

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

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

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE WESTERN AREA 01/05/2008

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2007/1980	FOVANT
SV 15:40	Charlie Bruce-White	APPROVED WITH CONDITIONS
Pages 3 - 10	DAMEN ASSOCIATES LTD ADJACENT BOWERBROOK HIGH STREET FOVANT SALISBURY CONSTRUCTION OF SINGLE DWELLING AND ALTERATIONS TO ACCESS	TISBURY & FOVANT WARD Councillor Beattie Councillor Mrs Green

Part 2

Applications recommended for Approval

1

Application Number:	S/2007/1980		
Applicant/ Agent:	DAMEN ASSOCIATES		
Location:	LAND ADJACENT BOWERBROOK HIGH STREET FOVANT SALISBURY SP3 5JL		
Proposal:	CONSTRUCTION OF SINGLE DWELLING AND ALTERATIONS TO ACCESS		
Parish/ Ward	FOVANT		
Conservation Area:	FOVANT	LB Grade:	
Date Valid:	1 October 2007	Expiry Date	26 November 2007
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REASON FOR REPORT TO MEMBERS

Cllr Green has requested that the application go before committee, due to the concerns expressed by the Parish Council and several local residents.

Councillors may recall that the application was due to be considered at the Western Area Committee meeting in December of last year, although it was subsequently deferred due to an unforeseen late objection by Natural England. The applicant has subsequently addressed the objections of Natural England within a second protected species survey and the application is now back before the committee.

THE SITE

The site relates to a plot of land situated on Fovant High Street, which is within the Housing Policy Boundary, Conservation Area, and AONB. Although situated immediately adjacent to a bungalow known as Bowerbrooke, the land is under separate ownership, having apparently been used as a parking area to one of the dwellings on the opposite side of the High Street. Fovant Brook runs immediately along the rear of the site, and the site is designated by the Environment Agency as falling within Flood Zone 3 (this zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding).

THE PROPOSAL

It is proposed to erect a new dwelling and to make alterations to the vehicular access. This application represents a re-submission of a previous unsuccessful scheme, S/2007/0765, which was refused under delegated powers for the following reasons:

- 1) *The proposed dwelling, by reason of its half hipped roof, would not reflect the tradition form of dwellings within the Fovant Conservation Area where gable ends are a defining feature. Being in such a prominent location, the development would therefore be detrimental to the character of the Conservation Area, contrary to the objectives of Planning Policy Guidance 15: Planning and the Historic Environment and policies G2, D3, and CN8 of the adopted Salisbury District Local Plan.*
- 2) *The applicant has failed to satisfactorily demonstrate that the development would not have a detrimental impact upon protected species, which may be present due to the proximity of the application site to a watercourse known as Fovant Brook. The development would therefore be contrary to the objectives of Planning Policy Statement*

9: [Biodiversity and Geological Conservation](#) and policy C12 of the adopted Salisbury District Local Plan.

- 3) *The applicant has failed to satisfactorily demonstrate whether the proposed development would not add to or be prone to flood risk, contrary to the aims and guidance contained within Planning Policy Statement 25: Development and Flood Risk and policy G4 of the adopted Salisbury District Local Plan.*
- 4) *The proposed residential development is considered by the Local Planning Authority to be contrary to policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.*

The current application differs in that:

- A gable end is now proposed, as opposed to a hip, and alterations have been made to the design of a porch;
- Protected species surveys have been undertaken and reports submitted to demonstrate the potential impact upon water voles, including mitigation recommendations;
- An appropriate flood risk assessment has been undertaken, identifying the likely risk of flooding and incorporating flood proofing measures into the development.

PLANNING HISTORY

94/437	Felling of norway spruce tree and ash tree	NOBJ	28/4/94
04/2230	Fell one norway spruce	NOBJ	22/11/04
07/0765	Erect dwelling and alterations to access	REF	11/06/04

CONSULTATIONS

Highways Officer	Objects due to unsafe access arrangement.
Conservation Officer	No objection in principle, although concern raised over the set-back of the dwelling and the use of roof lights, and recommend several conditions if approved in order to achieve an appropriate quality finish.
Environment Agency	No objection, subject to Sequential and Exception tests, and conditions and informatives.
Natural England	No objection, subject to planning condition to secure mitigation recommendations of the protected species survey.

REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes
Third Party responses	7 letters of objection/concern. Reasons include: overdevelopment, loss of river view, impact on flooding, impact on protected species, proximity to neighbouring dwelling, overbearing effect, loss of light to neighbour, inaccurate plans, unsatisfactory parking arrangement.
Parish Council response	Object. Reasons include: overbearing impact on neighbour, loss of light to neighbour, inadequate environmental statement, car parking concerns previously identified by WCC not addressed.

MAIN ISSUES

1. The acceptability of the proposal given the policies of the Local Plan;
2. Character of the locality and amenity of the street scene;
3. Amenities of the occupiers of adjoining and near by property;
4. Highway considerations;
5. Flood risk;
6. Protected species.

POLICY CONTEXT

- Local Plan policies G1, G2, D2, H16, CN8, CN10, CN11, C4, C5, C12, TR11, TR14, R2
- Planning Policy Statement 3: *Housing*; Planning Policy Statement 9: [*Biodiversity and Geological Conservation*](#); Planning Policy Statement 25: *Development and Flood Risk*, Planning Policy Guidance 15: *Planning and the Historic Environment*.

PLANNING CONSIDERATIONS

Principle of development

The site is within the Housing Policy Boundary where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Local Plan. Of particular importance is that the proposal should not constitute inappropriate backland development and should not result in the loss of an open area which contributes to the character of the area.

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

PPS3 promotes a more efficient use of land, while at the same time ensuring a high quality design and environment which contributes to the maintenance and creation of sustainable communities. Furthermore, being within a Conservation Area, PPG15 states that Local Planning Authorities should give the highest priority to the objective of preserving or enhancing the character or appearance of the area.

Impact upon visual amenity

It is noted that the size of the plot is reasonably small, measuring approximately 20 metres by 9 metres, although small plots, especially narrow ones, are not unusual within the Fovant Conservation Area. The scale of the dwelling proposed would be reasonably modest, and although two storey, its height would be approximately 8 metres. The layout of the dwelling within the plot would be with its gable end facing the road, which is a characteristic feature within the Conservation Area. It is not considered that the site, a former parking and garden area surfaced in gravel and woodchippings, makes a particularly important contribution to the character of the Conservation Area, and development would therefore be acceptable subject to an appropriately designed dwelling.

The design of the dwelling, comprising a simple stone and slate tiled cottage, would be generally appropriate. The Conservation Officer previously commented that the development takes into account the historic form of development, and is also of a scale and general design that reflects the historic grain, although significant concerns were expressed within the previous scheme due to the use of half hips. Full gables have now been incorporated to rectify this, and improvements have also been made to the design of the porch. The dwelling would sit atop a plinth, for the purposes of flood mitigation, although it is not considered that this has comprised the design or appearance of the dwelling.

The Conservation Officer still notes, however, several reservations about particular details. One of these relates to the use of roof lights on the south-east elevation of the dwelling, although subject to the agreement of conservation style roof lights that are flush with the roof slope, it is not considered that this compromises the overall design of the scheme so much as to warrant

refusal. Another concern raised by the Conservation Officer relates to the set back of the building. However, the proposed building line appears logical, following that of the adjacent bungalow to which it most closely relates, and it is considered that the appearance of the front driveway can be made appropriate to the new dwelling and character of the area through the agreement of surface materials and landscaping, to be required via a planning condition.

Neighbouring amenity

The proposed dwelling would be sited immediately adjacent to the bungalow known as Bowerbrook. The occupant of this dwelling has raised concerns regarding the overbearing impact and loss of light that could occur. A previous visit was made to this neighbouring property to make an assessment. Between the neighbouring dwelling and its boundary with the application site exists a covered car parking area. In the elevation of Bowerbrook that would directly face the side of the proposed dwelling exists the main entrance door, two small windows providing light to a kitchen, and one larger window providing light to a living room. It is noted that the application site is situated to the south-east of Bowerbrook and consequently there will be some loss of direct sun light to the rooms which these windows serve. However, it is noted that the neighbour's kitchen and living room enjoy their primary light source and aspect from other windows that exist in the front and rear elevations, which would not be significantly affected by the proposal, and it is therefore not considered that the new dwelling, even with the full gables as opposed to half hips, would result in such an overshadowing or overbearing effect so as to cause an unreasonable loss of amenity. Regarding any potential loss of amenity to the garden area of Bowerbrook, since the proposed dwelling would be built predominantly in line with the side of Bowerbrook, its rear curtilage would not be significantly affected.

