto Stoford Bottom, with its curtilage running alongside Mount Pleasant Road. The boundaries of the site are within the Housing Policy Boundary of Stoford.

The dwellings in the immediate area, including the properties within Mount Pleasant Road, typically consist of detached chalet bungalows.

### **THE PROPOSAL**

It is proposed to erect a chalet bungalow in the curtilage of Wayside. This is an outline application seeking approval for the layout, access arrangements and principle of development. The applicant has also submitted indicative elevations of the dwelling within the plot.

### **LAND OWNERSHIP**

A previous application was withdrawn in July 2006 after it was realised that Mount Pleasant Road was unadopted, and the access arrangements did not include any part of the adjoining road between the adopted highway (Stoford Bottom) and the proposal site. In effect, the site was 'land-locked'.

This revised scheme correctly includes the lower section of Mount Pleasant Road leading to Stoford Bottom as part of the application site, linking the development with the adopted highway. Notice has been served on any potential landowners of this stretch of road via newspaper advertisements, and in planning terms, the consultation process has been adhered to.

Members should be aware of the ongoing land-ownership dispute between the residents of Mount Pleasant and the applicant in regard to rights of way over Mount Pleasant Road. For the purposes of this application, land ownership disputes as such are regarded as civil matters, and cannot be considered as a material planning considerations, although the impact of a new access on highways safety can be material.

### **PLANNING HISTORY**

S/2006/1102                      Outline application for one dwelling                      Withdrawn 25/07/06  
(Reason for withdrawal- see section above)

S/1995/589                      A similar outline application for a dwelling at Mount Pleasant Close (opposite Wayside) was approved subject to a 106 agreement. Due to a boundary dispute in regards to visibility splays which would have encroached onto neighbouring land, the Section 106 Legal Agreement was never completed, and permission was never issued.

### **CONSULTATIONS**

**WCC Highways** - Provided the applicant can confirm a vehicular right of access in perpetuity over the access lane I would recommend that no highway objection be raised subject to the following conditions being attached to any permission granted;

Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points of the carriageway edge 23m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and therefore maintained free of obstruction at all times.

Sufficient space for one garage and one parking space (or two parking spaces) together with a vehicular access thereto shall be provided for each dwelling before it is occupied, in a position to be approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

The driveway shall be properly consolidated and surfaces (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority

In addition to the above, a recent site visit has revealed that visibility is restricted at the junction of the private site access road with the County Class III road C.283. I therefore further recommend that prior to the commencement of any development hereby approved, visibility be improved at this junction with nothing over 1.0m in height above the adjoining carriageway level be planted, erected or maintained in front of (highway side) the splay line I have indicated in red across the 'blue' land on Drg. No. WEB236-2 Rev. D, (See appendix 2)

**WCC Archaeology** - No impact on archaeology, as there are no known archaeological sites in the area. However, after information from local residents, Wiltshire County Council will undertake further investigation into a World War II air-raid shelter at the site, with a further report expected to be submitted as late- correspondence.

**Wessex Water Authority** - The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has not disclosed how they propose to dispose of surface water. As there are no existing public/surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water. With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes- 7 <sup>th</sup> September to 28 <sup>th</sup> September
Departure	No
Neighbour notification	Yes- 29 <sup>th</sup> August to 19 <sup>th</sup> September
Third Party responses	Yes. Councillor Brady has received a petition objection to the scheme, and 15 letters of objection/concern have been received to this office so-far, summarised as follows:

The road is privately owned, and cannot be used as part of this development. (See beginning of report for officer's stance on the issue).

Development is in close proximity to adjacent dwellings, and will overlook rear gardens.

Development will spoil the outlook from nearby dwellings, especially Dewfalls (adjacent)

Development may pose highway safety hazard/conflict with other users of highway and pedestrians, as the visibility on this stretch of road is inadequate, there is a 'blind' corner near to the new access and the road is too narrow, and there are no footpaths.

The description of 'chalet bungalow' is misleading.

A number of small apple trees will be felled as part of the development. This has not been marked on the application form.

