

# 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 20<sup>th</sup> SEPTEMBER 2007

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 Site Visit</b>	<b>Application No Officer Site Address Proposal</b>	<b>Parish/Ward Recommendation Ward Councillors</b>
1.	S/2007/1137	ALLINGTON
3 - 5	Mrs S Appleton	REFUSAL
SV 3.20 pm	WESSEX LODGE WYNDHAM LANE ALLINGTON SALISBURY SP4 0BY  RETROSPECTIVE APPLICATION FOR THE ERECTION OF A 1.3METRE HIGH FENCE TO THE FRONT OF THE PROPERTY	CLLR HEWITT CLLR WREN
2.	S/2006/2611	AMESBURY EAST
6-19	Mr A Madge	APPROVED WITH CONDITIONS
SV 3.40 pm	LAND ADJACENT TO RINGWOOD AVENUE AMESBURY SALISBURY SP4 7PF  RESIDENTIAL DEVELOPMENT COMPRISING 20 TWO AND THREE BED SEMI-DETACHED DWELLINGS, RELATED ACCESS, GARAGE AND LANDSCAPING	CLLR BROWN CLLR MITCHELL CLLR NOEKEN

# Part 1

## Applications recommended for Refusal

1

Application Number:	S/2007/1137		
Applicant/ Agent:	MRS KAREN LANE		
Location:	WESSEX LODGE WYNDHAM LANE ALLINGTON SALISBURY SP4 0BY		
Proposal:	RETROSPECTIVE APPLICATION FOR THE ERECTION OF A 1.3 METRE HIGH FENCE TO THE FRONT OF THE PROPERTY ALLINGTON		
Parish/ Ward	ALLINGTON		
Conservation Area:			
Date Valid:	4 June 2007	LB Grade:	
Case Officer:	Mrs S Appleton	Expiry Date:	30 July 2007
		Contact Number:	01722 434541

### REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers

Members will recall that this application was deferred from the last Northern Area Committee on 23 August 2007 pending a **site visit**.

The applicant submitted a further letter in support of the application along with a number of photographs. This was included in the schedule of late correspondence for the last meeting of Northern Area Committee (23<sup>rd</sup> August) and has been taken into account in the officer's recommendation.

### SITE AND ITS SURROUNDINGS

Wessex Lodge is a detached bungalow located within a Housing Policy Boundary in the village of Allington to the north of Salisbury.

### THE PROPOSAL

This is a retrospective application for the erection of a 1.3 metre fence to the front of the site.

### PLANNING HISTORY

S/2007/1138	Proposed single garage with internal storage area for disabled equipment	AC 11.07.07
S/2007/0835	Single storey extension	AC 18.06.07
S/2007/0668	Proposed new garage to house motability vehicle and disabled equipment	WD 23.05.07

### CONSULTATIONS

WCC Highways - Object

Visibility from and of a vehicle leaving the site access is severely restricted by the fence for which permission is being sought and also by the stone wall behind which the fence stands. Can you confirm if the erection of the wall, which looks fairly new, should be or has been the subject of a planning application.

As the fence now stands I have no option but to recommend refusal for the reason stated above, but even with its removal visibility would still be restricted by the wall.

*With regards to the question as to whether the existing wall needed formal planning consent, as it is under a metre in height, the wall does not require formal planning permission.*

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – Expiry 05/07/2007
Departure	No
Neighbour notification	Yes – Expiry 27/06/2007
Third Party responses	No
Parish Council response	No

## MAIN ISSUES

Principle

Impact on the visual amenities of the street scene

Impact on neighbour amenities

Impact on highway safety

Other issues

## POLICY CONTEXT

Adopted Salisbury District Local Plan, G2 (General) and C6 (Special Landscape Area).

## PLANNING CONSIDERATIONS

### Principle

Unfortunately, there is no policy within the adopted Salisbury District Local Plan, which deals specifically with fences or other means of enclosure. As a result, the proposal should comply with the aims of both general policy G2 and policy C6, which deals with developments within a Special Landscape Area.

- Any new development should be considered against the aims of policy G2, the criteria relevant in this case are:
- The development should have a satisfactory means of access and turning space within the site, where appropriate.
- The avoidance of placing an undue burden on existing or proposed services and facilities, the existing or proposed local road network or other infrastructure.
- There should be respect for existing beneficial landscape, ecological, archaeological or architectural features and include measures for the enhancement of such features and the landscaping of the site where appropriate.
- The avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.

Policy C6 relates to developments within a Special Landscape Area and states that proposals should have a particular regard to the high quality of the landscape. Where proposals, which would not have an adverse effect on the quality of the landscape, they will be subject to the following criteria:

- The siting and scale of the development to be sympathetic with the landscape; and
- High standards of landscaping and design, using materials, which are, appropriate to the locality and reflect the character of the area.