As for any other impacts upon neighbours, it is considered that the proposed dwelling would be sited far enough away from others so as to not result in a detrimental overbearing or overshadowing effect, and that the dwelling has been designed so as to not cause significant overlooking. No windows are proposed in the side elevation which faces Bowerbrook, and although there would be some views into the curtilage of The Firs to rear, from a bedroom window, loss of privacy would not be significant due to the distance involved and the presence of a tree screen on the boundary of this neighbouring property. Overlooking from the roof lights towards Hope Cottage would not be significant, and it shall be conditioned that two of these roof lights, to serve a bathroom and shower room, be fitted with obscured glazing.

Highways implications

Parking would be provided to the front of the dwelling, with enough space for two or three spaces laid out in a side-by-side arrangement. The Highways Officer has objected to this proposed arrangement, on the grounds that it would encourage vehicles to reverse onto the highway where visibility is poor. Based on this advice from the Local Highways Authority, the development would be contrary to policy G2 of the Local Plan.

It is a principle of planning that decisions should be taken in accordance with the provisions of the development plan, unless other material consideration dictate. In this instance, the current arrangement and use of the site is a material consideration which needs to be taken into account. The site, before being bought by the current applicant, was previously used as a parking area to one of the dwellings on the opposite side of the High Street. This is consistent with the current layout of the site, which has a lay-by style parking space to the front, with a graveled parking area behind, which can be accessed through a gateway.

This existing layout is not ideal for the following reasons: i) vehicles would be required to reverse into the lay-by space and difficulties would be presented for parked vehicles maneuvering out of this space; ii) due to the proximity of the gated access to the carriageway edge, vehicles would obstruct the highway when opening/closing the gate to access/exit the graveled parking area; iii) there are no turning facilities within the site for vehicles to both enter and leave in a forward gear.

Consequently, given the existing situation, it is not considered that the Local Planning Authority could reasonably defend a reason for refusal based upon the Local Highways Authority's objection, although it is accepted that a development with sufficient off-street parking and turning

area is desirable. However, due to the small size of the plot, it has not been possible to negotiate significant improvements to the current arrangements.

Protected species

Immediately to the rear of the dwelling exists Fovant Brook and thus part of the site includes the brook bank. The development could therefore potentially affect the habitat of water voles, which are a protected species. It is not considered that the present state of the site would offer significant habitat for any other protected species. Consequently the applicant has provided protected species surveys, specifically investigating the potential impact of the development upon water voles.

The first survey of the site (Chalkhill Environmental Consultants October 2007) found that there was an active water vole population in the vicinity of the proposed development site, with burrows found on the bank the other side of the brook to the site and also up stream of the site, the closest of these burrows being approximately 6m from the boundary of the site. A closer inspection of the proposed development site by Chalkhill Environmental Consultants in January 2008 confirmed the presence of a water vole run behind the facing stones of the reinforced bank of the brook, however, no evidence was found of water vole burrows going into the bank behind the facing stones. The report includes recommendations for precautionary measures to be taken during the works.

The survey information provided by the applicants indicates that water voles are using riparian and/or other suitable habitats that would be affected by the proposals. However, from the information provided, Natural England are satisfied that the mitigation proposals set out in the report would be sufficient to compensate for potential negative impacts on water vole populations. Consequently, based on the information provided, no objections are raised to the proposed development in respect of legally protected species, provided that the recommendations made in the report "Water Vole Assessment Visit 2" are secured by a planning condition.

Flood risk

PPS25 requires that development in areas more prone to flooding are scrutinised in relation to a defined 'Sequential' and 'Exceptions' Tests. The aim of the Sequential Test is to examine where there are any more appropriate areas for such development in the locality that are less prone to flooding. Given that the site is within the Housing Policy Boundary and there is little land forthcoming for residential development in Fovant for the lifetime of the current Local Plan, it is considered that there are unlikely to be any more appropriate locations.

The Exceptions Test follows on from the sequential test, with the aim of justifying why development should be permitted in a higher flood risk area. In broader planning terms, the site has benefits for residential development in that it is situated within an existing built up area with good access to local services and amenities in the village. Further justification is provided by the submitted 'Flood Risk Assessment', which attempts to more accurately identify the likelihood and extent of probable flooding, in order to inform the formulation of appropriate flood proofing measures. Such measures put forward include that the dwelling be set 600mm above the extent of the flood risk area, and that roof rainwater be discharged to an underground strata via a soakaway, which is considered appropriate to make the development safe from flooding, without increasing flood risk elsewhere.

Consequently, it is considered that the development passes the Sequential and Exceptions Tests, making the development acceptable to the Environment Agency, subject to conditions ensuring the incorporation of the Flood Risk Assessment recommendations.

Other matters

The applicants have submitted a method statement to indicate how pollution of the river is to be prevented during construction works, and the recommendations shall be included as a planning condition.

The applicant has signed a unilateral planning obligation in relation to policy R2 of the Local Plan, and any grant of planning permission would be subject to this authority receiving the relevant financial contribution.

CONCLUSION

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area. There would be no significant adverse impacts upon the amenities of neighbours and, subject to recommendations of the protected species survey, water voles and their habitat would not be unacceptably affected. Whilst the Local Highways Authority have objected to the proposed parking arrangements, given the existing layout and potential use of the site, it is considered there are insufficient highway grounds to refuse the application. Subject to a condition to secure flood mitigation measures the development would be safe from flooding, without increasing flood risk elsewhere. The development would therefore be generally in accordance with the aims and objectives of the development plan.

RECOMMENDATION: APPROVE

REASONS FOR APPROVAL

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area. There would be no significant adverse impacts upon the amenities of neighbours and, subject to recommendations of the protected species survey, water voles and their habitat would not be unacceptably affected. Whilst the Local Highways Authority have objected to the proposed parking arrangements, given the existing layout and potential use of the site, it is considered there are insufficient highway grounds to refuse the application. Subject to a condition to secure flood mitigation measures the development would be safe from flooding, without increasing flood risk elsewhere. The development would therefore be generally in accordance with the aims and objectives of the development plan.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Before development is commenced, details of all new windows, including roof lights, and external doors shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections and elevations of all new windows shall be submitted to at least 1:5 scale, and detailed sections and elevations of all new doors shall be submitted to at least 1:10 scale. Development shall be carried out in accordance with the approved details.
4. Before development is commenced, details of all new rainwater goods shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No development shall take place until details of the proposed means of enclosure for the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the first occupation of the dwelling.
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development hereby permitted.

7. The development shall be carried out in strict accordance with the recommendations contained within the submitted Water Vole Assessment by Chalkhill Environmental 2nd January 2008.
8. Notwithstanding the provisions of Classes 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 dwellings nor the erection of any structures within the curtilages unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.
9. The proposed roof lights in the south-east elevation shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall be maintained in this condition thereafter.
10. Other than those hereby agreed, there shall be no further windows inserted at first floor level into the dwelling hereby permitted.
11. The development shall be carried out in accordance with the pollution prevention method statement submitted as part of this application.
12. The development shall be carried out in accordance with recommendations of the Flood Risk Assessment submitted as part of this application.
13. No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the building.
14. No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwelling hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

The reasons for the above conditions are listed below:

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.
2. To secure a harmonious form of development.
3. In the interests of the visual amenity of the development.
4. In the interests of the visual amenity of the development.
5. In the interests of the visual amenity of the development.
6. In the interests of the visual amenity of the development.
7. In the interests of protected species.
8. In the interests of visual and neighbouring amenity.
9. To ensure adequate privacy for the occupants of neighbouring premises.
10. To ensure adequate privacy for the occupants of neighbouring premises.
11. To avoid pollution of the river system.

12. To secure adequate flood proofing measures for the development and to prevent flooding elsewhere.
13. In the interests neighbouring amenity.
14. In the interests of the conservation of energy and water resources.

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

Policy G1	Sustainable development
Policy G2	General Development Guidance
Policy D2	Infill development
Policy H16	Application of Housing Policy Boundaries
Policy CN8	Conservation Areas
Policy CN10	Conservation Areas
Policy CN11	Conservation Areas
Policy C4	AONB
Policy C5	AONB
Policy TR11	Off-street parking provision
Policy R2	Provision for recreational open space

INFORMATIVES:

- 1) Planning permission does not absolve the developer from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of *Circular 06/2005*.
- 2) The developer's attention is drawn to the information contained with the Environment Agency's attached letter of 18th October regarding the following: terms of the Water Resources Act 1999 and the Land Drainage Byelaws; information relating to the requirements of water efficiency measures; and pollution prevention during construction.