The height, scale and building line of the new dwelling will have an adverse impact on the character of the area, and will be overbearing.

The proposal may adversely affect or overload the drainage and sewage systems in the area. The development will involve the removal of a WWII air-raid shelter, which is considered to be of particular historical significance.

The original Mount Pleasant estate benefited from an attractive spacious layout and character with a feeling of space and located on the edge of with views to open countryside. Additional dwellings will be out of keeping with the spacious character of the estate.

Parish Council: No comment

## **MAIN ISSUES**

Principle of the proposed development

Impact on the character and appearance of the area and residential amenity

Impact on Highway safety

Archaeology

Loss of Trees

## **POLICY CONTEXT**

G1, G2, D2, H16, C6

## **PLANNING CONSIDERATIONS**

Principle of Housing Development

*The site is within the HPB where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Salisbury District Local Plan. Of particular importance is that the proposal should not constitute inappropriate backland development and should not result in the loss of an open area, which contributes to the character of the area. In the officer's opinion, the development would comply with Policy H16, as the proposal will not constitute inappropriate backland development, and will not result in the loss of an open area.*

*Policy D2 of the Salisbury District Local Plan states that the design of the proposal should respect the character of the area, with particular regard to building lines, scale and height and plot widths.*

PPG 3 promotes a more efficient use of land, while at the same time maintaining a high quality design and environment.

### ***Impact on character and appearance of area***

The dwellings in the immediate surrounding area, including the properties within Mount Pleasant Road, typically consist of detached bungalows. As such, a proposal for a chalet bungalow in a similar sized plot as the other properties is not considered to be out of keeping with the surrounding area. The footprint and siting of the proposed dwelling is appropriate, and the height of the new chalet bungalow is expected to be similar to the other bungalows in the immediate area. Concerns about building height can be dealt with at the reserved matters stage, with a condition requiring floor levels to be agreed.

Highways recommendations include a condition for visibility splays onto Mount Pleasant Road (see section below). The creation of these splays would result in the removal of the entire leylandi hedging running alongside Mount Pleasant Road, and this may have an impact on the 'silven' character of the area.

As the loss of this hedge may have some impact on the leafy character of the area, a condition should be placed on any approval requesting that additional planting (to be agreed before the commencement of development) should occur alongside the new boundary line for the new dwelling, in the interests of visual and residential amenity.

#### Impact on Residential Amenity

*The dormer windows to the rear of the proposed chalet bungalow will face directly towards the property known as Holly Trees to the west. It is accepted that overlooking, or the perception of overlooking may increase with this development.*

*After considering the valid concerns raised by local residents on overlooking, on balance, it is judged that overlooking will not increase to a significant degree to warrant refusal. There will be approximately 25 metres plus distance between the affected property, and mature trees and boundary screening ensure that overlooking will be kept to a minimum. It is considered that careful design at the Reserved Matters stage of the application, would prevent significant overlooking into neighbouring dwellings in order to safeguard residential amenity.*

#### **Archaeology**

There will be no impact on archaeology, as there are no known archaeological sites in the area. However, after information from local residents, Wiltshire County Council will undertake further investigation into a World War II air-raid shelter at the site, with a further report expected to be submitted as late- correspondence.

#### **Highway safety**

Local residents have raised concern to the traffic implications from the proposed development. This is a material planning consideration, and should be judged against the criteria of Policy G2 of the Local Plan, which states that new development will be considered against the following criteria:

a satisfactory means of access and turning space within the site, where appropriate, together with parking in accordance with the guidance at Appendices V and VI of the Local Plan;

(ii) avoidance of placing an undue burden on existing or proposed services and facilities, the existing or proposed local road network or other infrastructure;

Wiltshire County Council Highways department have been consulted on the application and have raised no objections to the proposal subject to conditions. As such, in accordance with the expert advice from Wiltshire County Council, it is considered that highways safety will be maintained with this development.

Notwithstanding this members should be aware that clarification is being sought from Wiltshire County Council on the possible imposition of a condition regarding the clarification of land ownership of the access road. It is expected that a subsequent report on this issue will be produced for the committee meeting.