### Impact on the visual amenities of the street scene

The 1.3 metre high timber close-boarded fence is situated on the front boundary of the site, adjacent to an existing retaining wall, which fronts Wyndham Lane. The framework of the fence faces towards the street scene and the applicant has used the space between the existing wall and the fence to implement some planting.

The surrounding area is characterised by the use of relatively low walls, fences and hedges. The new development of Bishops Reach to the south west of the site does include a high wall close to the road. However, this wall is separated from the road by a pavement, whilst the wall and fence at Wessex Lodge fronts directly onto the road. As a result of its overall height, the fence creates a dominant feature, which is very prominent within the street scene. This prominence is not helped by the fact that the supporting structure of the fence faces onto the road. As a result, it is considered that the fence has a detrimental impact on the visual amenities of the existing street scene significant enough to warrant refusing the application.

Notwithstanding the above, should members be minded to approve the application, a possible solution to mitigate against some of the visual impact would be to turn the fence around, so that the supporting structure (i.e. the posts and struts) face inwards towards the house, instead of towards the road.

Members should note that the neighbouring property to the north west (Malpas) also has a fence on its front boundary that is over 1 metre in height and should therefore have planning permission. However, no planning history can be found for a formal application at this site.

#### **Impact on neighbour amenities**

As the fence is located on the front boundary of the site, it causes no adverse impacts on the residential amenities of the occupier's of the neighbouring dwellings.

#### **Impact on highway safety**

As the fence fronts a road, the highways authority at Wiltshire County Council was consulted on the application. The highways officer has raised concerns over the visibility when pulling out of the drive of Wessex Lodge. He states that visibility from and of a vehicle leaving the site access is severely restricted by both the existing wall and fence. He has therefore recommended that the application be refused on highway safety grounds, although has mentioned that even if the fence were to be removed, visibility would still be somewhat restricted by the low-level wall.

#### **Other issues**

During various correspondences the applicant has mentioned other walls and fences over 1 metre in height within the village that have been erected on the front boundary and has argued that these have set a precedent for future development. However, each application received by the Local Planning Authority has to be dealt with on its own merits and even if one application is approved, it does not guarantee approval for a similar development within the immediate vicinity. In this instance, due to the prominence of the fence, which is considered to discord with the existing character of the area and the associated highway safety issues, officers feel that they have no option but to recommend refusal of this application.

The applicant has asked that previous correspondence and photographs showing other means of enclosures around the village is made available to members when deciding the application. These details have been attached as an appendix to this report.

#### **CONCLUSION**

As a result of its location and overall size, it is considered that the fence will have a detrimental impact on the visual amenities of the existing street scene and also impedes visibility from and of a vehicle leaving the site access.

#### **RECOMMENDATION: REFUSAL** **Reasons for Refusal:-**

1. The fence, as a result of its overall size and location on the front boundary of the site, has a significant adverse impact on the visual amenities of the street scene, contrary to policy G2 of the adopted Salisbury District Local Plan.
2. The fence, as a result of its size and location, severely restricts the visibility from and of a vehicle leaving the site access to the detriment of highway safety, contrary to policy G2 of the Salisbury District Local Plan.

## Part 2

### Applications recommended for Approval

2.

Application Number:	S/2006/2611		
Applicant/ Agent:	TURLEY ASSOCIATES		
Location:	LAND ADJACENT TO RINGWOOD AVENUE AMESBURY SALISBURY SP4 7PF		
Proposal:	RESIDENTIAL DEVELOPMENT COMPRISING 20 TWO AND THREE BED SEMI-DETACHED DWELLINGS, RELATED ACCESS, GARAGE AND LANDSCAPING		
Parish/ Ward	AMESBURY EAST		
Conservation Area:		LB Grade:	
Date Valid:	20 December 2006	Expiry Date	14 February 2007
Case Officer:	Mr A Madge	Contact Number:	01722 434541

**Members may recall that this planning application has previously been considered by this committee on the 1<sup>st</sup> March 2007. However before the application could be heard, documentation was presented to officers by a neighbour to the development regarding their ownership of land at the site entrance. Therefore before the matter was debated by members on legal advice, the application was deferred in order that the issue of this land ownership could be looked into and clarified.**

**The legal issues surrounding this area of land are complex but have now reached a point where the HDS considers that the application can be determined. (The legal issues are outlined below in more detail). The application is therefore now brought back before members for determination.**

**The report below has been rewritten in the light of the above and contains additional information on matters of drainage and open space provision.**

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

Councillor Noeken has requested that this application be heard by committee because of the interest shown in the application and the controversial nature of the application particularly given the sites previous planning history.

#### **SITE AND ITS SURROUNDINGS**

The site is an open piece of land situated on an estate of ex MOD houses located on land to the South of Amesbury. The area is well established and consists of predominantly semi detached and terraced houses of simple render and plain concrete tile design. The roads in the area have recently been brought up to adoptable standards but are at the present moment awaiting full adoption along with the public sewer systems.

