

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

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE
NORTHERN AREA 14/02/08

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2007/2411	AMESBURY WEST
p3-10	Miss L Flindell	REFUSAL
SV 16:00	SPACE DESIGN SOLUTIONS LTD 26 SALISBURY ROAD AMESBURY SALISBURY CONSTRUCTION OF NEW DWELLING AND ALTERATION OF ACCESS	AMESBURY WEST Councillor Westmoreland
2	S/2007/2429	AMESBURY WEST
p11-13	Miss L Flindell	APPROVED WITH CONDITIONS
SV 16:00	SPACE DESIGN SOLUTIONS LTD 26 SALISBURY ROAD AMESBURY SALISBURY WIDEN EXISTING ACCESS IN BOUNDARY WAY	AMESBURY WEST Councillor Westmoreland
3	S/2007/2543	IDMISTON
p14-22	Miss L Flindell	APPROVE SUBJECT TO S106
SV 15:30	MR J COLEMAN SITE ADJOINING HAMOAZE THE AVENUE PORTON 2 NEW DWELLINGS	IDMINSTON WARD Councillor Hewitt Councillor Wren

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/2411		
Applicant/ Agent:	SPACE DESIGN SOLUTIONS LTD		
Location:	26 SALISBURY ROAD AMESBURY SALISBURY SP4 7HL		
Proposal:	CONSTRUCTION OF NEW DWELLING & ALTERATION OF ACCESS		
Parish/ Ward	AMESBURY WEST		
Conservation Area:	LB Grade:	II	
Date Valid:	28 November 2007	Expiry Date	23 January 2008
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

S/2007/2411

REASON FOR REPORT TO MEMBERS

Cllr Westmoreland has requested that the application be determined by Northern Area Committee due to the importance of the site/building.

SITE AND ITS SURROUNDINGS

The site is located within the Housing Policy Boundary of Amesbury and within the curtilage of a Grade II listed building (No 26 Salisbury Road Amesbury is a Grade II listed former farmhouse) The site is adjacent to an Area of High Ecological Value, River Avon System Site of Special Scientific Interest/Special Area of Conservation and Development Restraint Area.

THE PROPOSAL

Full planning application for construction of a new dwelling and integral garage and alteration of the existing vehicular access to provide access to both the existing and proposed dwelling.

PLANNING HISTORY

2005/2338 Construction of new dwelling and garage – creation of new site entrance for existing house adjacent Ref 12th January 2006

REASONS FOR REFUSAL:-

- (1) It is considered that the proposal to subdivide the site to form a separate residential building plot will have an adverse impact on the setting of the listed building and would detract from the historic interest of the listed building as a former farmhouse. The design and scale of the proposed dwelling with integral garage projecting from the front elevation is also considered a form of development out of keeping and inappropriate to the rural character of the locality, and will also result in a cramped form of development, harmful to the setting of the listed farmhouse, contrary to policies G2, H16, D2, CN3, and CN5 of the Adopted Local Plan and guidance contained within Planning Policy Guidance 3 (Housing) and Planning Policy Guidance 15 (Planning and the Historic Environment).
- (2) The proposal fails to demonstrate sufficient and adequate vehicular access to the site, contrary to policy G2 of the Adopted Local Plan.

new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.

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.

Wiltshire Fire and Rescue Service

Have submitted a letter of recommendations with regard to fire safety measures. This information could be added as an informative to any consent.

Design Forum comments

The case officer, Lucy Flindell, presented the planning application for the new dwelling in the grounds of Viney's Farmhouse. Reference was also made to the previously refused application.

The panel felt that the design was an improvement on the previous scheme although it was considered that the building was slightly too large for the site, and this was particularly apparent from the aerial CAD drawing. On a detailed level, there was some concern regarding the number of rooflights being proposed.

Whilst there was no fundamental objection on design grounds, the panel felt that the building and the subdivided boundary enclosure would have a detrimental impact on the setting of the listed building.

REPRESENTATIONS

Advertisement

Yes, expiry date 3rd January 2008

Site Notice displayed

Yes, expiry date 3rd January 2008

Departure

No

Neighbour notification

Yes, expiry date 24th December 2007

Third Party responses

Yes, two letters of support, summarised as follows:

- Sensible and pragmatic use of spare land
- No adverse visual or social impact

Town Council response Object on the following grounds:

The proposed building will detract from the existing Grade II listed house due to the close proximity of the proposal. There are overlooking issues into the gardens of number 34 Salisbury Road from the roof lights in the proposed build as well as the existing building. Finally this is felt to be an overdevelopment of the site in what is potentially a conservation area.