#### Impact on Nearby Tree

The applicant has stated that no trees are to be felled as part of this application. In actual fact, whilst the significant maple tree to the north of the site is to remain, there are a number of small apple trees and conifers on the site which will be removed if permission is granted. To clarify this issue, it should be stated that the planning officer was fully aware of the need to fell the apple and conifer trees as part of the development, and also the applicant's intention to retain the maple tree to the north of the site. Therefore, the description on the application form should relate to the loss of *significant* trees (that is to say trees worthy of protection on their own merits such as the maple) on the site, and does not include the loss of smaller apple and conifers trees (as they are not worthy of protection on their own merits).

The tree officer has visited the site, and concludes that the maple tree to the northern section of the site will not be significantly affected by this development, subject to tree protection measures to be agreed by condition. The loss of a number of small apple trees in the garden will have minimal impact on the character of the area.

#### **Conclusion**

This application has been considered against the relevant Salisbury District Local Plan policies, G2, H16 and D2. It is considered that a residential dwelling could be accommodated on the site without disruption to the nearby maple tree, and would be appropriate to the character of the

area. Further, it is considered that the new dwelling will not result in a significantly adverse impact upon the amenities and living environment enjoyed by nearby residents, and subject to conditions will not result in an adverse impact to highway safety.

**RECOMMENDATION:**            **APPROVE:** for the following reasons

This application has been considered against the relevant Salisbury District Local Plan policies, G2, H16 and D2. It is considered that two residential dwellings could be accommodated on the site to be appropriate to the character of the area, and will not result in an adverse impact upon the amenities and living environment enjoyed by residents and subject to conditions will not result in an adverse impact to highway safety.

And subject to the following conditions:-

1.        Approval of the details of the design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. (A01A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

2.        Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. (A02A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

3.        Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (A03A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

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

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

5.        The finished floor level[s] of the proposed building[s] shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced. (C03A)

Reason: To ensure the exact finished floor level[s] of the buildings.

6.        No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy R2 of the Salisbury District Local Plan.

7. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

8. No development shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the buildings. (G20A)

Reason: In the interests of the amenity and the environment of the development.

9. Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points of the carriageway edge 23m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and therefore maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10. The driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to development commencing on site.

Reason: In the interests of highway safety.

11. Sufficient space for one garage and one parking space (or two parking spaces) together with a vehicular access thereto shall be provided for each dwelling before it is occupied, in a position to be approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of highway safety.

12. Prior to the commencement of any development hereby approved, visibility shall be improved at the junction of the private site access road with the County Class III road C.283, with nothing over 1.0m in height above the adjoining carriageway level be planted, erected or maintained in front of (highway side) the splay line indicated in red across the 'blue' land on Drg. No. WEB236-2 Rev. D.

Reason: In the interests of highway safety.

13. The development, including site clearance, must not commence until a statement of all the relevant details of the protection of the maple tree to the north west of the site has been submitted to the Local Planning Authority and approved in writing.

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that the tree to be retained will not be harmed during the development, including by damage to their root system.

The tree must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

Reason; To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

14. The maple tree to the north west of the site shall be retained and shall not be cut down, uprooted, willfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If the maple tree to the north west of the site is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree shall be planted at the same place, and that tree shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

**INFORMATIVE:**

This decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

- G2 - General Criteria for Development
- D2 - Design – Infill Development
- H16 - Housing Policy Boundary
- CN21 - Archaeology protection
- R2 - Open Space Provision

**INFORMATIVE: - R2**

You are advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed.

**INFORMATIVES:- WESSEX WATER**

The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal.

**INFORMATIVE:**

Notwithstanding the indicative elevations shown on the submitted plans detailing elevations and floorplans, the council will consider the appearance of the dwelling at the detailed application stage, and the approval of this application does not necessarily indicate the Council's opinion on the design of the dwelling, and is without prejudice to any formal decision taken in respect of development of the above site at the detailed application stage.