

**LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE**  
SOUTHERN AREA – 24/02/05

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>A106</b> - Approve subject to S106	<b>DOEC</b> - Refer to DLTR (Committee) Now DTLR	<b>REF</b> - Refusal
<b>APP</b> - Approve	<b>NOBJ</b> - No objection	<b>REV</b> - Subject to Revocation Order
<b>APPC</b> - Approve with conditions	<b>OBJ</b> - Objection	<b>DOED</b> - Refer to DLTR
		<b>Now</b> - (delegated)
		<b>DTLR</b>
<b>APRE</b> - Part approve / refuse	<b>OBS</b> - Observations to Committee	

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARIS H / WARD	PAGE NOS	WARD & COUNCILLORS	NOTES
1	<a href="#">S / 2004 / 2481</a> Mr R Hughes	WIMS (UK) LTD THROGMORTON HALL PORTWAY OLD SARUM	A106	LAVE	3 - 12	LAVERSTOCK & CLARENDON PARK Councillor Bissington Councillor McLennan	
2	<a href="#">S / 2004 / 2730</a> Mrs B Jones	MR & MRS R AUSTIN NANT PERIS LYNDHURST ROAD LANDFORD	APPC	LAND	13 - 19	ALDERBURY & WHITEPARISH Councillor Mrs Bissington Councillor Britton Councillor Randall	

Please note that there are no site visits for Members

# 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>

# Part 1

## Applications recommended for Refusal

Item No.      Case Officer      Contact No.

App.Number      Date Received      Expiry Date      Applicant's Name  
Ward/Parish      Cons.Area      Listed      Agents Name

Proposal  
Location

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No Refusals

## Part 2

### Applications recommended for Approval

Item No.            Case Officer    Contact No.

App.Number    Date Received    Expiry Date    Applicant's Name  
Ward/Parish    Cons.Area        Listed    Agents Name

Proposal  
Location

<b>I</b>	<b>Case Officer</b> <b>Mr R Hughes</b>	<b>Contact No</b> <b>01722 434382</b>	<b>I</b>
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S/2004/2481	19/11/2004	14/01/2005	WIMS (UK) LTD
LAVE			S W PARKES ARCHITECTS
Easting: 415721.960168362	Northings: 133818.326916456		

PROPOSAL:	FULL APPLICATION -DEVELOPMENT OF THREE RESIDENTIAL UNITS IN GROUNDS OF THROGMORTON HALL
LOCATION:	THROGMORTON HALL PORTWAY OLD SARUM SALISBURY SP4 6BN

#### REASON FOR REPORT TO MEMBERS

Members deferred consideration on this item at the last Southern Area Committee meeting, in order for more information to be provided on a number of issues. The report below has been amended to include the information supplied at the time of writing. Any further information will be presented at the meeting.

#### SITE AND ITS SURROUNDINGS

The site is located to the rear of Throgmorton Hall which was recently converted to 15 apartments, and forms a large open grassed area, containing numerous trees. The site lies adjacent to the Old Sarum Airfield.

Throgmorton Hall has one main vehicular access onto the Portway, with a secondary access onto the adjacent Green Lane, which appears to be disused. (Locals have indicated that this access may be for emergency purposes relating to the adjacent airfield use, although Old Sarum Flying Club have made no reference to this in their response).

## THE PROPOSAL

It is proposed to construct 3 new dwellings and garaging on the site, utilising the existing vehicular access onto the adjacent Portway.

The applicants have also proposed to contribute to improvements to the highway system.

## PLANNING HISTORY

Various applications including:

S/04/ 748 – Erection of 3 dwellings. Withdrawn

S/02/1418 – Erection of 5 dwellings. Refused for 3 reasons, centring around (i) Piecemeal development leading to residential development divorced from facilities (ii) Highway safety (iii) Recreational open space.

S/02/0015 – 4 detached dwellings & garages. Withdrawn

S/01/2085 – 10 Apartments and garages with office accommodation. Withdrawn

S/99/0148 – Garage and stores for 15 residential units and child's play area. Approved 1/4/99

98/1466 – Conversion of existing buildings into residential units with associated parking. Approved 24/2/00

## CONSULTATIONS

WCC Highways - No objection, subject to:

The development hereby permitted shall not commence until a legal agreement has been entered into with the County Council in order to provide a financial contribution for the traffic calming measures included within the application proposals.