MAIN ISSUES

Principle

Impact to setting of listed building

Impact to residential amenity

Vehicular access

Flooding and impact to AHEV/SSSI/SAC and Protected Species

R2

POLICY CONTEXT

Salisbury District Local Plan 'saved' policies

G1 (Sustainable Development)

G2 (General)

D2 (infill development)

Northern Area Committee 14/02/2008

H16 (Housing Policy Boundary)
CN3 & CN5 (Development affecting Listed Buildings)
C11 (Development affecting AHEV)
C12 (Protected Species)
G4 (Flooding)

PPS1 – Sustainable development
PPS 3- Housing
PPG 15 – Planning and the Historic Environment
PPS 25 – Development and Flood Risk
PPS 9 – Biodiversity and Geological Conservation
Circular 06/2005 – Biodiversity and Geological Conservation

PLANNING CONSIDERATIONS

Principle

The site is located within the Housing Policy Boundary of Amesbury where residential redevelopment is permitted except as provided for by other policies in the local plan.

Impact to setting of listed building

The listed building policies CN3 and CN5 require that development within or outside of the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building. Policy D2 states that proposals for infill development will be permitted where the proposals respect or enhance the character of appearance of an area.

Policy G1 of the Adopted Local Plan promotes the effective use of land in urban areas. However, PPS3 and PPS1 gives clear guidance that the Government's objective and commitment to promoting the efficient use of land must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and development should not be allowed if it would be out of character or harmful to its locality.

No 26 Salisbury Road is substantial in size dating from the mid 16th century. Old maps of Amesbury show the house divided into farm cottages and forming part of a farmyard complex; the listing dated 10/1/1953 states the building was occupied as a single dwelling and shop, and the property is now occupied as a single residence.

PPG15 (para 2.16) states that the setting of a listed building is often an essential part of the buildings character. The original farmyard to the northeast has been developed into a small housing estate of 8 houses and the remaining space around the farmhouse is considered essential to the character and setting of the building as a former farmhouse.

Appeal decision on adjacent site

An application for a dwelling on the corner plot of land to the north of the development site in front of Viney's Farmhouse was refused but allowed at appeal under planning application reference S/2006/2499. The application was for the erection of a new three-bedroom house to the front of the site with parking and garaging to the rear and a landscaped area to the verge and rear of the site. The application was refused for the following reasons:

- 1) The proposal because of its size and positioning would restrict views of the grade 2 listed Old Vineys Farmhouse to the rear of the application site and as such the proposal is considered detrimental to setting of the listed building and would also be contrary to policy CN3 of the adopted local plan.
- 2) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

It is important to consider the appeal decision in respect of this application. The Inspectors report states that one of the main issues was the effect of the proposal on Old Viney's Farmhouse. The Inspector states that the listed building is separated from the site by an

_____ , which would remain open and as the proposed house and garage would be sited on the south eastern part of the site and the north western part would remain open, there would still be an opportunity to obtain views from Salisbury Road towards the listed building.

The Inspectors report goes on to state that the ability to see Old Viney's Farmhouse from Salisbury road and Old Granary Lane is limited by the boundary wall of the listed building, and by trees and other vegetation which have a truncating effect on the setting of the building during seasons when the trees are in leaf. The Inspector then states that the proposal would have a beneficial effect in serving to partially mask the unattractive buildings at Meadow Garage and bearing in mind all these points, the inspector did not consider that the development would have any adverse implications for Old Viney's Farmhouse or its setting which would be preserved.

Whilst the dwelling allowed at appeal as stated by the appeal inspector is "separated from the site (curtilage of Old Viney's Farmhouse)"; the proposed dwelling would be erected wholly within the curtilage/setting of Old Viney's Farmhouse. The Conservation Officer has stated that until this point development surrounding Old Viney's Farmhouse has been in areas where previously agricultural buildings stood, including the recently approved proposed new house to the front of Old Viney's Farmhouse (located where there was previously a granary). By contrast, the current proposals involve developing in the garden of the house where one might only have expected small outbuildings. In addition, the development is in the front garden and involves subdividing the front garden with the proposed driveway and garden of the proposed dwelling and therefore impacts significantly on the important front elevation.

It is considered that the proposal to subdivide the site and build a new dwelling within the garden will have an adverse impact on the setting of the listed building and would detract from the historic interest of the listed building as a former farmhouse.

