

# 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  
SOUTHERN AREA 06 November 2008

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

<b>Item Page</b>	<b>Application No Officer</b>	<b>Parish/Ward Recommendation Ward Councillors</b>
1	S/2008/1173	FIRSDOWN
p 4-22	Mrs J Wallace	APPROVE SUBJECT TO S106
SV 15:30	REAR OF 3 FIRS CLOSE FIRSDOWN SALISBURY  ERECTION OF DWELLING	CLLR DEVINE CLLR MOSS
2	S/2008/1555	WHITEPARISH
p 23-36	Mrs J Wallace	APPROVE SUBJECT TO S106
SV 14:45	NEWTON LANE WHITEPARISH SALISBURY  ERECTION OF 7 DWELLINGS (RURAL AFFORDABLE HOUSING) AND ALTERATION OF ACCESS	CLLR BRITTON CLLR CLEWER CLLR RANDALL

**Part 1**  
**Applications recommended for Refusal**

No Refusals

# Part 2

## Applications recommended for Approval

1

Application Number:	S/2008/1173		
Applicant/ Agent:	BERNARD EACOCK LTD		
Location:	REAR OF 3 FIRS CLOSE FIRSDOWN SALISBURY SP5 1SG		
Proposal:	ERECTION OF DWELLING		
Parish/ Ward	FIRSDOWN		
Conservation Area:		LB Grade:	
Date Valid:	27 June 2008	Expiry Date	22 August 2008
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

### REASON FOR REPORT TO MEMBERS

This application was originally brought to this Committee at its meeting held on 9<sup>th</sup> October 2008 at the request of Councillors Devine and Moss due to the interest shown in the application.

This application is now being brought back to Southern Area Committee following the decision of Members at the last meeting of this Committee on 9<sup>th</sup> October 2008 to defer for a site visit prior to making a determination.

The attached report has been updated to take account of third party representations that were received after the previous report was written, but which were reported to the Committee in the schedule of additional correspondence, and revisions that have been made to proposal following the previous Committee meeting as indicated on the amended plans that were received on 23<sup>rd</sup> October 2008. A copy of the original report that was brought before this Committee at its meeting on 9<sup>th</sup> October 2008 is appended to this report.

### SITE AND ITS SURROUNDINGS

The site, which was originally part of the rear garden of No.3 Firs Close, has now been severed from that dwelling with a substantial fence and is now in another ownership.

The site is within an established residential area of primarily single storey dwellings with substantial gardens. The site contains a line of trees along the southern side of the site that contribute to the character of the area and that are protected by a Tree Preservation Order.

The site has a vehicular access off of a private drive. The private drive is accessed via Firs Road adjacent to No18 and currently serves 4 dwellings.

### THE PROPOSAL

The proposal seeks full planning permission for the erection of a detached chalet bungalow on land to the rear of No3 Firs Close. It is proposed to provide vehicular access to the site via the existing private drive from Firs Road.

Following the previous meeting of Southern Area Committee on 9<sup>th</sup> October 2008, amended plans have been received which reduce the number of rooflights and make other alterations to the proposed windows in the roof of the proposed dwelling.

### PLANNING HISTORY

There is a fairly extensive planning history relating to No3 Firs Road and the current application site.

### No.3 Firs Close

S/2004/2123	Two-storey rear extension	W/D
S/2004/1543	Two-storey rear extension	Refused
S/2005/2107	Outline application for a 2 storey dwelling	Refused

This application was refused on the grounds that the proposed development would be likely to have an adverse impact on a) the longevity and stability of the existing tree screen and b) the existing amenities enjoyed by surrounding residents, particularly by reason of the loss of privacy, the dominating impact of a new dwelling in such a backland location and the increased use of the private drive. Also no details regarding the disposal of foul water drainage had been submitted.

S/2006/0064	Outline application for a bungalow	Refused
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This application was refused on the grounds that the proposed development would be likely to have an adverse impact on a) the longevity and stability of the existing tree screen and because no satisfactory details regarding the disposal of foul water drainage had been submitted.

S/2006/0671	Outline application for a bungalow	Refused
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This application was refused for the following reason:

*“Given the requirement for a suitable foul water drainage system to accompany any dwelling on this site, and the requirement to protect the longevity of the protected tree belt, it is considered that in the absence of suitably detailed information regarding such matters, and in the absence of suitable plans which demonstrate that adequate single storey residential accommodation can be provided on site within the restricted building envelope shown on the submitted plans, the Local Planning Authority remains of the opinion that the creation of a dwelling on this site would be likely to have an adverse impact on the protected trees, the local environment and general amenities. The proposal would therefore be contrary to policies G1, G2, G5 and H16 of the Salisbury District Local Plan and the guidance given in Circular 3/99”.*

### Land Rear of No.18 Firs Road

S/1974/0530	O/L 3 bungalows with garages	A
S/1984/0524	O/L 2 bungalows	R
S/1987/1553	O/L 2 dwellings	R
S/1988/0626	O/L one dwelling	R
S/1989/0159	Three bungalows & garages Appeal Dismissed	R
S/1989/2099	Two bungalows and garages. Alteration to access at land at rear of 18 Firs Road	AC
S/1991/1838	Construction of a 4-bed bungalow and access at plot no. 1	AC
S/1991/1839	Construction of a 4-bed bungalow and access at plot no. 2	AC
S/2002/0052	Erection of a new bungalow. at 18 Firs Road. Appeal dismissed	R
S/2002/2294	One dwelling at rear of 18 Firs Road	R

S/2003/0527	One dwelling at rear of 18 Firs Road Appeal Dismissed	R
S/2004/0348	New Bungalow at rear of 18 Firs Road	R
S/2004/1004	New Bungalow at rear of 18 Firs Road	R
S/2004/2264	New bungalow at rear of 18 Firs Road with access and parking	Withdrawn
S/2004/2462	New bungalow at rear of 18 Firs Road with access and parking.	AC

#### **No.18 Firs Road**

S/2003/2361	Two storey extension and conservatory at rear of property	R
S/2008/0490	New access to provide individual access to No.18	Withdrawn.
S/2008/1059	New separate access to serve dwelling	AC 31/07/08

#### **CONSULTATIONS**

##### **WCC Highways:**

The development proposed will not have a significant impact on highway safety and therefore raise no highway objection.

##### **Environment Agency:**

No objection. Consent of the Environment Agency will be required for discharge of foul drainage. Only clean water must be discharged to soakaways.

##### **Wessex Water:**

Not a Wessex sewered area. No objection to connection to water mains, but need to agree details prior to development.

##### **Environmental Health:**

I have some reservations about this proposal in respect of surface and foul water disposal. The application only shows an indicative positioning of the foul system but as the site is relatively small this is probably the only possible location. The proposed proprietary system appears to be satisfactory. I think I would need to see details of the actual proposals for surface and foul water disposal as a condition of any approval. These should include drainage arrangements for any driveways or paths. In order to minimise water being introduced into the ground it may be appropriate to use the water from the proposed harvester tank to flush toilets etc.

Suggest the following conditions be applied to any approval:

- Before development commences a scheme for the discharge of surface water from the building, driveway and paths shall be submitted to and approved by the Local Planning Authority and shall be carried out as approved.
- Before development commences details of the system for disposal of foul drainage to be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.
- Due to the proximity of existing residential uses no delivery of plant, equipment or materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08 00 to 18 00 weekdays and 08 00 to 13 00 on Saturdays.

#### **REPRESENTATIONS**

Advertisement	Yes expiry date 31/07/08
Site notice	Yes expiry date 31/07/08
Neighbour notification	Yes expiry date 23/07/08
Third Party response	18 letters and e-mails have been received.

**3 letters and e-mails have been received in support of the proposal on the following grounds:**

- Design compliments existing dwellings in Firsdwn
- Large empty site, suited for development, has been overgrown for a long time
- Brownfield small scale development should be welcomed
- Scheme well thought out – solar panels, grey water harvesting, sewage treatment plant, protection of trees

**15 letters and e-mails have been received in objection to the proposal on the following grounds:**

- Supporters have vested interests in the development/ unaffected
- Matter fully discussed at two public meetings, and refused. Should be the end of the matter, why does applicant persist?
- Development would be detrimental to locality, over development of area
- This is a garden, was separated off in 2005
- Change of character of area, becoming urban
- Dormer bungalow not in keeping with other bungalows in area
- Firsdwn is semi-rural
- Change of character from small quiet village to overpopulated housing estate.
- Loss of amenities due to being overbearing, overlooking, noise and disturbance and loss of privacy
- Is backland development
- Solar panels etc will not work because of trees, likely therefore to be pressure to remove the trees in the future
- Mature trees to south must be protected
- Loss of natural habitat
- Northern boundary was removed when plot was cleared
- Southern boundary fence does not belong to applicant
- Would be 5 dwellings sharing a narrow access drive with no passing places
- Concerns regarding road safety
- Access on to Firs Road is dangerous, traffic exceeds the speed limit
- Access is in a state of disrepair
- Concerns regarding impact of construction traffic etc on foul drainage which goes under track
- Can the ground absorb all the water/surface water/foul drainage?
- Loss of value of property
- There is strong opposition from every neighbour surrounding the proposed development.
- No14 Firs Road is not screened from the development.
- The separation distance between No.14 Firs Road and the new development is less than 30metres.
- 18a, 18b and 18c are all single storey. Why is the proposed dwelling being allowed to incorporate a second floor?
- The trees (TPO) do not provide privacy in winter.
- The shared access is in a 'state of disrepair' that exacerbates the noise and disturbance from any vehicles using the access. Prior to development the owner must tarmac the shared access from the Firs Road entrance.

**Parish Council Object**

The Council feels that there is no perceived overall change in this application compared with previous applications S/2005/2107, S/2006/671 and S/2006/64 and the Parish Council reiterates its previous objections, namely:

- The Council considers that this application contravenes H16 of the Salisbury District Local Plan.
- The Council believes that the proposed bungalow is overdevelopment of the plot. This application would contravene policies G2 and D3 of the Local Plan.
- The issue of access is a major concern because the dwelling would create excessive traffic alongside the neighbouring bungalows and would therefore be intrusive to their privacy.
- Concern and support regarding the amount of neighbours who have objected to this application and overall have an adverse impact on the local environment.