This particular open space is one of a series throughout the area, which characterise this part of the estate. The area of land is approached via a small access way past two blocks of residential garages. The site slopes gently from Southeast to Northwest. At present many of the houses that back on to this area of land have informal rear pedestrian access ways.

## THE PROPOSAL

The proposal is for the erection of 20 new dwellings in pairs of semi-detached properties of 2 and 3 bedrooms. The mixture would be 12, 3 bedroom houses and 8, 2 bedroom houses. The proposals provide for 31 parking spaces (equivalent to 1.55 parking spaces per dwelling). The dwellings are designed in a simple manner in pairs with hipped roofs to reflect the design of surrounding properties. Access is proposed through the existing access way to the site with an additional pedestrian accessway proposed along the Eastern edge of the development.

## PLANNING HISTORY

### This site

S/01/1887 Erection of 16 Houses with estate road and alteration to existing access Refused 20/11/01

Refused on grounds of

- 1) Design, Choice of materials and layout.
- 2) Substandard access junction.
- 3) Would introduce overlooking into rear gardens of Lyndhurst gardens.
- 4) Archaeological field evaluation.
- 5) Non provision of an on site children's play area.

S/01/2290 Erection of 16 Houses and estate road and alterations to existing access

Refused on grounds of

- 1) Loss of open Space
- 2) Lack of provision of social infrastructure i.e. Education provision.
- 3) Layout and Form of development failed to respect the character of the surrounding estate.
- 4) Proposal will lead to increased flooding
- 5) Absence of pedestrian footways that will give rise to increased risk of vehicle/pedestrian conflict.
- 6) Contrary to policy R2 because inadequate provision for public open space had been made.

Appeal against the decision dismissed 6/8/02 on grounds of

- 1) Lack of education facilities at the time in the area.
- 2) The lack of provision of a contribution towards open space for people living on the development nor an adequate legal agreement for securing the open space opposite the site.
- 3) The prematurity of the application given that the local road network at that time had not been upgraded and concerns about access into and out of the site.

The appeal decision is attached as an appendix

Of relevance to the application.

S/2002/1195 Upgrading of all roads, footways, including all necessary services and infrastructure to adoptable standards Approved 7/10/02 (the surrounding estate)

S/1997/1190 erection of a 2m high wooden panel fence in concrete support posts Approved 16/10/97 (No 18 Lyndhurst road)

## CONSULTATIONS

### WCC Highways –

*“Further to my recommendation dated 31st January 2007 I am now in receipt of Turley Associate's amended layout plan numbered W100 Rev F. The amended layout addresses my earlier highway objections (in relation to the amended plans) and I therefore would not now raise a highway objection to the proposed development subject to the following:-*

*Any planning permission should include a Residential Travel Plan to include a 1 year annual family bus pass per dwelling, a £500 pa contribution to the County Council for Travel Plan monitoring until the road is adopted, the appointment of a site coordinator and a £5,000 financial contribution for a cycle shelter at Christ the King Primary School."*

#### **WCC Library/ Museum –**

An archaeological evaluation was carried out in 2001 as part of a previous application on this site

The evaluation comprised four trenches, which were excavated in the area of the proposed new dwellings and revealed plough-marks, which may date from the Romano-British period and an undated, but probably prehistoric ditch.

In order to determine the extent of these features it would be of value to carry out a watching brief during the construction. As such I recommend the following condition as set out in paragraph 55 of DoE Circular 11/95 to be placed on this application:

*'No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.'*

#### **WCC Education –**

I can confirm that our assessment of the likely need for additional school places arising as a result of the proposed housing, indicates that the designated schools would be able to accommodate the extra children within existing capacities. So we will not be making a case for developer contributions here.

#### **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 this proposal. This can be agreed at the detailed design stage.

It should be noted there is a private foul sewer crossing the site, although this is not Wessex Water's responsibility.

Our records indicate that this development is served by section 104 sewers, details of which have not yet been added to the public sewer map. Further details of the section 104 sewers should be obtained from the developer.

The developer has proposed to dispose of surface water to soakaways. It is advised that your council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage.

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.

#### **Environment Agency –**

We have no objection to the proposed development subject to the following conditions and informatives being included in any planning permission granted.



## Foul Drainage

### *Condition:*

*No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.*

*REASON: To prevent pollution of the water environment.*

## Water Efficiency

### *Condition*

*No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.*

### *Condition*

*In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.*

### *Informative*

*The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) > [Subjects](#) > [Water Resources](#) > [How We Help To Save Water](#) > [Publications](#) > [Conserving Water in Buildings](#), for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website.*

## Surface Water Drainage

### *Informative:*

*The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".*

## Recommendations

### Sustainable Construction

We strongly recommend that the proposed development includes sustainable design and construction measures, such as those given in the Building Research Establishment (BRE) EcoHomes standards or similar. Passive design will minimise necessary heating/cooling of buildings. Minimal natural resources are used during construction and energy efficiency is achieved during subsequent use. This reduces carbon dioxide emissions and contributes to climate change mitigation.