Design

Notwithstanding the objection in principle to building within the curtilage of the listed building, the Conservation Officer has also raised objections to the design of the dwelling:

- The proposed building is two storey with the second storey being formed within the roofspace. The building will therefore be a substantial building and with a very dominant roof. The prominence of the roof will be further accentuated by the presence of a significant number of rooflights. The height of the building, emphasis on the roof and the dominance of rooflights will adversely impact with Viney's farmhouse.
- Materials – render and weatherboarding appear on the main house but are not typical features/treatments for historic buildings in Amesbury. Cob, flint and chalk are the predominant traditional features (although timber boarding would have been used on the granary).
- The size of the proposed window openings are not in keeping with the character of a converted outbuilding (which the architect appears to be emulating). They are of a domestic scale. These would therefore be at odds with the character of a converted agricultural outbuilding.

The application was also considered by the Salisbury Design Forum on the 15th January. The panel raised no fundamental objections to the proposal on design grounds but considered that the building was slightly too large for the site (apparent from the aerial CAD drawing submitted with the application) and they also raised concern over the number of rooflights proposed and that the building would have a detrimental impact on the setting of the listed building.

Impact to residential amenity

With regards to impact to residential amenity of both existing and potential occupiers of a dwelling on the site, policy G2 (viii) of the Adopted SDLP requires that new development will avoid detriment to public health. The site is to the rear of Meadow Garage, although the Environmental Health Officer raised no objections to the principle of building a dwelling in this location in the previous scheme.

The Town Council has raised concern that the proposed rooflights on the south east roofslope will adversely overlook the gardens of number 34 Salisbury Road. These proposed windows will light two of the bedrooms and an ensuite bathroom at first floor level. No 34 Salisbury Road has outbuildings opposite the position of the proposed dwelling. No 34 is also set some distance to the north east. It is not considered that residential amenity will be adversely affected.

Vehicular access

The previously refused application includes a reason for refusal that the development did not provide a satisfactory means of access and the red application line area did not include land required for access to the site from the public highway as Wiltshire County Council Highways had confirmed that the access crossed land, which did not form part of the public highway, and had not been included within the application site edged red.

The application site must be edged clearly with a red line. It should include all land necessary to carry out the proposed development including land required for access to the site from a public highway. If this involves crossing land outside the ownership of the applicant, the applicant must serve notice under Section 66 on the owners of the land.

This application has revised the red line to include the land needed to form access to the site from the public highway and the correct notice has been served on the owners of this piece of land. Wiltshire County Council highways have not raised an objection to the revisions to the existing access, which involves widening the existing gated entrance into the site for shared use with the existing and proposed dwelling.

The Town Council has objected to the proposed access widening on the grounds that it would detract from the listed wall and gate.

Paragraph 3.2 of PPG15 states that fixtures and curtilage buildings (any object or structure which is fixed to the building, or is within the curtilage and forms part of the land and has done so since before July 1948) are treated as part of the building for the purposes of listed building control. Whilst the agent states that the boundary wall was built in the 1970s and is not part of the original 16th century house, the wall is attached to the listed building and therefore listed building consent is also required for alterations to this wall, which is considered separately to this application under S/2007/2429.

It is considered that the development now provides a satisfactory vehicular access and it is not considered that the alterations to the access through widening the existing gated entrance, resiting one of the piers and adding new widened gates to match the existing will adversely affect the character or appearance of the site/street scene or setting of the listed building. However, it is considered that the subdivision of the site is the issue and that the addition of the driveway within the front garden will cause a detrimental impact to the setting of the listed building as previously explained.

Flooding and impact to AHEV/SSSI/SAC and Protected Species

The site is outside the designated floodplain, but adjacent to the River Avon System Site of Special Scientific Interest and Special Area of Conservation. This site has protection under national and international legislation. English nature is of the opinion that the development need not cause significant damage to the nature conservation interests of the SSSI/SAC, provided that the applicant can demonstrate that appropriate measures will be taken to ensure the river system is protected from any pollution via a method statement as a condition to any consent.

Planning authorities are required to take account of the presence of protected species, when considering applications for planning permission. Paragraph 99 of Circular 06/2005 states 'bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development'. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present. It is considered that as the site has been used as cultivated garden, it is unlikely that protected species are present, and a survey is not requested.

R2

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment. Applicants are now required to sign agreements during the course of the application. The applicant has signed and returned the agreement. However, payment is only requested if the council is minded to approve the scheme. To secure the provision of an agreement in the event of an appeal, it will be necessary to include a reason for refusal relating to policy R2.

CONCLUSION

This application has been considered against the relevant policies from the Adopted Local Plan. The site is located within the Housing Policy Boundary where the principle of residential development is accepted subject to being considered against other relevant policies within the local plan.

However Viney's Farmhouse is a substantial Grade II listed building and needs a reasonable plot and setting appropriate to its status and scale. It is considered that the proposal to subdivide and build within the garden of the listed building will have an adverse impact on the setting of the listed building and would detract from the historic interest of the listed building as a former farmhouse.