The stopping up for vehicular use of the Green Lane site access when the dwellings are first occupied.

WCC Library/ Museum - Archaeology evaluation undertaken elsewhere previously, so new one not needed.

Environmental Health - No objection. Aircraft safety is outside remit of EHO, and dwellings are probably within the limit (51db contour).

Wessex Water Authority - None received

Environment Agency - No comments

Old Sarum Flying Club - (Previous comments) The proposed development does not infringe the physical criteria required by the CAA to maintain our Aerodrome Licence. However, the results of the Council Noise Survey by Mr N House should be carefully considered by the committee. The proximity of this development to the take-off and landing approach path will inevitably fall into a higher noise level contour as demonstrated in the Noise Survey, possibly resulting in noise complaints about aircraft noise. The additional comments of the Flying club are awaited with regards to safety.

CAA - (Previous comments) The procedures concerning the safeguarding of aerodromes and technical sites in the UK have been changed by the arrangements described in circular 01/2003. These should be carefully followed. At the initial application stage at which the planning authority must decide whether a Planning Application will be required, any safeguarding maps issued under Circular 1/2003 should be checked. If this indicates that safeguarded airspace will be infringed by the development, the safe course is to carry out the consultation indicated as necessary by the maps.

CAA Additional comments - The issues regarding land use outside the aerodrome boundary are a matter of planning law and beyond the remit of the CAA. The Planning Authority must make its decisions on the basis of its adopted Plan policy and in the light of expert advice. The relevant advice under the Town and Country Planning Act is that of the aerodrome manager or his nominee, which may be considered as expert comment. Notwithstanding this advice, if the field is at the end of the runway, it may be that any prospective building proposed in that location could impact on an obstacle limitation surface in place at the aerodrome. I am sure the aerodrome licensee would have given comment on this issue, if appropriate. Again, you are advised to seek the comment of the aerodrome licensee.

## **REPRESENTATIONS**

Advertisement	No
Site Notice displayed	Yes. Expiry 23/12/04
Departure	No
Neighbour notification	Yes. Expiry 14/12/04
Neighbour response	Yes. 12 letters objecting to the proposal on the various grounds including:

Impact of construction traffic and new traffic on amenities  
 Aircraft safety implications for new houses in flightpath  
 Loss of views  
 Impact of additional traffic on highway safety  
 Use of existing access onto Portway would be dangerous  
 Security implications of works  
 Poor design  
 Private covenant restricts height of buildings, and use of existing tennis courts and open area  
 Does not overcome previous reasons for refusal

Parish Council response No comment

## **MAIN ISSUES**

Principle  
 Design /Impact on Landscape  
 Impact on amenities/noise issues  
 Impact on highway safety  
 Archaeology  
 Open space

## **POLICY CONTEXT**

G1 G2 D2 C6 C7 H2(D) SDLP

Circular 1/2003 – Safeguarding aerodromes, technical sites and military explosives storage areas

## **PLANNING CONSIDERATIONS**

### **I. Principle and planning history**

The site forms a small part of land allocated for mixed development at Old Sarum within the Salisbury District Local Plan. Policy H2 (D) covers not only the Throgmorton Hall site, but also a much large tranche of land on the opposite side of The Portway, and states that the land is allocated for a mixed development including housing, employment, retail, and educational, recreational and community facilities. The policy goes on to state that a mix of housing types

and sizes is sought including a proportion of affordable housing. However, the application site has not been included in the Development Brief for the mixed development.

The main issues for Members to consider should be whether this revised scheme overcomes the previous refusal reasons. Of course, members should also assess the other impacts of the scheme as well.

These matters are dealt with in the following paragraphs.

With regards Circular 1/2003 to which the CAA referred previously, Members should note that the main purpose of this document is to highlight to Local Authorities the various consultations which need to be made when an application is received which in some manner may affect an airfield. No detailed advice is provided with regards aircraft/airfield safety other than guidance that with regards such matters, the particular aerodrome should be consulted for their views.