### Sustainable Drainage Systems (SUDS)

Surface water run-off should be controlled as near to its source as possible with sustainable drainage systems (SUDS). This reduces flood risk through the use of soakaways, infiltration trenches, permeable pavements, grassed swales, ponds etc. SUDS can also increase groundwater recharge, improve water quality and provide amenity opportunities. A SUDS approach is encouraged by Approved Document Part H of the Building Regulations 2000. Further information on SUDS can be found in: PPS25 Annex F: Managing Surface Water

CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales.

Interim Code of Practice for Sustainable Drainage Systems (advice on design, adoption and maintenance issues, available at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and [www.ciria.org/suds](http://www.ciria.org/suds))

#### Pollution Prevention

Safeguards should be implemented during the construction phase to minimise the risks of pollution in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

#### **Ministry of Defence –**

This application is for a site inside both the height and birdstrike Safeguarding Zones surrounding Boscombe Down DERA. The site lies 2.6km North West of Boscombe Down. The height of the buildings shown in the application will not effect operations at the airfield.

My main concern is that the planting of trees and shrubs must not unacceptably increase the risk of birdstrike to aircraft using the aerodrome.

No details of the planting scheme have been provided. Therefore, Defence Estates Safeguarding requests that:

- a) Developers provide assurances that berry-bearing plants will not exceed 5% of the planting scheme. Dense berry rich areas are a major attractant for bird species hazardous to aircraft.
- b) Where berry-bearing species are to be planted, they must be interspersed with non-fruiting species to avoid flocks of hazardous bird species forming.
- c) Trees such as the Scots Pine and Oak should be omitted from the planting scheme, as they are also an attractant to hazardous bird species.
- d) Landscaping plans should include 4m planting centres for all tree species in order to prevent the formation of continued cover. The large canopies provide a roost and easy food source for hazardous bird species.

If the developers are to install a SUD's scheme or any area of open water, plans are to be submitted to this office for consultation.

#### **Natural England –**

Natural England - objects to the proposed development. As the application contains insufficient survey information to demonstrate whether or not the application would have an adverse effect on legally protected species. Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons

The application is within the vicinity of the River Avon System Site of Special Scientific Interest and Special area of conservation, we therefore advise that water efficiency measures are incorporated into the new houses as a contribution to minimising water usage.

Wessex Water's existing licences for abstraction and discharge must be able to cater for the increase in water usage and foul sewerage treatment resulting from this development.

We advise that sustainable Urban Drainage Systems are used to reduce surface water run-off

*A walk over survey was commissioned by the applicants of the site in February of this year and following this Natural England's comments changed to –*

I confirm that Natural England is satisfied with the approach laid out in the survey namely attaching a condition to any permission in relation to a reptile survey and condition.

#### **Design Forum –**

Northern Area Committee 20/09/2007

### Urban Design

While it is acknowledged that the design options for the site are heavily constrained by the fact that the rear boundaries of the existing houses abut the site continuously on almost all its sides, in turn allowing only one possible point of vehicular access into the potential site, the layout of the development nonetheless exhibits a formulaic 'highway-standards' approach which cannot be justified in the context of the modest size of the development and the fact it would be served by a cul-de-sac rather than a through-route.

The width of the vehicular access and certain curve radii is questioned as being unnecessarily generous thereby inadvertently promoting the primacy of the vehicular movement over pedestrian movement and adding to the scheme's general blandness. It is also very suburban in appearance due to the dominance of on plot parking. This is a site where an informal home-zone approach is clearly possible and would make for a more family-friendly and interesting development.

### Architectural Design

The veranda-style porch on the side elevation of plot 20 was considered to appear somewhat odd, running as it did the entire length of the side elevation.

Reservations were expressed regarding the apparent lack of traditional detailing in the design of the dwellings.

The relatively shallow pitch of the roofs are a consequence of the deeper plan form of the proposed dwellings as compared to the surrounding houses and this further exacerbates the overall bland, suburban appearance of the scheme. The lack of meaningful variety in house types (there are essentially only two types) and their rigid, geometric arrangement also contributes to the consequent lack of visual interest or local character.