**MAIN ISSUES**

1. Principle of Development
2. Impact on Character of Area

3. Amenities of Neighbours
4. Highway Safety
5. Other Matters
6. Policy R2 - Provision of Recreation Facilities

## **POLICY CONTEXT**

The following 'saved' policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are of relevance to this application: G1, G2, G5, D2, C6, H16 and R2.

## **MAIN PLANNING CONSIDERATIONS**

### **1. Principle of Development**

The application site originally formed part of the rear garden of No.3 Firs Close, a single storey detached dwelling house with vehicular access from Firs Close.

The site of the proposed dwelling has an access from the private driveway between Nos.16 and 18 Firs Road, which currently serves Nos.18a and 18b Firs Road as well as a new single storey dwelling immediately to the rear of No.18 Firs Road, known as No.18c Firs Road.

The site lies within the Firsdawn Housing Policy Boundary in a locality that is residential in character. As such, the principle of the residential development of the site is acceptable, subject to the development being in compliance with the criteria of the relevant planning policies of the Adopted Replacement Salisbury District Local Plan (June 2003).

The siting could be regarded as classic backland as well as tandem development. The supporting text to Policy H16 (Para 4.42), states that backland and tandem development will only be acceptable where there is:

- 1) a proper and safe means of access;
- 2) adequate space for parking and turning; and
- 3) adequate space between the existing and proposed developments to avoid spoiling the amenity of neighbouring dwellings.

The acceptability or otherwise of this proposal therefore requires an assessment as to whether these issues are satisfactorily complied with.

### **2. Impact on Character of Area**

The Firsdawn area is largely characterised by dwellings in substantial plots with large rear gardens, although the plots in Firs Close are slightly more constrained, particularly in comparison with those in Firs Road.

Close to the site and using the same access, are two bungalows Nos.18a and 18b Firs Road that were approved following an appeal in the late 1980's. Also, opposite to the site is a smaller site that was originally described as being to the rear of No.18 Firs Road and which is now occupied by a recently constructed bungalow that is known as No.18c Firs Road. This site was also granted permission for a new dwelling, following appeals. The appeal decisions relating to that site, as they are comparatively recent, are particularly relevant when considering this proposal.

In the first appeal relating to the site of No.18c Firs Road (2002/0052), the principle of a new dwelling on this small plot was accepted. The appeal was dismissed only for the lack of a section 106 agreement in relation to a R2 payment for the provision of recreation facilities. The Inspector acknowledged in his decision notice that the plot would be smaller than adjacent plots, but stated that PPG3 made it clear that new development, "Must make the best use of available land. Low density development...can no longer be sustained." He concluded that, "While achieving a higher density, the proposal would not harm the character and appearance of the area to any unacceptable degree, and would not conflict with Policies G1 and H16. In the second appeal relating to the site for no.18c (2003/0527), the Inspector considered that the proposed dormer bungalow would make "the site appears cramped and overdeveloped and would be strongly out of keeping with its surroundings". He also considered that a dormer bungalow would give rise to "an unacceptable degree of overlooking of No.20 Firs Road".

As regards this current proposal, the site whilst not as large as many in the area and not dissimilar in size to the former appeal site opposite, is somewhat larger. Clearly its development by the erection of a dwelling will



have some impact on the open character of the area through the intensifying of development. However, taking into account the Inspector's views on the appeal site opposite, national guidance as expressed in PPS3 and the more recent Inspector's decision regarding the proposed dwelling at the rear of No.64 Firs Road, it would be difficult to argue that the residential development of this site would constitute over-development of the site and be so out of character with the locality as to result in a cramped form of development.

However, the beech trees adjacent to the southern boundary of the site, which are the subject of Tree Preservation Order, represent a constraint to the development of the application site.

Concerns were expressed with earlier applications, that while the site might be large enough to site a small dwelling far enough away from the beech trees to ensure their continued longevity and survival, this had not been adequately demonstrated. In this case, neighbours have again raised concerns regarding the potential adverse impact of the development on these trees. However, the applicant has submitted a full arboricultural report with the application indicating the impact of the development on these protected trees, whilst a management plan to ensure their long-term viability already exists. In this respect, the applicant's consultant concludes that the development proposal will have no significant adverse effect on the health of the trees adjacent to the southern boundary of the site or the contribution that they make to the amenity or character of the area. The Council's Arboricultural Officer has assessed this report and agrees that the development of the site in the manner proposed with the access areas and garden adjacent to the root protection zone of the trees would not effect their long term viability and that appropriate measures can be implemented to protect the trees during the construction period, which can be secured by condition.

However, as well as considering the effect on the long term health of the trees, consideration must also be given to the living conditions within the proposed dwelling. In this case it needs to be demonstrated that it will be possible to locate a dwelling so as to take into account the shading of the garden and buildings which the trees will create, particularly as the trees are located to the south of the dwelling and the proposed private garden will be smaller than most in the locality.

The dwelling has been designed with an east/west aspect but the lounge (which is triple aspect) has two large windows on the southern boundary and bedroom no.1 above has an emergency access secondary window adjacent to the trees. The south facing lounge windows are positioned between 2 and 5 metres from the trees. As such, it is considered that given that the trees are located on the southern boundary of the site they will limit the daylight and sunlight to the habitable rooms that will be affected by shading. However, in support of the application the applicant has submitted an internal daylight and sunlight assessment report to determine whether the proposed dwelling will achieve satisfactory internal day lighting levels for the prospective occupants. In this respect, the environmental design consultant has assessed that the levels of daylight and sunlight will satisfy minimum standards and that as the lounge is multi-aspect and the east and west facades have very low levels of obstruction that the minimum standards required by good practice will be achieved.

The private garden of the proposed dwelling will be smaller than most in the locality but is considered to provide adequate amenity space, though, this amenity space will be affected to some extent by shading from the trees.

### **3. Amenities of Neighbours**

The site is fairly level and slightly below the level of the access driveway. A fence and the group of trees to the southern boundary that form an important screen to the rear garden of No.16 Firs Road enclose the southern boundary of the site. As a result of their importance these trees were given the protection of a Tree Preservation Order. The boundary to the north is demarcated by fencing and hedgerow, although this is not substantial and views into the rear garden of the adjacent property are possible, while a close-boarded 1.8m fence has been constructed to divide off the application site from No.3 Firs Road.

This application seeks permissions for a dormer bungalow with an overall height of approximately 6.3 metres and incorporates two bedrooms within the roof space that will be lit by a combination of gable and dormer windows.

In view of the large rear gardens of Nos14 and16 Firs Road and the resultant separation distance between the proposed dwelling and these properties (over 30 metres), together with the substantial tree screen to the southern boundary, it would be difficult to argue that either the south facing dormer window to bedroom 2 or the bedroom window (Bed 1) in the southern gable would cause such a substantial loss of privacy as to warrant refusal on these grounds alone.

In relation to the north elevation of the proposed dwelling facing towards No.5 Firs Close, it is acknowledged that there are a number of windows that could potentially give rise to overlooking of the rear garden of this adjacent property. However, it is considered that a condition can reasonably be imposed requiring details of a new treatment to the northern boundary of the site that would have to be of a sufficient height and solidity to prevent any overlooking from the ground floor windows. Moreover, while the proposal originally included three roof lights to the northern elevation the applicant has amended the proposal by removing two of these roof lights that would have served the attic storage area and bedroom no2. Therefore, the proposal now provides for only a single roof light to the bathroom on the northern elevation that is to be fixed and obscure glazed and this could reasonably be conditioned to be retained in this condition in perpetuity. Whilst the neighbours will undoubtedly be aware of the existence of a dwelling in this position, it would be difficult to argue that within a residential area such as this, that this fixed obscure glazed rooflight would result in such a material loss of amenity to the adjoining occupiers that a reason for refusal on these grounds could be substantiated on appeal.

In relation to No.3 Firs Close, there is a 1.8 metre high fence to the boundary with the application site that will screen any views from the ground floor windows in the rear elevation of the proposed dwelling and from the rear garden. The proposal as originally submitted also included the insertion of two roof lights in the rear elevation facing towards No.3 Firs Close that would serve a bathroom and a bedroom. The proposal, however, has subsequently been amended through the removal of the roof light serving the bedroom. Although a roof light will be retained in the rear elevation facing towards No.3 Firs Close, it will serve a bathroom and is also proposed to be both fixed and obscure glazed and again it is considered that it would be reasonable to condition that this roof light is retained in this condition in perpetuity. Furthermore, there will be a separation distance of almost 20 metres between the two properties, which is not an uncommon relationship between properties. Given these circumstances, it is considered that the proposal would not give rise to a material loss of privacy that would justify refusal on these grounds.

The amended plans also indicate that a window is now to be provided to serve bedroom no2 in the gable end of the western elevation facing towards No18c Firs Road in addition to the dormer window serving bedroom no1 that was originally proposed. The introduction of the window in the gable end to serve bedroom no2 essentially constitutes a replacement window for the roof light that has been deleted from the northern elevation. However, given that there will be a separation distance between the front elevations of the two properties of approximately 25 metres, it is not considered that this will create any material loss of privacy.

The use of the driveway by the vehicles from an additional dwelling will undoubtedly cause some additional noise and disturbance to the occupiers of Nos.16 and 18 Firs Road, particularly whilst the dwelling is under construction. However, it would be difficult to argue that the additional disturbance created by the vehicular movement associated with the occupiers of one additional dwelling would create such an increase in noise and disturbance for a refusal on these grounds to be upheld on appeal.

#### **4. Highway Safety**

Whilst in this particular case, the proposed development could be considered to be located in both a backland and tandem location as the plot is directly behind both of the existing dwellings at No.16 Firs Road and No.3 Firs Close, the plot would gain its access from an existing private driveway off Firs Road. Currently the three dwellings to the rear of No.18 Firs Road (two of which could also be described as being at the rear of Nos.5 and 7 Firs Close) all gain access from Firs Road using this access drive. The Local Highway Authority has no objection to up to five dwellings using a private access drive/road, and therefore considers it to be acceptable that an additional dwelling can use the access driveway.

Whilst the neighbours have expressed concerns about an increase in traffic generated from the proposed development, WCC Highways have not raised any objection to the proposal and it is therefore considered that it would be difficult to defend a refusal on these grounds at appeal.