It is also considered that the proposed dwelling by reason of its scale, bulk and dominant roof will result in overdevelopment of the site, with subsequent adverse impact upon the setting of the listed building.

RECOMMENDATION: REFUSAL

Reason for Refusal:

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

REFUSED FOR THE FOLLOWING REASONS:

- (1) Viney's Farmhouse is a substantial Grade II listed building and needs a reasonable plot and setting appropriate to its status and scale. The remaining space around the farmhouse is considered essential to the character and setting of the building.

The proposed building is two storey with the second storey being formed within the roofspace. The building will therefore be a substantial building and with a very dominant roof accentuated by the presence of a significant number of rooflights.

For the reasons stated above, it is considered that proposal to subdivide and build within the curtilage will have an adverse impact on the setting of the listed building and would detract from the historic interest of the listed building as a former farmhouse. It is also considered that the design, scale and height of the proposed dwelling and the emphasis on the roof and dominance of rooflights will result in a cramped form of development, harmful to the setting and historic interest of the listed former farmhouse, contrary to saved policies G2, H16, D2, CN3, and CN5 of the Adopted Local Plan and guidance contained within Planning Policy Statement 3 (Housing) and Planning Policy Guidance 15 (Planning and the Historic Environment).

- (2) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public

INFORMATIVE:

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:	S/2007/2429		
Applicant/ Agent:	SPACE DESIGN SOLUTIONS LTD		
Location:	26 SALISBURY ROAD AMESBURY SALISBURY SP4 7HL		
Proposal:	WIDEN EXISTING ACCESS IN BOUNDARY WALL		
Parish/ Ward	AMESBURY WEST		
Conservation Area:		LB Grade:	II
Date Valid:	5 December 2007	Expiry Date	30 January 2008
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

S/2007/2429

REASON FOR REPORT TO MEMBERS

Cllr Westmoreland has requested that the application be determined by Northern Area Committee due to the importance of the site/building.

SITE AND ITS SURROUNDINGS

The site is located within the Housing Policy Boundary of Amesbury and within the curtilage of a Grade II listed building (No 26 Salisbury Road Amesbury is a Grade II listed former farmhouse) The site is adjacent to an Area of High Ecological Value, River Avon System Site of Special Scientific Interest/Special Area of Conservation and Development Restraint Area.

THE PROPOSAL

Paragraph 3.2 of PPG15 states that fixtures and curtilage buildings (any object or structure which is fixed to the building, or is within the curtilage and forms part of the land and has done so since before July 1948) are treated as part of the building for the purposes of listed building control. Whilst the agent states that the boundary wall was built in the 1970s and is not part of the original 16th century house, the wall is attached to the listed building and therefore listed building consent is also required for alterations to this wall.

It is proposed to widen the existing gated entrance, resiting one of the piers and adding new widened gates.

PLANNING HISTORY

2005 2338 Construction of new dwelling and garage – creation of new site entrance for existing house adjacent Refused 12th January 2006

REASONS FOR REFUSAL:-

- (1) It is considered that the proposal to subdivide the site to form a separate residential building plot will have an adverse impact on the setting of the listed building and would detract from the historic interest of the listed building as a former farmhouse. The design and scale of the proposed dwelling with integral garage projecting from the front elevation is also considered a form of development out of keeping and inappropriate to the rural character of the locality, and will also result in a cramped form of development, harmful to the setting of the listed farmhouse, contrary to policies G2, H16, D2, CN3, and CN5 of the Adopted Local Plan and guidance contained within Planning Policy

Guidance 3 (Housing) and Planning Policy Guidance 15 (Planning and the Historic Environment).

- (2) The proposal fails to demonstrate sufficient and adequate vehicular access to the site, contrary to policy G2 of the Adopted Local Plan.
- (3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

INFORMATIVE:

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.

CONSULTATIONS

None

REPRESENTATIONS

Advertisement	Yes, expiry date 3 rd January 2008
Site Notice displayed	Yes, expiry date 3 rd January 2008
Departure	No
Neighbour notification	Yes, expiry date 26 th December 2007
Third Party responses	None to this application

Town Council response Object on the following grounds:

The existing access gate is wide enough to allow access to the site and if allowed it would detract from the Listed wall and gate

MAIN ISSUES

Impact to setting of listed building

POLICY CONTEXT

Salisbury District Local Plan 'saved' policies
CN3 & CN5 (Development affecting Listed Buildings)

PPG 15 – Planning and the Historic Environment

PLANNING CONSIDERATIONS

Impact to setting of listed building

The listed building policies CN3 and CN5 require that development within or outside of the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building. PPG15 (para 2.16) states that the setting of a listed building is often an essential part of the building's character.