## **REPRESENTATIONS**

Advertisement: Yes Expired 25/01/07  
Site Notice displayed: Yes Expired 25/01/07  
Departure: No  
Neighbour notification: Yes Expired 12/01/07  
Third Party responses: Yes 52 letters of objection summarised as follows –

- 1) The proposed pedestrian footpath between 4 and 6 Ringwood Avenue was intended for the Electricity Board to access their substation not as a major pedestrian thoroughfare where the open plan gardens of 4 and 6 Ringwood Avenue will be damaged.
- 2) The vehicle access is not capable of serving emergency vehicles.
- 3) The use of the land for housing would deprive local children of their play space.
- 4) There is a restrictive covenant on the land, which prevents further development.
- 5) Consider that there would be an overlooking problem because of the change in ground levels.
- 6) There would be a loss of the rear access right of way
- 7) The roads on the estate are not wide and are not suitable for the level of traffic proposed or for emergency vehicles
- 8) Deeds on the garages state that no action should be taken by any party to cause, nuisance, annoyance or to depreciate the value of neighbouring properties. This development would clearly do so.
- 9) Overlooking would infringe human rights.
- 10) Loss of open area would kill community spirit that exists in the area.
- 11) Consider that development would cause the development to flood.
- 12) Education still has a long way to go to reach required standards.
- 13) Children's Play area referred to in the proposal is full of broken glass and teenagers.
- 14) The impact of 40 plus extra vehicles on the estate will bring with it noise, pollution and a lot of congestion.
- 15) Trees will not obscure any overlooking.
- 16) Consider schools are already at capacity in area.
- 17) 20MPH speed limit is regularly not observed at entrance to access road and this would be made worse by proposed development.

- 18) Consider there would not be enough water supplies available for the proposed development.
- 19) Street lighting would present problems at the rear of existing properties.
- 20) Amesbury already has a further 550 houses at Boscombe Down and doesn't require any more.
- 21) Consider the first application was refused on grounds of overlooking so this one should be as well.
- 22) Application provides inadequate parking for the number of houses proposed.
- 23) Hope that a proper independent survey is carried out as regards drainage.
- 24) The bus services to the estate have recently been reduced which causes problems for existing residents.
- 25) Consider the development would be a squalid little ghetto.
- 26) Roots from proposed trees will interfere with residents back gardens.
- 27) The site provides character to the settlement by being one of the very few green areas left in Amesbury.
- 28) Development would require heating and will omit fumes the 40 plus cars would also mean exhaust fumes in a small area that could cause health problems.
- 29) Garage blocks will block light to properties.
- 30) Will lead to the loss of a field that is used regularly by dog walkers.
- 31) Will lead to the loss of wildlife including hedgehogs.
- 32) Development will obscure the view from the rear of the property.
- 33) The loss of this open space is contrary to policy H16 of the adopted local plan.
- 34) Development should be on Brownfield sites not Greenfield ones like this.
- 35) Value of property will significantly depreciate if this development goes ahead.
- 36) A recent application was made to build 3 dwellings on land to the rear of Ringwood Avenue if this were built and the current application there would be little land left.
- 37) There is no footpath on Ringwood Avenue to receive pedestrians particularly at the bend in the road.
- 38) Lack of supporting infrastructure for this development including, Doctors, dentist, second supermarket.
- 39) The character of the settlement will be cut away and replaced with a cancer of bricks and mortar.
- 40) Refuse and recycling vehicles will not have direct access to the site.
- 41) Contractor's vehicles would cause many problems to existing residents of the estate.

Town Council response: Yes Object on the following grounds:

1. The development is inappropriate to the needs of the town as there is currently a large development of 550 houses in progress at the moment, there is need for sufficient infrastructure in the form of retail units to sustain that development before additional developments are considered.
2. The slope of the land, falling from the South West entrance to the site to the North East, which is bounded by houses in Lyndhurst Road, could lead to flooding problems if development were to proceed.
3. No investigation has been made by the developer regarding the capacity of the local Secondary School, which is reaching capacity.

Following a meeting of the town council on the 4<sup>th</sup> September 2007 -

The town council further consider that the development should provide for a proportion of affordable housing on the site in line with government guidance contained within planning policy statement three.

Notwithstanding the in principle objections to the scheme were the council to grant permission for the development the town council would be prepared to take on the maintenance of the adjacent open space that has now been offered by the applicant.

## **MAIN ISSUES**

The main issues concern the changes between this application and the previous one in 2001 and the reasons that the planning inspector dismissed the previous appeal. In addition the changes made to the application entrance since March of this year.

- 1) Changes at the entrance to the development since the initial application in March
- 2) Highways
- 3) Education
- 4) Open Space provision
- 5) Open space adjacent the site in Ringwood Avenue
- 6) Protected Species
- 7) Affordable Housing Provision
- 8) Drainage and flooding issues
- 9) Other issues

## **POLICY CONTEXT**

H16 – Housing Policy Boundaries, D1- Design, extensive development. G2- General Policies, H25- Affordable Housing Provision, R2, Open Space provision, G9 additional infrastructure, CN21 Sites of archaeological interest, CN22 Preservation of archaeological remains.