#### **5. Other matters**

Government Circular 3/99 requires that all proposals where non-mains drainage is proposed include an assessment of the proposed drainage system against a series of tests so that any evidence of environmental damage can be identified.

The application includes details of how foul and surface water is to be disposed of and the applicant has now provided confirmation that a 'Consent to Discharge' has been granted by the Environment Agency. Whilst the

Environmental Health Officer, considers that the proposed proprietary system appears to be satisfactory, in view of the small size of the site, the details of the scheme for surface and foul water disposal should be a condition of any approval. In particular, it is considered necessary to minimise water being introduced into the ground and therefore it may be appropriate to use the water from the proposed harvester tank to flush toilets. These are detailed issues that can be subject of a condition of any approval.

## **6. Policy R2 - Provision of Recreation Facilities**

A contribution for recreational facilities would be required for the new dwelling as stated in the above policy. The applicant has stated his willingness to enter into a S106 Agreement.

### **Conclusion**

The site is located within the Housing Policy Boundary and in view of recent Inspector's decisions, it is considered, in principle, that the residential development of the site is acceptable. Moreover, whilst it could be argued that the location of the site represents both backland and tandem development, it is not considered that the proposed development will cause any material harm to the amenities of the occupants of the neighbouring dwellings, while the Local Highway Authority considers that the vehicular access to the site is adequate and that there is sufficient space for parking and turning within the site.

On balance, it is considered that the applicant has sufficiently overcome the previous reasons for refusal. In this respect, whilst the trees on the southern boundary of the site form an important screen between the properties and constrain the location and design of a dwelling on the site, it is considered that the applicant has demonstrated that the proposed scheme whilst affected by the shade from the trees will slightly exceed the minimum levels of daylight and sunlight required by standard good practice.

Furthermore, it is also considered that the applicant has sufficiently demonstrated that the proposed development satisfies the tests set out in Circular 3/99 regarding the proposed treatment plant for it to be unreasonable to continue to maintain this as a reason for refusal and indeed the Environment Agency has granted a 'Consent to Discharge'.

**RECOMMENDATION:                    APPROVE**

### **for the following reasons:**

The site is located within the Housing Policy Boundary and in view of recent Inspector's decisions, it is considered, in principle, that the residential development of the site is acceptable. Moreover, whilst it could be argued that the location of the site represents both backland and tandem development, it is not considered that the proposed development will cause any material harm to the amenities of the occupants of the neighbouring dwellings, while the Local Highway Authority considers that the vehicular access to the site is adequate and that there is sufficient space for parking and turning within the site.

Whilst the trees on the southern boundary of the site form an important screen between the properties and constrain the location and design of a dwelling on the site, it is considered that the applicant has demonstrated that the proposed scheme whilst affected by the shade from the trees will slightly exceed the minimum levels of daylight and sunlight required by standard good practice. Furthermore, it is also considered that the applicant has demonstrated that the proposed development satisfies the tests set out in Circular 3/99 regarding the proposed treatment plant for it to be unreasonable to continue to maintain this as a reason for refusal and indeed the Environment Agency has granted a 'Consent to Discharge'.

Therefore, it is considered that the applicant has sufficiently overcome the previous reasons for refusal for this proposal to be considered to be acceptable in accordance with the Salisbury District Local Plan Policies.

### **SUBJECT TO**

a) The applicant and any other relevant parties undertake, under Section 106 of the principal act to pay a commuted sum towards open space then this authority is minded to grant planning permission to the above application subject to the following conditions:

b) If the applicant does not comply with (a) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policies G9 and R2.

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

2. No development shall take place until 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 have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason 2: To secure a harmonious form of development.

3. Notwithstanding the provisions of Class[es] A to E 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) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason 3: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no further windows/dormer windows/rooflights [other than those expressly authorised by this permission] shall be constructed in the dwelling hereby approved.

Reason 4: To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking from windows or rooflights.

5. No development shall take place until details of a scheme for the discharge of surface water from the building, driveway and paths has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason 5: To ensure that the development is provided with a satisfactory means of surface water disposal.

6. No development shall take place until details of the system for disposal of foul drainage have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason 6: To ensure that the building is provided with a satisfactory means of foul drainage.

7. During construction works, which shall not include fitting out, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. There shall be no activities/working on Sundays, Bank and Public Holidays.

Reason 7: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

8. No development shall take place until a scheme for the provision of water efficiency measures has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed details prior to the first occupation of the dwelling.

Reason 8: 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.

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

Reason 9: In the interests of the amenity and the environment of the development.

10. The development shall be undertaken in accordance with the detailed recommendations of the Arboricultural Method Statement dated 16 May 2008, ref. 7403-AIA-DC. The fencing, or other protection which is part of this approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and soft landscaping have been completed and all equipment, machinery and surplus materials removed from site, unless the prior approval of the Local Planning Authority has been given in writing.

Reason 10: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

11. Both in the first instance and upon all subsequent occasions, the windows coloured ORANGE on the approved plan being the proposed bathroom rooflight in the northern roof elevation and the proposed bathroom rooflight in the eastern roof elevation shall be a fixed light and glazed with obscure glass in a form sufficient to prevent external views to the satisfaction of the Local Planning Authority.

Reason 11: To protect the amenity and privacy of the adjoining properties.

12. The dwelling hereby approved shall not be occupied until the turning space, parking and garaging as indicated on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason 12: In the interests of highway safety.

13. This development shall be in accordance with the drawing ref: 774.01B deposited with the Local Planning Authority on 27 June 2008 as amended by drawing ref: 774.03C received on 22 October 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason 13: For the avoidance of doubt

#### **INFORMATIVE 1**

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

<b>POLICY</b>	<b>PURPOSE</b>
G1	General aims of the Local Planning Policy Guidance
G2	General Criteria for Development
G5	Provision of Drainage
H16	Housing Policy Boundary
D2	Design Criteria for new dwellings
C6	Special Landscape Area
R2	Open Space contribution

#### **INFORMATIVE 2: BOUNDARY TREATMENT**

In relation to Condition 9 the Local Planning Authority would expect that the new treatment to the northern boundary of the site that would be of a sufficient height and solidity as to prevent any overlooking from the ground floor windows.

## APPENDIX 1: COPY OF ORIGINAL REPORT TO SOUTHERN AREA COMMITTEE

### REASON FOR REPORT TO MEMBERS

Councillors Devine and Moss have requested that this application be determined by Committee due to the interest shown in the application.

### SITE AND ITS SURROUNDINGS

The site, which was originally part of the rear garden of No.3 Firs Close, has now been severed from that dwelling with a substantial fence and is now in another ownership.

The site is within an established residential area of primarily single storey dwellings with substantial gardens. The site contains a line of trees along the southern side of the site that contribute to the character of the area and that are protected by a Tree Preservation Order.

The site has a vehicular access off of a private drive. The private drive is accessed via Firs Road adjacent to No18 and currently serves 4 dwellings.

### THE PROPOSAL

The proposal seeks full planning permission for the erection of a detached chalet bungalow on land to the rear of No3 Firs Close. It is proposed to provide vehicular access to the site via the existing private drive from Firs Road.

### PLANNING HISTORY

There is a fairly extensive planning history relating to No3 Firs Road and the current application site.

#### No.3 Firs Close

S/2004/2123	Two-storey rear extension	W/D
S/2004/1543	Two-storey rear extension	Refused
S/2005/2107	Outline application for a 2 storey dwelling	Refused

This application was refused on the grounds that the proposed development would be likely to have an adverse impact on a) the longevity and stability of the existing tree screen and b) the existing amenities enjoyed by surrounding residents, particularly by reason of the loss of privacy, the dominating impact of a new dwelling in such a backland location and the increased use of the private drive. Also no details regarding the disposal of foul water drainage had been submitted.

S/2006/0064	Outline application for a bungalow	Refused
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This application was refused on the grounds that the proposed development would be likely to have an adverse impact on a) the longevity and stability of the existing tree screen and because no satisfactory details regarding the disposal of foul water drainage had been submitted.

S/2006/0671	Outline application for a bungalow	Refused
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This application was refused for the following reason:

*“Given the requirement for a suitable foul water drainage system to accompany any dwelling on this site, and the requirement to protect the longevity of the protected tree belt, it is considered that in the absence of suitably detailed information regarding such matters, and in the absence of suitable plans which demonstrate that adequate single storey residential accommodation can be provided on site within the restricted building envelope shown on the submitted plans, the Local Planning Authority remains of the opinion that the creation of a dwelling on this site would be likely to have an adverse impact on the protected trees, the local environment and general amenities. The proposal would therefore be contrary to policies G1, G2, G5 and H16 of the Salisbury District Local Plan and the guidance given in Circular 3/99”.*

#### Land Rear of No.18 Firs Road

S/1974/0530	O/L 3 bungalows with garages	A
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S/1984/0524	O/L 2 bungalows	R
S/1987/1553	O/L 2 dwellings	R
S/1988/0626	O/L one dwelling	R
S/1989/0159	Three bungalows & garages	R Appeal Dismissed
S/1989/2099	Two bungalows and garages. Alteration to access at land at rear of 18 Firs Road AC	
S/1991/1838	Construction of a 4-bed bungalow and access at plot no. 1	AC
S/1991/1839	Construction of a 4-bed bungalow and access at plot no. 2	AC
S/2002/0052	Erection of a new bungalow. at 18 Firs Road.	R Appeal dismissed
S/2002/2294	One dwelling at rear of 18 Firs Road	R
S/2003/0527	One dwelling at rear of 18 Firs Road	R Appeal Dismissed
S/2004/0348	New Bungalow at rear of 18 Firs Road	R
S/2004/1004	New Bungalow at rear of 18 Firs Road	R
S/2004/2264	New bungalow at rear of 18 Firs Road with access and parking	Withdrawn
S/2004/2462	New bungalow at rear of 18 Firs Road with access and parking.	AC

#### **No.18 Firs Road**

S/2003/2361	Two storey extension and conservatory at rear of property	R
S/2008/0490	New access to provide individual access to No.18	Withdrawn.
S/2008/1059	New separate access to serve dwelling	AC 31/07/08

#### **CONSULTATIONS**

##### **WCC Highways:**

The development proposed will not have a significant impact on highway safety and therefore raise no highway objection.

##### **Environment Agency:**

No objection. Consent of the Environment Agency will be required for discharge of foul drainage. Only clean water must be discharged to soakaways.

##### **Wessex Water:**

Not a Wessex sewered area. No objection to connection to water mains, but need to agree details prior to development.

##### **Environmental Health:**

I have some reservations about this proposal in respect of surface and foul water disposal. The application only shows an indicative positioning of the foul system but as the site is relatively small this is probably the only possible location. The proposed proprietary system appears to be satisfactory. I think I would need to see details of the actual proposals for surface and foul water disposal as a condition of any approval. These should include drainage arrangements for any driveways or paths. In order to minimise water being

introduced into the ground it may be appropriate to use the water from the proposed harvester tank to flush toilets etc

Suggest the following conditions be applied to any approval:

- Before development commences a scheme for the discharge of surface water from the building, driveway and paths shall be submitted to and approved by the Local Planning Authority and shall be carried out as approved.
- Before development commences details of the system for disposal of foul drainage to be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.
- Due to the proximity of existing residential uses no delivery of plant, equipment or materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08 00 to 18 00 weekdays and 08 00 to 13 00 on Saturdays.

### **REPRESENTATIONS**

Advertisement	Yes expiry date 31/07/08
Site notice	Yes expiry date 31/07/08
Neighbour notification	Yes expiry date 23/07/08
Third Party response	13 letters and e-mails have been received.

### **3 letters and e-mails have been received in support of the proposal on the following grounds:**

- Design compliments existing dwellings in Firsdow
- Large empty site, suited for development, has been overgrown for a long time
- Brownfield small scale development should be welcomed
- Scheme well thought out – solar panels, grey water harvesting, sewage treatment plant, protection of trees

### **10 letters and e-mails have been received in objection to the proposal on the following grounds:**

- Supporters have vested interests in the development/ unaffected
- Matter fully discussed at two public meetings, and refused. Should be the end of the matter, why does applicant persist?
- Development would be detrimental to locality, over development of area
- This is a garden, was separated off in 2005
- Change of character of area, becoming urban
- Dormer bungalow not in keeping with other bungalows in area
- Firsdow is semi-rural
- Change of character from small quiet village to overpopulated housing estate.
- Loss of amenities due to being overbearing, overlooking, noise and disturbance and loss of privacy
- Is backland development
- Solar panels etc will not work because of trees, likely therefore to be pressure to remove the trees in the future
- Mature trees to south must be protected
- Loss of natural habitat
- Northern boundary was removed when plot was cleared
- Southern boundary fence does not belong to applicant
- Would be 5 dwellings sharing a narrow access drive with no passing places
- Concerns regarding road safety
- Access on to Firs Road is dangerous, traffic exceeds the speed limit
- Access is in a state of disrepair
- Concerns regarding impact of construction traffic etc on foul drainage which goes under track
- Can the ground absorb all the water/surface water/foul drainage?
- Loss of value of property

### **Parish Council Object**

The Council feels that there is no perceived overall change in this application compared with previous applications S/2005/2107, S/2006/671 and S/2006/64 and the Parish Council reiterates its previous objections, namely:



- The Council considers that this application contravenes H16 of the Salisbury District Local Plan.
- The Council believes that the proposed bungalow is overdevelopment of the plot. This application would contravene policies G2 and D3 of the Local Plan.
- The issue of access is a major concern because the dwelling would create excessive traffic alongside the neighbouring bungalows and would therefore be intrusive to their privacy.
- Concern and support regarding the amount of neighbours who have objected to this application and overall have an adverse impact on the local environment.

## **MAIN ISSUES**

1. Principle of Development
2. Impact on Character of Area
3. Amenities of Neighbours
4. Highway Safety
7. Other Matters
8. Policy R2 - Provision of Recreation Facilities

## **POLICY CONTEXT**

The following 'saved' policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are of relevance to this application: G1, G2, G5, D2, C6, H16 and R2.

## **MAIN PLANNING CONSIDERATIONS**

### **1. Principle of Development**

The application site originally formed part of the rear garden of No.3 Firs Close, a single storey detached dwelling house with vehicular access from Firs Close.

The site of the proposed dwelling has an access from the private driveway between Nos.16 and 18 Firs Road, which currently serves Nos.18a and 18b Firs Road as well as a new single storey dwelling immediately to the rear of No.18 Firs Road, known as No.18c Firs Road.

The site lies within the Firsdown Housing Policy Boundary in a locality that is residential in character. As such, the principle of the residential development of the site is acceptable, subject to the development being in compliance with the criteria of the relevant planning policies of the Adopted Replacement Salisbury District Local Plan (June 2003).

The siting could be regarded as classic backland as well as tandem development. The supporting text to Policy H16 (Para 4.42), states that backland and tandem development will only be acceptable where there is:

- 1) a proper and safe means of access;
- 2) adequate space for parking and turning; and
- 3) adequate space between the existing and proposed developments to avoid spoiling the amenity of neighbouring dwellings.

The acceptability or otherwise of this proposal therefore requires an assessment as to whether these issues are satisfactorily complied with.

### **2. Impact on Character of Area**

The Firsdown area is largely characterised by dwellings in substantial plots with large rear gardens, although the plots in Firs Close are slightly more constrained, particularly in comparison with those in Firs Road.

Close to the site and using the same access, are two bungalows Nos.18a and 18b Firs Road that were approved following an appeal in the late 1980's. Also, opposite to the site is a similar sized site that was originally described as being to the rear of No.18 Firs Road and which is now occupied by a recently constructed bungalow that is known as No.18c Firs Road. This site was also granted permission for a new dwelling, following appeals. The appeal decisions relating to that site, as they are comparatively recent, are particularly relevant when considering this proposal.

In the first appeal relating to the site of No18c Firs Road (2002/0052), the principle of a new dwelling on the plot was accepted. The appeal was dismissed only for the lack of a section 106 agreement in relation to a R2 payment for the provision of recreation facilities. The Inspector acknowledged in his decision notice that the plot would be smaller than adjacent plots, but stated that PPG3 made it clear that new development,

“Must make the best use of available land. Low density development...can no longer be sustained.” He concluded that, “While achieving a higher density, the proposal would not harm the character and appearance of the area to any unacceptable degree, and would not conflict with Policies G1 and H16. In the second appeal relating to this site (2003/0527), the Inspector considered that the proposed dormer bungalow would make “the site appear cramped and overdeveloped and would be strongly out of keeping with its surroundings”. He also considered that a dormer bungalow would give rise to “an unacceptable degree of overlooking of No.20 Firs Road”.

As regards this current proposal, the site whilst not as large as many in the area is not dissimilar in size to the former appeal site opposite. Clearly its development will have some impact on the open character of the area through the intensifying of development. However, taking into account the Inspector's views on the appeal site opposite, national guidance as expressed in PPS3 and the more recent Inspector's decision regarding the proposed dwelling at the rear of No.64 Firs Road, it would be difficult to argue that the residential development of this site would constitute over-development of the site and be so out of character with the locality as to result in a cramped form of development.

However, the beech trees adjacent to the southern boundary of the site, which are the subject of a Tree Preservation Order, represent a constraint to the development of the application site.

Concerns were expressed with earlier applications, that while the site might be large enough to site a small dwelling far enough away from the beech trees to ensure their continued longevity and survival, this had not been adequately demonstrated. Neighbours have again raised concerns regarding the potential adverse impact of the development on these trees. In this case, the applicant has submitted a full arboricultural report with the application indicating the impact of the development on these protected trees, whilst a management plan to ensure their long-term viability already exists. In this respect, the applicant's consultant concludes that the development proposal will have no significant adverse effect on the health of the trees adjacent to the southern boundary of the site or the contribution that they make to the amenity or character of the area. The Council's Arboricultural Officer has assessed this report and agrees that the development of the site in the manner proposed with the access areas and garden adjacent to the root protection zone of the trees would not effect their long term viability and that appropriate measures can be implemented to protect the trees during the construction period, which can be secured by condition.

However, as well as considering the effect on the long term health of the trees, consideration must also be given to the living conditions within the proposed dwelling. In this case it needs to be demonstrated that it will be possible to locate a dwelling so as to take into account the shading of the garden and buildings which the trees will create, particularly as the trees are located to the south of the dwelling and the proposed private garden will be smaller than most in the locality.

The dwelling has been designed with an east/west aspect but the lounge (which is triple aspect) has two large windows on the southern boundary and bedroom no.1 above has an emergency access secondary window adjacent to the trees. The south facing lounge windows are positioned between 2 and 5 metres from the trees. As such, it is considered that given that the trees are located on the southern boundary of the site they will limit the daylight and sunlight to the habitable rooms that will be affected by shading. However, in support of the application the applicant has submitted an internal daylight and sunlight assessment report to determine whether the proposed dwelling will achieve satisfactory internal day lighting levels for the prospective occupants. In this respect, the environmental design consultant has assessed that the levels of daylight and sunlight will satisfy minimum standards and that as the lounge is multi-aspect and the east and west facades have very low levels of obstruction that the minimum standards required by good practice will be achieved.

The private garden of the proposed dwelling will be smaller than most in the locality but is considered to provide adequate amenity space. However, this amenity space will be affected to some extent by shading from the trees.

### **3. Amenities of Neighbours**

The site is fairly level and slightly below the level of the access driveway. A fence and the group of trees to the southern boundary that form an important screen to the rear garden of No.16 Firs Road enclose the southern boundary of the site. As a result of their importance these trees were given the protection of a Tree Preservation Order. The boundary to the north is demarcated by fencing and hedgerow, although this is not substantial and views into the rear garden of the adjacent property are possible, while a close-boarded 1.8m fence has been constructed to divide off the application site from No.3 Firs Road.

This application seeks permissions for a dormer bungalow with an overall height of approximately 6.3 metres and incorporates two bedrooms within the roof space that will be lit by a combination of rooflights, a gable window and dormer windows.

In view of the large rear gardens of Nos14 and16 Firs Road and the resultant separation distance between the proposed dwelling and these properties (over 30 metres), together with the substantial tree screen to the southern boundary, it would be difficult to argue that either the south facing dormer window to bedroom 2 or the bedroom window (Bed 1) in the southern gable would cause such a substantial loss of privacy as to warrant refusal on these grounds alone.

In relation to the north elevation of the proposed dwelling facing towards No.5 Firs Close, it is acknowledged that there are a number of windows that could potentially give rise to overlooking of the rear garden of this adjacent property. However, it is considered that a condition can reasonably be imposed requiring details of a new treatment to the northern boundary of the site that would have to be of a sufficient height and solidity to prevent any overlooking from the ground floor windows. Similarly, while the proposal also includes three rooflights to the northern elevation, two of these would serve a bathroom and attic storage and could therefore reasonably be conditioned to be obscure glazed. With regards to the third rooflight, that would serve a bedroom, this would primarily overlook the rearmost and least sensitive section of the neighbouring garden of No.5 Firs Close. Whilst the neighbours will undoubtedly be aware of the existence of a dwelling in this position, it would be difficult to argue that within a residential area such as this, that the proposal would result in such a material loss of amenity to the adjoining occupiers by reason of loss of privacy that a reason for refusal on these grounds could be substantiated on appeal.

In relation to No.3 Firs Close, there is a 1.8 metre high fence to the boundary with the application site that will screen any views from the ground floor windows in the rear elevation of the proposed dwelling and from the rear garden. The proposal, however, also includes the insertion of two rooflights in the rear elevation facing towards No.3 Firs Close. Nevertheless, one of these rooflights will serve a bathroom and therefore can reasonably be conditioned to be obscure glazed. Whilst the second rooflight, that will serve a bedroom, will overlook the rear garden of No.3 Firs Close there will be a separation distance of almost 20 metres between the two properties, which is not an uncommon relationship between properties, and therefore it is considered that the proposal would not give rise to a material loss of privacy to such an extent that would justify refusal on these grounds.

The proposed dwelling includes a dormer window to the front elevation that face towards No.18c Firs Road. However, given that there will be a separation distance between the front elevations of the two properties of almost 30 metres it is not considered that this will create any material loss of privacy.

The use of the driveway by the vehicles from an additional dwelling will undoubtedly cause some additional noise and disturbance to the occupiers of Nos.16 and 18 Firs Road, particularly whilst the dwelling is under construction. However, it would be difficult to argue that the additional disturbance created by the vehicular movement associated with the occupiers of one additional dwelling would create such an increase in noise and disturbance for a refusal on these grounds to be upheld on appeal.

#### **4. Highway Safety**

Whilst in this particular case, the proposed development could be considered to be both backland and tandem, as the plot is directly behind both of the existing dwellings at No.16 Firs Road and No.3 Firs Close, the plot would gain its access from an existing private driveway off Firs Road.

Currently the three dwellings to the rear of No.18 Firs Road (two of which could also be described as being at the rear of Nos.5 and 7 Firs Close) all gain access from Firs Road using this access drive. The Local Highway Authority has no objection to up to five dwellings using a private access drive/road, and therefore considers it to be acceptable that an additional dwelling can use the access driveway.

Whilst the neighbours have expressed concerns about an increase in traffic generated from the proposed development, WCC Highways have not raised any objection to the proposal and it is therefore considered that it would be difficult to defend a refusal on these grounds at appeal.

#### **5. Other matters**

Government Circular 3/99 requires that all proposals where non-mains drainage is proposed include an assessment of the proposed drainage system against a series of tests so that any evidence of environmental damage can be identified.

This application, includes details of how foul and surface water is to be disposed of and confirmation that an application has been made to the Environment Agency for a Discharge Consent. Whilst the Environmental Health Officer, considers that the proposed proprietary system appears to be satisfactory, in view of the small size of the site, the details of the scheme for surface and foul water disposal should be a condition of any approval. In particular it is considered necessary to minimise water being introduced into the ground and therefore it may be appropriate to use the water from the proposed harvester tank to flush toilets. These are detailed issues that can be subject of a condition of any approval.

## **6. Policy R2 - Provision of Recreation Facilities**

A contribution for recreational facilities would be required for the new dwelling as stated in the above policy. The applicant has stated his willingness to enter into a S106 Agreement.

### **Conclusion**

The site is located within the Housing Policy Boundary and in view of recent Inspector's decisions, it is considered, in principle, that the residential development of the site is acceptable. Moreover, whilst it could be argued that the location of the site represents both backland and tandem development, it is not considered that the proposed development will cause any material harm to the amenities of the occupants of the neighbouring dwellings, while the Local Highway Authority considers that the vehicular access to the site is adequate and that there is sufficient space for parking and turning within the site.

On balance, it is considered that the applicant has sufficiently overcome the previous reasons for refusal. In this respect, whilst the trees on the southern boundary of the site form an important screen between the properties and constrain the location and design of a dwelling on the site, it is considered that the applicant has demonstrated that the proposed scheme whilst affected by the shade from the trees will slightly exceed the minimum levels of daylight and sunlight required by standard good practice.

Furthermore, it is also considered that the applicant has sufficiently demonstrated that the proposed development satisfies the tests set out in Circular 3/99 regarding the proposed treatment plant for it to be unreasonable to continue to maintain this as a reason for refusal.

### **RECOMMENDATION: APPROVE SUBJECT TO S106**

a)The applicant and any other relevant parties undertake, under Section 106 of the principal act to pay a commuted sum towards open space then this authority is minded to grant planning permission to the above application subject to the following conditions:

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

2. No development shall take place until 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 have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason 2: To secure a harmonious form of development.

3. Notwithstanding the provisions of Class[es] A to E 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) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason 3: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no further windows/dormer windows/rooflights [other than those expressly authorised by this permission] shall be constructed in the dwelling hereby approved.

Reason 4: To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking from windows or rooflights.

5. No development shall take place until details of a scheme for the discharge of surface water from the building, driveway and paths has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason 5: To ensure that the development is provided with a satisfactory means of surface water disposal.

6. No development shall take place until details of the system for disposal of foul drainage have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason 6: To ensure that the building is provided with a satisfactory means of foul drainage.

7. During construction works, which shall not include fitting out, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. There shall be no activities/working on Sundays, Bank and Public Holidays.

Reason 7: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

8. No development shall take place until a scheme for the provision of water efficiency measures has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed details prior to the first occupation of the dwelling.

Reason 8: 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.

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

Reason 9: In the interests of the amenity and the environment of the development.

10. The development shall be undertaken in accordance with the detailed recommendations of the Arboricultural Method Statement dated 16 May 2008, ref. 7403-AIA-DC. The fencing, or other protection which is part of this approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and soft landscaping have been completed and all equipment, machinery and surplus materials removed from site, unless the prior approval of the Local Planning Authority has been given in writing.

Reason 10: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

11. Both in the first instance and upon all subsequent occasions, the windows coloured ORANGE on the approved plan being the proposed bathroom and attic store rooflights in the northern roof elevation and the proposed bathroom rooflight in the eastern roof elevation shall be glazed with obscure glass to the satisfaction of the Local Planning Authority in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

Reason 11: To protect the amenity and privacy of the adjoining properties.

12. The dwelling hereby approved shall not be occupied until the turning space, parking and garaging as indicated on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason 12: In the interests of highway safety.

b) If the applicant does not comply with (a) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policies G9 and R2.

#### **INFORMATIVE 1**

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

POLICY            PURPOSE of the Adopted Replacement Salisbury District Local Plan.

G1	General aims of the Local Planning Policy Guidance
G2	General Criteria for Development
G5	Provision of Drainage
H16	Housing Policy Boundary
D2	Design Criteria for new dwellings
C6	Special Landscape Area
R2	Open Space contribution

#### **INFORMATIVE 2 BOUNDARY TREATMENT**

In relation to Condition 9 the Local Planning Authority would expect that the new treatment to the northern boundary of the site that would be of a sufficient height and solidity as to prevent any overlooking from the ground floor windows.

Application Number:	S/2008/1555		
Applicant/ Agent:	JOHN LIPPITT CHARTERED ARCHITECTS		
Location:	NEWTON LANE WHITEPARISH SALISBURY SP5 2SP		
Proposal:	ERECTION OF 7 DWELLINGS (RURAL AFFORDABLE HOUSING) AND ALTERATION OF ACCESS		
Parish/ Ward	WHITEPARISH		
Conservation Area:		LB Grade:	
Date Valid:	5 September 2008	Expiry Date	5 December 2008
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

### REASON FOR REPORT TO MEMBERS

Councillor Clewer has requested that this application be brought to Committee due to the interest shown in the application.

### SITE AND ITS SURROUNDINGS

The site is located on the south eastern side of Newton Lane to the south of Newton Close. The site has an area of approximately 0.2370ha, a plot depth of about 35 metres and a road frontage of some 90 metres. There is a substantial hedge along the road frontage and a post and wire fence and scrub defines the eastern boundary adjoining the open countryside. Similar fencing and some semi-mature trees define the southern boundary that similarly adjoins agricultural land. A public footpath crosses the south eastern corner of the site. To the north of the site, Newton Close is a well-established group of two-storey dwellings.

### THE PROPOSAL

This application seeks planning permission to erect 6no. 2-bedroomed dwellings and 1no. three-bedroomed dwelling and to widen Newton Lane along the length of the site as well as to create two new vehicular accesses on to the site. A total of fourteen car parking spaces are to be provided in two groups together with the associated turning areas.

### PLANNING HISTORY

- |        |   |
|--------|---|
| 80/914 | O/L erection of a building for vehicle body repairs and paint spraying and alteration of existing access at redundant sewage works site at Newton Lane.<br>AC |
| 81/022 | O/L residential development for 4 dwellings and construction of alteration of access at land at Newton Lane.<br>REF   |
| 97/808 | Change of use of land to site one mobile home and the associated amenity block.<br>REF<br>This application was refused for the following reasons:             |

- “1. *The Adopted Salisbury District Local Plan allows for the siting of mobile homes as gypsy sites outside Housing Policy Boundaries and Housing Restraint Areas subject to criteria (Policy H34). The Local Planning Authority do not consider that this proposal complies with the criteria in Policy H34 of the adopted Salisbury District Local Plan as the proposal would affect the visual amenities of the area, is out of character with the locality, would result in the loss of a visually important hedgerow and possess a substandard access to Newton Lane which is a narrow lane with no pedestrian refuge.*
2. *The site lies within a special Landscape Area as defined in the Adopted Local Plan and this proposal would be detrimental to the visual amenity of the area and is therefore contrary to Policy C7 of the Local Plan.*
3. *Due to the loss of hedge, impact on the character of the area and substandard access, it is considered that the proposal is contrary to Policy G1(i), (ii), (iii) (iv), (ix) and (x) of the Adopted Salisbury District Local Plan”.*

98/1720 Change of use to site one mobile home and construction of associated amenity block (amended description). REF 10/03/99  
This application was refused for the following reasons:

“The Adopted Salisbury District Local Plan allows for the siting of mobile homes as gypsy sites outside Housing Policy Boundaries and Housing Restraint Areas subject to criteria (Policy H34). The Local Planning Authority do not consider that this proposal complies with the criteria in Policy H34 of the adopted Salisbury District Local Plan as the proposal would affect the visual amenities of the area, is out of character with the locality and would possess a substandard access to Newton Lane which is a narrow lane with no pedestrian refuge. To bring the access up to standard would require the removal of the hedge, which would detract from the character of the area. Due to the loss of the hedge, impact on the character of the area and substandard access, it is considered that the proposal is contrary to Policy H34, G1(i), (ii), (iii) and (ix), and G2 of the Adopted Salisbury District Local Plan”.

08/322 Erection of 10no. dwellings ‘affordable rural housing’ and construction of new accesses. Withdrawn

## CONSULTATIONS

### WCC Highways:

The proposed development includes the highway improvement of Newton Lane by widening the existing carriageway and by the provision of a paved footway across the site frontage. On the basis that the proposal accords with Policy H26 of the adopted Salisbury District Local Plan, I recommend that no highway objection be raised subject to the following conditions:.

The development, hereby approved shall not commence until the applicant has entered into a legal agreement with the County Council in respect of the highway improvement works, to include carriageway widening, footway provision, street lighting, surface water disposal, drive gradients, carriageway levels, car parking, visibility splays and the extension of the local speed limit.

The proposed highway improvements shall be constructed in such a manner to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footway and carriageway to at least base course level between the dwelling and the existing highway.

The proposed development requires the legal diversion of Public Footpath no.3 to enable the development to take place. The diversion order should be in place prior to the commencement of the development hereby approved.

### District Ecologist:

Has reviewed the reports including the Protected Species Assessment for Newton Lane and the reports findings support the overall conclusions that there are no overriding ecological issues at this site.

If permission is granted the recommendations of the reported should be conditioned as follows:-  
‘No works shall be undertaken until the all vegetation has been removed under the supervision and advice of an ecologist.

### WCC Education:

Comments not yet received

### Environmental Health:

No objection in principle to this application, but the following observations to make:-

- 1) The geotechnical survey submitted with the application has identified several potential soil contamination issues relating to the site and its former use as a sewage treatment plant. I would recommend that conditions T01A, T02A, T03A & T04A (which relate to investigation/ remedial proposals and known or suspected soil contamination) should be attached to any approval. Some of requirements of these conditions have already been met and all that remains to be resolved is the



method of remediation for the contaminants identified. The applicant should also have regard to the Department of Environment's Industry Profile on Contaminated Land related to sewage works and sewage farms.

- 2) There is currently a ditch on the South East boundary of the site. This forms an important part of the general land drainage of the area to the north and receives surface water and highway drainage. Although it is identified on the on the site plan and in the geotechnical survey, it is not shown on any of the proposed plans. In my view it is vital that this watercourse is retained and maintained so that it can continue to operate. The plans should be amended to show the retention of and cross section of this ditch.
- 3) Due to the proximity of existing residential uses no delivery of plant equipment or materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 & 18:00, weekdays and 08.00 & 13.00 Saturdays.

**Wessex Water:**

The proposed development is not located within a Wessex Water sewered area. Turning to water supply, according to Wessex Water records, there is a public water main near the site. The developer must agree a point of connection with Wessex Water.

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. 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

**Southern Water:**

There is a foul sewer in the vicinity of the site and Southern Water initially indicate that they can provide foul sewage disposal to service the proposed development. A formal application will be required. No development or new tree planting should be within three-metres either side of the centre line of the public sewer. Initially Southern Water indicate that they can provide foul sewage disposal to service the proposed development. A formal application will be required.

**Wiltshire Fire and Rescue Services:**

Comments relating to need for satisfactory access for fire engines, adequate water supplies, necessary and appropriate fire safety measures and encouragement for the provision of domestic sprinklers.

**SDC Arboricultural Officer:**

No objection

**REPRESENTATIONS**

Advertisement	No
Site Notice displayed	Yes - expiry date 9/10/08
Departure	No
Neighbour notification	Yes - expiry date 30/09
Neighbour response	

32 letters/e-mails of **comment/objection** have been received, many of which whilst stating support the principle of affordable housing, have also raised the following specific issues:

- The double entrances are very close to the bend with poor sight lines
- No room for pedestrians on the road between the site and the A27
- Newton Lane is very narrow and busy
- Highway safety concerns, dangerous lane with blind bends and high hedges
- No speed limit on most of lane
- Lack of visibility at junction of Newton Lane and A27
- There are numerous low key collisions on Newton Lane

- Newton Lane is used as a short-cut between A36 and A27
- Widening the lane close to the bend will be likely to increase danger
- Widening in one place does not alter single track nature of rest of lane
- will not enable motorists to see around the blind bend
- Widening will result in grassed areas/pavement used as passing places by vehicles adding to highway hazards
- No parking provision for visitors
- Newton Lane is much used by walkers/horse riders
- Facilities a couple of miles away are not easily accessible on foot
- Pavement stops at most dangerous part of the blind bend
- Newton Lane is part of a circular walk, this development will make the walk more hazardous
- Parish Council communications regarding proposal poor or non-existent
- Parish Council has not consulted views of village; merely expressed their individual opinions.
- Conflict of interest on Parish Council
- Parish Council vote of support is flawed
- Permission for one house was refused now seven houses are proposed
- Are the houses for locals or anyone on the housing list
- What guarantees that the houses will be for locals only
- Low cost housing may be necessary but this does not override highway safety and traffic objections to this site
- Site is unsuitable, does not comply with policy H26. Circumstances are not exceptional. Site is unacceptable in landscape terms. Development is not in keeping in style or character with surroundings. Is cramped and overemphasises cars and turning areas.
- Too many houses proposed for the site
- Overdevelopment of the site
- Our proposals for a new dwelling were refused as a 'cramped form of development in an area characterised by large plots 'this development is far more cramped
- Need for 'affordable' housing not accurately assessed or proven
- The WRHA needs survey has many errors, the conclusions are therefore flawed.
- Not substantiated that this is the only site, Strategic land availability plan suggests there are other more suitable sites
- Proposal being pushed through because land was owned by SDC and so was cheap
- There are limited facilities
- available
- Should not maroon low income families in villages without employment prospects as travel costs are high
- Concerns regarding potential badger set
- Concerns regarding effect on habitats of barn owls and sparrow hawks
- Will act as a precedent to further development outside the Housing Boundary
- Site would be an extension to the village
- A Village Design statement is being formulated. Need for affordable housing should be considered in a coherent manner over next couple of years
- More sensible to include development in Whiteparish as part of the Core Strategy. 40% of the dwellings will have to be 'affordable'. Better to wait and plan a cohesive development in keeping with the character of the village.
- Site does not relate well to village in functional or design terms
- Out of character with countryside area
- Noise and disturbance to neighbours
- Nowhere for the children to play except in the Lane
- public open space is provided
- Loss of rural feel to area
- Threat of loss of public footpath
- Concerns regarding land stability and contamination
- Site is a former sewage pit
- Concerns regarding flooding and drainage problems with ditch.
- Photovoltaic roof tiles are a good idea but why not solar water heating as well
- Air source heat pumps and compressors will increase ambient noise

- Windows should be UPVC to reduce maintenance costs

21 letters/e-mails of **comment/support** have been received that raise the following issues:

- Support the provision of affordable housing in the village
- Need has been assessed and proved
- Need for a mixed community, including social housing
- Loss of young people results in loss of village traditions and customs
- 7 houses is a start but need more than that
- Desperate need for affordable rented housing
- Housing should be provided for local people
- Proposal incorporates widening the lane, pavement and improving the visibility which will improve safety
- Development is within village boundaries
- First time buyers are forced to leave the village
- Occupiers of social housing do not earn enough to buy.
- Having houses on the lane likely to encourage traffic to slow down
- Each house has 2 parking spaces which will ensure road is not obstructed

**Parish Council:** Support.

### **POLICY CONTEXT**

Saved policies G1, G2, G9, C12, D2, H23, H26, C6, TR12 and R2 of the Salisbury District Local Plan (June 2003) are of relevance to this current application.

Also of relevance is the Council's Supplementary Planning Guidance, "Creating Places" and "Delivering Affordable Housing".

The Government's national planning policy contained in PPS1 and PPS3 are also of relevance.

### **MAIN ISSUES**

1. Principle of Development
2. Impact on Character of Area
3. Impact on Special Landscape Area
4. Impact on Amenities
5. Recreational Facilities
6. Educational Infrastructure
7. Highway Safety
8. Protected Species

### **PLANNING CONSIDERATIONS**

#### **Site History**

More than 25 years ago, an application for four dwellings on this site was refused, as were two subsequent applications for the siting of a mobile home on the site for use as a gypsy site.

An application for 10 'affordable' dwellings was recommended for refusal earlier this year and withdrawn by the applicants prior to the determination. The reasons for refusal related to:-

- a) cramped form of development, unsympathetic to the character and appearance of the locality
- b) poor design and layout
- c) lack of information relating to contaminants on the site and legally protected species
- d) failure to make provision towards recreational open space or the expansion of the educational provision directly required and necessary for this development

#### **1. Principle of development**

The principle for development of land as a rural affordable housing exception site is set out in policies H23 and H26 of the Local Plan. Policy H23 relates to undeveloped land outside of a designated area such as a Housing Policy Boundary and Housing Restraint Area etc and states that land outside of such designations will be considered to be countryside where proposals for the erection of new dwellings will only be permitted where a special justification, such as the provision of affordable housing or for occupation by an agricultural or forestry worker, has been demonstrated. Policy H26 relates specifically to the provision of affordable housing in rural

areas and establishes the criteria against which proposals for affordable housing for local people within or adjoining settlements, including land outside of the defined housing policy areas, will be assessed and **may** be acceptable as exception sites. As such, the proposed development needs to be considered against the criteria of Policy H26.

**(i) the site is acceptable in landscape terms and there are no overriding environmental objections;**

The proposal entails a significant extension to the village envelope onto currently undeveloped land (a largely overgrown former sewage treatment site) within the Special Landscape Area that is located on the fringe of the New Forest National Park.

The Landscape Statement that has been submitted with the application identifies that the application site is adjacent to a built up part of Whiteparish and is not prominent in views from the New Forest National Park. This is partially due to the residential development in Hop Gardens and Clay Street and because views of the site are severely constrained by the general landform of the area. From the south, in particular, the dwellings and trees of the Whiteparish village would form a substantial part of the background. In general terms, the site is not prominent and its change of use would not have an adverse effect on the visual qualities of the landscape.

There are concerns though regarding the impact of the development on the form of the settlement as the site would be a comparatively isolated linear extension to the south of the village. In view of the large bank which forms the highway boundary with Newton Lane, adjacent to 10 Newton Close, there will be a visual break between the development on the existing edge of the village and this proposed housing. However, elsewhere in the village there are also gaps in the built up frontage created by gardens, trees and hedges in a village whose outskirts in particular are characterised by space and greenery.

Concerns, have also been expressed regarding the visual impact of the proposed removal of the hedgerow across the site frontage. This is required to facilitate the creation of the two new accesses and the adjacent parking areas. However, the applicant proposes to re-instate this green appearance by the creation of a new boundary hedge, set back from the road edge by between 6 to 10 metres, so as to widen Newton Lane and improve the access to the site as required by the Local Highway Authority.

Furthermore this revised scheme has attempted to overcome the loss of the current green and rural edge to Newton Lane which formed part of the objection to the earlier scheme. This scheme proposes to remove one of the parking bays and also to physically narrow the entrances to the parking area to only 3metres and provide substantial planting areas around these new narrower entrances. The provision of this new extensive area of hedge is an attempt to retain an important aspect of the character of this locality that the existing hedgerow provides. However, it must be borne in mind that the current hedge has no statutory protection and could be removed at any time.

With regards to other environmental issues raised in the earlier application, additional information has been provided and the Council's Environmental Health Officer has advised that the only issue unresolved is the method of remediation for the contaminants identified and also confirmed that in his view if permission were to be granted then it would be acceptable for this aspect to be conditioned.

The Council's Environmental Health Officer also advised that he had concerns regarding the ditch on the south-east boundary, because of its importance to the drainage of the area; however, amended plans have now been received which show the ditch which to be retained and this issue has therefore been resolved.

**(ii) the site is located in a settlement which has a reasonable range of facilities and access to public transport;**

Whiteparish village has a range of services, facilities and public transport reflecting its size.

**(iii) the proposed development is in a style and character which is in keeping with its surroundings;**

The design policies of the Adopted Salisbury District Local Plan (June 2003) and the adopted SPG "Creating Places" are relevant considerations. The Design and Access statement identifies that the development will provide for a good level of building efficiency, for instance through photo-voltaic cells and a southerly aspect, and it is asserted that the site will be well shielded from the wider landscape through the planting scheme. Moreover, the changes to the site layout, with its reduced visual emphasis on the vehicular parking and turning areas and strengthening of the hedge on the road boundary as well as the revised design of the buildings does better relate to a rural context. Policy D2 as well as 'Creating Places' require proposals to respect or enhance the character and appearance of the area and it is now considered that these criteria are met.

**(iv) the proposed development is for persons unable to compete in the existing local housing market;**

The use of a S106 Agreement can ensure that the nomination of occupants, the tenure agreement and the appropriate management of the 'affordable' housing can be provided in perpetuity. It should be noted that the applicant is a Registered Social Landlord (RSL) and has provided a draft S106 Agreement that specifies that the proposed dwellings are to be provided to meet the established affordable housing need in the village of Whiteparish.

**(v) the proposed development is for:**

- (a) people who already live in the local area and are seeking separate or more suitable accommodation;**
- (b) people whose work provides important services and who need to live closer to the local community; or**
- (c) people who used to live in the local area and wish to return for reasons of employment or family connections; or**
- (d) people who have found permanent employment in the local area but who live elsewhere;**

and

**(vi) the applicant is able to demonstrate that a particular local need for affordable housing exists which cannot be met in any other way;**

Whiteparish Parish Council approached Wiltshire Rural Housing Association (WRHA) to review the Village's housing needs. A subsequent Housing Needs Survey identified a requirement for 'affordable' accommodation within the village. However, as the survey was only distributed to those already living in the village, it does not necessarily reflect the overall picture. On the housing register there are 40 applicants in housing need who have specified Whiteparish as first choice for accommodation, 14 of which have a definite local connection to the village. In addition there are a further 115 who have included Whiteparish within their choices, many of whom are likely to have a current or previous local connection to the village. With the current housing market conditions it is likely that numbers of applicants on the waiting list will start to increase steadily. The total number of applicants on the housing waiting list currently stands at 3302.

An 'exceptions' site that is to provide 'affordable' housing, must in policy terms be used to satisfy the local need and so unlike standard 'affordable' housing where those most in need are accommodated first, any houses erected on this 'exceptions' site must be occupied in the first instance by those individuals who have a local connection. The use of a legal agreement can ensure that the allocation to future occupants of the affordable housing is similarly restricted so that in perpetuity the occupiers are those individuals with a local connection.

**(vii) the benefit of affordable housing can be enjoyed by successive as well as the initial occupiers of the property.**

A S106 Agreement can reflect the requirement of PPS3 (para.30) that exception sites "should only be used for affordable housing in perpetuity" and "should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities". The use of a S106 Agreement can also

ensure that the nomination of appropriate occupants, the tenure agreement and the appropriate management of the 'affordable' housing can be provided in perpetuity.

## **2. Impact on Character of Area**

The site is located on the southern edge of Whiteparish close to the established residential development of Newton Close. The existing established residential area to the immediate north has a very distinct character created by the groups of two-storey, semi-detached pairs of linked dwellings. Overall the locality has a semi-rural character rather than an urban one, largely because of the dominance of greenery in the street created by the presence of grass verges and banks, the shrubs, trees and hedgerows.

The site which it is proposed to develop, has little depth alongside Newton Lane, and the proposed seven houses will therefore face the road frontage. The dwellings are to be set back behind a widened Newton Lane and a newly created footpath. The scheme has been revised to reduce the number of dwellings to seven and all now have larger garden areas. Whilst these are still small in comparison with the properties to the immediate north, they are similar to many in newer residential schemes. The scheme has also set the dwellings in pairs and whilst they are still close behind the footway; together with the parking and turning areas the developed proportion of the site has been reduced. In comparison with the earlier scheme there is more space to enable the creation and retention of grass verges, banks, shrubs or trees.

The applicants state that the proposed design of the development will respect the character of the area in that the proposed houses are modest in scale and layout. The amended design has by reducing the depth of the dwellings, resulted in a reduction in the prominence of the roofs which in the opinion of the architect makes the dwellings more in keeping with the properties adjacent to the site.

In the view of the Local Planning Authority, the predominant character of the existing development along Brickworth Road as well as of the dwellings to the immediate north of the site on Newton Lane; is of dwellings set well back from the street frontage with large rear gardens. The proposed dwellings on this site will be set behind a hedge, though this is still immediately to the rear of the footpath. However, the revision to the scheme which reduces the visual impact of the two vehicular accesses, and the parking and turning areas alongside the houses, also results in a reduction in the visual domination of the car. Whilst the parking is still open the hard surfaced areas are better concealed and will have less visual impact on Newton Lane. In this context, it is considered that the changes have reduced the urban appearance of the development and that therefore the scheme is more in keeping with the area.

In combination, whilst the development is still of a higher density than development adjacent it is considered that the reduction in the proposed number of dwellings the larger rear gardens, the greater space for landscaping, and the reduced impact of the motor car, the amended scheme has addressed the concerns regarding the urbanising effect of the proposal.

In relation to the design of the dwellings; the drawings submitted with the application again demonstrate a simplicity of design and with the reduction in the pitch of the roofs, the small dwellings have an appearance more like the dwellings to the immediate north of the site. As such, it is considered that the design of the proposed ten dwellings would not be uncharacteristic of Whiteparish and is therefore acceptable.

## **3. Impact on the Special Landscape Area**

The site is on the edge of the village, adjacent to the open countryside and the hedgerow and trees are an important part of both the character of this part of Whiteparish and of this particular site. The proposed layout will retain neither the existing trees nor the hedgerow that border Newton Lane and the adjacent open countryside to the east and south of the site. However, it is proposed to replace these with new planting.

In this revised scheme, the new hedges will still be set back immediately in front of the new dwellings, but the gaps to provide the vehicular accesses are much reduced in importance and it is therefore more likely that the site will retain some rural character alongside Newton Lane.

The gardens on the eastern boundaries of the site combined with the landscaping proposed will also minimise the views into and out of the development as well as its visual impact on the surrounding open countryside. Moreover in the wider landscape, the development will be seen in

the context of Hop Gardens and Clay Street as well as the dwellings and trees of Whiteparish village. In this context it is now considered that the revised proposal would not have an adverse effect on the visual qualities of the landscape

#### **4. Impact on Amenities**

##### **a) Existing Occupiers**

The neighbouring properties that are located immediately adjacent to the site will inevitably be affected by the proposed development to some extent, as the relationships will be altered. In relation to the properties in Newton Close that back onto the site, the proposed relationships are considered acceptable. Whilst it is recognised that the proposal will introduce a greater level of activity adjacent to the extensive rear garden of No10 Newton Close and thus an added element of noise and disturbance, it is not considered that this would be so detrimental as to warrant refusal on the grounds of the loss of residential amenities.

##### **b) Future Occupiers**

The revised scheme does provide larger gardens than before but the proposed plots are still small in comparison with others in the vicinity; though the dwellings are also small as they are to be occupied by between 3 and 5 persons. The dwellings are still set close to the front of the site and will have minimal front gardens behind the proposed hedge and footway. This is not characteristic of this part of Whiteparish where the gardens tend to be substantial in relation to the area of the dwelling, however, it characteristic of much of the modern development in the wider area.

#### **5. Policy R2 - Provision of Recreation Facilities**

In accordance with Policy R2 of the Adopted Salisbury District Local Plan (June 2003), a financial contribution towards the provision of off-site recreational facilities would be required and the applicants have indicated that they are willing to enter into the relevant Section 106 Agreement.

#### **6. Impact on Highway Safety**

Concerns have been raised that the increased use of the narrow Newton Lane, which has no footways, will create additional highway hazards. There are also concerns that the proposed highway improvements relate solely to the site itself and do not address the highway hazards beyond the site itself.

Whilst the site is immediately adjacent to the edge of the village, the access to the site from the A27 remains poor and there are no footpaths along Newton Lane. Local concerns relate particularly to the likely increase in the numbers of pedestrians using Newton Lane particularly in a northwards direction towards the A27 as well as because the Lane is much used as a link between the A27 and the A36 and there is a sharp bend to the north of the site which severely limits inter-visibility between vehicles and pedestrians.

The Local Highway Authority, however, does not support these concerns, as the Lane is lightly trafficked. In the view of WCC Highways subject to the improvements proposed (namely the highway improvement works, the footway provision, street lighting, surface water disposal, drive gradients, carriageway levels, car parking, visibility spays and the extension of the local speed limit) as well as the legal diversion of Public Footpath 3; the use of Newton Lane to provide the vehicular access to serve the proposed seven dwellings will be acceptable.

#### **7. Protected species**

With regards to protected species, though the site is small, as it has been derelict for a considerable period. Following consideration of the reports attached to this application the District Ecologist considers that there are no overriding ecological issues at this site and advises that if consent is granted that the recommendations of the report should be a condition of any approval.

#### **CONCLUSION**

This application is for the development of a site outside the Housing Policy Boundary as a site for 'affordable' housing under the exceptions policy. Whilst the delivery of affordable housing is one of the objectives of the Local Plan and of regional and national planning policy, other policies and requirements are still applicable to 'exception' housing sites.

In this case, it is accepted that there is a need for affordable housing in Whiteparish, and the provision of affordable housing within a medium-sized village such as Whiteparish where there are services and facilities is in accordance with that principle.

In relation to the existing site there were formally concerns regarding the lack of a full contamination survey, however, this issue has been addressed and the Council's Environmental Health Officer is satisfied that all that remains to be resolved is the method of remediation for the contaminants identified.

As the site had been derelict for a considerable period, concerns were raised regarding the potential effect on protected species. However, the District Ecologist is now satisfied that there are no protected species present on the site.

In relation to the proposed scheme, it is considered that in the view of the reduction in the number of dwellings proposed, the alterations to the layout, the reduction in the size of the area devoted to vehicular access, parking/turning areas and the larger rear gardens that the concerns expressed regarding these aspects in the previous application have been sufficiently overcome for this to no longer warrant a reason for refusal. In conjunction with the larger rear gardens, the more substantial planting and the smaller gaps in the frontage it is considered that the development is now sufficiently in keeping with character and appearance of the residential development in this area that the need for affordable housing outweighs the harm to the visual qualities of the landscape.

Furthermore on the basis that the proposal accords with Policy H26 of the adopted Salisbury District Local Plan; subject to highway improvements the Highway Authority considers the proposal would not be detrimental to highway safety in accordance with policy G2.

#### **APPROVE SUBJECT TO S106**

Subject to all relevant parties entering into a Section 106 Agreement under the requirements of the Town and Country Planning Act 1990 relating to:

- The payment of a commuted sum under the requirements of Policy R2 of the Adopted Salisbury Local Plan (1);

Then this authority is minded to grant planning permission to the above application for the following reasons:

#### **Reasons for approval:**

This application is for the development of a site outside the Housing Policy Boundary as a site for 'affordable' housing under the exceptions policy, saved policy H26. Whilst the delivery of affordable housing is one of the objectives of the Local Plan and of regional and national planning policy, other policies and requirements are still applicable to 'exception' housing sites.

In this case, it is accepted that there is a need for affordable housing in Whiteparish, and the provision of affordable housing within a medium-sized village such as Whiteparish where there are services and facilities is in accordance with that principle.

In relation to the existing site there were formally concerns regarding the lack of a full contamination survey, however, this issue has been addressed and the Council's Environmental Health Officer is satisfied that all that remains to be resolved is the method of remediation for the contaminants identified.

As the site had been derelict for a considerable period, concerns were raised regarding the potential effect on protected species. However, the District Ecologist is now satisfied that there are no protected species present on the site.

In relation to this scheme for 'affordable' housing, it is considered that in the view of the reduction in the number of dwellings proposed, the alterations to the layout, the reduction in the size of the area devoted to vehicular access, parking/turning areas and the larger rear gardens that the concerns expressed regarding these aspects in the previous application have been



sufficiently overcome for this to no longer warrant a reason for refusal. In conjunction with the larger rear gardens, the more substantial planting and the smaller gaps in the frontage it is considered that the development is now sufficiently in keeping with character and appearance of the residential development in this area that the need for affordable housing to outweigh the harm to the visual qualities of the landscape that the need for affordable housing to outweigh the harm to the visual qualities of the landscape.

Furthermore on the basis that the proposal accords with Policy H26 of the adopted Salisbury District Local Plan; subject to highway improvements the Highway Authority considers the proposal would not be detrimental to highway safety in accordance with policy G2.

Furthermore on the basis that the proposal accords with Policy H26 of the adopted Salisbury District Local Plan; subject to highway improvements the Highway Authority considers the proposal would not be detrimental to highway safety in accordance with policy G2

**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. (2)

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

2. The development hereby permitted shall be carried out by Wiltshire Rural Housing Association only, or another registered social landlord. This planning permission shall be for the benefit of the applicant or another registered social landlord only.

Reason (2): To ensure that the development provides affordable housing to meet an identified need in the locality.

3. No development shall take place until 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 have been submitted to and approved in writing, by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason (3) To secure a harmonious form of development.

4. Notwithstanding the provisions of the Town and Country Planning (3) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows/roof lights [other than those expressly authorised by this permission] shall be inserted in any elevation (such expression shall be taken to refer to both walls and roofs) of any of the dwellings hereby approved and there shall be no extensions to the dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the dwellings, permitted by Classes A To F of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason (4) To enable the Local Planning Authority to retain control over the development in the interests of neighbouring amenities and the character of the area.

5. There shall be no development until a scheme for the improvements to the access to the site including the widening of the carriageway, the provision of a footway, street lighting, the disposal of surface water, car parking, visibility splays and the extension of the local speed limit have been submitted to and approved in writing, by the Local Planning Authority. The gradient of the two accesses shall not be steeper than 1 in 15 for the first 4.5m of its length measured from the carriageway. There shall be no occupation of the dwellings until the approved scheme has been implemented.

Reason (5) In the interests of highway safety.

6. The proposed highway improvements shall be constructed in such a manner to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footway and carriageway to at least base course level between the dwelling and existing highway

Reason (6) In the interests of highway safety.

7. The proposed development requires the legal diversion of Public Footpath 3 to enable the development to take place. Before the start of development details of a scheme for the replacement footpath, including the timing of the closure of the existing footpath and the opening of the new replacement footpath shall be submitted to and approved by the Local Planning Authority. The diversion order should be in place prior to the commencement of the development hereby approved

Reason (7) In the interests of pedestrian safety.

8. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (4) have been submitted to, and approved in writing by, the Local Planning Authority and these works shall thereafter be carried out in accordance with the approved details prior to the first commencement of the use hereby approved or in accordance with a timetable to be agreed in writing with the Local Planning Authority. These details shall include, as appropriate, indications of all existing trees, hedgerows and other site features and details of any to be retained together with measures for their protection in the course of development and proposed finished levels or contours. Details of soft landscaping works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes, numbers/densities and positions. The details for the hard landscaping of the site shall include full details of the surfacing materials and colours of all hard surfaces, and where so required by the Local Planning Authority samples of such materials and finishes. If within a period of 5 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason (8) To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development and establishment of the approved landscape scheme, in the interests of visual amenity.

9. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules covering all elements of the implementation of the agreed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first commencement of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason (9) To enable the Local Planning Authority to secure the satisfactory evolution, management and maintenance of landscape works, in the interests of visual amenity.

10. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason (10) To enable the Local Planning Authority to secure the satisfactory maintenance of landscape works for a sufficient period of time to enable planted material to become adequately established.

11. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (5).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

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

Reason (11) To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

12. During construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays and at no time on Sundays, Bank and Public Holidays. This condition shall not apply to the internal fitting out of the buildings.

Reason (12) To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

13. The existing drainage ditch on the south eastern boundary of the site shall be retained and maintained in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason:(13) In order to minimise the risk of flooding.

14. No development shall take place until a scheme for the implementation of water efficiency measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the agreed details, prior to the first occupation of any of the dwellings hereby approved.

Reason (14) 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.

15. No works shall be undertaken until the all vegetation has been removed from the site under the supervision and advice of an ecologist.

Reason (15) In the interests of nature conservation

16. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. (6)

Reason (16) In the interests of health and safety for occupants of, or visitors to, the proposed development.

17. The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the [public/buildings/ environment] when the site is developed. (7)

Reason (17) To enable the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

18. Development shall not commence until the measures approved in the scheme have been implemented. (8)

Reason (18) In the interests of health and safety for persons working at or visiting the site during the construction period.

19. Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied. (9)

Reason (19) In the interests of health and safety for occupants of, or visitors to, the proposed development.

### **Informative: 1 Policy**

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

Saved Policy	Purpose
G1	General aims of the Local Plan
G2	General Criteria for Development
G9	Infrastructure contributions
D2	Design of Infill Development
H22	Application of Housing Policy Boundaries
H23	Undeveloped land
H26	Affordable housing
C2	Countryside
C6	Special Landscape Area
C12	Protected species
R2	Public Open Space
TR11	Off-street car parking provision

### **Informative: 2 Wessex Water**

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 applicant's 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: 3 Wiltshire Fire and Rescue Service**

The attention of the applicant is drawn to the comments of the Wiltshire Fire and Rescue Service, a copy of which is attached

### **Informative: 4 Highways**

The applicant should be aware that the improvements should be undertaken via a Section 38 or Section 278 Agreement with the Highway Authority to ensure the future maintenance of the works, once adopted, will be at public expense. .

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

No Observations