The application has been submitted concurrently with a full planning application for the construction of a new dwelling within the curtilage of Viney's Farmhouse. The issues to be considered in this application relate solely to the impact to the listed building, and therefore whilst the S/2007/2411 application is being recommended for refusal, the listed building works application for the widening of the existing gated access (involving part demolition of the existing wall) is being recommended for approval on the grounds that it is not considered that the alterations to the access through widening the existing gated entrance, resiting one of the piers and adding new widened gates to match the existing will adversely affect the character or appearance of the site/street scene or setting of the listed building.

CONCLUSION

This application has been considered against the relevant policies from the Adopted Local Plan. It is not considered that the alterations to the access through widening the existing gated entrance, resiting one of the piers and adding new widened gates to match the existing will adversely affect the character or appearance of the site/street scene or setting of the listed building.

RECOMMEND APPROVAL

APPROVED WITH CONDITIONS

REASON FOR APPROVAL:-

It is considered that the proposed widening of the existing gated vehicular access in the boundary wall is not detrimental to the setting of the listed building.

And subject to the following conditions:-

- (1) The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

- (2) The new entrance gates of the development hereby permitted shall be faced in vertical timber planking painted in a finish to be submitted to and approved in writing by the Local Planning Authority, prior to development commencing on site. The development shall be completed in accordance with the approved details.

Reason: To secure a harmonious form of development.

- (3) The new rendered block wall, stone pier and capstone shall match in colour and texture the existing.

Reason: To secure a harmonious form of development.

INFORMATIVES: - POLICY

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:
CN3 and CN5 (1)

INFORMATIVE:-

Please note that whilst Listed Building Consent has been granted to widen the existing gated vehicular access, full planning permission for these works is also required.

Application Number:	S/2007/2543		
Applicant/ Agent:	JOHN COLEMAN RIBA		
Location:	SITE ADJOINING HAMOAZE THE AVENUE PORTON SALISBURY SP4 0NT		
Proposal:	2 NEW DWELLINGS		
Parish/ Ward	IDMISTON		
Conservation Area:	LB Grade:		
Date Valid:	20 December 2007	Expiry Date	14 February 2008
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

S/2007/2543

REASON FOR REPORT TO MEMBERS

Cllr Hewitt has requested that the application be determined by Northern Area Committee due to the interest shown in the application.

SITE AND SURROUNDINGS

The site is one of two existing bungalows, accessed from a lane off The Avenue. The bungalow has large grounds to the south, adjacent to Celts Croft, and bordered to the east by the rear gardens of the bungalows and chalet bungalows lining The Avenue. The character of the area is generally linear along The Avenue, with single storey and dormer bungalows. Properties to the north are linear along Beech Close, and to the south, is a set of four single storey and dormer bungalows in Nahalsen Close. The site currently comprises a chalet bungalow, with large rear garden and parking to the north.

A close boarded fence has been recently erected on the east boundary, in place of some mature trees that were felled.

The site lies within the Housing Policy Boundary for Porton, in the Special Landscape Area and in an area of special archaeological significance.

THE PROPOSAL

The proposal is to retain the existing bungalow and erect 2 chalet style dwellings with access running to the east of Hamoaze along the lane, and exiting onto The Avenue. Each dwelling will have an integral garage (plot 1 will have a double and plot 2 will have a single), and amenity space to the south.

The plans include a proposed landscaping plan (12/2007) indicating additional tree and shrub planting to the east boundary of the site.

PLANNING HISTORY

2006/1565 Three new dwellings Refused 07/09/2006

Reasons for refusal:

1. The sub division of the existing curtilage of Hamoaze to provide three additional two storey dwellings would result in a restricted development, in a backland and tandem location, with no proper road frontage. The proposed access for the dwellings would utilise the existing narrow lane, on the boundaries of Colrica and Trelawn, and opposite Twin Elms. The new section of the access would run south from the site entrance along the boundary with rear gardens of Trelawn, Rustony, Gable End, Coliemore, and South View. The resultant pattern of development would have an increased density, and is likely to result in an unacceptable level of increased vehicular activity associated with the new dwellings and their means of access on the boundaries of adjoining properties, with disturbance to adjoining occupiers and to the detriment of the quiet enjoyment of

their properties, contrary to Policy H16 and G2 of the adopted Salisbury District Local Plan.