## **PLANNING CONSIDERATIONS**

### Changes made to the site entrance during the course of this application

At the meeting held in March 2007 of this council's Northern Area Committee a local resident claimed ownership of some of the access way forming part of the development site and stated that he had not received the appropriate notice. On the advice of the council's legal representative members deferred consideration of the application in order to give officers time to investigate the position.

Clarification was sought from both the applicants and the claimant as to the extent of their respective land ownerships. After examining the plans and documentation held at the Land Registry and lengthy discussions it became apparent that the position was impossible to resolve. The scale of the plans and thickness of the lines prevented accurate identification of the boundaries. At this point, the small disputed area of land was considered essential for the formation of an acceptable access and so the view was taken that since the position could not be resolved and the documentation accompanying the planning application was not entirely consistent, the application was invalid.

However it was then drawn to the planning officer's attention that in March 2007 a publication entitled Manual for Streets was published which superseded previous highways guidance and adopted a generally less rigid approach to highways junctions and roads encouraging, where possible, the mixing of pedestrians and vehicles. (This is discussed further below). The applicants indicated that they wished to amend the red line of the application in order to remove the disputed land from the application site and resolve the situation. Wiltshire Highways since the publication of the new guidance confirmed that they consider that the junction proposed, excluding the disputed land, would be acceptable to serve a development of this size. Since this small slither of disputed land is no longer of any relevance in highway or planning terms for the purposes of determining the application it is considered to be what is technically termed "de minimis" i.e. it is so small that it would have no significance. Officers therefore feel that in view of these changed circumstances there is no justification for not allowing a very minor change to the red line decreasing the size of the application site and excluding this small area of land.

All of the above has taken a considerable amount of time and discussion to resolve. The application now before members therefore excludes the disputed area of land and includes an amended and smaller access way".

### Highways

As noted above the site entrance has now changed to exclude a disputed area of land between the application site and no 18 Lyndhurst Gardens. This has resulted in a revised site entrance with an area of pavement being moved from the left side of the site entrance (as viewed from Ringwood Avenue) to the right side adjacent no 12. This has led to a smaller site entrance than previously proposed.

As stated above in March 2007 Central government produced new guidance for highways authorities on the layout of streets and roads and the way that vehicles should interact with pedestrians in general this guidance advocates a more relaxed approach to the previously relatively rigid highways standards that have been adopted. In particular it introduces the concept of shared streets with pedestrians and vehicles. It also suggests narrowing streets as traffic calming measures and reducing the large vision splays that have become familiar on residential housing developments in order that vehicles cannot exit junctions quickly and need to slow down before exiting. This latter change is directly applicable to this application given the reduction in the entrance width at this site.

In summary Manual for Streets has introduced fundamental changes to the way that new streets and highways are laid out and this has in this instance led to the changes being made to this application being considered acceptable by the County highway engineer and subsequently officers of this council.

It should also be noted that the highways authority has requested that any planning permission should include a Residential Travel Plan to include a 1 year annual family bus pass per dwelling, a £500 pa contribution to the County Council for Travel Plan monitoring until the road is adopted, the appointment of a site coordinator and a £5,000 financial contribution for a cycle shelter at Christ the King Primary School. If members were minded to grant permission for this development this would need to be subject to a S106 legal agreement to be included as part of the permission.

#### Education

The previous application was refused on the grounds that there were insufficient education facilities in the vicinity to adequately support the development. The inspector considered that whilst this was not grounds for refusing the application in itself, it did contribute to his overall concern about the development.

Since that point obviously the situation has changed with the erection of the new Amesbury Archer primary school at Boscombe Down that has been erected primarily to serve the Boscombe Down development. Nonetheless Wiltshire County's education department has raised no objections to the scheme as they considered that there was sufficient space within existing schools both primary and secondary to accommodate any increase in pupil numbers created by this development. On this basis and given this advice it would be unreasonable of the local planning authority to ask for an education contribution if there is existing capacity within the schools. The comments of Amesbury Town Council and local residents in this respect are noted but it is considered that as Wiltshire County Council's education department consider there is existing capacity within the schools, the planning authority cannot reasonably ask for a developer contribution towards education.

#### Open Space provision

An important consideration is that of the loss of this green space, which has served the houses that back onto it and the wider area, informally since they were built. The previous application was refused partly on the loss of this open space as members considered that it made an important contribution to the local area.

The inspector on appeal however considered that a development on this particular piece of land would not be uncharacteristic of the area. The inspector at the time had in mind Planning Policy Guidance 3, which stated that better use for new housing, should be made of sites like this and he concluded that the principle of building on such a site was acceptable.

Members may be aware that the local authority as part of its new LDF process (Local Development Framework) has commissioned PMP consultants to undertake an open space background study of the district and this has now been undertaken and published. Various sites around the district including the Amesbury area were looked at as part of this open space study and this space was highlighted for consideration. The study does not make specific reference to the open space the subject of this application but instead states that in the Stonehenge area, which covers Amesbury, and the surrounding area there is a surplus of 17.7 hectares of amenity greenspace. Given that the survey has not specifically identified this piece of land as an important area of open space, that there is an over provision of space within the 'Stonehenge' area inclusive of Amesbury and that the adopted SDLP does not safeguard the land under any specific amenity or recreation policy then there is no substantive reason to resist the application on these grounds.