## 2. Design /Impact on Landscape

The proposed dwellings are of a simple, plain design with limited architectural detail. However, it is considered that in this particular instance, particularly given the reduction in the number of dwellings proposed from 5 to 3, the overall design of the dwellings helps to retain the visual dominance of Throgmorton Hall, and does not detract from the visual attractiveness of the main building or the site. Furthermore, the dwellings as design, due to their small scale and limited height, would have no adverse impact on the surrounding landscape, particularly with the retention of most of the existing trees on the site.

Members should note that the actual detailed design of the 3 dwellings is the same as the previously refused scheme. The previous reasons for refusal did not refer to the design of the scheme. Therefore, it is considered that it would be difficult to now defend a new reason for refusal based on these issues.

## 3. Impact on amenities/noise issues/safety

a) The site lies immediately adjacent to the Old Sarum airfield and its runway.

Concerns have been raised by adjacent third parties and the Flying Club with regards the noise and safety implications on the proposal.

It had been previously accepted by this Council that any residential development within the 51db contour line (as drawn around the airfield) would be adversely affected by the noise from the adjacent airfield.

As part of the previous refused application S/02/1418, (but not as part of this current application), the applicants submitted a noise assessment report, which in conclusion, indicated that it would be unlikely that the amenities of the occupiers of the proposed dwellings would suffer adversely from noise from within the dwellings.

As there was clearly a difference of opinion on this matter, Members will recall that an independent noise consultant was asked to assess the applicants submitted report, and its conclusions in the light of the Council's stance on the noise contour line. The independent consultant concluded that the Council's stance on this matter was correct.

The applicant then amended the (previously refused) scheme for S/02/1418 to reposition the dwellings behind the 51 db line, and subsequently, the Council's EHO withdrew his objection to the proposal. Members went onto refuse the application, but no reference was made in the refusal reasons to noise or safety implications with regards the proposal.

Members should note that whilst the number of dwellings has been reduced to 3, the dwellings proposed are located in the same position as previously proposed on the previous refused application.

Furthermore, as previously, the EHO has raised no objections related to noise or safety issues regarding the close proximity of the airfield.

At Members request, officers have reconsulted the CAA and Old Sarum Flying club with regards their further views on safety matters and the apparent role of the site as a “crash site”. The CAA has indicated that it is for the LPA to consult directly with the Old Sarum Flying Club on matters of aircraft safety. The further response from the flying club is awaited, and will be reported at the meeting.

Consequently, whilst the comments of adjacent residents are noted, it is considered that a refusal on noise and safety grounds would be difficult to sustain given the comments of the EHO and given the previous lack of objection by the LPA on these issues.

#### b) Amenities of existing residents in Throgmorton Hall

In terms of more general amenity issues, a significant amount of concern and objections have been received from adjacent neighbours, particularly residents of Throgmorton Hall. The objections centre around the general impact of the new dwellings on the amenities of adjacent residents in terms of additional noise, disturbance, and privacy issues, and also that the area land subject of this new proposal would result in the loss of the substantial part of the grassed area to the rear of Throgmorton Hall, which residents consider as their open space.

It is considered that the positioning of 3 new dwellings on the land as proposed would have no significant impact on the amenities currently enjoyed by residents of Throgmorton Hall, as the increase in traffic, general disturbance, and loss of privacy is not considered so significant as to warrant refusal.

Furthermore, in planning terms, the area of land subject of this application was not apparently earmarked or otherwise restricted for open space to serve adjacent residential properties as part of the original planning application. Consequently, it is considered that the redevelopment of the site for 3 new dwellings would not adversely affect adjacent amenities.

Many of the objectors have recommended that construction and other traffic utilise Green Lane rather than the existing main access and internal driveway.

It is accepted that construction traffic can have an adverse impact on amenities due to noise and general disturbance, as well as raising safety issues.

However, whilst the use of Green Lane for construction and/or other traffic is feasible, it is the officers opinion that the use of the Green Lane access would simply relocate the noise and disturbance issues, and would still have some impact on Throgmorton Hall Residents, as well as having a greater adverse impact residents to the south west of Green Lane. Notwithstanding construction traffic, residential traffic using Green Lane would put further pressure on a lane which has very limited visibility onto the Portway.

Consequently, it is considered that the use of the existing main access and driveway for construction traffic, whilst having some impact on Throgmorton Hall residents, would be preferable to the use of Green Lane, which has the potential to cause nuisance to a greater number of residential properties, and be less acceptable in safety terms.