2. The proposed dwellings would be two storey, and first floor bedroom windows would face directly into the rear gardens and habitable rooms such as conservatories of at least three dwellings fronting The Avenue, to the west into the garden of Celts Croft and into the curtilage of Hamoaze itself. The windows would be about 4m above ground level. The proposed two storey dwellings would be out of keeping in style, massing and character with adjoining properties, which are generally dormer or chalet bungalows, and are likely to cause undue overlooking into neighbouring properties to the detriment of the occupiers, contrary to Policy G2, D2 and H16.
3. Wessex Water have identified a public foul sewer which crosses the site, and the dwelling of Plot 3 would appear to be sited above the sewer and within the required 3m easement distance. The proposal is therefore contrary to Policy G2 adopted Salisbury District Local Plan, as the siting of dwelling 3 is likely to detrimentally affect existing public services and infrastructure.
4. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

2006/2603 Two new dwellings

Refused 06/02/2007

Reasons for refusal:

1. The sub division of the existing curtilage of Hamoaze to provide two additional dwellings would result in a restricted development, in a backland and tandem location, with no proper road frontage. The proposed access for the dwellings would utilise the existing narrow lane, on the boundaries of Colrica and Trelawn, and opposite Twin Elms. The new section of the access would run south from the site entrance along the boundary with rear gardens of Trelawn, Rustony and Gable End. The resultant pattern of development would have an increased density, and is likely to result in an unacceptable level of increased vehicular activity associated with the new dwellings and their means of access, with disturbance to adjoining occupiers, to the detriment of the quiet enjoyment of their properties and gardens, contrary to Policy H16 and G2 of the adopted Salisbury District Local Plan.
2. The proposed dwellings would contain an upper floor with first floor bedroom windows in the roofspace, positioned about 4m above ground level. The proposed dwellings are likely to cause undue overlooking into neighbouring properties and private gardens to the detriment of the occupiers, contrary to Policy G2, D2 and H16.
3. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

Appeal Dismissed 17/08/2007 (The appeal decision is attached)

CONSULTATIONS

CPRE

Objects to this backland development, which will remove an important central open space and adversely affect the neighbouring properties of the estate.

Wiltshire Fire and Rescue Service

Have submitted a letter of recommendations with regard to fire safety measures. This information could be added as an informative to any consent.

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. This can be agreed at the detailed design stage.

According to our records, there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3-metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.

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.

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

Wiltshire County Council Highways

I confirm that the above comments are appropriate for the current submission:

No highway objection is raised subject to the conditions recommended in the response dated 7th September 2006. Please note that the existing access to Hamoaze leading from The Avenue is a shared private drive and a further two dwellings will not exceed the recommended maximum 5 dwellings served off a shared private drive – the conditions recommend that the surface of the drive should be improve with adequate surface water drainage also installed.

Conditions recommended in the response dated 7th September 2007:

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

Before the dwellings hereby approved are first occupied, the existing and proposed accesses shall be surfaced in a properly consolidated materials (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes, expiry date 9 th February 2008
Departure	No
Neighbour notification	Yes, expiry date 10 th January 2008
Third Party responses	Yes, 11 letters of objection summarised as follows:

The revised proposal is little different to the previous refused application also dismissed at appeal

The proposed site still constitutes backland and tandem development

New plans propose higher gables

Changes to plot 2 (hipped roof) do not overcome that east elevation is 24ft high dropping down to 16ft high intruding even further into the width of garden to adjacent dwelling (Coliemore), casting shadow into garden

Plot 2 has been moved further from the east boundary giving space for cars to be parked to the side of the property, may result in damage to boundary fence

Space above lounge could be used for living accommodation, windows added which would overlook

Proposed development will be close to the Zone 3 area of maximum flooding.

The application comment that the ODPM had no objection in principle is wholly untrue

Out of keeping with the local area – erection of two large detached houses will amount to overdevelopment of the site

Loss of privacy- the rear gardens of adjoining properties will be overlooked which are currently private gardens

New development will block light to Hamoaze

Trees to Nalhasen Close properties are over 45 years old and likely to die in the future, dwellings will then overlook and at a higher level, and closer than the previous application

Main entrance to Trelawn or side pedestrian gate is not shown on the plans

Noise, disturbance, traffic fumes and headlights– from additional cars driving up and down the adjoining driveways

The dormer windows of plot 1 still have the potential of overlooking

Tree planting will take at least 10 – 15 years to mature and be effective

Tree planting could break any nearby underground water/sewage pipes

Tree planting is deciduous and therefore will not screen during winter months

Traffic congestion – there will be a significant increase in traffic to The Avenue and unadopted lane.