In the light of the inspectors comments and the evidence that is available from the openspace report it is not considered that the local authority could sustain a reason for refusal based on the loss of this open space at appeal.

#### Open space adjacent the site in Ringwood Avenue

There is an area of open space directly opposite the site, which is at present owned by the applicant. One of the planning inspector's previous concerns at this site was that there was no provision for securing that particular area of land in connection with the development. Since the application was first submitted the applicant has now offered this land with the application with a commuted sum for its future upkeep should the application be approved. This addresses the inspectors concern in this respect.

#### R2

The applicant has offered to pay for off site recreational facilities in Amesbury in association with policy R2. If this application were to be refused on any other grounds, as is standard procedure the application would also need to be refused on the grounds of non-payment of the R2 contribution.

#### Protected Species

Members should note that this is a new issue that has arisen since the last appeal in that Natural England have stated that a walkover survey should be undertaken of the site to establish whether there are any protected species that may be present. This has been carried out by the applicant and it has been established that the site is of relatively low grade grass habitat on the whole and therefore it is unlikely that there will be much in the way of protected species on the site. There is however the possibility of slow worms being present and the ecologist who carried out the survey has suggested that a further survey to assess the presence or not of Slowworms should be carried out. This can only be carried out from March onwards and therefore has not yet been done. Natural England have stated that if the local authority were minded to grant permission for this development a condition should be added requiring a protected species survey to be carried out to establish the presence of slowworms..

#### Affordable Housing

The application does not propose affordable housing provision. PPS3 suggests that developments such as this which propose over 15 units of accommodation should provide for some form of affordable housing provision and the head of housing for the district council has commented as follows –

*"I am disappointed that we have not been able to negotiate any affordable housing provision on this site, although I accept that it was submitted to the Development Control team on the 10 December 2006, some 21 days before the council adopted the new PPS3 thresholds"*

The head of strategic housing has expressed disappointment that no affordable housing has been secured on this site. PPS3 was introduced in November 2006 but the new trigger of 0.5ha or 15+ dwellings for the provision of affordable housing was delayed to the 1<sup>st</sup> April.

However within the PPS advice was given that allowed the date for the new triggers to be brought forward if circumstances dictated. The head of development services in conjunction with the head of forward planning and transportation agreed that in view of the political priority of providing for affordable housing whenever practical the date for implementation should be brought forward 4 months to the 1<sup>st</sup> January 2007. This would maximise on the ability to achieve affordable housing under the new rules whilst allowing applications in the system when PPS3 was introduced to be addressed under the guidance applicable under PPG3 and adopted SPG.

This application was registered before the 1<sup>st</sup> January and therefore under the advice of the HDS and HFPT the new thresholds have not been applied.

#### Drainage and flooding issues

As can be seen from the above representations received from neighbours to the development, considerable concern has been expressed about the developments ability to cope with both existing sewage and drainage issues in the area and whether such a development will exacerbate those existing issues.

In terms of the foul sewage facilities proposed and sewerage capacity the applicants have stated that their clients "investigated the sewage capacity and layout in the early stages of preparing the application. Peter Brett Associates were commissioned to prepare a report assessing capacity and identify an appropriate solution. This report examined the existing sewer network in detail and concluded that there would not be an issue with regard to the capacity of the foul sewers to the East and West of the site. It is the applicant's intention that in order to avoid increased discharge along the existing drain between 50, 52 and 54 Lyndhurst Road the preferred option is to sever the existing sewer and via a small pumping station within the applicants land and a new foul sewer, to pump back to the existing drain on Ringwood Avenue.

Officers consider that in the light of the proposals suggested by the applicants agent and the report that was commissioned by them on the existing sewage capacity that indicated a solution could be achieved, that avoided the problems associated with overloading the existing system, that subject to a condition requiring details of that system to be submitted and approved in writing by officers that the extra sewage can be adequately handled.

Residents have stated that surface water is at present a considerable concern in that during times of excessive rain, water washes down between the existing garage block at the top of the site as there are inadequate surface water drainage facilities to serve this site. In relation to this aspect of concern the applicants have stated that as a requirement of the adoption of this new road to the development they would be required to insert storm water drains at the entrance to the site which should resolve the existing problems at this end of the site, obviously drains would also be inserted to serve the rest of the development. This would be agreed with highways at the detailed stage.

In view of the above whilst fully understanding residents current concerns and the existing situation, it is considered that the measures proposed would enable the development to take place without overburdening the existing sewerage or surface water drainage facilities.