However, hours of construction could be controlled via condition, a version of which is suggested below. Members comments on the hours of operation suggested are invited.

However, Members should note that the previous reasons for refusal were not based around this issue, and given the similarity in the location of the dwellings and the reduction in number of dwellings, it is considered that it would be difficult to now defend a new reason for refusal based on these issues.

#### 4. Impact on highway safety

The previous scheme for 5 dwellings was refused for the following reasons:

*“2 It is considered that the proposal would have an adverse impact on highway safety, due to the inability of the site to provide sufficient frontage to the north-east to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential to highway safety. The proposal would therefore be contrary to policy G2 (I) & (II) of the adopted Salisbury District Local Plan”.*

The current scheme would result in a reduction to 3 additional dwellings using the existing vehicular access onto the Portway, with the other access onto Green Lane being stopped up. The applicants have also proposed to contribute to a traffic calming scheme along the Portway adjacent to the main entrance to Throgmorton Hall.

WCC Highways no longer object to the scheme subject to two criteria being met as outlined in detail elsewhere in this report, and include a financial contribution and stopping up of the existing secondary access onto Green Lane.

In order to satisfy highway concerns, WCC have suggested that a legal agreement is entered into by the applicants, whereby a financial contribution is paid to WCC, to facilitate the highway improvements. However, given that Members have previously acknowledged that mitigating highway measures need to be undertaken, it would seem more appropriate that a Grampian style condition could be imposed which restricts the occupation of the dwellings until the highway works have been completed. Any legal agreements or other arrangements could occur between the applicants and WCC directly outside the planning system.

#### 5. Amenities and local facilities

The previous reason for refusal number 1 for application S/02/1418 considered that the granting of the proposal (for 5 dwellings) at that particular time would amount to piecemeal development and would consequently result in residential development which would be located in an unsustainable location divorced from facilities and services.

Members need to assess what if anything has changed since this last refusal.

The existing development brief for the policy H2 allocation indicates that the planned area is intended to form a new community, with employment facilities as well as housing and recreational areas, together with local facilities. A planning application is expected shortly if the Council agree the development brief for the site.

Furthermore, since the previous refusals, a new retail shop has opened within the existing residential development on the west side of the Portway.

As a consequence, these recent changes are material considerations which were not available to Members previously, and which must now be taken into consideration when determining this current application.

Your officer's view is that given the opening of the small shop in the area, and the increased likelihood of the allocated land being developed in the near future, these events have addressed the concerns expressed in the previous reasons for refusal.

## 6. Archaeology

WCC have indicated that no form of archaeological evaluation or watching brief will be required.

## 7. Affordable housing issues

The land to the rear of Throgmorton Hall (the site) is part of the allocated land with the Local Plan but has been excluded from the emerging development brief for the adjacent housing development.

Therefore, whilst the emerging development brief includes reference to the provision of affordable housing and a generally mixed employment/housing scheme on the western side of the Portway, the development brief is ambiguous about the future uses intended for the Throgmorton Hall site. The policy situation is further complicated by the fact that the Throgmorton Hall development did not include any provision for affordable housing or other mixed facilities.

As a consequence of this policy stance and planning history, it is considered that it would be difficult to request affordable housing as part of this development. Notwithstanding this matter, it is considered that the emphasis of the new policy is to create a new mixed community on the northern side of The Portway, and that the Throgmorton Hall site is not particularly best suited to provide affordable housing or to provide other mixed facilities. Other mixed uses such as community or employment uses would also seem inappropriate on this site.

Members should note that the LPA did not refuse the previous schemes on this basis, and therefore it would be difficult to defend any such refusal at this time.

## 8. Open space issues

The supporting documentation submitted with the application appears to indicate that the occupiers of the proposed dwellings would be able to utilise the existing play equipment on the existing Throgmorton Hall site. However, this is contrary to the claims of existing occupiers of Throgmorton Hall, and the existing facilities are not shown as being within the control of the applicant.

Notwithstanding the above, a signed S106 agreement offering a financial contribution towards off site open space provision has been submitted by the applicants.

As a result, providing a commuted sum is paid to the Council prior to planning permission being issued, then the scheme would comply with policy R2.

## 9. Other issues raised by members

Use of open space relating to Throgmorton Hall – The agents have confirmed verbally that the occupiers of the new dwellings would not utilise the existing on site facilities.

Ownership of land – The agents have confirmed verbally that the applicants own the access driveway from the site to the portway, and most of the Throgmorton Hall site (except the building itself).

Maintenance of landscaping area – The agents have confirmed verbally that the centralised landscape area outside the garden areas would be maintained by the owners of the 3 dwellings.

At the time of writing, a written confirmation of the above is awaited.

## CONCLUSION – REASONS FOR APPROVAL

In terms of its design, the scheme is considered acceptable. Furthermore, it is considered that the amenities of neither the existing adjacent neighbours would be affected by the development, or that the amenities of the residents of the new dwellings would be affected by the adjacent airfield so significantly as to warrant refusal.

The proposal for 3 houses would not have a significant impact on current highway safety levels, subject to additional highway works being undertaken.

In policy terms, it is considered that the provision of Affordable Housing would not be appropriate in this instance given the isolated location of the site away from the planned new community, and that the previous application for Throgmorton Hall was not made subject to such a restriction. Other mixed uses such as community or employment uses would also seem inappropriate on this site.

Therefore, subject to the undertaking of an archaeological evaluation and the results of that evaluation not affecting the conclusions within this report, then the scheme is considered acceptable.

## **RECOMMENDATION: SUBJECT TO A COMMUTED SUM BEING PROVIDED TOWARDS OPEN SPACE PROVISION OFF SITE, THEN:**

**APPROVAL**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

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

REASON: 0014 To secure a harmonious form of development.

3. Before any development is commenced on the site, including site works of any description, all the existing trees to be retained shall be protected by a fence, of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored

thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (50mm) or more shall be left unsevered (See British Standard BS 5837:1991, entitled 'Trees in relation to Construction'. (G15A)

REASON: In the interests of visual amenity

4. Before development commences, details of new planting, including times of planting and species shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be undertaken in accordance with approved scheme.

REASON: In the interests of visual amenity

6. Before development commences, details of new hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity

7. Boundary treatment of a type, height and in positions to be agreed in writing with the Local Planning Authority shall be erected prior to the occupation of the dwelling[s] hereby permitted. (F01A)

REASON: In the interest of amenity

8. Hours of construction shall be limited solely to between 0900hrs to 1700hrs on Monday to Fridays, 0900hrs to 1200hrs on Saturdays, with no work on Sundays or Bank Holidays.

REASON: In order to protect amenities

9. The vehicular access onto Green Lane is to be permanently stopped up and abandoned concurrently with the first occupation of the dwellings.

REASON: 0052 In the interests of highway safety.

10. Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. (L07A)

REASON: 0064 To ensure that the development is provided with a satisfactory means of surface water disposal.

11. No development shall commence until a scheme of highway improvements along the Portway road has been submitted to and approved in writing by the Local Planning Authority, and that the agreed scheme be completed to the satisfaction of the Local Planning Authority before the development commences.

REASON: 0052 In the interests of highway safety.

**INFORMATIVE:**

1. This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan

Policy G1 - Sustainability and local services  
Policy G2 -General policies, amenities, and highways  
Policy H2D -Allocation of site  
Policy C6 & C7 -Landscape protection  
Policy D2 - Infill development

2. With regards to condition 11, please note that some form of legal agreement with the County Council may be required with regards the provision of off site highway works. Please also note the stipulation that the dwellings shall not be occupied until such highway works are complete. It is therefore suggested that the timing of works forms part of any agreement between the developers and the County.

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**NOTES:**

S/2004/2730	30/12/2004	24/02/2005	MR & MRS R AUSTIN
LAND			DAMEN ASSOCIATES
Easting: 425576.9	Northing: 119161.7		

PROPOSAL:	O/L APPLICATION -DEMOLITION OF DWELLING AND REPLACEMENT WITH TWO DETACHED DWELLINGS INCLUDING ALTERATIONS TO FORM NEW ACCESS
LOCATION:	NANT PERIS LYNDHURST ROAD LANDFORD SALISBURY SP5 2AF

### REASON FOR REPORT TO MEMBERS

Councillor Randall has requested that this item be determined by Committee due to: concerns regarding drainage and flooding in the vicinity

### SITE AND ITS SURROUNDINGS

The site lies within the Housing Policy Area for Landford, in the new Forest Heritage Area and Special Landscape Area. The site forms the curtilage (0.137ha) of a detached bungalow, on Lyndhurst Road. Members may note that the applicant refers to the property as “Beechwood” and not Nant Peris or Bramblewood. For the purposes of this report, Nant Peris appears on the application form as the main title.

### THE PROPOSAL

The applicant is seeking to demolish the existing dwelling and replace it with two detached dwellings. The proposal includes alterations to form a new access, and permission for the siting of the dwellings is also sought as part of the outline permission. The “blue line” on the application also includes adjacent Pinewood, and this property would give up part of its existing rear garden space to provide garden space for the new dwellings. Amended plans have been received, showing a minor amendment to the footprint of the garage of dwelling 1, to enable adequate space to be made for the turning of vehicles.

### PLANNING HISTORY & garden area to rear of Pinewood

S/77/011	Conversion of shop to domestic dwelling (Pinewood) (Includes rear garden area which forms part of application site)	A (No conds)	1/3/1978
04/1879	Demolition of dwelling and replacement with 2 detached dwellings and alteration to access	R	8/10/04

The above application was refused on the following grounds by Southern Area Committee:

***The proposal would have an adverse impact on the land drainage issues and flood problems in the area and therefore be contrary to policies G4 and G5 of the adopted Salisbury District Local Plan.***

The application in 1977 dealt with the conversion of the shop to residential curtilage, and includes the land to the rear of Pinewood. This land forms part of the current application, and is proposed for continued use as garden. Change of use of this land to residential was therefore established in 1977 (see file).

## CONSULTATIONS

WCC Highways - **No objection** to amended plans, subject to conditions  
Environmental Health - **No objection** on flooding/drainage grounds following a site visit.  
Comments as previous (see below)  
Wessex Water Not in their area. Response from Bournemouth & Southern Water awaited.

## REPRESENTATIONS

Advertisement No  
Site Notice displayed Yes Expiry 7/10/04  
Departure No  
Neighbour notification Yes Expiry 30/9/04  
Third Party responses Yes 5 letters of objection on grounds of increased density, impact on character, insufficient turning area (see amended plans) disruption to drainage from fields, impact on landscape quality, precedent for use of garden area, flooding and drainage issues, overlooking and loss of light, location and purpose of “shared” drainage pipes, not Nant Peris but Bramblewood, loss of affordable retirement property, restricted access during construction, highways speeds and safety.

Parish Council response Yes **Objection** on grounds of intensification of flooding problems towards Latchmore Drove, loss of retirement dwelling (affordable) and intensification of housing contrary to HA1.

## MAIN ISSUES

The main issue for the outline application is whether or not the principle of two dwellings on this site would be acceptable within the adopted policy context of the SDLP, highway safety, neighbouring amenity, flooding and drainage issues.

**POLICY CONTEXT** : Adopted SDLP Policy G2, HA1, HA2, HA4, C6, TR11, G4, G5. R2

## PLANNING CONSIDERATIONS

### Principle

The principle for the development is acceptable under Policy HA2, which states that within the New Forest village of Landford, new residential development will be permitted within the defined HPA, provided that no more than one dwelling is created by the subdivision of an existing residential curtilage. There are 4 criteria that also must be satisfied: no adverse impact on the settlement, no loss of an open area that contributes to the character of the area, minimum loss of trees, hedges and walls, and development would be in keeping with the character of neighbouring properties. It is considered that criteria (iii) is not applicable to the application. However, criteria (i), (ii) and (iv) must be considered:

Policy HA1 and C6 seek to protect the landscape character of the NFHA and SLA. The applicant has included an area of garden behind the adjacent property within the red line for the application. This area of land is currently in use as a garden area, with a further fence and hedgerow between the garden and countryside. There is also a swimming pool. The land was approved as residential curtilage in 1977, as part of the application for Pinewood. It is considered that if the proposal is approved, the applicant's permitted development rights should be removed, to enable the LPA to retain control over development outside the Housing Policy Area.

Policy HA4 makes further provision for replacement dwellings in the NFHA. It is considered that the four criteria of Policy HA4 could be satisfied by the outline proposal, as the replacement dwellings would have a similar floor area to Nant Peris and the footprint of one of the dwellings would closely relate to the existing. Policy HA4 also requires replacement dwellings not to exceed 30% of the volume of the original dwelling. As the application is in outline, the LPA has no information regarding the volume of the proposed dwellings. However, it is considered that the footprint of the proposed replacement dwelling closely relates to the existing single storey bungalow. Provided the height of the dwellings relate to the existing property, it is unlikely that the 30% limit would be exceeded, in accordance with Policy HA4.

Character of the settlement and character of neighbouring properties.

Properties in Lyndhurst Road and on the same side as Nant Peris are, in general, two storey chalet bungalows, with large dormers (eg adjacent Pinewood and Aunt's Cottage, and Lane End Farm). Properties on the opposite side of Lyndhurst Road form mixture of traditional two storey brick cottages (eg The Oaks and Manor Cottages) and modern dwellings (Coppins and Willows). The scale, design and appearance of the majority of the dwellings in the immediate vicinity is therefore mixed, but generally characterised by two storey, chalet bungalows and cottages, set close to the road frontage with front and rear gardens.

Nant Peris (measuring about 7m by 13m) sits within a large garden plot, measuring about 35m by 22m. The site is laid to lawn, cultivation and is partially overgrown. There is a 2m fence to the rear of the site. Given the size of the plot, it is therefore considered feasible for two bungalows to be built on the site, without detriment to the existing character of the area in accordance with Policy HA1 and HA2.

#### Neighbouring Amenity and Overlooking

As the application is in outline, the details of the design and external appearance of the proposed dwellings are not yet available. This would be given further consideration at a later (approval of reserved matters) stage. However, the site is considered to be large enough to accommodate two dwellings, with landscaping, amenity space and off road parking.

Several letters of objection have been received from neighbours, and have raised new concerns since the previous application, on the grounds of potential overlooking from a two storey dwelling. As the application is outline, the LPA has no indication that the proposals would create a two storey dwelling. However, this issue should be considered against the provisions of Policy G2 of the SDLP.

Aunt's Cottage, to the east, is likely to experience overlooking if windows are provided in the first floor of the north elevation of dwelling 2. Furthermore, a two storey dwelling may affect light levels reaching the property, which lies to the north of the site. Similarly, the south elevation of dwelling 1 may give rise to some overlooking of Pinewood and its garden.



The front elevations of new dwellings would be sited more than 20 metres from the front facing walls and windows existing two storey properties on the opposite side of Lyndhurst Road. It is therefore considered that the amenities of these properties are unlikely to be unduly affected by overlooking over this distance.

The proposal would therefore, on balance, be in accordance with Policy G2, and Members may wish to consider adding a Condition to ensure that the bungalows are single storey only, to minimise the possibility of overlooking to adjacent properties, and loss of light to Aunt's Cottage.

### **Flooding and Drainage Issues: Views of Environmental Health**

There are some minor land drainage problems in Lyndhurst Road, Landford associated with the general development of the area and loss of ditches that has occurred in the last 50 years and ground conditions are not particularly good for soakaway drainage during prolonged periods of wet weather. The sewer is also prone to surcharging during severe rainfall events and an additional dwelling will add to this problem. However, it is not considered that planning approval could be withheld on those grounds as the sewerage undertaker has a statutory duty to provide adequate drainage and cannot deny a sewer connection to a householder where a sewer is available.

The EHO previously advised committee that as there are some land pipes under the site of the proposed dwellings, a survey of the site should be undertaken, to identify existing land drainage arrangements. The applicant should then be required to ensure that the land drainage of the site would not be adversely affected by the proposal.

The applicant has undertaken a site survey, and identified that a 150mm diameter pipe runs 600mm parallel to the rear wall of the property, and it is likely that this is a land drain constructed to redirect ground water away from the foundations of the property. The applicants have proposed to reinstate the land drain against the rear fence and alter the pipework running unto the Lyndhurst Road drainage. Therefore, the stormwater drainage within the site would be reinstated to achieve the same purposes.

An inspection was also made on 12/1/05 of the road gully in front of the site and it was observed that the water was at the normal level and had no movement. The amended plans indicate the course of the 150mm drain to be retained.

Several objectors have referred to the sewer problem in Lyndhurst Road and potential for backup and overflowing in storm conditions due to infiltrations or illegal connections (eg surface water discharging to foul) Southern Water is aware of this problem, and is investigating. Generally, there is a substantial lack of maintenance of private ditches and culverts along the road, and may have been deliberately filled in by owners over a period of time, which makes it difficult to deal with surface and ground water flows.

The EHO has visited the site, and held a separate site meeting with the local area highways officer to discuss drainage issues and the amended plans, with a view that any proposals should not increase the risk of flooding in the area. It is considered that the drain from the site connects to the Wiltshire County Highways system at the roadside gully nearby. The gully is part of a positive piped drainage system on the opposite side of the road, into which it discharges. This is an existing arrangement, and WCC would be prepared to accept the continued arrangements as proposed, including any additional land drains installed as part of the development, for the benefit of the immediate vicinity. However, no water from the proposed new hardstandings or buildings would be permitted to drain to this system. Furthermore, surface water from the application site should go to soakaways, and accesses and driveways should be constructed from a porous materials. Prior approval of the LPA should be sought, through an appropriate condition.

## Highway Safety

The Highway Authority has requested amended plans to ensure that vehicles can adequately park and turn on the site. Amended plans have been received and no objection is raised, subject to conditions relating to gates, properly compacted surface materials and prevention of surface water discharge to the highway. Amended plans indicate that the dwellings would each provide a garage, and the layout indicates further provision for parking for two vehicles within the curtilage of each dwelling, in accordance with Policy TR11.

## CONCLUSION

The demolition of the existing bungalow and replacement with two single storey detached dwellings is considered to be acceptable in principle, and would not detrimentally affect the character of the New Forest Heritage Area, Special Landscape Area, neighbouring amenities, drainage or highway safety.

## RECOMMENDATION:

**APPROVE:** for the following reasons

The proposed demolition of Nant Peris (Beechwood) and replacement with two detached single storey dwellings would be acceptable within the adopted policy context of the Salisbury District Local Plan, provided the development is appropriately screened from adjacent properties, and adequate arrangements are made for existing on site drainage arrangements and future means of surface water disposal.

And subject to the following CONDITIONS:-

(1) Approval of the details of the design, external appearance and landscaping (herein called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

(4) The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the approval of the last of the reserved matters to be approved, whichever is the later.

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

(5) The dwellings hereby approved shall be single storey only, with no habitable accommodation provided in the roof.

Reason: In the interests of neighbouring amenities

(6) Development shall not commence until construction details of the proposed means of access, parking, turning areas and the driveway to the site have been submitted to and approved in writing by the Local Planning Authority. The driveway areas shall be properly consolidated and surfaced with a porous material (not loose stone or gravel) and adequate precautions shall be taken in order to prevent the discharge of surface water, loose material etc from the site onto the public highway, in accordance with the details to be agreed. The development shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory form of access is provided in the interests of highway safety.

(7) The access shall remain ungated thereafter.

Reason: In the interests of highway safety

(8) Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. (L07A)

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

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

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

(10) Notwithstanding the provisions of Class A to F of Schedule 2 (Part 1) to the Town & Country Planning (general Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extension to the dwelling, no erection of any structures within the curtilages of the dwellings, nor any alterations to its roof/s including dormer windows and rooflights), unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application on that behalf.

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

(11) Before construction of the new dwellings hereby approved commences, a scheme indicating the location of existing drainage provisions on the site, and proposals for the retention of and/or replacement of such infrastructure shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved scheme.

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

(12) The development shall be in accordance with the amended plan submitted to the Local Planning Authority on 8<sup>th</sup> February 2005 (which indicated revised access arrangements for the site) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and for the avoidance of doubt.

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

Policy G2	General Principles for Development
Policy HA1	New Forest Heritage Area
Policy HA2	Housing in the New Forest Heritage Area
Policy HA4	Replacement dwellings in New Forest Heritage Area
C6	Special Landscape Area
G4, G5	Water Environment
TR11	Parking guidelines

**INFORMATIVES: -**

**The applicant is advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed**

**The applicant is advised to contact the Local Area Highway Authority (Graham Axtell) in respect of the land drainage arrangements and connection to the WCC system in Lyndhurst Road.**

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**NOTES:**