Highway hazard – additional cars/conflict with pedestrians/children

Lane already has access to Treelawn, Beech Close (pedestrian), Hamoaze, Celts Croft

Private driveway of insufficient width for emergency vehicles, for construction traffic and for passing traffic, resulting in blocking of lane

Entrance/exit to the site is obscured from vision of passing motorists using The Avenue and difficult to manoeuvre into

Where will residents leave their wheelie bins and recycle boxes for collection (the refuse lorry is unable to get down the driveway to Celts Croft and Hamoaze

Junction of The Avenue with the A338 is already substandard

Infill development – against government guidelines to protect suburban gardens from development

Precedent – for further infill development.

Will the existing drainage/sewage facilities cope with the additional households

Damage to mains water supply (pipe runs down centre of driveway)

Damage to private lane

Celts Croft owns 112ft (34m) along the drive (which extends past the existing garage of Hamoaze and up to the red line of the application site). The owners of Hamoaze have not spoken to Celts Croft owners to agree access from Hamoaze garage. (this is not located within the red line and is therefore not relevant to the consideration of this application)

The area is classed as an Area of Special Archaeological Significance and an area of High Ecological Value and should not be built upon

Parish Council response Object

We recognise that some small changes have been made to the application that was previously submitted but do not see that the serious concerns of both the adjacent residents and the IPC have been adequately addressed. We therefore wish to strongly object to the proposed development on the grounds that:-

The proposed site can only be accessed via the existing drive to Hamoaze and Celts Croft onto which Colrica and Trelawn have pedestrian access. This drive, itself very narrow and with no proposed passing places, meets The Avenue at its narrowest point. There would inevitably be resultant traffic related problems both at this point and at the junction of The Avenue with the A338 caused by the volume of additional traffic that such a development would produce. Impact on the regular placement and collection of dustbins, recycling bins and the proposed larger wheely bins would be significant as the three current collection lorries will not be able to negotiate the drive and there is nowhere for the bins to be stored at the end of the driveway. Access for emergency vehicles to properties down the lane, which is considered a problem now, would be further exacerbated and is supported by a recent incident where fire appliances attending in The Avenue had to resort to using a resident's drive to turn. Impact upon local services such as water, sewerage, and natural drainage is likely to be significant.

It is a backland and tandem development and as such is both inappropriate and contravenes the Local Plan.

The proposed dwellings would significantly affect the amenity of adjacent dwellings. The proposed solution of deciduous trees squeezed onto the boundary whilst offering some summer screening will not provide all year screening and the trees by virtue of their location are likely to root into the neighbouring properties removing nutrients from the soil affecting the garden quality and so spoiling further the amenity currently enjoyed.

The site is subject of Special Archaeological Interest.

Approval would set an undesirable precedent.

MAIN ISSUES

The main issues for the application are the impact on neighbouring amenities and highway safety.

POLICY CONTEXT

Salisbury District Local Plan 'saved' policies

G1 (Sustainable Development)

G2 (General)

D2 (infill development)

H16 (Housing Policy Boundary)

PPS1 – Sustainable development

PPS 3- Housing

PLANNING CONSIDERATIONS

Principle

Policy H16 supports the principle of residential development, subject to 3 criteria relating to backland or inappropriate tandem development, loss of open area that contributes towards the character of the settlement and the proposal not conflicting with the design policies of the Local Plan.

It is considered that the development of two dwellings to the rear of existing properties in the west, and also to the rear of Hamoaze, would constitute backland and tandem development.

Policy D2 sets out the criteria for infill development. Proposals should respect or enhance the character and appearance of an area, in terms of:

The building line, scale of the area, massing of adjoining buildings and characteristic building plot widths.

The architectural characteristics, type, colour and materials of the buildings

The complexity and richness of materials, form and detailing of existing buildings where the character of the area is enhanced by such buildings.

Government guidance contained within PPS1 states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

Therefore in accepting backland, tandem development, the local planning authority needs to be satisfied that the development would not cause undue harm, and should actually contribute towards making places better for people.

Scale, design and impact on amenities

Planning permission was refused and later dismissed at appeal for the erection of two dwellings on the site.

The Inspector considered:

The increase in vehicular movements along the driveway to each of the proposed dwellings/garages would have an adverse impact to Trelawn, Rustony, and Gable End to the east.

The proposed dwelling on plot 2 would be located very close to the western boundary of Coliemoire and would appear overbearing.

Parts of the rear gardens of Coliemoire and South View would be obliquely overlooked from the 1st floor level window to bedroom 1 of plot 2.