#### Other Issues

The proposal was put before the internal design panel some months prior to the application being submitted who suggested that the proposal was generally acceptable in terms of its simple architectural approach of semi detached buildings which were broadly in line with the surrounding dwellings. They did suggest that the proposal was suitable for a home zone type of approach which the applicant has not included in the current application.

Members will note the design forum's comments which differ from that of the pre application advice given by the internal design team, have none the less criticised the highways dominated approach which is similar to the internal design teams ideas that the road should have adopted a home zone type of approach. Whilst the developer could have adopted the homezone approach. The fact that they have not should not in itself in officer's opinion form a reason for refusal.



A substantial number of objections have been received from local residents some of which state that there are covenants on the land and accessway which prevent development of the land and access to the site other than for the garages. Members are reminded that covenants are a private matter between the two parties involved and are not a material planning consideration. One letter suggests that the access is within the ownership of the owner of one of the garages. This has been raised with the applicants who have stated in writing that they own the access way into the site. This has been confirmed by the council's legal services.

Officers considered the issue of overlooking but considered that the distances between the rear of the proposed new properties and the existing properties was unlikely to lead to such a significant degree of overlooking any different to that which would be found in any residential area and insufficient to warrant refusal.

## **CONCLUSION**

At present it is considered that there are no reasonable grounds for refusing this application on the basis of educational need. Wiltshire County Council has stated that there is adequate provision within their forecasts for any increase in children from this development. Similarly officers consider that providing the detailed sewage proposals as outlined by the applicant are implemented (which can in officers opinion be controlled via the use of a suitable condition) issues surrounding flooding and sewage capacity can be overcome.

The principle of this loss of open space has been established, by the inspector not supporting this on the last appeal, more recently the survey commissioned in support of the new LDF does not specify this particular site and concludes there is an overprovision of open space in the Stonehenge area.

It is further considered given the most recent guidance contained within Manual for Streets that the revised access junction which excludes the disputed area of land at the entrance to this development is acceptable to serve this development.

## **RECOMMENDATION:           APPROVE**

**Subject to the provision of a section 106 agreement requiring the provision of the adjacent space on Ringwood Avenue to be given to the town council along with an appropriate commuted sum for its upkeep. The provision of a monetary contribution in respect of policy R2 and the provision of a Residential Travel Plan to include a 1 year annual family bus pass per dwelling, a £500 pa contribution to the County Council for Travel Plan monitoring until the road is adopted, the appointment of a site coordinator and a £5,000 financial contribution for a cycle shelter at Christ the King Primary School.**

**Reasons for Approval:** The proposed use of the land for housing is considered to be a suitable use of this vacant site which it is not considered is an important open space that contributes significantly to the open character of the area and is considered therefore to comply with policies G2, D1 and H16 of the adopted local plan.

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 1) To comply with the provisions of section 91 of the Town and Country Planning Act 1990.

2) 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.

Reason 2) To secure a harmonious form of development.

3) No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason 3) In the interests of the amenity and the environment of the development.

4) Before development commences, a scheme for the discharge of surface water from the building and hard surfaces hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved.

Reason 4) To ensure that the development is provided with a satisfactory means of surface water disposal.

5) 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 any of the buildings.

Reason 5) In the interests of the amenity and the environment of the development.

6) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason 6) In the interests of the amenity and the environment of the development.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason 7) In the interests of the amenity and the environment of the development.

8) No construction work shall take place on Sundays or public holidays or outside the hours of 7.00am to 9.00pm, weekdays and 9.00 am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason 8) To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.

9) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason 9) In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development"

10) Prior to the commencement of development details of covered cycle storage in accordance with the standards in the adopted local plan shall be submitted and agreed in writing with the local planning authority. Such details as agreed shall be implemented prior to first occupation of the development.

Reason 10) In order to ensure adequate provision is made for cycle parking in accordance with the adopted standards

11) Prior to commencement of development a waste audit shall be submitted and approved in writing detailing how waste during and after construction will be dealt with and the measures to be used to reduce such waste as is produced.

Reason 11) In order to reduce the amount of waste that this development will produce.

12) No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason 12) In order to ensure any archaeological finds are correctly recorded.

13) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reason 13) In order to ensure that adequate sewerage is available for the development

14) No development shall commence including site clearance works of any kind until the results of a reptile survey have been submitted to and approved by the local planning authority together with a mitigation scheme which identifies a suitable receptor site for reptiles if these are found. The mitigation scheme (if applicable) must explain the timing of mitigation works in relation to the development and all relevant mitigation works must be completed to the satisfaction of this authority before development, including before site clearance work begins on site.

Reason 14) In order to mitigate against the effects the development may have on reptiles at the site.

Informatives:

1) The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the

maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development.

2) The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

**Part 3**  
**Applications recommended for the Observations of the**  
**Area Committee**

No Observations