This is a revised proposal, which aims to overcome the inspector's objections to the previous scheme:

Access

The proposed access for the dwellings would utilise the existing private lane, which runs between Colrica and Trelawn, and opposite Twin Elms. The new access to serve the properties would run south from the access lane, to the rear of the gardens of Trelawn, Rustony and Gable End.

The size of the landscaping strip to the south of the driveway has been increased in order to reduce impact to the rear gardens of Rustony, Trelawney and Gable End and details of the proposed landscaping scheme have been submitted as part of the application. This proposes tree and hedge planting which will softened the eastern boundary of the site.

It is considered that the revised proposal by reason of moving the driveway further from the east boundary of the site will now result in an acceptable impact to residential amenity.

Design, size of dwellings and overlooking

The proposed dwellings would be dormer bungalows, which are considered to be in keeping with the character and appearance of the area, which includes both single storey bungalows (for example Hamoaze) and dormer bungalows (for example, Rustony).

The size of the dwelling to plot 2 has been reduced and it is sited further from the east boundary. The bedroom above the lounge has been removed to avoid overlooking to parts of the rear gardens of Coliemoire and South View (no window is proposed at first floor in the south elevation gable end) and the ridge of this section of the dwelling has been stepped down. No windows are proposed on the east elevation.

Plot 1 remains the same as the previous scheme.

The dwellings to the east of the site range in distance from 30 to 41m from rear elevations to the east boundary and to the south of the site range in distance between 39 and 40m between rear elevations of the proposed and existing dwellings.

Only en-suite rooflight windows are proposed on the west elevation of plot 1 and no windows in the north gable (facing Hamoaze). Plot 2 has landing and en-suite rooflights on the north facing roofslope in line of sight of Hamoaze with the rooflights to bedroom 3 positioned over the driveway.

Subject to conditioning that no additional windows will be permitted, it is considered that the revised proposals by bringing the dwelling in plot 2 further from the boundaries with the dwellings to the east, removing the first floor above the lounge and stepping down the ridge will now result in an acceptable impact to neighbours.

Public Open Space.

The applicant has returned a signed S106 Agreement, in accordance with Policy R2.

Impact on Infrastructure

Several third parties have raised concerns regarding impacts on services, access and infrastructure, including provision for waste, recycling and refuse collection. These are not directly material to the application, and the Planning Inspector did not raise an objection to these issues, which were raised in relation to the previous application.

Wessex Water has identified a public sewer running across the site, which appears to be satisfactorily sited in relation to the proposed dwellings.

Highway Safety

Objections have been raised that the proposed means of access is unsatisfactory and will cause a highway safety hazard at both the entrance to the site from The Avenue and at the junction with the A338. However, the Highways Authority has raised no objections, subject to conditions relating to surface water and drainage of the access.

Flooding

Concern has been raised that the site is located close to a Zone 3 Flood Zone. However, the Zone 3 flood zone runs to the south of the dwellings in Nahalsen Close (approximately 70m from the rear boundary of Hamoaze) and being located outside of this zone it is not considered that the development will be at risk of flooding.

CONCLUSION

The site is located within the Housing Policy Boundary where the principle of residential development is accepted subject to being considered against other relevant policies within the local plan. This is a revised scheme following refusal of planning permission and subsequent dismissal at appeal for redevelopment of the site with two dwellings. The revised scheme is considered appropriate to the character and appearance of the locality and subject to conditions; it is considered that the development has overcome the previous objections and it is not considered that residential amenity will be significantly affected.

RECOMMENDATION

SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL OBLIGATION RELATING TO THE PROVISION OF RECREATIONAL PUBLIC OPEN SPACE, APPROVE

APPROVE SUBJECT TO S106

Conditions and Reasons:

REASON FOR APPROVAL:

The proposed scheme is considered appropriate to the character and appearance of the locality and subject to conditions; it is not considered that residential amenity will be significantly affected.

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

- (2) Before the dwellings hereby approved are first occupied, the existing and proposed accesses shall be surfaced in a properly consolidated materials (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety

- (3) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety

- (4) 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: To secure a harmonious form of development.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows added to the elevations or roofslopes of the dwellings other than those hereby approved.

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

- (6) Notwithstanding the provisions of Class[es] A, B and C of Schedule 2 (Part 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) unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

- (7) Approval of the details of the landscaping scheme including site clearance and a statement of the methods of its implementation shall be submitted to the Local Planning Authority and approved in writing before development commences on the site. The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities, and including 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 in writing.

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

INFORMATIVES: - POLICY

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

G1 (1)

G2 (General)

D2 (infill development)

H16 (Housing Policy Boundary)

INFORMATIVE:- 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. This can be agreed at the detailed design stage.

According to our records, there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3-metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.

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.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (2) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions