

## AGENDA

---

**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 16 June 2011  
**Time:** 6.00 pm

---

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

### Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Paul Sample
Cllr Mary Douglas	Cllr Ian West
Cllr Jose Green	Cllr Fred Westmoreland
Cllr Mike Hewitt	

---

### Substitutes:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Peter Colmer	Cllr Leo Randall
Cllr Russell Hawker	Cllr Ricky Rogers
Cllr David Jenkins	Cllr John Smale
Cllr Bill Moss	Cllr Graham Wright

---

# **AGENDA**

## **Part I**

### **Items to be considered when the meeting is open to the public**

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 26 May 2011(copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Thursday 9 June 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Planning application no. S/2006/1599 for: The erection of 26 Dwellings and formation of Vehicular and Pedestrian access thereto, at Downside Close, Mere.** *(Pages 11 - 36)*

To consider the report of the Principal Development Officer

7. **Planning Appeals** *(Pages 37 - 38)*

To receive details of completed and pending appeals (copy herewith).

8. **Planning Applications** *(Pages 39 - 40)*

To consider and determine planning applications in the attached schedule.

- 8a **S/2010/1879 - Land at the front of Fitz Farmhouse, Teffont Magna**  
*(Pages 41 - 52)*
- 8b **S/2011/0628 - Jesolo, Wylve Road, Hanging Langford, SP3 4NN** *(Pages 53 - 64)*
- 8c **S/2011/0432 - Land adjacent to Rose Cottage, Castle Lane, Whaddon, SP5 3EQ** *(Pages 65 - 74)*
- 8d **S/2011/0277 - 11 York Road, Salisbury, SP2 7AP** *(Pages 75 - 88)*
- 8e **S/2011/0476 - Wylve Maintenance Depot, Dyer Lane A303/A36 Junction, Wylve, BA12 0RY** *(Pages 89 - 96)*
- 8f **S/2011/0502 - Site next to Rose & Crown, High Street, Bulford, SP4 9DS** *(Pages 97 - 106)*

9. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

## **SOUTHERN AREA PLANNING COMMITTEE**

---

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 MAY 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale (Substitute) and Cllr Fred Westmoreland (Chairman)

---

**62. Apologies for Absence and Membership of the Committee**

Apologies were received from Councillors Richard Britton, Paul Sample and Ian West.

The Chairman invited the committee to note the changes in membership as agreed at the Annual Meeting of the Council held on 17 May 2011 and welcomed newly appointed members and substitutes.

**63. Minutes**

The minutes of the meeting held on 5 May 2011 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes.**

**64. Declarations of Interest**

There were no declarations of interest

**65. Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

A meeting had been arranged with Andrew Guest, Area Development Manager (South). This would be held on 16 June at 3.30pm in the Alamein Suite, City Hall, and all members of the committee would be invited together with all Councillors for the southern area.

66. **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

67. **Planning Appeals**

The committee received details of the following appeal decisions:

S/2010/1587 - Old Chalk Pit, Gypsy Lane, Petersfinger – Enforcement appeal – dismissed.

S/2010/0784 - Land at Long Cross, Zeals – delegated – dismissed.

And forthcoming appeals as follows:

S/2010/1350 & S/2011/0102 - 29 Holders Road, Amesbury

68. **Planning Applications**

68a **S/2010/1879 - Fitz Farmhouse, Teffont Magna, Salisbury**

This item was heard first as the Chairman requested that it be deferred for a site visit.

**Resolved:**

**To defer for a site visit prior to the next meeting of the committee.**

68b **S/2011/0444 - Open site behind Antrobus Hotel Kings Arms Inn and Lloyds Bank Salisbury Street Amesbury**

Public participation

Mr A Stocken spoke in support of the application

The Planning Officer introduced the report and drew attention to the late correspondence which contained a letter from the Highways department and an e-mail from the applicant's highways advisor.

Members asked questions of the officer regarding the storage of the shop goods in the access road and it was explained that an area would be created to the back of the shops for this purpose.

A discussion ensued and it was

**Resolved:**

**Following completion of a legal agreement in respect of the off-site open space contribution to GRANT planning permission for the following reasons –**

The proposal by reason of its design size and appearance is considered to be an acceptable development making good use of an otherwise vacant Brownfield site within Amesbury town centre as such the proposal complies with policies G2 and D2 of the adopted local plan.

**And subject to the following conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended

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.

REASON: To secure a harmonious form of development.

3. Prior to any development commencing, a scheme for the management of the construction of the proposal, including times of operations, and details of how adjacent amenities and the adjacent highway are to be protected, shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be developed as agreed.

REASON: In the interest of amenity

4. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of highway safety.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and

approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

6. Before development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: In order to achieve the sustainable use of water resources

7. Before development commences, a scheme to minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

REASON: to minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phase.

8. Prior to the commencement of development on site details of the covered cycle parking provision shall be submitted to and agreed in writing by the local planning authority. Such cycle parking as agreed shall be constructed and installed prior to the occupation of any of the residential units.

REASON: In order that sufficient cycle parking provision is made on site.

9. Prior to the commencement of works at the site details of any proposed boundary treatments shall be submitted to and approved in writing by the local planning authority and retained thereafter.

REASON In the interests of amenity of neighbouring occupiers.

10. Notwithstanding the provisions of Classes A-E inclusive 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 alterations nor extensions to the dwellings 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.

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



11. 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 Windows or dormer windows [other than those expressly authorised by this permission] shall be constructed.

Reason: To enable the Local Planning Authority to retain control over the appearance of the dwellings in the interests of visual amenity and the amenity of adjoining properties and because the proposed dwellings are in close proximity to both each other and other surrounding dwellings which could be overlooked by the insertion of new windows.

12. The development shall not be occupied other than by persons of 55 years of age and above.

Reason: To ensure that the level of parking demand remains at an acceptable level in the interests of highway safety.

13. Prior to the commencement of development on site including site works of any description, the Beech tree which is shown to be retained shall be protected by a fence in a position to be approved by the local planning authority. Within the area so fenced the existing ground level shall neither be raised or 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 back filled by hand and any tree roots encountered with a diameter of 2 inches (50mm) shall be left unsevered.

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

14. No development shall take place until there has been submitted to and approved in writing a scheme of landscaping for the development which shall include details of any existing trees on the land along with measures for their protection. Any scheme as approved by the local planning authority shall be implemented within the first planting season after the completion of the development.

Reason In the interests of the amenity of residents and the surrounding conservation area.

15. Prior to the commencement of development details of a pedestrian safety scheme shall be submitted to and approved in writing by the local planning authority. Such a safety scheme shall in particular include measures to prevent conflict between vehicles entering the site and pedestrians using Salisbury Street.

Reason: In the interests of highway safety

16 No development shall commence within the proposed development site until –

- a) A written programme of phased archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority – this should include the previous excavations on the site; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: In the interests of preserving and recording the archaeology at the site.

17. The first floor bathroom windows on the dwellings hereby approved shall be obscure glazed and fixed shut at all times.

Reason: In order to prevent overlooking of neighbouring properties.

18. The development hereby approved shall be carried out in accordance with the following plans –

Plan no 12/2004/13D

Plan no 12/2006/3B

Plan no 12/2006/2A

Landscape proposals received 30<sup>th</sup> March 2011

Plan of cycle and refuse store received 30<sup>th</sup> March 2011

Drawing no LDS/6343-1/0 Topographical survey

Design and access statement as received on the 30th March 2011

Reason: For the avoidance of doubt.

19. Prior to first occupation of the development hereby approved details of bin storage areas for the provision of up to three wheeled bins for each property shall be submitted to and approved in writing such bin storage at each property shall be retained in perpetuity.

Reason: In the interests of the amenity of the residents of the development.

20. Prior to the development hereby approved being first implemented the applicant shall submit to and have approved in writing by the Local Planning Authority a scheme of pedestrian safety measures to include 2 no. bollards at the rear of the paved footway at the junction of the site access with Salisbury Street, and the approved scheme shall be implemented prior to

occupation of the first approved dwelling.

21. Prior to first occupation of the development hereby approved details of the traffic light system proposed shall be submitted to and approved in writing. The system approved shall be implemented and thereafter maintained in perpetuity, prior to occupation of the final unit in the development.

#### INFORMATIVE

Any proposed bicycle racks shall be of a Sheffield design. With regards this matter please liaise with WCC Highways.

It should be noted in relation to condition 2 the use of flint panels in this important and historic area is unlikely to be acceptable to the local authority and that the local authority will expect the submission of details relating to this flintwork to be of individual flints laid in a traditional manner.

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

conservation area, CN3 – Listed buildings, CN4-Listed buildings, CN5 – Listed buildings, CN8- Conservation areas, CN11 –Views in conservation areas. G2 – General criteria D2- Infill development D3- Extensions, TR11- Parking Spaces, TR14 – Bicycle Parking facilities. R2- Recreational Open Space

#### **68c S/2011/0288 - 78 Lower Road Salisbury**

Public participation

Ms Ann Trevett spoke in objection to the application

Ms Margaret Wilmott spoke in objection to the application

The Planning Officer introduced the report and drew attention to the late correspondence.

A debate ensued during which issues of drainage from the site and the location and disabled access to the bus stop were raised.

#### **Resolved**

**To REFUSE the application. Members considered that the proposal would be detrimental for the following reasons:**

- 1) The proposed entrance gateway design by reason of its height and appearance was considered to be out of keeping with the modest design of the application property and of other walls and entranceways in the surrounding area, as such the proposal is considered to be contrary to policy D3 of the saved policies of the Salisbury District local plan and Part 26, objective 27 of the council's saved supplementary design guidance 'creating places'.
- 2) The proposal to place a vehicular entrance across an area of pavement where the local bus service currently stops and where there is no alternative stopping place identified for the bus service within the near vicinity, is it is considered, detrimental to the principle of providing sustainable, easily accessible forms of public transport and contrary to policy TR16 of the saved policies of the Salisbury District local plan.
- 3) The proposed entranceway does not include visibility splays as part of the development. It is considered that this lack of vision splays will impede highway safety to the detriment of other pedestrian and vehicular users on this stretch of Lower road and as such it is considered that the proposal is contrary to policy G2 (i) of the saved policies of the Salisbury District Local Plan.
- 4) Insufficient details of drainage have been provided in respect of the development. There is a significant drop in levels between the application site and the highway and as such it is considered that the proposal could lead to the drainage of water directly into the public highway to the detriment of highway safety and contrary to policy G2(ii) of the saved policies of the Salisbury District Local Plan.

**68d    S/2011/0181 - Ware Farm, Benn Lane, Farley, Salisbury**

Public participation

Mr Nigel Lilley spoke in objection to the application

Mr Robert Ware spoke in support of the application

Mr Nigel Lilley, on behalf of Pitton and Farley Parish Council, spoke in objection to the application

The Planning Officer introduced the report which was a retrospective application. Members expressed concerns that the field was being used for domestic use and that it had a detrimental effect on the conservation area.

**Resolved:**

**To REFUSE the application. Members considered that due to the domestication of the site, the proposal would have a detrimental visual impact on the character of the Conservation Area, including views into and out of the conservation area, and adversely affect the Special Landscape Area. They considered that the proposal would be contrary to the aims of policies G1 & G2, C2, C6, & CN8, CN11.**

**69. Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 7.50 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line (01225) 718371, e-mail [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

This page is intentionally left blank

## Wiltshire Council

### Southern Area Planning Committee

16 June 2011

Planning application no. S/2006/1599 for: The erection of 26 Dwellings and formation of Vehicular and Pedestrian access thereto, at Downside Close, Mere.

---

#### 1. Report Summary

- 1.1 To seek Members' consent to vary the affordable housing elements of the S106 agreement enabling prospective purchasers to obtain mortgages to purchase the low cost market dwellings provided on this development, and to provide the developer with a fallback option if no qualifying purchasers are able to proceed.

#### 2. Background

- 2.1 The report to the former Western Area Committee of Salisbury District Council dated 19/3/09 explained in detail the problems that prospective purchasers were facing in obtaining mortgages to purchase the low cost market dwellings on this development due to the way in which the sale prices were calculated. At that time, Members were asked to agree a revision to the S106 agreement to allow for a revised method of calculating sale prices.
- 2.2 Members gave approval to allow officers to use delegated authority to agree a revised method of calculating sales prices as a percentage of open market value, to make the scheme acceptable to mortgage lenders. Officers were also given delegated authority to insert a Mortgagee In Possession clause and amend the cascades for local connection criteria. As a result a S106 variation was drawn up between all parties concerned.
- 2.3 At this stage, one of the low cost sale homes had already been sold, and two further properties were completed and awaiting sale. Over the following months those completed two properties were advertised, and prospective purchasers selected. However, despite provisional mortgage offers, the purchasers had their mortgage offers withdrawn later in the process, with lenders stating the S106 agreement as the reason for their withdrawal. The main issue was that, following the Deed of Variation, there are now too many different documents to refer to and they felt it was too complex to make a sensible lending decision and would want to see all clauses on one complete S106 agreement. They also still had some concerns over the timescales for the nominations process.

As a result, Plots 10 & 11 are still awaiting sale, 3 years after initial completion. The remaining three low cost sale units are due for completion in Spring 2011, and in the current circumstances the prospects of any applicants being able to secure a mortgage with the existing S106 restrictions in place is very slim.

- 2.4 In most instances we could not be completely certain that there were no other factors that influenced the mortgage lenders' decisions. However, we are now two years further on and the mortgage lending criteria has become even further restricted, and prospective purchasers who have approached lenders in recent months have all been refused a mortgage on these properties for all the reasons listed above. Between plots 10 & 11 there have been 4 potential purchasers who have all had their mortgage offers withdrawn, 2 of which were at the point of exchange. The inability to sell these properties has proved costly to the developer, with costs estimated at £90,000. The developer is having to pay empty property tax, statutory service charges, and interest to the bank. The bank has also considered repossession of the properties if the matter is not resolved as they are unable to receive their return on the loan until the properties are sold. In the event of repossession, the bank would be free to sell the homes on the open market, free of the S106 restrictions,

and would simply be required to pay the Council the difference between the open market value and the discounted sale value.

2.5 The New Housing Team has been working with the Homes & Communities Agency and Council of Mortgage Lenders to resolve issues where S106 clauses prevent mortgage lenders from granting mortgages. This particular S106 and the subsequent Deed of Variation were circulated to mortgage lenders via the Homes & Communities Agency, in order to receive their feedback. The response was negative and the lenders made it clear that they would not be prepared to refer to various different versions of a S106 agreement and Deed of Variation, and would only consider a scheme where one document covers all clauses. This point, together with other guidance on mortgage lending criteria, is covered in the good practice note "Mortgage Access for Affordable Housing" attached as appendix D.

2.6 We are now in the position where 5 out of 6 of the low cost sale homes on this development are likely to remain vacant unless the affordable housing elements of the S106 agreement can be amended to meet the lenders' requirements, whilst protecting the affordable housing for local people. Based on the length of time that these properties have been vacant, and the fact that mortgage availability may still be restricted in the current market, we do also need to consider adding the fallback option which would allow the developer to sell the homes on the open market after a set time period, with a clause that would require the developer to reimburse the Council with the difference between the open market value and the discounted sale price. As mentioned in 2.4 above, this clause is already in place in the event that the bank proceeds with repossession, but it does not currently allow the developer to take this course of action. This is a clause that has been used recently in other parts of Wiltshire on similar discounted sale schemes. Any income generated in this way would then be used to enable more affordable housing in Wiltshire.

### **3. Options for consideration**

- 3.1 We have considered the option of a Registered Provider purchasing the properties to sell on a shared ownership basis. However, all of our Registered Providers were consulted and none expressed any interest in taking this option as there is no grant funding available to make that option financially viable.
- 3.2 The only other option is to amend the affordable housing elements of the S106 agreement to meet lenders' requirements, and to provide a fallback option to the developer in order to ensure that the homes are sold and occupied, whilst securing future affordable housing provision.

### **4. Recommendations**

- 4.1 That Officers be given delegated authority to work with mortgage lenders and the developer to amend the affordable housing elements of the S106 to make the homes accessible and affordable to local people, whilst securing a fallback option that would still generate a commuted sum to use for future affordable housing provision in Wiltshire.

### **5. Background Papers**

- A) Report to Western Area Committee dated 19/3/09
- B) Supplemental Report and Briefing Note for Western Area Committee 19/3/09
- C) Minutes of Western Area Committee dated 19/3/09
- D) Mortgage Access for Affordable Housing – good practice note

**Author:** Helen Taylor, Principal Development Officer

Andrew Bidwell, Principal Planning Officer



## Agenda Item xx

Development Services  
Salisbury District Council  
61 Wyndham Road  
Salisbury, Wiltshire SP1 1AH

**direct line:** 01722 434541

**fax:** 01722 434520

**email:** developmentcontrol@salisbury.gov.uk

**web:** www.salisbury.gov.uk

### REPORT

**Report Subject:** Planning application no. S/2006/1599 for: The erection of 26 Dwellings and formation of Vehicular and Pedestrian access thereto.

**LOCATION:** Downside Close, Mere BA12 6AS

**Report to:** WESTERN AREA COMMITTEE

**Date:** 19 March 2009

**Authors:** Andrew Bidwell, Principal Planning Officer (Western Area) and Helen Taylor (Senior Housing Development Officer)

---

#### 1. Report Summary:

This report is presented to members in order that they consider agreeing to an amendment to the affordable housing elements of the Section 106 agreement.

Members will recall that this development represented a new approach to the provision of affordable housing. The most notable difference was that the price of the affordable dwellings (in this case 'low cost market' homes, as opposed to for example RSL owned for rent)) was set at a level assessed as affordable based on a 'Local' average wage index and not the national wage index. It was considered that to use the national wage index would result in the affordable housing being too costly for intended occupants made up primarily of local people.

As a result of the combination of the market downturn and the details of the Section 106 agreement, the developers of the site 'Oval Homes' have approached SDC requesting that the agreement be varied. Oval Homes explain that the banks are not prepared to lend on the properties due to the restrictions of resale imposed under the Section 106 agreement.

A copy of a letter from Oval Homes setting out their concerns is attached as appendix 1.

## 2. Background

At a meeting with Oval Homes on 25/11/08 officers discussed this case and the problems with selling the low cost homes. Lenders were not willing to approve mortgages due to the restrictive method of calculating the purchase prices which are based on local incomes, and due to the absence of a Mortgagee In Possession clause. Numerous applicants have had their mortgage applications refused and for these reasons, the properties have now been empty for some considerable time.

### Options

The following options have been discussed:-

1. To recalculate the property prices as a percentage of open market value based around the maximum selling prices currently stated in the Section 106 Agreement for the initial sales. The resale price of the properties would then be similarly calculated by the same % of market value.
2. To sell the properties to a Registered Social Landlord who could offer them for general needs rent, intermediate rent, or a standard shared ownership scheme. However, assuming an RSL would be in a position to purchase the properties, this would still not meet the original purpose of the scheme, and would significantly delay any conclusion, leaving the developer in a difficult financial position.
3. To allow Oval Homes to rent the properties on Assured Shorthold Tenancies as an interim measure until such time that the lending situation improves. However, in the long term this is still unlikely to resolve the issue of lenders being unwilling to approve mortgages based on the method of calculating property prices applied to this case.
4. To allow that in all cases, a mortgagee in possession clause be added.

Discussions with the developers concluded that Option 1 would be the most practical solution to the problems, and would be the quickest way in which to progress forward with the sales of the properties which are already completed, and retain them as low cost market homes.

### Proposed Implementation of Option 1

It was suggested that an independent valuation be carried out to establish the current open market values of the low cost homes. The maximum selling prices of the properties, as stated in the S106, would then be converted into a percentage of those open market values. An independent valuation was carried out on 5/1/09, and the table below shows the calculations:-

<b>PROPERTY TYPE</b>	<b>OPEN MARKET VALUE AS AT 5/1/09</b>	<b>MAXIMUM SELLING PRICE AS PER S106</b>	<b>% OF OPEN MARKET VALUE</b>
1 bed flat with parking	£110,000	£48,476	44%
1 bed flat with garage	£117,000	£85,949	73%

2 bed flat with parking	£122,000	£72,863	59%
2 bed house	£149,950	£99,570	66%
<b>AVERAGE %</b>			<b>60.5%</b>

The options would then be to either:

- (1) use the average percentage, equating to 60%, and setting that as the maximum selling price for each of the low cost properties, or
- (2) to use the individual percentages for each property as shown in the table above.

The Section 106 Agreement could therefore be amended to remove the specified maximum selling prices, but to set sale prices at an agreed percentage of open market value. This would enable Oval Homes to still sell the properties to local applicants at significantly reduced prices, whilst still achieving their required sales income. The lenders would then be assured that the property values could increase relative to any increases in open market values, rather than always being linked to local incomes which would not reflect changes in the property market. There are already other low cost home ownership schemes in the district where property prices are restricted to a percentage of open market value, and purchasers have had no difficulty in obtaining mortgages. Lenders have indicated that this would be a preferred method of calculating prices.

Based on the above valuations, the revised sales prices based on an average 60% of open market value would be as follows:-

<b>PROPERTY TYPE</b>	<b>SELLING PRICE BASED ON 60% OF CURRENT OPEN MARKET VALUE</b>
1 bed flat with parking	£66,000
1 bed flat with garage	£70,200
2 bed flat with parking	£73,200
2 bed house	£89,970

## **Risks**

There are risks to be considered, as follows:-

1. Any significant increases in open market values could result in the property prices moving beyond those maximum prices previously stated. For example, if the open market valuation of a 2 bed house increased to £200,000 the maximum selling price could become either £120,000 or £132,000 depending on which percentage calculation method is adopted. This would be an increase of around £20,000 - £32,000 on the previously agreed maximum selling price. However, this could still be considered low cost housing in relation to open market values.
2. Given the present economic downturn and market prices, failure to resolve the issues with the current Section 106 Agreement is likely to result in the properties remaining empty and there is a risk of the developer not being in a suitable financial position to build out the rest of the scheme. As a result the delivery of the affordable homes will be delayed further.

As this is a unique scheme with no Registered Social Landlord involved it is considered that there are no other feasible options to pursue which would secure long term affordable housing for local residents.

### **3. Recommendation(s):**

That members consider the above report and agree to:

- (a) Approve the revised method of calculating the property values in line with a percentage of open market value, and to allow officers to agree a Mortgagee In Possession clause to satisfy the lenders' requirements without further redress to the committee.
- (b) Not to agree the recommendation set out above in (a). However, members are reminded of the risks involved as set out in the report.

## **Agenda Item 8**

### **SUPPLEMENTAL REPORT REGARDING THE VARIATION OF A S106 AGREEMENT IN RELATION TO AFFORDABLE HOUSING AT OLD HOLLOW, MERE.( ref. s/2006/1599)**

**Author: Ann Beard Legal Services**

The recommendations in the report already published do not make it clear whether the committee is being asked to accept the pricing of the dwellings based the same fixed percentage market value for all the properties or different ones based on the present 'Maximum Selling Price' set out in the S106 agreement. It will not be possible to resolve this until the documents have been revised and further negotiations have taken place with the landowner and mortgagees as to which would be the best formula to retain the affordability of the scheme but also to make the dwellings morgagable. It is therefore suggested that the recommendations in the report to be updated to read:

#### **Recommendations:**

That members consider the report and agree to:

- (a) Approve a revised method of calculating the property values in line with a percentage of market value
- (b) It is delegated to officers to agree the detailed percentages for each property in the light of ongoing negotiations
- (c) A mortgagee in possession clause is accepted.
- (d) The Section 106 agreement is varied to take account of the above

#### **BRIEFING NOTE:**

##### **Legal Services felt that it would be helpful to provide an explanation as to how a Mortgagee in Possession Clause works**

A mortgagee in possession clause is commonly inserted in to Section 106 agreements. Mortgagee means lender.

It works as follows:

1. If a borrower defaults on a mortgage the mortgagee (lender) has a right to take possession of a property and sell it.
2. If there is no mortgagee in possession clause, that sale will take place subject to all the terms of a S106 agreement. Therefore in the case of affordable housing the dwellings would have to be sold as affordable housing only to a Registered Social Landlord/Housing Association (RSL).
3. This has the effect of limiting the price and therefore the value of the lenders's security and in turn the amount that a lender will lend on the property.
4. RSL's have for several years been unable to borrow sufficient funds to deliver affordable housing without having a mortgagee in possession clause included in Section 106 agreements. The Council has therefore had to accept this reality and uses a clause

whereby the lender has to notify the Council of the situation and give the Council time to find another RSL to buy the affordable housing/buy it itself. If that cannot be arranged then the lender would be able to sell on the open market and the affordable dwellings would become open market dwellings. To date the Council no affordable housing has been lost in the District in this way.

5. Purchasers of shared ownership properties are in the same situation as RSL's, in that they can no longer obtain a mortgage unless there is a mortgagee in possession clause in a S106 which specifically applies to their lenders. Whilst this does put the loss of individual shared ownership affordable housing properties at risk, the Council has had no option but to agree this and it is in line with the provisions of the standard leases set by the Housing Corporation (now the Homes and Communities Agency). The Council has included the same safeguards of being able to purchase the individual property/find an RSL to purchase it and is not aware of any properties being lost to the open market in it's District to date.

**Democratic Services**  
**Salisbury District Council**  
**PO Box 2117**  
**Salisbury, Wiltshire SP2 2DF**

**Officer to contact:** Tom Bray  
**Direct line:** 01722 434252  
**Fax:** 01722 434478  
**Email:** tbray@salisbury.gov.uk  
**Web:** www.salisbury.gov.uk

# Minutes

**Meeting of** : Western Area Committee  
**Meeting held in** : Bishopstone Village Hall  
**Date** : Thursday 19 March 2009  
**Commencing at** : 4.30 pm

---

**Present:**

**District Councillors:**

Councillor J A Green – Chairman  
Councillor E R Draper – Vice-Chairman

R A Beattie, P D Edge (Part), M Fowler, J Holt, G E Jeans, D O Parker and C A Spencer

**Apologies:** Councillor J A Cole-Morgan

**Officers:** J Howles, O Marigold (Development Services) Ann Beard (Legal Services) Helen Taylor (Strategic Housing) T Bray (Democratic Services)

**256. Public Questions/Statement Time:**

There were none.

**257. Councillor Questions/Statement Time:**

Councillor Beattie asked that the recently circulated letter written on behalf of the Leader of the Council regarding the dualling of the A303 be edited to include a strong response to the Highways Authority's letter on the same subject.

**258. Minutes:**

**Resolved:** that the minutes of the ordinary meeting held on 19 February 2009 be approved as a correct record and signed by the Chairman.

**259. Declarations of Interest:**

There were none.



**260. Chairman's Announcements:**  
Councillor Green:

- informed the committee that she had received a response from Highways Agency regarding the dualling of the A303. She stated her disappointment about the fact that the 'Region' had recently submitted to Ministers its latest advice on transport priorities for the period up to 2019, but dualling of the A303 has not been prioritised. **NB.** Attached at A1 is a letter from Wiltshire County Council regarding this issue.
- informed the committee that she had attended the Parish and Town Liaison meeting whereby Steve Milton gave an informative presentation on Community Area Boards. At this meeting, the possibility of future liaison arrangements was discussed however work would be ongoing to decide the necessity and scope of this potential meeting.
- announced that the issue of the refuse compactor grants for parishes of less than 1000 would be discussed at item 11 as an urgent item.
- thanked Members and officers for their contribution to the Western Area Committee over the years. Members of the committee also thanked the Chairman for her contribution.

**NB.** Attached at A2 is a response to a previous letter from Raglan Housing Association regarding the external storage at Dalwood Close.

**261. Planning application S/2008/1744 at 24 North Street, Wilton for conversion of store area at rear into a one bedroom flat, with a single storey extension:**

The committee considered the previously circulated report of the Senior Planning Officer in conjunction with information contained in the schedule of additional correspondence circulated at the meeting.

**Resolved:** that the application be approved for the following reasons:

The proposed development would not harm the character or appearance of the Conservation Area, highway safety, the amenities of nearby properties or any other material planning consideration, or result in flood risk. It would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

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

- (2) Before 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 walls and roofs 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:** in the interests of the character and appearance of the area

- (3) Development shall be undertaken in accordance with the Flood Risk Assessment dated 23rd January 2008.

**Reason:** in the interests of preventing flood risk

- (4) Prior to the commencement of development, details of the means of encouraging energy and water efficiency in the proposed development shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.



**Reason:** in the interests of sustainable development.

INFORMATIVE:

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

G1, G2	General Development Criteria
R2	Recreational Open Space
H16	Housing Policy Boundaries
CN8	Development in Conservation Areas
D3	Extensions

**262. Planning application no. S/2006/1599 at Downside Close, Mere BA12 6AS for the erection of 26 Dwellings and formation of Vehicular and Pedestrian access thereto:**

The committee considered the previously circulated report of the Principal Planning Officer in conjunction with information contained in the schedule of additional correspondence circulated at the meeting. The Chairman adjourned the meeting for 5 minutes to allow the members to read the late correspondence.

**Resolved:** that the Section 106 agreement is varied to take account (a) to (e) below:

- (a) A revised method of calculating the property values in line with a percentage of market value be approved.
- (b) It is delegated to officers to agree the detailed percentages for each property in the light of ongoing negotiations.
- (c) A mortgagee in possession clause is accepted including the possibility of a sale to an RSL.
- (d) The cascade be amended so that purchasers from Parishes adjoining Mere be offered the chance to purchase before residents of the rest of the district.
- (e) Revision of the agreement to be completed within 3 months, failing that it would return to the relevant committee.

**263. Planning Application S/2008/2011 – Redevelopment Of Munday's Cottage To Comprise 4 Single Flats And A New 3-Bed Accommodation Unit; And The Erection Of A Single 3-Bed Dwellinghouse Within The Walled Garden At Sandroyd School Rushmore Park Tollard Royal Salisbury SP5 5QD For Pegasus Planning Group:**

The committee considered a presentation from the Area Team Leader in conjunction with the previously circulated report, information contained in the schedule of additional correspondence circulated at the meeting and a site visit.

Mr Harris, the Headteacher of the school, spoke in support of the application.

**Resolved:** Following completion of a S106 obligation for recreational open space in accordance with policy R2, that the application be approved for the following reasons:

There is a need for additional staff of this boarding school to reside on site in the interests of the economic viability of the school, child welfare, health and safety and reducing the need to travel, particularly bearing in mind the remote location of the school in accordance with PPS7 and PPG13.

The new dwelling would not be detrimental to the character of the listed walled garden nor the listed park, due to the site being substantially screened by hedging and bunding, which will be required to be retained by condition, and that it provides a beneficial use for the walled garden in accordance with PPG15.

The new dwelling is of a sustainable design, in keeping with its surroundings and will maintain the sustainability of a rural business.

And subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

**Reason:** In the interests of the character and appearance of the area.

- 3) The occupation of the residential accommodation hereby permitted shall be limited to persons solely or mainly employed at Sandroyd School or a dependant of such persons residing with that member of staff.

**Reason:** In order to maintain the sustainability benefits of the proposal.

- 4) The development shall be carried out in accordance with the recommendations contained within the submitted Biodiversity survey undertaken by Fieldwork Ecological Services Ltd. on 28/10/2008.

**Reason:** In the interest of protected species.

- 5) Notwithstanding the provisions of Classes A to H 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, including hard surfaces, within the curtilages unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

**Reason:** In the interests of the character and appearance of the area.

- 6) The hedges and bunding surrounding the site of the new dwelling in the north-west corner of the walled garden shall be maintained at a height, width and length not less than their height, width and length at the time of the receipt of the application.

**Reason:** In the interests of the character and appearance of the area.

INFORMATIVE:

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

G1, G2	General Development Criteria
D3	Design of extensions
H23	Housing for rural workers
CN3	Listed buildings
CN5	Setting of listed buildings
CN18	Historic parks and gardens
CN20	Ancient monuments and archaeology
CN22	Archaeology

E19	Employment sites
C2	Countryside
C4, C5	AONB
C12	Protected species
C24	Extensions to buildings in the countryside
R2	Open space provision

**264. Planning Application S/2009/0115 – Demolition Of Existing Storage Building And Erection Of Detached Dwelling And Double Garage At Land Adjacent To Drove Cottage The Drove, Bishopstone, Salisbury SP5 4BP for Mr Diccon Carpendale:**

The committee considered the previously circulated report of the Senior Planning Officer in conjunction with information contained in the schedule of additional correspondence circulated at the meeting.

Mr Bailey, a local resident, spoke in objection and Mr Carpendale, the agent, spoke in support of the application. Mr Long spoke on behalf of Bishopstone Parish Council.

**Resolved:** that the application be approved for following reasons:

The proposed development, in that it would result in the removal of an existing commercial use, and would have an acceptable scale, design, appearance and layout, would enhance the character and appearance of the Housing Restraint Area and this part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. It would not result in harm to the amenities of nearby properties, or increased risk from flooding or any other material planning consideration. The development would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

And subject to the following conditions:

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

**Reason:** To comply with the provisions of section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development, and details of boundary treatments, have been 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 interests of the character and appearance of the area and AONB.

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or replacing that Order), there shall be no extensions or alterations to the external appearance of the dwelling hereby permitted (including the insertion of windows other than those hereby approved), nor the erection or structures within its curtilage unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** in the interests of the character and appearance of the area and AONB.

- (4) No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings 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.

**Reason:** In the interests of the conservation of energy and water resources.

(5) No development shall take place until details of the provision of foul and ground/surface water drainage, and of the finished floor level of the dwelling, have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

**Reason:** to ensure adequate foul and surface water drainage facilities in the interests of the living conditions of nearby properties.

(6) Prior to the commencement of development, details of the landscaping of the site and the long term maintenance of the landscaping scheme approved, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

**Reason:** in the interests of the character and appearance of the area

(7) No delivery of plant, equipment, 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.

**Reason:** in the interests of the character and appearance of the area

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

C4, C5	Development in the AONB
H19	Development in Housing Restraint Areas
G1, G2	General Development Criteria
G5	Drainage
D2	Infill Development
C12	Protected species
R2	Recreational Open Space

**265. Community Updates:**

There were none

**266. Urgent Item: Western Area Compactor Grant:**

The Chairman authorized the committee to consider the issue of the parish compactor grants as a late item. Due to information, as requested, not being forthcoming on this issue Councillor Spencer requested that a formal letter be written to the Head of Environmental Services and the relevant senior officer at Wiltshire County Council to request confirmation that the compactor grants would be continuing in their current format under the new authority.

**Resolved:** That a letter be written to the Head of Environmental Services and the relevant senior officer at Wiltshire County Council requesting the information as set out above.

*The meeting closed at 7:15 pm  
Members of the public: 12*

George Batten BSc (Hons) C.Eng FICE FIHT  
 Director of Environmental Services



**Wiltshire**  
 COUNTY COUNCIL

Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Cllr Josephine Green  
 Salisbury District Council  
 47 Endless Street  
 Salisbury  
 Wiltshire  
 SP2 2DF

Fax : 01225 713985

Direct Line : 01225 713305

Operator : 01225 713000

E-mail : [alanfeist@wiltshire.gov.uk](mailto:alanfeist@wiltshire.gov.uk)

Please ask for : Alan Feist

Our ref : AF/JS/009028

Your ref :

*20th* March 2009

Dear Cllr Green

**A303 Wylve to Mere**

Further to my acknowledgement of your letter of 25<sup>th</sup> March 2009, I have looked into the points raised by your Committee and would say that the County Council is very keen to see the A303 dualled throughout Wiltshire for the reasons set out in your letter.

The first link in the Highways Agency's strategy in this regard is dualling of the single carriageway section between Stonehenge and Berwick Down which the County Council has consistently supported for many years, unfortunately without success despite the positive outcome of the public inquiry into the Highways Agency's proposals.

The Agency regard this section as being their first priority and future proposals for the single carriageway sections further west depend on finding a deliverable solution at Stonehenge. While the A303 between Wylve and Mere clearly needs to be improved, the County Council will continue to press for not only this section but the whole of the trunk road to be upgraded to dual-carriageway standard throughout Wiltshire and beyond.

I trust this is helpful.

Yours sincerely

Alan Feist  
 Service Director – Sustainable Transport

c.c. Cabinet, Salisbury District Council, Council, Salisbury District Council  
 Robert Key, MP  
 Andrew Murrison, MP  
 MEPs  
 Jane Scott, WCC  
 Keith Robinson, WCC  
 Chief Executive, North Dorset District Council  
 Chief Executive, West Wiltshire District Council



Our Ref: Nac/Mr/RG86  
Your Ref:



19 March 2009

Councillor Josephine Green  
Western Area Committee  
Salisbury District Council  
PO Box 2117  
SALISBURY  
SP2 2DS

Raglan Housing Association Ltd  
Development Office  
Westover House  
West Quay Road  
POOLE  
BH15 1JF

T 01202 678731  
F 01202 670647  
E [development@raglan.org](mailto:development@raglan.org)  
[www.raglan.org](http://www.raglan.org)

Dear Councillor Green

### EXTERNAL STORAGE AT DALWOOD CLOSE, DINTON

Thank you for your letter regarding the above, the contents of which have been noted. The Association complies with national guidance on design with regard to storage on all our developments.

It is our policy to constantly review and improve the design of our developments. Any comments such as these, received from stakeholders and tenants are taken into consideration and informs future policy.

Thank you for taking the time to write to us in this regard.

Yours sincerely

*N* Nathan Cronk  
Regional Development Manager  
Email: [nathan.cronk@raglan.org](mailto:nathan.cronk@raglan.org)  
DD: 01202 645982





---

# **Promoting mortgage access for affordable housing**

**A joint good practice note issued by the Chartered  
Institute of Housing and the Homes and Communities  
Agency**

---

## Overview

Mortgage availability is likely to be restricted, in comparison to recent years, for the medium term. Affordable home ownership options can support those otherwise unable to afford an appropriate home into sustainable home ownership. There are a number of steps that can be taken by local partners to improve opportunities for affordable home ownership in local communities.

This good practice note shares the experience members of the Chartered Institute of Housing working in a variety of different organisations and of the Homes and Communities Agency (HCA) in working with retail mortgage lenders, local authorities and providers in the delivery of affordable housing to customers. It offers advice on how to maximise the mortgageability of all types of affordable home ownership properties planned by local authorities to meet the needs of their local areas.

It does not prescribe an approach which local authorities should take, as it is important that they undertake one which is locally appropriate. It does however highlight issues that can act as a barrier to delivery; ways of dealing with these issues; and offers local authorities that request it, further HCA support.

The note explains the benefits of simplicity and consistency in terms of products, operation and language in clauses irrespective of whether a property is grant funded by the HCA or delivered through planning obligations and providers resources alone. It also explains how to minimise the impact of local occupancy rules on the mortgageability of homes through the appropriate use of clauses ('cascades') which widen eligibility over time, leading to general marketing within a typical period of three months.

## Background

1. This note has been produced by the Chartered Institute of Housing (CIH) and the Homes and Communities Agency (HCA) in response to requests from a number of housing professionals, local authorities, retail mortgage lenders and providers of affordable housing. It is intended to raise awareness within local authority housing and planning departments of the issues faced by retail mortgage lenders when providing mortgages for affordable home ownership. The issues raised are equally applicable to conditions that may be applied by local authorities as part of s106 agreements or through planning conditions (e.g. on rural exceptions sites or to achieve other planning policy aims). The note covers both new provision of affordable home ownership and the amendment of previous agreements, to assist in re-sales. It is hoped that the general messages will also be of assistance to housebuilders and providers of affordable housing.
2. In the past greater liquidity in the mortgage market meant that many retail mortgage lenders were prepared to lend on homes that were subject to a wide range of conditions. This is no longer the case. Lenders are now taking



---

a more cautious view towards properties that are subject to certain conditions or restrictions. From the extensive engagement that the HCA has carried out with retail mortgage lenders it is clear that the predominant business model is one of high volume and low margins that cannot easily accommodate variation. Consideration of current market lending practices needs to therefore form an integral part of the whole planning process in order to maximise mortgage availability for prospective customers.

3. Local authorities may, where affordable housing is scarce, seek to address the needs of the local community by enabling affordable housing for households who are either current residents or have an existing family or employment connection, whilst also ensuring that these areas continue to develop as sustainable, mixed, inclusive communities. The mechanism for the delivery of such aims should be carefully considered to ensure that a mortgage can be secured against the properties once completed. This note is designed to enable local authorities to deliver against these local ambitions.
4. The Council of Mortgage Lenders (CML) issued a briefing note in 2009 ([click here](#)) that outlined the issues faced by retail mortgage lenders and offered suggestions of good practice for local authorities to aid mortgageability. This has been promoted by the CIH to its members and by the HCA when working with local authorities to identify local investment priorities. This good practice note complements the CML briefing by highlighting key messages that can be put into practice when delivering affordable home ownership.

### Current lender position

5. In order for a property to be mortgageable with high street lenders any conditions placed upon homes will need to be in accordance with their published guidance to conveyancers. Such guidance can usually be found on lenders' websites and three issues in particular are important to consider:
  - I. *Retail mortgage lenders require the property to be able to be sold within a reasonable length of time.* - In areas where there is a need to restrict the occupancy of properties this can be achieved through the use of a 'cascade'. Lenders' requirements differ but an optimal cascade will generally operate over three months and no lender will offer mortgages to purchasers on properties involving a cascade that exceeds six months. Limiting this timescale also benefits purchasers of LCHO, particularly those who need to sell their home due to financial difficulties.
  - II. *Any restrictive covenants need to be flagged at the earliest possible stage* – It is helpful if lenders and purchasers are made aware of any restrictive covenants, including any potential difficulties, early in the sales/nominations process. This could be flagged by the local authority and/or the affordable housing provider. This will reduce problems that could occur with mortgage lenders at a later stage in the sales process, reducing the potential for surprises for both purchasers and vendors.

- 
- III. *Retail mortgage lenders require a Mortgagee Protection Clause for shared ownership* – The HCA model lease contains such a clause, recently updated, which must be used in all HCA-funded shared ownership. Lenders will not accept a new lease without this clause in place, even if it is not grant funded. Under the Mortgagee Protection Clause, losses that may reasonably be incurred by the lender through repossession of a shared ownership property are covered by the provider. The Mortgagee Protection Clause is different from a Mortgagee in Possession clause which is covered below.

### **Specific restrictions affecting mortgage availability**

6. Through a number of recent discussions retail mortgage lenders have highlighted further concerns to the HCA, namely:
- a. *Provisions that restrict value with reference to something other than open market value* – These are not currently supported by retail mortgage lenders. Examples given include values that are fixed at a multiple of local wages or that rise fall in relation to certain chosen indices. The lender requires the realisable value of their security to be based upon the specific value of the property they are lending upon. The lender must be able to instruct its surveyor to value the property on the basis of open market value.
  - b. *Considerable complexity in drafting clauses* – Is likely to lead to retail mortgage lenders refusing to support schemes. Examples given include cross-referral to other documents including multiple appendices, the use of non-standard agreements and difficulty in identifying which restrictions apply to which properties. The conveyancer will be asked to check as part of their general undertaking that the lender's requirements are being met by the document. Any doubt in this is likely to result in the withdrawal of the mortgage offer. A s106 agreement which is clear as a stand-alone document can help to avoid such difficulties.
  - c. *Mortgagee in possession clauses* – These are clauses that allow a (commercial or retail) lender who has repossessed the property to operate free of restrictions which are placed upon individual properties. These are required by commercial lenders and an increasing number of retail lenders. Many local authorities allow these clauses to be activated immediately, recognising that repossessions are an extremely rare event. In order to be accepted by a lender any time limit set will need to be three months or less. Such a clause does not solve all the issues outlined in this note; therefore these issues still need to be considered, even when a Mortgagee in Possession clause is included.

---

## How does this affect your local area?

7. From our experience it appears that these issues are most effectively addressed by local authorities who consider the mortgage market throughout the planning process and address the issues holistically. We believe that there are four key points in time when consideration of the mortgage market in planning for affordable housing will be particularly beneficial.
  - I. *Formulating planning policy* – Most local authority planning policies set out the percentage requirements for affordable housing that will be sought, based on viability and need. This provides the framework for the facilitation of developer contributions to affordable housing. If local authorities are seeking to specify policy beyond these requirements (e.g. in relation to local occupancy or incomes) then they are likely to benefit from consideration of issues outlined in this note, particularly those in relation to product type and cascades.
  - II. *Pre-application discussion* – Many local authorities have standard requirements for affordable housing which are set out in pre-application check-lists to speed-up the planning process. Where these specify provision of affordable home ownership brief coverage and/or explanation of the issues in this note is likely to be of benefit. Pre-application discussions may also be an appropriate point to ensure that the applicant/provider fully understands how the mortgage market can impact on the provision of affordable home ownership.
  - III. *Determining a planning application* – Agreement of heads of terms at an early stage, giving consideration to the issues highlighted in this note, in relation to the provision of the affordable housing will help to avoid subsequent problems with the availability of mortgages.
  - IV. *Drafting the s106/planning conditions* – The prior agreement of the heads of terms should render this task a relatively simple one. To further assist local authorities in this we have included some examples of clauses that retail mortgage lenders have highlighted to us which would prevent them from lending on a home at annex one of this note.

## Good practice for the future

8. *Nominations agreements* – Some local authorities prefer to use nominations agreements with the provider of affordable housing rather than placing restrictions on specific properties to ensure appropriate occupancy. The HCA model shared ownership lease contains a clause that before selling any owner must first offer the property back to the provider. If such a process is tied in with a local authority nominations agreement then it can ensure appropriate occupancy without imposing a condition which would affect a retail lender.

- 
9. *Variations to existing planning obligations* – Local authorities may also wish to carry out variations to historic schemes whose restrictions render the properties subject to them unmortgageable. Local authorities may be alerted to such problems upon first-sale or upon a subsequent resale. In both cases variation to bring the restrictions into line with current good practice will be beneficial to individual purchasers and their communities. Where such revisions take place it will be helpful to, as far as possible, cover all of the affected homes in one exercise. Difficulties in relation to understanding multiple revisions are often reported as an issue in this area for lenders.
10. *Product type* - To maximise the chances of obtaining mortgages secured on affordable home ownership properties, local authorities will benefit from specifying tenures that are clear and simple or, as some local authorities do, simply specifying the tenure as 'Intermediate affordable housing' (or similar) to give flexibility for future provision. Where products are specified these could be in line with the standard HCA products, noting that the HCA has recently produced a simple standard shared ownership lease (mentioned above). HCA standard products are well understood and supported by lenders but their use does not mean that every property has to be funded by the HCA. Many local authorities are able to deliver affordable home ownership that meets the needs of their local areas through planning obligations and provider resources alone, without the need for additional government subsidy. The HCA is keen to support such provision and consideration of the issues within this note will help enable delivery.
11. *Cascades* – Where there is a need to place restrictions on the future occupancy of affordable homes, this can be achieved through a clear and time-limited cascade of typically three months. A cascade initially restricts marketing of a property to qualifying purchasers within a very small local market and gradually widens the net. At the end of the cascade period, if an appropriate offer has not been made, the property can be sold to any purchaser on the open market, or the local authority or provider can agree to buy the property back. In order to be effective the cascade should be time-limited, commencing at the start of the sales process, and clearly allow that if no qualifying purchaser can be found the lender is able to realise their security within a maximum of six months. It is important to note that a number of retail mortgage lenders require a maximum of three months making this an optimum time-limit which will result in a wider choice of mortgage providers, delivering greater choice for local people. Such a mechanism protects the property to ensure that, where there is demand, it will remain as affordable in perpetuity but also ensures that the lender has access to an asset whose value can be realised.
12. *Nominations agreements* – Some local authorities prefer to use nominations agreements with the provider of LCHO rather than placing restrictions on specific properties to ensure appropriate occupancy of affordable homes. The standard HCA shared ownership lease contains a clause that before selling

---

any owner must first offer the property back to the provider. If such a process is tied in with a local authority nominations agreement then it can ensure appropriate occupancy without imposing a condition which would affect a retail lender.

13. *Variations to existing planning obligations* – Local authorities may also wish to carry out variations to historic schemes whose restrictions render the properties subject to them unmortgageable. Local authorities may be alerted to such problems upon first-sale or upon a subsequent resale. In both cases variation to bring the restrictions into line with current good practice will be beneficial to individual purchasers and their communities. Where such revisions take place it will be helpful to, as far as possible, cover all of the affected homes in one exercise. Difficulties in relation to understanding multiple revisions are often reported as an issue in this area for lenders.

### Further support

14. In addition to the strong and ongoing relationships built by HCA local teams with local authorities and the support offered by the CIH to its members, the HCA intends to carry out further work with a wide range of stakeholders, to improve awareness and understanding of the mortgageability of affordable home ownership properties. If there is sufficient local appetite this could include working towards the creation of standard clauses that work for local areas and retail mortgage lenders. It will also involve consideration of the wider intermediate market, not simply those properties which the HCA has funded.
15. Some independent mortgage advisors have extensive experience and knowledge of the mortgage market and may be able to provide interested local authorities with valuable insight. Local authorities interested in accessing this advice can contact the HomeBuy Agent for their area who will have a panel of experienced independent mortgage advisors.
16. The HCA is also keen to work with local authorities to see what further support could be beneficial. We are already engaged in pilot partnership discussions with a number of local authorities to assist the provision of mortgages in their area and are ready to work with others who invite us to do so. Local authorities, or other partners, who would like to invite the HCA to work with them or would like to provide any feedback on this note can e-mail [HomeBuy@hca.gsx.gov.uk](mailto:HomeBuy@hca.gsx.gov.uk)

### Conclusion

17. Local authorities, developers and affordable housing providers are encouraged to carefully consider this note before entering into a Section 106 agreement that places a restriction upon affordable homes for sale. At all times an approach that ensures simplicity and consistency will be beneficial.

- 
18. The support of retail mortgage lenders is necessary to ensure that affordable home ownership is available to those who need it. Local authorities who have developed an understanding of the mortgage market and have been willing to be flexible in the pursuit of their aims have found success in planning for affordable homes for their residents and communities.

---

## Annex One – Clauses rejected by retail mortgage lenders

The following clauses give examples of drafting that has been rejected by retail mortgage lenders, along with some explanation.

*‘Low Cost Home Ownership Units – 5% of the total Residential Units which shall be sold to Qualifying Purchasers at a price which shall be no more than two times the Average Local Income’* – This clause does not use open market value to determine the value of the property and would therefore be rejected by a retail mortgage lender.

*‘Low Cost Home Ownership Units – 5% of the total Residential Units which shall be sold at a discount of 20% of Open Market Value’* – This clause utilises a non-standard affordable home ownership product in that it fixes a discount to the property. Only two retail mortgage lenders will lend where such a restriction is in place and the presence of additional conditions as outlined in this note will usually prevent them from lending. Recasting the unit as shared ownership would allow a much greater choice of lenders.

*‘Qualifying Purchaser – A person who has lived in xxxxxx Parish continuously for at least ten years prior to time of purchase’* – This clause presents a very narrow restriction on who the properties can be sold to and would therefore be rejected by a retail mortgage lender. If the local authority wishes to target such a group then they could utilise a cascade which would also allow marketing to a wider group if insufficient purchasers could be found in initially identified group.

*‘Cascade – Providing that the vendor can provide evidence that every Qualifying Purchaser is not willing to purchase the Low Cost Home Ownership Unit and a period of six months has elapsed then the Registered Provider may market the Low Cost Home Ownership Unit to any purchaser who meets the eligibility criteria of the Homes and Communities Agency’* – This is an example of a cascade, which would itself normally address problems of a narrow restriction on occupancy. Unfortunately in this example the process is involved and would be difficult to complete within the time-period. It would therefore be rejected by the lender. In order to be effective, rather than specifying a process, a cascade should use a time period as the reference point. An optimal time period, as it is accepted by all lenders, is three months rather than the six months shown in this example.

*‘The mortgagee shall prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge shall give not less than nine months’ prior notice to the Council of its intention to dispose’* – This is an example of a mortgagee in possession clause which releases the mortgagee from the restrictions placed on the affordable housing units. The time-period after possession is too long and therefore would be rejected by a retail mortgage lender. Many local authorities allow these clauses to be activated immediately, recognising that repossessions are an extremely rare event. In order to be accepted by a lender any time limit will need to be set to three months or less.

---

**The Chartered Institute of Housing (CIH)** is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people – both in the public and private sectors – living and working in over 20 countries on five continents across the world. We exist to maximise the contribution that housing professionals make to the wellbeing of communities.

CIH provides a wide range of services available to members, non-members, organisations, the housing sector and other sectors involved in the creation of communities. Many of our services are only available to CIH Members, including discounts. Our products and services include:

- Training
- Conference and events
- Publications
- Enquiries and advice service
- Distance learning
- Organisational development

**For further information, please contact:**

Customer Services: [customer.services@cih.org](mailto:customer.services@cih.org), or 024 7685 1700

**The Homes and Communities Agency (HCA)** is the single, national housing and regeneration delivery agency for England. Our vision is to create opportunity for people to live in homes they can afford in places they want to live, by enabling local authorities and communities to deliver the ambition they have for their own areas.

For more information visit [homesandcommunities.co.uk](http://homesandcommunities.co.uk)

The CIH and HCA welcome any feedback or comment on the contents of this note.

**Any feedback, queries or questions in relation to this note should be directed to:**

[HomeBuy@hca.gsx.gov.uk](mailto:HomeBuy@hca.gsx.gov.uk)



## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs
S/2010/1229	Windwhistle, Lopcombe Corner	HH	DEL	Dismissed		
S/2010/1002 S/2010/1686	93 Castle Road, Salisbury	WR	DEL	Dismissed		

### New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2011/0340	Adjacent Pippins, Lights Lane, Alderbury	WR	DEL			
S/2010/1903	8 The Poplars, Barford St Martin	WR	DEL			

**WR** Written Representations  
**HH** Fastrack Householder Appeal  
**H** Hearing  
**LI** Local Inquiry  
**ENF** Enforcement Appeal

6<sup>th</sup> June 2011

This page is intentionally left blank

# Agenda Item 8

## INDEX OF APPLICATIONS ON 16<sup>TH</sup> JUNE 2011

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>	<b>DIVISION MEMBER</b>
1	S/2010/1879	Land at the front of Fitz Farmhouse, Teffont Magna	Construction of a two storey cottage	APPROVAL	CLLR BRIDGET WAYMAN
2	S/2011/0628	Jesolo, Wylie Road, Hanging Langford, SP3 4NN	Resubmission of S/2010/0926 to replace existing dwelling with 2 x 4-bed dwellings and 1 x detached garage	APPROVAL	CLLR IAN WEST
3	S/2011/0432	Land adjacent to Rose Cottage, Castle Lane, Whaddon, SP5 3EQ	Demolish the existing garage, shop/workshop. Change of use of site and erect a new workshop to be used as a car service and MOT station for the relocation of M&M Auto Engineers and reinstate access on North of site	REFUSAL	CLLR RICHARD BRITTON
4	S/2011/0277	11 York Road, Salisbury, SP2 7AP	Demolition of existing business premises and construction of 9 dwellings	APPROVAL	CLLR RICHARD CLEWER
5	S/2011/0476	Wylie Maintenance Depot, Dyer Lane A303/A36 Junction, Wylie, BA120RY	Erection of new salt store, bunded loading area and a permanent roof over the existing salt storage area within the Depot	APPROVAL	CLLR IAN WEST
6	S/2011/0502	Site next to Rose & Crown, High Street, Bulford, SP4 9DS	Variation of condition 2 of planning permission S/2010/1750 - Addition of 2 no. windows	APPROVAL	CLLR JOHN SMALE

This page is intentionally left blank

# Agenda Item 8a

Date of Meeting	16/06/11		
Application Number:	S/2010/1879		
Site Address:	Land at the front of Fitz Farmhouse Teffont Magna Salisbury		
Proposal:	Construction of a two storey cottage		
Applicant/ Agent:	Castle Architectural Consultants		
Parish:	Teffont		
Grid Reference:	398767	132641	
Type of Application:	FULL		
Conservation Area:	Teffont Magna & Evias	LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

This application was deferred at the last meeting of the Southern area committee in order that members could carry out a site visit.

Late correspondence was received following the publication of this committee report and included the following –

A petition of 19 signatures opposing the development.

Three further letters from third party objectors including the impact on the neighbouring property of Edmead and the character of the area.

A letter from the occupiers of Edmead raising concerns about loss of light and overshadowing following the removal of much of the vegetation on the plot.

The letter also raises concerns with regards to highways safety and the number of cars that will be parked at and near the site and the effect on highway safety.

Letter considers that the proposal is not in keeping with the conservation area and erodes the open character of the housing restraint area and is therefore contrary to planning policy.

Report commissioned by occupiers of Edmead suggests there is doubt as to whether the soakaways proposed will cope with the drainage requirements of the new property.

Ask the committee to reject the proposal.

The application is made by a close relation of a Wiltshire Councillor and representations objecting to the application have been made. In such instances the Wiltshire Council Scheme of Delegation requires applications to only be determined by the relevant area planning committee.

### 1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

1. The principle of development;
2. Character and appearance of the area;
3. Flood risk;
4. Amenities of adjoining and nearby property;
5. Ecology;
6. Archaeology;
7. Highways considerations;
8. Public recreational open space.

### 3. Site Description

The site relates to part of the front curtilage to Fitz Farmhouse, which fronts onto the street that runs through Teffont Magna. This is situated towards the northern end of the village, just within the limit of the Housing Restraint Area. Fitz Farmhouse is a modern dwelling, set back some distance from the road, although the site is within the Conservation Area where virtually all other dwellings are of a traditional character, typically comprising stone cottages with steeply pitched thatch or clay tiled roofs. Running parallel to the road and to the front edge of the site exists a stream, and the site is accessed by crossing a small bridge. The site is not, however, within the higher flood risk zones (FZ2 or FZ3). In 2008 consent was granted to erect a dwelling within the other half of the front curtilage to Fitz Farmhouse, and this dwelling is currently under construction, and likely to be substantially completed externally by the time this application comes before the Committee.

### 4. Relevant Planning History

08/0871 07.07.08	Erect new 2 storey dwelling	AC	
10/0347	The construction of a two storey cottage	WD	05.05.10
11/0551	Erect dwelling and garage. Amendments to planning application and approval S/08/0871	Undetermined	

### 5. Proposal

Consent is sought to erect a new detached dwelling. The dwelling would be two stories and constructed of natural Chilmark stone with clay tiled roof.

This proposal follows a recently withdrawn application to develop the site where concerns were raised by Officers over the scale and design of the dwelling proposed.

### 6. Planning Policy

Local Plan: policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2

Central government planning policy: PPS3, PPS5, PPS9, PPS25

### 7. Consultations

Parish Council  
windows at first  
date on the Edmead

**No objection** subject to a condition that no additional floor level or in the roof may be added at a future (south) side of the proposed property.

Conservation Officer design Environment Agency being carried out	<b>No objection</b> subject to conditions relating to detailed design
Ecologist	<b>No objection</b> subject to conditions
Archaeologist watching	<b>No objection</b> subject to condition requiring archaeological brief
Highways Officer	<b>No objection</b> subject to condition requiring access/parking to be constructed in accordance with the submitted details.

## 8. Publicity

The application was advertised by press notice, site notice and neighbour consultation.

1 letter of representation was received objecting to the application.

Summary of key points raised:

- Proposal should not be considered in isolation of the adjacent development site, and additional information should be submitted to better illustrate the proposal and its relationship with existing features;
- Drainage should be carefully considered so as to prevent pollution of the watercourse;
- French doors to the proposed dining room could overlook Edmead, particularly due to the raised floor level of the dwelling and if existing screen vegetation is removed. The formation of a terrace could have similar affects.
- The new dwelling would erode the openness of the existing street frontage to some extent, and this does not comply with the Housing Restraint Area policy;

## 9. Planning Considerations

### 9.1 *The principle of development*

The site is within a Housing Restraint Area where policy H19 of the Local plan states that residential development will be acceptable only if the following criteria are met: i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area; ii) there is no loss of an important open space which contributes to the special character of the area; iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and iv) the development will be in keeping with the character of the neighbouring properties.

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

Policy CN8 states that within Conservation Areas only development which preserves or enhances the character of the area will be permitted.

### 9.2 *Character and appearance of the area*

The Conservation Officer has previously commented that:

*“The character of this part of the conservation area is of houses set back within their plots, but there are also a number of buildings along the banks of the stream that runs along the roadside. [However]... the frontage should not be too ‘built up’, as this would not be in keeping with the rural character of this part of the conservation area.”*

On the previously proposed design, which was withdrawn, the Conservation Officer commented that:

*“... I would like to raise a potential concern over the scale of what is being proposed, and the impact that this would have on the conservation area... I would also suggest that having mirror image designs in this location would not respect the random and eclectic nature of the cottages in the conservation area, and would convey an inappropriate suburban feel.”*

The dwelling now proposed is of a significantly smaller scale, particularly with regards to its frontage, and now has a distinct design to better reflect the variety that is evident within the locality. It would still be of the general character of a stone cottage, but it would be of more modest proportions than the adjacent new dwelling, and notably would be sited with its end to the road, which is a feature of the existing streetscene which contributes to the ‘eclectic nature’ of cottages in the conservation area. The Conservation Officer is now satisfied that the proposal has overcome the concerns previously identified, and that subject to conditions to control the detail finishes of the dwelling, it would preserve the character of the conservation area.

A third party objector has raised concerns that a dwelling in the location proposed would fail to comply with the Housing Restraint Area policy, in that the development would erode an important open space, particularly when considered in combination with the new dwelling currently under construction. However, the density of development across the site frontage would still be relatively low, with each dwelling separated such that the resulting development would still appear as reasonably spacious. In between the two dwellings would be a 16 metre wide gap, where a significant part of the original front curtilage would be visible as a large open space.

With regards to the objective of the Housing Restraint Area policy in preserving the ‘green’ character of the area, it is noted that the development proposes to remove four trees from the site, although it is not considered that they are of such high amenity value to insist upon their retention. Rather it is considered more appropriate to secure replacement planting of an equal number of trees, of an appropriate native species, and the applicant details that five such replacements would be sought. This can be secured through a condition requiring the agreement of a detailed landscaping plan.

Consideration has been given to the affect of the raised floor level that has been required for flood risk prevention (see Flood Risk section below). In terms of streetscene appearance, this would result in a comparable ridge height to the new dwelling adjacent, but approximately 1800mm greater than the existing dwelling to the other side known as ‘Edmead’. However, it is not considered that such a contrast in height would be harmful in terms of streetscene character, particularly given the relatively narrow frontage of the dwelling and the fact that variety within the streetscene is part of the character of the locality.

### 9.3 Flood risk



Although the site is outside of the higher risk flood zones, due to its proximity to a watercourse the Environment Agency have sought measures to ensure that the proposed dwelling would not be at adverse risk of flooding. The applicant has confirmed details to the Environment Agency's satisfaction, including confirmation of a raised floor level to the dwelling and the provision of a sealed damp proof membrane and the elevation of electrics within the proposed dwelling.

The applicant has also confirmed that surface water from the development will be discharged to a soak away, rather than to the watercourse, and further details of an appropriate solution will be required to be submitted for further approval as a condition.

#### *9.4 Amenities of adjoining and nearby property*

Objections have been received from the occupants of the neighbouring dwelling to the south of the site known as Edmead. Concern has been expressed that the proposed dwelling would result in a loss of privacy.

Only one first floor window within the elevation which faces Edmead is proposed, which would serve an ensuite and a condition would require the fitting of obscure glazing. At ground floor level there would be three facing windows, one serving a WC, one serving a utility room, and French windows serving a dining room. Overlooking views from ground floor windows are generally less acute than at first floor level, particularly due to the fact that typical boundary fences provide a suitable screen. However, in this instance, due to the requirement imposed by the Environment Agency to raise the floor level of the dwelling, the occupants of Edmead are concerned that overlooking, particularly from the French windows and any associated patio area, could be significant.

According to the topographic data provided within the site survey, the ground floor level of the proposed dwelling would be approximately 500mm to 700mm higher than the ground level around the nearest part of Edmead. Beyond the site boundary where the French windows would face onto exists the driveway to Edmead, and within the facing elevation of this neighbouring dwelling exists two ground floor windows and an entrance door, situated approximately 4 to 5 metres from the boundary. In turn the nearest part of the proposed dwelling, including the French windows, would be sited 7.4 metres from the boundary. The existing boundary treatment between the two dwellings comprises reasonably dense vegetation, much of which is well over 2 metres in height. Despite the raised level of the proposed dwelling, it is considered that the appropriate agreement of a detailed landscaping scheme, via a condition of planning consent, could secure adequate privacy between the two properties. This could provide for the appropriate retention of the existing boundary vegetation and its reinforcement where necessary. It is also considered appropriate to require the further agreement of hard landscaping, including alterations to the ground level around the house and the creation of any patios / terraces. This can ensure that any terrace or raised land created between the French windows and neighbouring boundary is not of such a level that privacy to Edmead would be compromised.

With regards to the relationship between the proposed dwelling and the new one currently under construction, it is noted that there would be a degree of overlooking between the two, although due to the greater distances involved and relatively restricted number of mutually overlooking windows, it is not considered that this relationship would be unacceptable. The proposed and existing dwelling at Fitz Farmhouse would be separated by an even greater distance where it is considered that the relationship would also be acceptable.

### *9.5 Ecology*

The site is potentially sensitive in ecological terms given its proximity to a watercourse. However, the Council's Ecologist raises no objection subject to the receipt of further details in relation to precautionary measures and the submission of further details in relation to ecological enhancement of the site, as recommended within the submitted ecological impact assessment.

### *9.6 Archaeology*

The Council's Archaeologist originally requested that field evaluation was required before the determination of the application, due to the likely significant nature of archaeology within this part of the village. However, further to the receipt of additional information from the applicant, which confirmed that much of the site has been subject to significant ground disturbance in the recent past, the Archaeologist is now satisfied that a watching brief would suffice, whereby investigation can be carried out at the time of ground works being undertaken to construct the dwelling.

### *9.7 Highway considerations*

The site benefits from an existing access onto the public highway which the Highways Officer considered to be satisfactory. No objection is therefore raised in highway terms subject to the appropriate layout of parking and access to the site, as indicated within the submitted plans.

### *9.8 Public recreational open space*

Subject to the motion being carried forward to approve the application, the applicant will be required to enter into a legal agreement to secure the appropriate contribution towards off-site recreational facilities, as required under Local Plan policy R2.

## **10. Conclusion**

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would be safe from flooding and would not harm archaeological or ecological interests.

## **11. Recommendation**

**That subject to the applicant entering into a section 106 legal agreement to secure the appropriate financial contribution towards off-site recreational open space**

**Planning Permission be GRANTED for the following reason:**

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would be safe from flooding and would not harm archaeological or ecological interests. The development would therefore

accord with the aims and objectives of the development plan and other Government guidance, having particular regard to saved Local Plan policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2 and PPS3, PPS5, PPS9, PPS25.

**And subject to the following conditions:**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....C/719/3...	Date Received....15.12.10....
Plan Ref....C/719/4...	Date Received....15.12.10....
Plan Ref....C/719/6...	Date Received....09.02.11....
Plan Ref....C/719/7...	Date Received....09.02.11....

Reason: For the avoidance of doubt.

- 3) 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.

Reason: To secure a harmonious form of development.

Policy: D2, H19, CN8, C5

- 4) Before development is commenced, details of all new windows 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.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 5) 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.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 6) Before development is commenced, details of the eaves of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections of the eaves shall be submitted to at least 1:2 scale. Development shall be carried out in

accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) indications of all existing trees and hedgerows on the land;
  - (b) details of any to be retained, together with measures for their protection in the course of development;
  - (c) all proposed species, planting sizes and planting densities;
  - (d) finished levels and contours;
  - (e) means of enclosure;
  - (f) car park layouts;
  - (g) other vehicle and pedestrian access and circulation areas;
  - (h) hard surfacing materials;
  - (i) minor artefacts and structures (e.g. refuse and other storage units, lighting etc);

Reason: In the interests of the visual amenity of the development, and to ensure the adequate retention of privacy to neighbouring dwellings.

Policy: G2, H19, CN8, C5

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the development, and to ensure the adequate retention of privacy to neighbouring dwellings.

Policy: G2, H19, CN8, C5

- 9) No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: In the interests of recording archaeological artefacts that may be present within the site.

Policy: CN22

10)The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (dated January 2011) and the following mitigation measures detailed within including:

- Finished floor levels are to be set no lower than 91.7m above Ordnance Datum (AOD).
- Flood-proofing measures related to a sealed damp proof membrane and the elevation of electrics within the proposed dwelling.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

Policy: PPS25

11)No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

Policy: G5, PPS25

12)Before development is commenced a construction method statement, detailing measures to minimise the risks of pollution to the adjacent watercourse during the construction process, shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include details to show that the stream will be protected by Heras fencing for the entire duration of the construction works. The construction works shall be undertaken in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority

Reason: To avoid pollution of the river system.

Policy: C18, PPS9

13)Before development is commenced an ecological mitigation and enhancement plan, showing the location of ecological enhancements and including the species of trees to be planted and the profile of the new pond, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details before the first occupation of the dwelling.

Reason: In the interests of ecology and biodiversity.

Policy: C13, PPS9

14)Trees and shrubs shall only be felled or cleared outside the bird breeding season 1<sup>st</sup> March to 31<sup>st</sup> August.

Reason: In the interests of nesting birds.

Policy: C12

15)The mature ash tree shall only be felled after a risk assessment for bats, including details of proposed felling methods, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details

Reason: In the interests of bats.

Policy: C12

16)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 dwelling 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.

Reason: In the interests of visual and neighbouring amenity.

Policy: G2, H19, CN8

17)Before the development hereby permitted is first occupied the en-suite window in the south-east elevation shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing at all times thereafter.

Reason: To ensure the adequate retention of privacy to the neighbouring dwelling.

Policy: G2

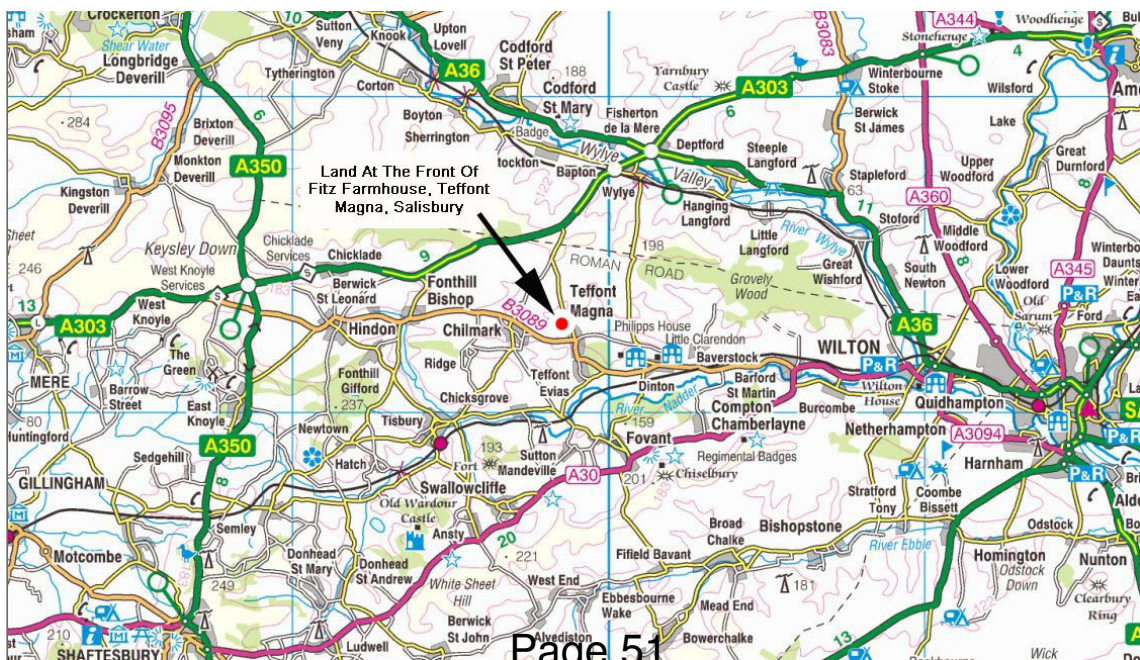
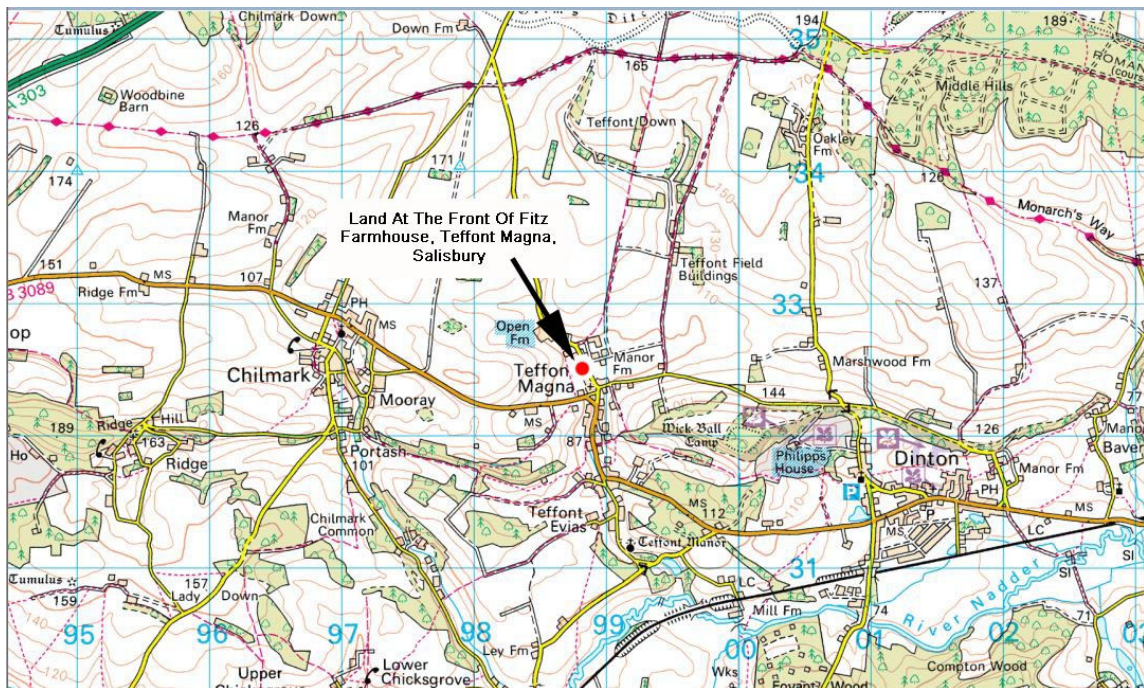
18)No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the building.

Reason: In the interests neighbouring amenity.

Policy: G2

#### INFORMATIVE:

There is a risk that bats may roost in trees due to be felled at the development site. Under the Conservation of Habitats and Species Regulations 2010, it is an offence to harm or disturb any species of bat. Planning permission does not provide a defence against prosecution under these pieces of legislation. If a bat is found during the works, the applicant is advised to stop work and follow advice from their own Ecologist or to contact an Ecologist at Wiltshire Council (01225 718478) before proceeding further.



This page is intentionally left blank



# Agenda Item 8b

Date of Meeting	16/06/11		
Application Number:	S/2011/0628		
Site Address:	Jesolo Wyllye Road Hanging Langford Salisbury SP3 4NN		
Proposal:	Resubmission of S/2010/0926 to replace existing dwelling with 2 x 4-bed dwellings and 1 x detached garage		
Applicant/ Agent:	Barclay & Phillips Ltd		
Parish:	Steeple Langford		
Grid Reference:	403155.046 136988.984		
Type of Application:	OL		
Conservation Area:	Hanging Langford	LB Grade:	
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

Reason for the application being considered by Committee

Cllr Ian West wishes the following issues to be considered:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design- bulk, height, general appearance

## 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

## 2. Report summary

- Ownership
- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on Highway safety
- Loss of Trees

## 3. Site Description

The site relates to a plot of land which is occupied by a bungalow known as 'Jesolo' and its curtilage. The plot is located at the end of a private track shared with 2 other bungalows, behind the established building line of Wyllye Road. The gardens slope up the hill towards the railway line at the rear.

The Housing Policy Boundary of Hanging Langford dissects the site, with the majority of the rear gardens sited outside the boundary.

<b>4. Relevant Planning History</b>		
Application Number	Proposal	Decision

S/2010/0926	Outline application to replace existing dwelling with 2 x 4-bed dwellings and 1 x detached garage	Withdrawn (after land ownership dispute)
-------------	---	--

## 5. Proposal

The proposal is to replace the existing bungalow with 2 detached 4-bed dwellings. This is an outline application seeking approval for the layout, access and scale of development only. However, the applicant has also submitted indicative elevations of the dwellings within the plot.

## 6. Planning Policy

Local Plan policies G1, G2, D2, H16, C4, C5, CN8, CN11

PPS1 (Sustainable Development), PPS3 (Housing) (Including recent government updates)

## 7. Consultations

Highways	Whilst it is acknowledged that visibility is restricted at the site access/ Wylve Road junction, given the advice and guidance in Manual for Streets 2, I would not wish to maintain a highway objection to the proposed development and therefore recommend that no highway objection be raised to it.
Environmental Health	Construction work shall not begin until a scheme for protecting the proposed residential development from noise from the adjacent railway line has been submitted to and approved by the Local Planning Authority. It is recommended that an acoustic consultant should contact Environmental Health directly.
Conservation	The entrance to the site lies on the edge of the Hanging Langford conservation area, and the access drive serves several properties to the rear. The existing dwelling consists of a bungalow with a detached garage. It is not visible from the road or from general views within the conservation area. Therefore, the proposal to demolish the existing bungalow and replace it with two two-storey detached dwellings would not, in my opinion, have any impact on the character or appearance of the conservation area.

## 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Third-Party Representations-  
points of

12 letters of objection have been received, with the main  
objection summarised as follows:

- Development is in close proximity to adjacent dwellings, and will overlook the properties at the front and sides
- Overshadowing to either side
- Access track is too narrow
- Ownership of the access track is still in dispute
- The height, scale and building line of the new dwellings will have an adverse impact on the character of the area, and will be overbearing.
- Sloping gradient of land will accentuate overlooking impact
- Impact on protected species
- Rubbish bins obstructing vehicles
- A precedent may be set
- Dominant aspect of proposal when viewed from side
- Out of keeping with predominantly single storey character of area
- Not in keeping with low density of Village
- Development will spoil the outlook from nearby dwellings
- Development may pose highway safety hazard/conflict
- Overdevelopment
- Incorrect plans- missing dimensions/ heights on elevations

Parish Council:

Object for the following reasons:

- Oversized buildings in small area because of housing boundary
- Shoehorning extra housing into the village
- Proximity to neighbouring bungalow is unacceptable
- Site is only suitable for bungalows
- Loss of light and privacy
- Extra traffic will be detrimental to highway safety
- Overlooking to front and sides
- Obstruction from bins
- Surface-water run-off along track
- Incorrect plans

## **9. Planning Considerations**

### **9.1 Ownership**

A previous application was withdrawn in 2010 after it was realised that part of the application site (ie- a section of the access track) was not owned by the applicant. This revised scheme now shows the correct site boundaries and 'Notice has been served' on any landowners of the track (ie- Robins Rest and Downland). In planning terms, it is considered that the consultation process has been adhered to.

Whilst Members should be aware of the ongoing land-ownership dispute between the neighbouring properties and the applicant (in regard to the rights of way over the track), it should be noted that land ownership disputes are regarded as civil matters and cannot be

considered as a material planning considerations, although the impact of a new access on highway safety can be material.

## 9.2 Principle of Housing Development

The site is within the Housing Policy Boundary (HPB) where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Salisbury District 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 space, which contributes to the character of the area.

Policy D2 states that proposals should respect or enhance the character or appearance of the area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

PPS3 and PPS1 gives clear guidance to the Government's objective and commitment to promoting the efficient use of land, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and should not be allowed if it would be out of character or harmful to its locality.

It is recognised that the new Government has revised its guidance to make 'garden grabbing' more difficult. It has achieved this by revising PPS3's definition of previously developed land, to exclude residential curtilages, and removing indicative density levels. This means that the current garden to Jesolo, which would have been considered as previously developed land under the previous Government's definition, is now considered 'greenfield'.

However, it must be stressed that even if none of the site is now 'previously developed land', the built form of the proposed dwellings are still within the Housing Policy Boundary and therefore development is still acceptable in principle, despite the change to PPS3. The acceptability of development within HPBs remains as it did before the change to PPS3 came into force. Only until such time as the Core Strategy (and its associated Development Plan Documents) replaces the current Local Plan's HPBs will the situation change.

Therefore, given the siting of the proposed dwellings within the designated HPB, it is not considered that there is an objection in principle to development. This does not make development automatically acceptable, however. Policy H16 still contains criteria that have to be assessed, as do the other planning policies set out above.

Considering the proposal against current local plan policy, a proposal for new residential development within the curtilage of Jesolo is not considered unacceptable in principle, provided that it can demonstrate an appropriate scale, design and a minimal impact upon the character of the area, residential amenity, highway safety and other considerations outlined below.

## 9.3 Impact on character and appearance of area

### Siting

It is considered that the plot is sufficient in size to accommodate 2 dwellings side-by-side without appearing cramped. Although the dwellings will be set slightly further back into the plot than the existing bungalow 'Jesolo', their footprints will remain comparable to 'Robins

Nest' and 'Downlands' to the west, with their built-forms sited within the Housing Policy Boundary.

The site is of sufficient width (approx 24 metres) to allow the subdivision of the garden without resulting in uncharacteristically narrow plot widths when compared to the surrounding properties, there will be little/ no encroachment of the built-form into the spacious rear gardens outside the Housing Policy Boundary and it is considered that the open space between the village and railway line will be maintained.

The proposed dwellings are sited away from the Conservation Area to the north and there will be minimal impact on the historic character of Hanging Langford. The Conservation Officer has raised no objections to the proposal.

It should be noted that the width and length of each proposed dwelling is clearly shown on the scale site- plan and therefore the footprints cannot be changed in any Reserved Matters application submitted.

### Scale

The dwellings in the surrounding area consist of a mixture of styles and sizes, including bungalows, cottages and detached dwellings. The proposal to replace the existing bungalow with two detached two-storey houses would therefore not be unacceptable in principle or out of keeping with the surrounding area.

The scale of the two-storey dwellings would be similar to the nearby properties to the east (in 'The Hollow') and although the dwellings will be 1-storey higher than 'Robins Nest' (adjacent), the scheme will not appear oppressive or overbearing in design terms.

Specifically, the proposed dwelling to the east will have a ridge height of 7.2 metres above Jesolo's floor level. The dwelling to the west will have a split ridge height of 7.2/ 6.8 respectively. These heights/floor levels can be conditioned accordingly.

It is considered that the plans submitted clearly show the scale, height, siting and site levels for the properties and also how they relate the adjoining properties. A topography survey is not required due to the high-level of information submitted with this outline application.

### Design

The exact design of the dwellings will be dealt with at the reserved matters stage, with a condition requiring floor levels and ridge heights to be agreed. In Officer's opinion, it should be possible to design two detached houses with the main elevations to the front and rear, without having an adverse impact on the character of the area. Materials, design features and fenestration can all be agreed at the reserved matters stage.

## 9.4 Impact on Residential Amenity

### Overlooking

The indicative design of the dwellings shows their principle elevations to the front and rear, with first-floor windows expected to be at the front and rear only. It is considered that the careful design at the Reserved Matters stage of the application would prevent significant overlooking to the neighbouring dwellings to the sides (east and west), with any oblique overlooking from the rear windows (east and west) unlikely to be significantly harmful to residential amenity to warrant refusal.

Towards the front of the site, the introduction of first-floor windows will be visible/ noticeable from 'The Cobbles' at the bottom of the hill and also the rear gardens of 'Acremans and Michaelmas Cottage', with the sloping gradient of the land accentuating any new window's prominence.

However, on balance it is judged that overlooking will not increase to a significant degree to warrant refusal. There will be approximately 50 metres distance between the proposed development and the built-form of 'The Cobbles', which is considered a sufficient distance to ensure that privacy and 'the *perception*' of privacy will be maintained.

Whilst the rear gardens of 'The Cobbles, Acremans and Michaelmas Cottage' will be sited close to the proposed first-floor windows, overlooking is not considered to result in a significant loss of privacy, due to the levels of boundary screening and the orientation of the proposed windows (which would face towards the rearmost-section of the gardens only, and not towards the most heavily used amenity areas; ie- closer to the back walls of the properties).

The valid concerns of the local residents about loss of privacy have been carefully considered as part of this application, but overall it is judged that given the distance between properties, the orientation of the plots and boundary screening, overlooking will not be harmful.

#### Overshadowing/ Overdominance

During the site visit, the relationship between the application site and the neighbouring properties was carefully assessed. It was considered that the proposed dwellings will be sited a sufficient distance away from the boundary to ensure that additional harmful overshadowing/ overdominance will not occur to the neighbouring properties.

To the east, the main body of the property will be sited approximately 4 metres away from the boundary. Although a two-storey blank gable-end elevation will be visible from this perspective, the demonstrable harm in terms of overdominance/ overshadowing will not be significantly harmful to residential amenity.

To the west, the indicative elevations show the roofline of the proposed dwelling sloping away from the boundary to its highest point, with the indicative design attempting to reduce any overshadowing/ overdominance. In the Case Officer's opinion, any adverse impact on residential amenity from 'Robins Nest' can be mitigated at the reserved matters stage, with a condition requiring floor levels and ridge height to be agreed.

#### Noise and Disturbance

The driveway leading to the site will be used by one extra dwelling only, and it is considered that harmful noise/ disturbance will not occur. The amount of new traffic/ pedestrian activity generated by one extra dwelling will be relatively small, and when taking into account the layout of the shared-access and the suitable turning/ manoeuvring space available for both properties, it is considered that impact on residential amenity will not be significant.

#### 9.5 Impact on Highway Safety

The scheme includes parking spaces for each dwelling, a turning space for each dwelling and adequate visibility at the bottom of the access track adjoining Wylde Road. The Highways Team have visited the site during pre-application discussions and conclude that highway safety will be maintained. The concerns of neighbours have been fully noted, but it

is considered that it would be difficult to defend the impact on highway safety at appeal without the backing of the Highways Team.

### 9.6 Loss of Trees

When submitting planning applications, the Local Planning Authority must be satisfied that a suitable tree survey has been submitted so that they can fully assess the landscape impacts of an application. During the site visit, it was noted that there are no significant trees within the site worthy of protection on their own merits. Furthermore, the introduction of a dividing fence in the rear gardens is unlikely to result in the loss of many trees.

However, the trees add to the attractive character of the area, and therefore a condition should be placed on any approval requesting further details of the landscaping/ boundary treatments/ planting schemes to be submitted to and approved by this Authority at the reserved matters stage, in the interests of visual amenity.

### 9.7 Protected Species

In regard to the impact of the development on protected species, the applicant has confirmed (in part 13 of the application form) that no protected species are present within the site.

In response to this, it is noted that the application site is located within a residential area and is sited away from designated wildlife protection areas/ rivers/ large woodlands. The building to be demolished has habitable rooms which are unlikely to provide suitable habitat for protected species, and the footprint of the proposed development is very similar to the existing, with minimal disruption caused to the remaining plot. Furthermore, during the site visit, no visible evidence of protected species was observed. Therefore in this case, it is considered that a protected species survey is not required. It should also be noted that as the site is not within the Conservation Area, the removal of trees could be carried out within any further consent from this Authority.

However, the applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, newts, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted.

## **10. Conclusion**

It is considered that replacing the existing bungalow with two dwellings could be accommodated on the site without having an adverse impact on the character of the area or the nearby conservation area, and would not result in any significant overshadowing, overdominance or overlooking to the neighbouring properties, or any harm to highway safety. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, H16 and D2 and the advice contained within PPS3.

**It is recommended that planning permission be granted for the following reasons**

**It is considered that the replacement of the existing bungalow with two dwellings could be accommodated on the site without having an adverse impact on the character of the area or the nearby conservation area, and would not result in any significant overshadowing, overdominance or overlooking to the neighbouring properties, or any harm to highway safety. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, H16 and D2 and the advice contained within PPS3.**

**Subject to the following conditions:-**

**1. Approval of the details of the design and external appearance of the building and the landscaping of the site (hereinafter 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 and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) 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 and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) 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 and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

**4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**

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

**5. The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced.**

Reason: To ensure the exact finished floor levels of the buildings- Policy G2

**6. No development shall take place until details of provision for recreational open space in accordance with policy R2 of the 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.

**7. No development hereby approved shall commence 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 walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To secure a harmonious form of development- Policy H16, D2

**8. No development shall take place until details of the treatment of the boundaries of the site and landscaping within 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 buildings.**

Reason: In the interests of the amenity and the environment of the development- Policy D2, H16

**9. No development shall commence until details of 2 parking spaces to serve each property have been submitted to and approved in writing by the local planning authority and the spaces have been provided in accordance with the details submitted. No occupation of the new dwelling shall take place until a minimum of 2 parking spaces has been provided for the benefit of each dwelling. The minimum of 4 parking spaces in total shall not be used other than for the parking of vehicles thereafter.**

Reason: In the interests of highway safety and to ensure sufficient off street parking for each dwelling in accordance with saved policies G2 and TR11 of the adopted Salisbury District Local Plan.

**10. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/ driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought-into use until surface water drainage has been constructed in accordance with the approved scheme.**

Reason: To prevent the discharge of water onto the highway, in the interests of highway safety- Policy G2

**11. The layout of the development shall be in accordance with the submitted site plan drawing deposited with the Local Planning Authority on 20/04/11, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: For the avoidance of doubt.

**12. No building on any part of the development hereby permitted shall exceed 7.2 metres in height, as measure from the existing floor level of Jesolo.**

Reason: In the interests of amenity having regard to the characteristics of the site and surrounding development- Policy D2

#### **INFORMATIVE: - R2**

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.

#### **INFORMATIVES:- WESSEX WATER**

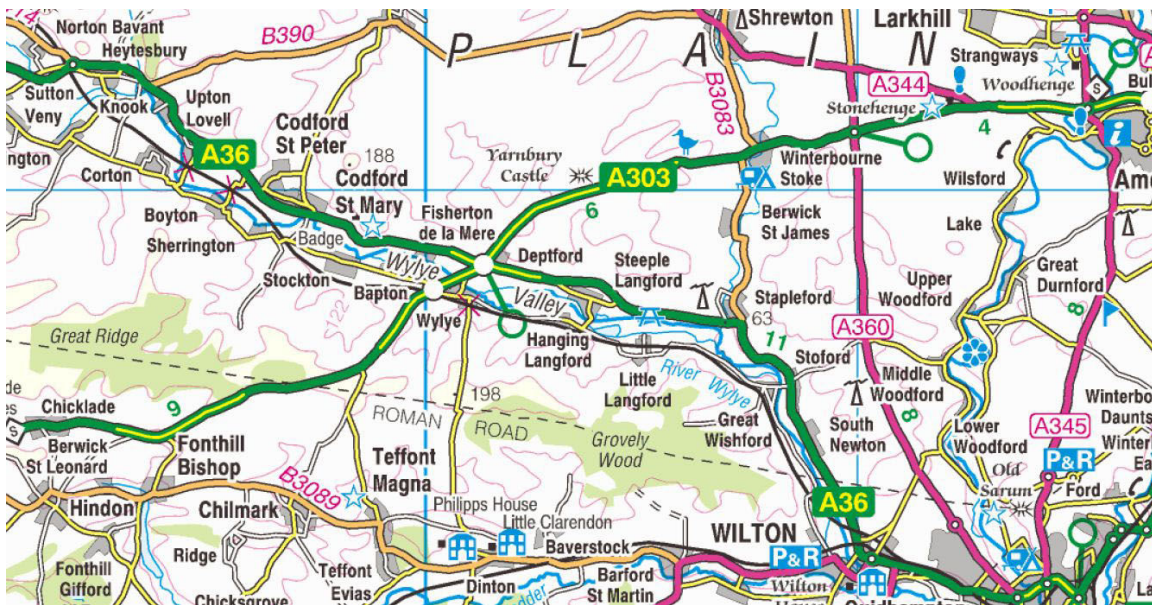
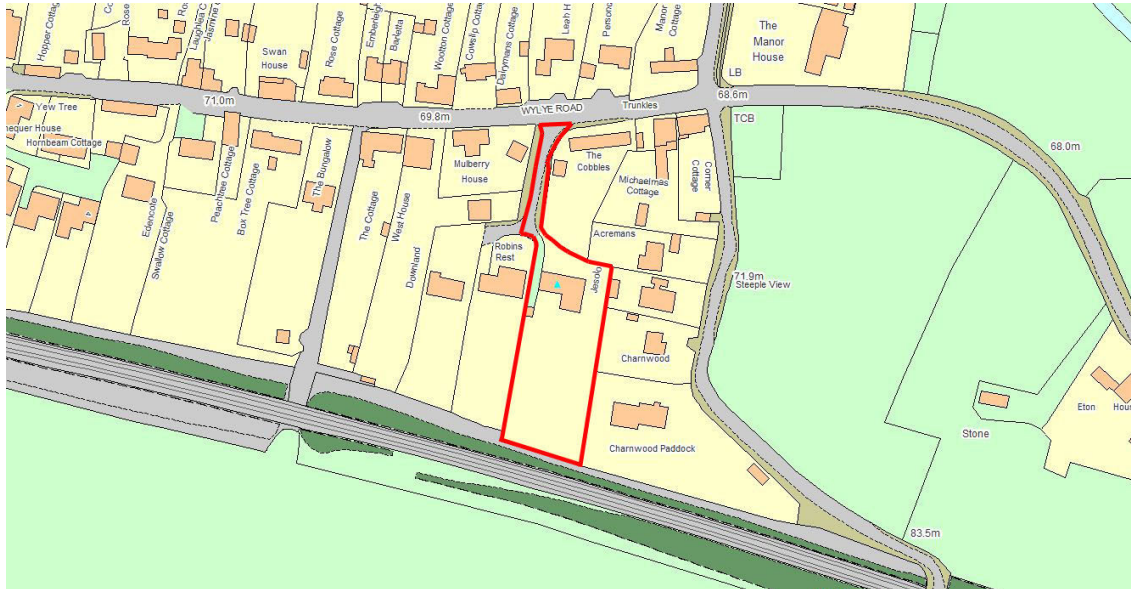
The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal.

**INFORMATIVE:**

Notwithstanding the indicative elevations shown on the submitted plans detailing elevations and floorplans, the council will consider the appearance of the dwelling at the detailed application stage, and the approval of this application does not necessarily indicate the Council's opinion on the design of the dwelling, and is without prejudice to any formal decision taken in respect of development of the above site at the detailed application stage.

**INFORMATIVE:**

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.



This page is intentionally left blank

# Agenda Item 8c

Date of Meeting	16/06/11		
Application Number:	S/2011/0432		
Site Address:	Land adjacent to Rose Cottage Castle Lane Whaddon Salisbury SP5 3EQ		
Proposal:	Demolish the existing garage, shop/workshop. Change of use of site and erect a new workshop to be used as a car service and MOT station for the relocation of M&M Auto Engineers and reinstate access on North of site		
Applicant/ Agent:	Barclay & Phillips Ltd		
Parish:	Alderbury		
Grid Reference:	419629.691 126291.017		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

## Reason for the application being considered by Committee

Councillor Britton has requested that this item be determined by Committee due to:

Relationship to adjoining properties  
Design, bulk, height general appearance  
Environmental/highway impact  
Car parking

### 1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Scale and design
- Impact upon highway safety
- Impact upon neighbour amenity
- Other matters

The application is supported by the parish council and has generated 23 expressions of support and 9 letters and e-mails of objection from the public.

Neighbourhood Responses

9 letters received objecting to the proposal

11 letters and e-mails and 12 copies of a circular letter of support received

1 letter commenting on the application received

### 3. Site Description

The site is adjacent to the Old Southampton Road in Whaddon, opposite the shop and Post Office and close to the Whaddon office park and business units and the access on to the A36.

The site is adjacent to residential property, Fircroft and Rose Cottage bound the western side of the site and Bramleigh House the northern boundary. The site, which is currently

accessed from Castle Lane via double gates, is screened from the Old Southampton Road and Castle Lane by a 2m brick wall. It consists of an open yard area and two buildings providing workshops, garage and display space.

#### 4 Relevant Site History

10/0509	demolish existing garage and shop/workshop and replace with a new workshop to be used as a car service and mot station for the relocation of M&M auto engineers	WD 14/05/10
88/48	Erection of new showroom/store	AC 18/2/88
79/630	Relaxation of Condition 1 of Planning application 75/397	R 4/7/79
76/693	Addition to existing building to form workshop	AC 20/10/76
75/397	Workshop and alteration of access	AC 22/10/75
74/2 Section 53	Section 53 (a) Storage and service of motor vehicles (inc motor vehicles for export (b) Store of motor fuels not for resale (c) office and Storage for (a) (b)	PP required 18/12/74
70/210	Erection of Portakabin as office & store	R 29/10/70
7596	Utilisation of existing property for display of portable garden buildings	R 10/11/68
7239	Change of Use from petrol filling station to shop	R 11/04/68
2256	Installation of new petrol pump and new access	R 29/07/58
ADV 44	Illuminated Regent sign	A22.1.53
ADV 46	Banjo Advert	A 19.3.53
ADV 59	General Display	R 25.11.54
PET 36	Application in principle Resiting of petrol filling station new underground tanks and erection of new building with alterations to existing access	A 26.10.61
PET 38	Resiting of petrol filling station new underground tanks and erection of new building with alterations to existing access	A 28.12.61

#### 5. Proposal

It is proposed to demolish the existing garage, shop/workshop on the site; change the use of the site and erect a new workshop to be used for car servicing and MOT's. It is also proposed to reinstate a vehicular access on the north of the site.

The application also states that M&M Auto Engineers will relocate to the site.

#### 6. Planning Policy

Local Plan policies G1, G2, H16, D2, TR11, E16 and E17.

PPS4 Planning for sustainable economic development

PPG24 Planning and noise

PPS23 Planning and pollution

## **7. Consultations**

### ***Parish Council***

No objections

### ***Environmental Health***

Recommend refusal

Concerns that noise from car repairs and MOT testing would be detrimental to the amenity of the nearest residential properties.

### ***Petroleum Officer***

There appear to be three fuel tanks on the site dating from 1931 when the petrol station opened. There are no records for the site. No evidence regarding decommissioning.

### ***Highways***

Recommend refusal

Despite discussion of revised designs, following withdrawal of previous application this proposal will have a detrimental impact on the surrounding highway

### ***Environment Agency***

Concerns regarding potential for contamination. It is unclear whether any/all underground fuel storage tanks have been properly decommissioned or removed.

The site overlies a secondary aquifer. Any approval should be conditioned to investigate whether the tanks still exist, their precise location, whether any contamination of the soil has occurred and the risk this poses to controlled waters. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and the Agency would wish to object to the redevelopment of the site on these grounds.

### ***Fire and rescue***

Ensure access to the site and water supplies are adequate for the purpose of fire fighting

### ***Archaeology***

Although a high potential for archaeology remains, as site is adjacent to medieval village of 'Watedene', evidence has been produced to show that the site has been much disturbed and therefore no comment on the proposal.

## **8. Publicity**

The application was advertised by site notice, and neighbour consultation.

### **Support**

12 copies of a circular letter in support (9 from addresses in West Grimstead)

Summary of key points

- Proposed development would benefit the village, providing local employment
- Business is well supported but current site is cramped,
- Proposed site would ease current parking problems on the main road as it provides more and better parking, better working conditions for employees and better premises for the business

11 letters and e-mails of support

Summary of key relevant points raised:

- Current premises are far too small and there is insufficient space to park vehicles  
Site has been a workshop for nearly 30years
- M&M provides a valuable and essential service
- Reduces need to travel outside the village for essential car maintenance
- Provides local jobs

- A local business which should be supported
- Proposal will remove vehicles parking on the roadside to a self-contained unit
- New location is ideal adjacent to industrial units and office park
- New site gives better visibility and easier parking
- New site will have little or no impact on neighbouring properties
- Noise levels below that caused by school buses.
- In view of history , an appropriate use for the site
- M&M are close to houses at present and there have been no complaints about noise. Proposed location is opposite the shop and PO; which it is already a noisy environment and site could be used as a commercial workshop
- Proposed site would ease current parking problems on the main road as it provides more and better parking,
- Proposed new site provides better working conditions for employees
- Provides better premises and facilities

## **Object**

9 letters of letters of objection received

Summary of key relevant points raised:

- Very similar to previous withdrawn application, concerns regarding parking and noise have not been addressed
- Inadequate parking provided for proposed workshop and MOT floor space. (Require parking for 5 employees' vehicles, 3 M&M Auto vehicles plus cars being worked on.)
- Moves parking problem from one part of the village to another. Frequently 6-10 cars parked outside current premises on Southampton Road
- Concerns regarding highway safety; site is close to bus stop.
- Will conflict with traffic movements relating to shop opposite
- Plans show cars in the lay-by adjacent to bus stop; this is not land private to M and M Autos.
- There has not been a vehicle access at the north of the site since the petrol station closed more than 30 years ago.
- Concerns regarding pollution
- Concern from neighbours regarding noise from previous uses on this site; this will be worse; e.g. emissions test for MOT's involve revving engines for a sustained period
- Concerns regarding existing underground petrol tanks. Never decommissioned
- Site has not been a garage since 1967. More recently was used for sale and servicing of garden machinery.
- The scheme is not the only garage in the village. There is already a garage and MOT station on Old Road Alderbury.
- Design and appearance of proposed building out of keeping with neighbouring buildings.
- Proposed buildings are oversized for site
- Building more suitable for Whaddon Business Park

## **1 letter of Concern**

- Unclear if business is moving to new premises or expanding and using both sites.
- Supporters of scheme do not live adjacent to the site.

## **9. Planning Considerations**

### **9.1 Principle of development**

#### *History of use of site*

The history of the use of the site is not entirely clear, though it was a petrol filling station from the 1930's until the late 1960's. It appears that the main road (the A36) was re-aligned



in the 1960's and part of the petrol filling station site was incorporated within the road line. The village was then by-passed and at some time in the late 1960's the site went out of use as a petrol station. The site was then given permission to be used solely in conjunction with the servicing of two lorries and two cars for Sarum Lime. In 1979, the lifting of this restriction was sought but was refused. The reason being that an open servicing facility would have a detrimental impact upon neighbours. Securicor seems also to have used the site for its vehicles and then from about 1984, the site was used for servicing of lawn mowers, though the previous owner of the site states that some servicing of private vehicles also occurred. As very little evidence has been provided by the applicant to show that the site has been used continuously for the repair and servicing of vehicles, and in view of the planning history of the site, which specifically excludes car servicing; and the introduction of an MOT station, this proposal now incorporates an application for a change of use .

### *Policy considerations*

A main aim of the Local Plan is to provide a range of job opportunities and as the site's last use was for employment purposes, policy E16 of the Local Plan would seek to retain the site for employment purposes. In this context, the use of the premises for lawn mower sales and servicing repairs has been very low key for a long period, so employment levels were low. This use has now ceased and the premises are currently vacant. The scheme under consideration, would comply with the criteria of policy E16 as it would provide 5 full time jobs. Additionally as the employment site is within the village, it would appear that its re-use for car repairs and for MOT's would widen the range of services and facilities available within the village and would fulfil the aims of policy G1 which seeks to enhance the quality of life for residents, reduce the need for travel and enhance the vitality and viability of the settlement.

The existing buildings on the site are now redundant but are of permanent construction, and could be adapted for a small scale employment use however, due to their unattractive appearance and the lack of modern facilities, the redevelopment of the site to provide a modern unit would result in improved local employment facilities. National guidance as expressed in PPS4 encourages the provision of employment within villages and Local Plan policy E17 would support proposals to create new business development.

Therefore provided the proposed use and redevelopment of the site would have no adverse effect on residential amenity, the access, parking and turning were adequate and the scale and design of the building are compatible to the locality; the redevelopment of an existing employment site would be in accordance with national and local guidance

### **9.2 Scale and design**

It is proposed to remove the existing 3m. high buildings from the site and erect offices and a replacement workshop to provide a large space for an MOT bay and a service bay. The replacement workshop will be approximately 4.9m high, reducing to approximately 4m adjacent to the boundary with Rose Cottage. A small office and waiting area is to be provided as well as an office on the front adjacent to the entrance on Castle Lane. The proposed buildings are almost flat roofed and are intended to be metal clad. The existing boundary wall is to be repaired and rendered topped by a plain tile and brick cap.

Given the contemporary, industrial nature of the design of the buildings, it is considered that they would not be in keeping with the immediate surrounding area and additionally as the building occupies the full width of the site, it could be perceived as dominating and out of scale for the site, as well as appearing to be prominent at the entrance to the village. Overall it is considered to be detrimental to the appearance and character of the locality.

### **9.3 Impact upon highway safety**

Concerns have been expressed that there will be conflict with pedestrians using Castle Lane and that because insufficient parking has been proposed there is a likelihood of additional parking on the surrounding streets which will make parking for the shop and PO difficult.

The Highway Authority recommends that 4 spaces per work bay should be provided within the site when the use proposed is for motor repairs and MOT. The submission shows only 7 spaces within the site and 2 spaces in the lay-by on Southampton Road. It is not acceptable to count on-street parking, within the overall requirement, as the lay-by area is not solely for the applicant's use. Therefore the Highway Authority considers that the proposal has insufficient parking.

There are also concerns that whilst only 1 MOT bay and 1 work bay are currently proposed, the building is of such a size that an additional 2 vehicles could be worked upon at any one time. This would raise the required parking provision to at least 16 spaces. Indeed the previous scheme, which was withdrawn, showed an additional bay and so as the size of the proposed building is similar, it seems unlikely that only 2 vehicles will be worked upon at one time (especially as additional members of staff are proposed, bringing the total number to five full time employees). The intensification of the use of the site would not require planning permission. Overall, it would appear likely therefore that the proposal will result in an increase in on-street parking at a busy trafficked and pedestrian area, where bus stops, a shop and a post office are also located and this likely to be prejudicial to the safety of other users of the highway

It is also proposed to re-create/create the northern vehicular access to the site. Neighbours maintain that this access has not been in use for at least 30 years and the Highway Authority is concerned that vehicles entering and leaving the site at this point could not do so in a forward gear as there is insufficient space to turn a vehicle. The use of this proposed access is therefore in their view likely to be prejudicial to highway safety.

Overall, it is considered that in view of the size of the proposed building and the likely level of use and as the public lay-by adjacent to one of the bus stops has been incorporated into the proposal, that there is likely to be an increase in on-street car parking in a heavily trafficked area, with much coming and going to the shop and post office by both pedestrians and vehicles. Therefore the proposal is likely to be prejudicial to the safety of both pedestrians and users of the highway.

### **9.4 Impact upon neighbour amenity**

Concerns were expressed by neighbours that the introduction of motor car repairs and MOT testing on this site would result in an increase in noise and pollution. The Council's Environmental Health Officer is also concerned regarding the likely impact of the noise from car repairs and MOT testing on the neighbours.

The immediate environment around the premises is primarily residential and therefore the background noise levels are fairly low. The noise produced by a car repairs and MOT testing tends to be of an intrusive and annoying character and whilst there will be a wall and small separation distance between the proposed building and Rose Cottage, there is likely to be a significant impact upon the amenities of these neighbours' use of their garden, particularly as a six day operating week is proposed. Whilst the noise would be reduced if the building were insulated and the doors of the new building were shut, in practice this is not likely to be practical, due to the need to regularly move vehicles.

In view of the size of the proposed building and the likely level of use, as well as its proximity to the neighbouring dwelling there is likely to be detrimental impact upon the amenities of neighbours contrary to Local Plan policy G2.

### **9.5 Other matters**

It would appear that there are no records regarding the petroleum storage tanks located under the application site, and shown on drawings 1408/A-001 Rev A and 1408-07 Rev B. Whilst they are still in existence, it is not clear therefore whether they have been decommissioned. It has also been suggested, though again there are no records, that there may be older petroleum storage tanks under the adjacent highway. Both the Council's Petroleum Officer and the Environment Agency consider that any approval of this proposal should be conditioned to investigate whether these tanks still exist and if they do, their precise location. As the site is over an aquifer, the Environment Agency would also require an investigation of whether any contamination of the soil has occurred from any of the petrol tanks and whether there is any risk posed to the water source. Depending on what is found, full remediation may be required. Without this information, the risk to the environment is unknowable and unquantifiable and the proposal would be contrary to Local Plan policy G2.

### **10. Conclusion**

The site is an existing employment site, whose re-use and enhancement would be in compliance with Local Plan policy. M and M Autos are currently located in the centre of the village on a small site adjacent to residential properties. This use results in some on-street parking on the Southampton Road. The proposed site is larger and is located on the edge of the village adjacent to the shop and post office and close to other employment sites. The site is screened from the Southampton Road by a 2m brick wall which it is proposed to re-furbish. The buildings on the site are innocuous in appearance and not prominent in the street scene. The proposed replacement modern, metal clad buildings will be much more prominent in the street scene and their contemporary design and materials are considered to be unsympathetic to the location at the entrance to the village. Car repairs and MOT's are noisy and in view of the design of the building and its proximity to the neighbouring dwellings, their amenity will be detrimentally affected.

The Highway Authority has concerns regarding the adequacy of the parking for the proposed scale of the use,(two working bays) and as the use could easily be intensified in the future (without planning permission) is concerned that this inadequate level of parking would encourage even more on-street parking. Additionally there are highway safety concerns regarding the use of the proposed northern vehicular access.

Whilst the proposal, refers to the development as being a relocation of an existing business, the existing site in the centre of the village does not form part of the application and therefore this aspect of the proposal cannot be controlled.

### **11. RECOMMENDATION**

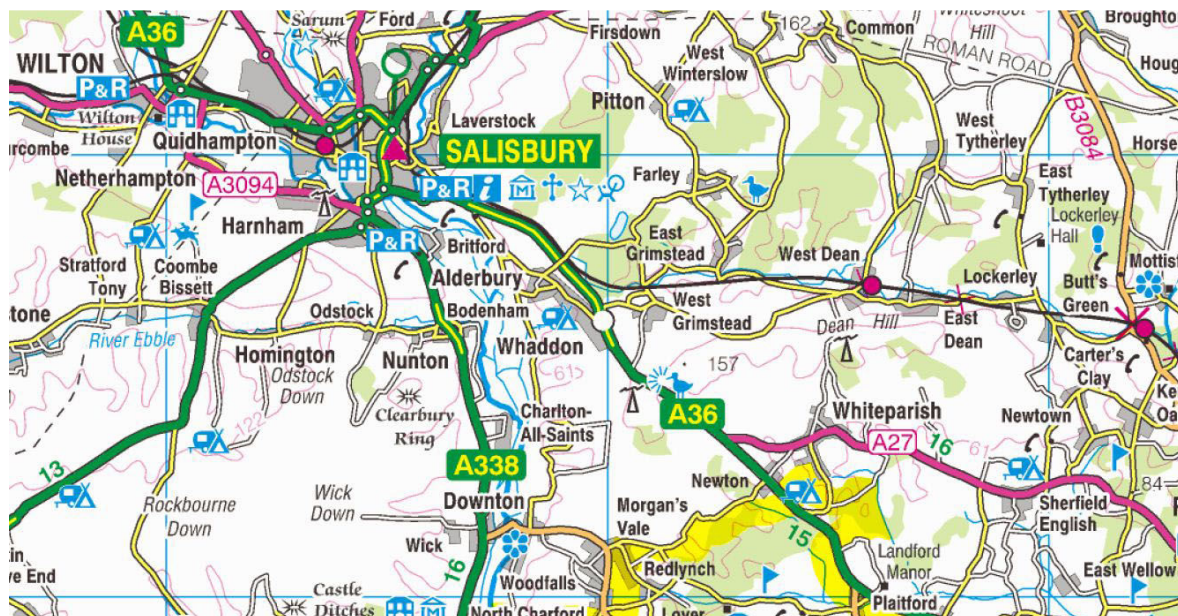
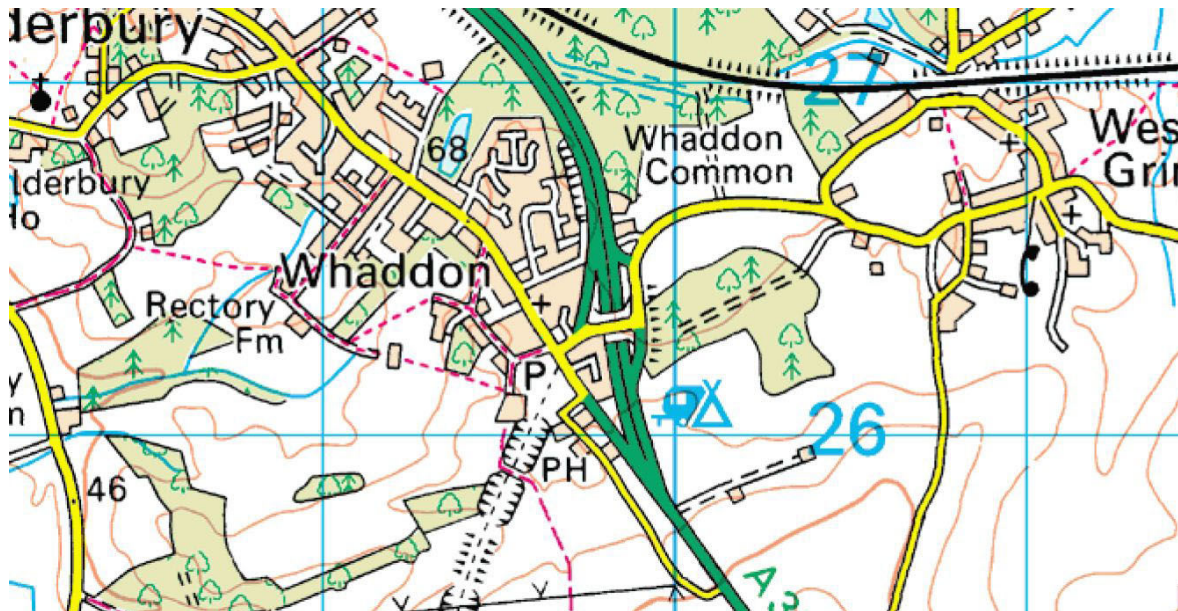
**Planning Permission be REFUSED for the following reasons:**

1 The proposed development, by reason that adequate provision has not been made on the site for the parking of vehicles in a satisfactory manner and adequate manoeuvrability/turning space has not been allowed for, would be likely to encourage the parking of vehicles on the public highway, which would be prejudicial to the safety of all users of the highway, contrary to policies TR11 and G2 of the Salisbury District Local Plan.

2 The proposed development, by reason that the site is directly adjacent to residential properties, and the amenities of the occupants of these properties would be detrimentally effected by noise caused by the proposed use, would be contrary to policy G2 (viii) of the Salisbury District Local Plan and national advice as expressed in PPG24.

3. The proposed development, by reason of the scale of the buildings, would represent a cramped form of over development, and, by reason of the design of the buildings, would be unsympathetic to and out of keeping with the locality, and which, by virtue of the its prominence in the street scene, would appear overbearing and dominant and detrimental to the character of the locality contrary to policy D2 of the Salisbury District Local Plan.

4 In the absence of a sufficient information to show that the development would not be a hazard to controlled waters, the applicant has not proven to the satisfaction of the Local Planning Authority that the proposed development would not pose an unacceptable risk to the environment contrary to the contrary to policy G2 (ii) of the Salisbury District Local Plan and national advice as expressed in PPS23.



This page is intentionally left blank

# Agenda Item 8d

Date of Meeting	16/06/11		
Application Number:	S/2011/0277		
Site Address:	11 York Road Salisbury SP2 7AP		
Proposal:	Demolition of existing business premises and construction of 9 dwellings		
Applicant/ Agent:	Simpson Hilder Associates		
Parish:	Salisbury City Council		
Grid Reference:	413775.467 130432.645		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs A Iles	Contact Number:	01722 434312

Reason for the application being considered by Committee:

Councillor Clewer has called it to committee in order to discuss the following issues:

1. Scale of development
2. Visual impact upon the surrounding area
3. Relationship to adjoining properties
4. Environmental / highway impact
5. Car parking

## 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

## 2. Report summary

The main issues in the consideration of this application are as follows:

1. Principle of Development
2. Scale & Design
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Contaminated Land
6. Arboricultural Impact
7. Provision of Waste Facilities
8. Impact on Protected Species
9. Impact on Archaeology
10. Contribution towards Public Open Space Provision

The City Council have made no observations

Neighbourhood Responses:

Four letters received objecting to the proposal

No letters of support received

One letter commenting on the application received

### 3. Site Description

11/11B York Road is a collection of buildings off St Pauls Roundabout, with associated parking area to the south on the opposite side of the road. The majority of the site (comprising two commercial buildings with rear yard and storage building) is occupied by a national tool hire operator while a smaller element (comprising a converted two storey house) to the west is used by an independent financial advice company.

The site is located within the Housing Policy Boundary of Salisbury, Area of Special Archaeological Significance and a Groundwater Source Protection Area.

4. Relevant Planning History			
Application Number	Proposal	Decision	
4056	Extension to provide new office and change of use to showroom from store at No.7	A	31.07.50
4450	Amended showroom elevations to existing store in York Rd	AC	03.06.52
8345	Change of use of ground floor to offices & convert 1st floor into self-contained flat & use remainder of site as Builders Merchants Yard & Stores	A	05.12.62
8679	Erection of temporary office accommodation	AC	01.07.63
8719	Alterations & additions to offices at Builders Merchants Yard	A	29.07.63
8881	New goods entrance, Sidney St	A	19.10.63
B431	Alterations to access, new office & toilet accommodation at York Rd/ Sidney St	A	03.10.67
82/0524	Circular 49/63 - possible use of land for development	Objections raised	
89/0797	Refurbishment of existing sales area & new showroom within adjacent house premises	R	12.07.89
90/1696	Change of use & extension & alterations to form 4 self-contained office units	AC	23.01.91
97/1753	Proposed new shopfront 11 York Road	AC	11.12.97
06/2568	Demolition of existing tool hire premises and construction of 12 no houses	WD	19/02/07



10/473	Demolition of existing tool hire premises and Construction of 10 new houses in 3 blocks and Including gardens, associated external areas and Parking at 11/11B York Road.	WD	29/06/10
--------	---	----	----------

## 5. Proposal

Consent is sought for the demolition of the existing buildings and the construction of nine dwellings on the northern part of the site with an area of car parking remaining on the southern part of the site. Seven of the dwellings will form a terrace fronting onto York Road while a pair of semi detached dwellings will be located behind. Each property will have a rear garden.

## 6. Planning Policy

Adopted Salisbury District Local Plan policies G1, G2, G8, D2, H8, H16, E16, R2

Adopted Supplementary Planning Guidance “Creating Places”

Planning Policy Statement 3 - Housing

Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy 9 - Biodiversity and Geological Conservation

Planning Policy Statement 23 – Planning and Pollution Control

## 7. Consultations

### Environmental Health

No objection subject to condition (see below)

### Highways Department

No objection subject to condition (see below)

### Highways Agency

No objection

### Wiltshire Fire & Rescue Service

Consideration should be given at building regulations stage to fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection.

### Environment Agency

No objection subject to conditions and informatives (see below)

### **Salisbury Civic Society**

Support the principle but raised concern with regard to the use of UPVC windows and overlooking to properties to the rear.

### **Wessex Water**

No objection but a there may be a sewer crossing the site which, although not shown on the public sewer record drawing, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936.

### **Archaeology Department**

No comments

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation which expired on 31<sup>st</sup> March 2011.

Four letters of objection and one of observation were received:

Summary of key relevant points raised:

1. Support for the gentrification of the area and the relocation of businesses to another area.
2. There should be sufficient parking provided as there are already issues with on-street parking in the area which is causing problems with highway safety at road junctions
3. Some years ago an application for a dwelling was refused next to the site and there should be no further houses in the area as traffic is bad enough already.
4. Concern about additional property in an already overpopulated area.
5. Properties should not be allocated Zone D parking permits or visitor permits
6. Properties will lose their view over St Paul's Church (*not a material planning consideration*)
7. The proposal will result in overlooking to nearby properties

The Salisbury Campaign for Better Transport consider that too much parking is provided for a central location in a city where traffic pollution remains unacceptably high.

## **9. Planning Considerations**

### **9.1 Principle of Development**

The site is located within the Housing Policy Boundary of Salisbury where the principle of new residential development is supported by policy H8 of the Local Plan. However, as the site is currently used for employment the application is subject to consideration under policy E16. This states that the change of use or redevelopment of employment land will only be

permitted where the new use will provide a similar number and range of job opportunities unless the land or premises are no longer viable for employment generating uses or a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs.

The applicant states that the proposal should not result in a loss of jobs as the existing tenants have been considering relocation to more suitable premises elsewhere in Salisbury. While they also state that there is at least five years supply of industrial land no evidence has been submitted to support this. Although due to the economic climate it would be expected that there would currently be an ample supply with relatively low take up, this should not automatically mean that industrial floorspace should be lost to other uses.

Usually to demonstrate that land is no longer suitable for employment purposes the Local Planning Authority expects an applicant to undertake a comprehensive marketing exercise for a period of at least six months. In this case the applicant has not provided any marketing to accompany the application and on this basis the application can only be considered against the second part of policy E16.

Although not directly on the A36, the site forms part of an important gateway to the city centre, and is one of several sites around St Paul's roundabout which are in need of improvement. In addition it is a predominately residential area, with poor access and turning space for large vehicles, and it is unlikely that a commercial premises would be approved in such a location now. Therefore it is considered that in this case the environmental benefits that the proposal would bring, outweigh the small loss of commercial floorspace in a prominent out of town location.

## **9.2 Scale & Design**

The surrounding area is characterised by traditional two storey terraced properties, the majority being constructed from brick with pitched roofs in a mix of slate and tiles. The northern end of York Road is a row of four three-storey terraced houses with stonework fronts beneath a hipped roof.

The original application for the site in 2006 featured a contemporary design with dwellings also included dwellings on the car park site. The application was subsequently withdrawn following concern with regard to the development of the car park site and the amenity space provided for the properties.

A subsequent application in 2010 had a more traditional approach with the parking area retained but concern was raised with regard to the orientation of a five dwelling terrace that faced Sidney Street and a blank gable-end elevation that faced onto York Street. Again the application was withdrawn.

The current scheme has a run of terraced properties along York Road with variation in roof height and a pair of semi-detached properties behind. Following comments made by the Council's Urban Design Team some alterations have been made to the detailing of the buildings.

The Civic Society support the principle of redevelopment on the site which would help lift the quality of the area although they have concern with regard to the use of UPVC windows. While it would be preferable if timber windows were used, as the site is not located within a Conservation Area or adjacent to listed buildings it is difficult to substantiate this argument,

particularly as timber windows could be subsequently changed to UPVC without the need for planning consent and therefore it is considered acceptable in this case.

In summary is therefore considered that the proposed dwellings will reflect the surrounding area in terms of scale, material and design in accordance with local plan policy and design guidance. Given the central location, adequate amenity space is considered to have been provided for each of the properties.

### **9.3 Impact on Residential Amenity**

The site has a close relationship with the surrounding residential properties and there is some concern with regard to additional overshadowing and overlooking from the proposed dwellings. While the rear (north elevation) of the terrace will contain a number of windows which will offer opportunities for some overlooking to the rear gardens of several properties in Sidney Street and Charles Street the separation distance is considered to be acceptable in an area of tight urban grain. The separation distance is also considered to mitigate against any additional overshadowing. The semi-detached properties are lower in height minimising overshadowing, but some additional overlooking may result to the gardens to the surrounding properties. However, again given the urban location this is not considered significantly detrimental to warrant refusal.

Due to the proximity to the A360 and A36 the Environmental Health Department requested that a noise assessment be carried out in accordance with PPG24. This has been done but it contained no information on the type of noise mitigation scheme that it is intended to use. Therefore it is requested that a condition be added requiring such a scheme to be submitted prior to development commencing.

### **9.4 Impact on Highway Safety**

Nineteen car parking places are proposed (including one disabled space). Although concerns have been raised by third parties with regard to the impact on parking in the area resulting from the proposal, as the site is within easy walking distance of public transport and other local facilities minimising the need for a private car, the Highways Department have no objection to the level of parking proposed. However, they have requested that the cost of any modification to the existing waiting/servicing scheme necessitated by the proposed development must be borne by the developer and carried out prior to the commencement of the development. As such a condition regarding this is suggested.

### **9.5 Contaminated Land**

The Environment Agency originally objected to the proposal as they had not seen the submitted Phase 1 Contamination Assessment. However, having subsequently seen it they have removed their objection subject to conditions and informatives.

The site is situated on chalk which is designated a principal aquifer and as such requires protection. The findings of the preliminary assessment identifies a number of potentially contaminating sources such as the above ground diesel tank which, while situated within a bund, is surrounded by stained ground in poor condition. Therefore it is considered that an intrusive ground investigation should be undertaken to assess the risks and as such it is requested that a condition be added requiring this to be carried out. In addition they have requested that an informative be added regarding a scheme for water efficiency.

The Council's Environmental Health department also have no adverse comment to make regarding the submitted Phase I report but agree that a condition should be added requiring further investigation.

### **9.6 Arboricultural Impact**

There are several mature trees on the edge of the area designated as a car park, and as such the Arboricultural Officer has requested that a condition be added requiring a Tree Protection Plan.

### **9.7 Provision of Waste Facilities**

Due to the physical and social constraints associated within the location of proposed development there is limited scope for recycling demolition materials on site and environmentally impractical. However, it is stated that the majority of waste materials generated on site will be sustainably managed and not simply land-filled. In addition compost bins are to be provided within the back gardens and a designated bin collection area has been created inside the communal access gate.

Although some further information could have been provided, the development falls just outside the scope of policy WCS6 of the Wiltshire and Swindon Waste Core Strategy in terms of requiring a full audit of the volumes, types and managements of waste materials. As such the Minerals and Waste Policy Team consider that the information meets with the spirit and intent of waste minimisation and have no objection to the scheme.

### **9.8 Impact on Protected Species**

As the buildings to be demolished are relatively modern, located in a highly urban setting with no significant areas of semi-natural vegetation nearby it is considered that there will be minimal impact on protected species.

### **9.9 Impact on Archaeology**

Although the site is located within the Area of Special Archaeological Significance there are no Historic Environment Records in the immediate vicinity of the site and as such the County Archaeologist has no comments to make in regard to the application.

### **9.10 Contribution towards Public Open Space Provision**

New residential development is required to make provision for recreational open space in accordance with policy R2. While this is normally done by means of a unilateral agreement which requires submission of the commuted sum prior to determination of the application, in this case the applicants have requested that it be done by Section 106 agreement stating that the commuted sum is not payable until commencement of development. This will still be in accordance with policy R2 but if members wish to approve the application it will need to be delegated back to officers to issue the decision once the Section 106 agreement has been signed.

## **10. Conclusion**

It is considered that the proposal is acceptable in principle and is visually appropriate in terms of the surrounding area while not prejudicing the Groundwater Source Protection Area, highway safety, residential amenity, archaeology or protected species. As such it is judged to

conform with saved policies G1, G2, G8, D2, H8, H16, E16, R2 of the Adopted Salisbury District Local Plan, the Adopted Supplementary Planning Guidance "Creating Places" and Planning Policy Statement 5 (Planning for the Historic Environment), 9 (Biodiversity and Geological Conservation) and Planning Policy Statement 23 (Planning and Pollution Control).

## 11. Recommendation

Approve subject to S106 agreement regarding contribution towards open space provision.

Reason for approval:

It is considered that the proposal is acceptable in principle and is visually appropriate in terms of the surrounding area while not prejudicing the Groundwater Source Protection Area, highway safety, residential amenity, archaeology or protected species. As such it is judged to conform with saved policies G1, G2, G8, D2, H8, H16, E16, R2 of the Adopted Salisbury District Local Plan, the Adopted Supplementary Planning Guidance "Creating Places" and Planning Policy Statement 5 (Planning for the Historic Environment), 9 (Biodiversity and Geological Conservation) and Planning Policy Statement 23 (Planning and Pollution Control).

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall commence until the relevant traffic regulation orders (including a loading bay and double yellow lines) have been revoked and the relevant orders implemented and completed, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to remove/ amend unnecessary restrictions in the vicinity of the site

POLICY: G2 (General Development Guidance)

(3) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the buildings have been 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 interests of visual amenity and the character and appearance of the area.

POLICY: D2 (Infill Development)

(4) Further to the submission of the preliminary risk assessment, no development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority:

1. A site investigation scheme based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the date that will be collected in order to demonstrate that the works set out in the remediation strategy (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

REASON: To ensure the protection of controlled waters

POLICY: PPS23 (Planning and Pollution Control)

(5) Development shall be carried out in accordance with the Waste Audit Statement submitted on 24/02/11.

REASON: To minimise the impact on the Groundwater Source Protection Area

POLICY: G8 (Development affecting a Groundwater Source Protection Area)

(6) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: D2 (Infill Development)

(7) No development shall commence on site until a scheme of works for noise mitigation has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the premises are first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY- G2 (General Development Guidance)

(8) The development, including site clearance, must not commence until a statement of all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including damage to their root system.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: 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.

POLICY : G2 (General Development Guidance)

(9) Development shall be carried out in accordance with the following plans:

111 A Submitted on 09/03/11  
112 A Submitted on 09/03/11  
113 B Submitted on 04/05/11  
114 B Submitted on 09/03/11  
115 B Submitted on 04/05/11  
116 Submitted on 24/02/11

No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

REASON: For the avoidance of doubt

INFORMATIVE – HIGHWAYS: With regard to condition two above the applicant should contact the Salisbury Transportation Team on 01722 434671, who will design and co-ordinate the traffic regulation order work, the cost of which will be borne by the applicant, which will be at least £5000. The cost includes advertising the order changes, staff time, signs and road markings.

INFORMATIVE – ENVIRONMENT AGENCY: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. The applicant is advised to refer to the following for further guidance: <http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx> and <http://www.savewatersavemoney.co.uk>

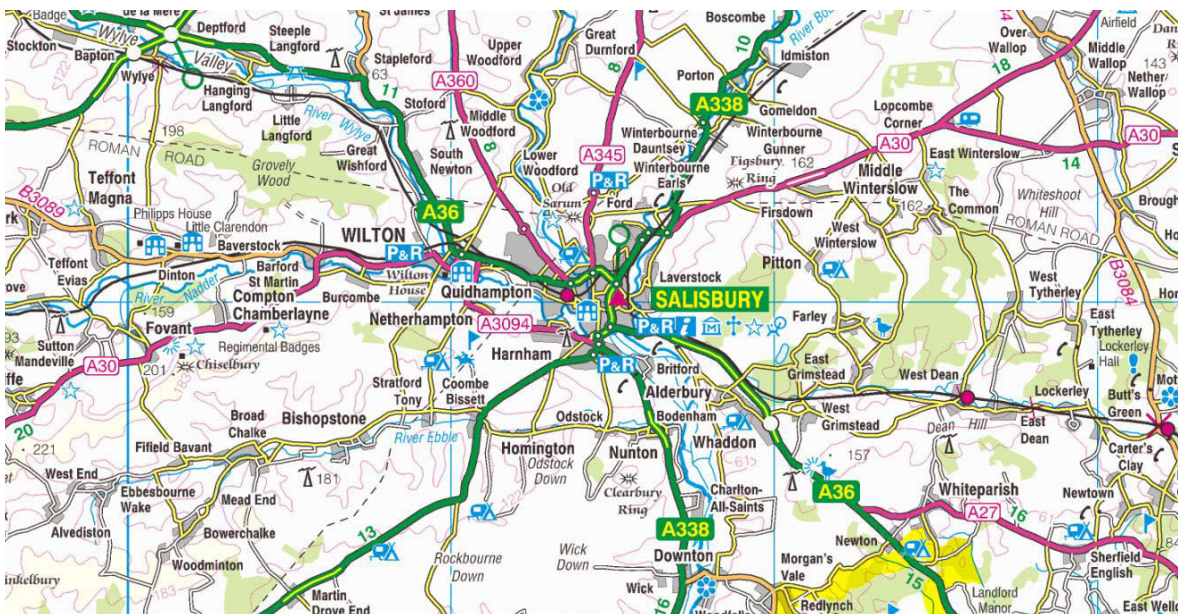
INFORMATIVE - ENVIRONMENT AGENCY: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. The applicant is recommended to refer to the Environment Agency Pollution Prevention Guidelines, which can be viewed at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

INFORMATIVE – WESSEX WATER: Although not shown on the public sewer record drawing, it is understood that there could be a sewer crossing the site which by virtue of its age could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3 metres of this apparatus. The granting 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.

This page is intentionally left blank



This page is intentionally left blank

# Agenda Item 8e

Date of Meeting	16/06/11		
Application Number:	S/2011/0476		
Site Address:	Wylve Maintenance Depot Dyer Lane A303/A36 Junction Wylve Warminster BA120RY		
Proposal:	Erection of new salt store, bunded loading area and a permanent roof over the existing salt storage area within the Depot		
Applicant/ Agent:	Mott MacDonald		
Parish:	Wylve		
Grid Reference:	400138.425 137756.235		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

Councillor West has requested that this item be determined by Committee due to issues relating to the scale of development, visual impact upon the surrounding area, design and environmental impact.

## 1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

## 2. Report summary

The main issues in the consideration of this application are as follows:

1. The principle of development;
2. Character and appearance of the area;
3. Environmental impact;
4. Amenities of adjoining and nearby property;
5. Highways considerations.

## 3. Site Description

The site relates to the Highways Agency Wylve Maintenance Depot, situated within a 0.5 ha compound off Dyer Lane, adjacent to the A303/A36 intersection.

## 4. Relevant Planning History

09/0578	Replacement weighbridge cabin	AC	08.06.09
90/0521	Circular 18/84 Provision of portacabin	Obj	13.06.90
80/0755 09.07.80	Circular 7/77 to construct an enforcement weighbridge	No Obj	

## 5. Proposal

It is proposed to erect a replacement salt store and to erect an additional salt barn, in order to increase the salt storing capacity of the site and to comply with Environment Agency guidelines.

## 6. Planning Policy

Local Plan: policies G1, G2, C2, C3, C4, C5, C17, C18

Central government planning policy: PPS7

## 7. Consultations

Parish Council existing	<b>Object.</b> Excessive scale of buildings; intensification of use; lighting is unacceptable and should be improved.
Highways Agency	<b>No objection</b>
Highways Officer provision	<b>No objection.</b> The proposed salt store will reduce the parking and manoeuvrability space on site, however, application documentation states that this will not affect the current level of activity at this site. Due to this, I recommend that no Highway objection is raised.
Environment Agency cess pit	<b>No objection.</b> Recommend informatives regarding operation of and oil / chemical storage.
Environmental Health	<b>No objection</b>

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

1 letter of representation was received. Summary of key relevant points raised:

- Existing lighting is unacceptable and should be improved.

## 9. Planning Considerations

### 9.1 *The principle of development*

The supporting text to Local Plan policies C2 and C3 explain that it will be necessary to allow development essential for the provision of public utilities which cannot be located

within settlements. However, where such development is required, it is important that a countryside can be justified by the relevant service provider, that it can be demonstrated that the selected site is the most appropriate in environmental terms and that the impact of the development on the surrounding area will be minimised by taking satisfactory measures such as careful siting, effective landscaping and sensitive design.

### *9.2 Character and appearance of the area*

The development site relates to an established maintenance depot, which is reasonably well screened within the wider landscape by the embankment of the adjacent A303 and a surrounding band of trees. One of the proposed storage barns would be to replace an existing temporary structure of similar scale, and would have a broadly neutral impact in this respect. The other would be a new building with adjacent bunded loading area. Whilst this new building would have a greater impact, given the mitigating effect of adjacent landscape features, and the proposed matt green colour of the profiled metal sheeting, it is not considered that it would have an unacceptable impact within the landscape. It is also noted that the development will include the removal of 3 existing light columns on the site which will be replaced with smaller directional lighting mounted on the walls of the storage buildings at a lower level. The applicant's Landscape Impact Appraisal concludes that this change in lighting is not anticipated to result in any change in views at night. Consequently, subject to a condition requiring the lighting of the buildings to be installed and maintained in accordance with the submitted details, it is not considered that the proposed development would have an unacceptable visual impact.

### *9.3 Environmental Impact*

The provision of more extensive and permanent storage facilities is intended to ensure compliance with Environment Agency guidelines and to reduce the impact of tanking away collected grey water. The Environment Agency have confirmed they have no objection to the proposal.

### *9.4 Amenities of adjoining and nearby property*

The development relates to an established site, which is reasonably isolated from the nearest residential dwellings. In this respect it is not considered that the provision of the two storage barns would result in significant harm to the amenity of neighbours. The Environmental Health Officer confirms no objection.

### *9.5 Highway considerations*

The Highways Agency and Local Highway Authority Officer raise no objection to the proposal

## **10. Conclusion**

The proposed development relates to the provision of essential trunk road infrastructure at an established maintenance depot, and it is not considered that the proposed salt storage buildings, by virtue of their appropriate siting and design, would result in significant harm to the surrounding environment and landscape.

## **11. Recommendation**

**Planning Permission be GRANTED for the following reason:**

The proposed development relates to the provision of essential trunk road infrastructure at an established maintenance depot, and it is not considered that the proposed salt storage buildings, by virtue of their appropriate siting and design, would result in significant harm to the surrounding environment and landscape. The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, C2, C3, C4, C5, C17, C18 and PPS7.

**And subject to the following Conditions:**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....MMD-259113-E-DR-WYL-XX-0001 Rev. P1...	Date
Received....31.03.11....	
Plan Ref....MMD-259113-D-DR-WYL-XX-0002 Rev. P1...	Date
Received....31.03.11....	
Plan Ref....MMD-259113-Z-DR-WYL-XX-0014 Rev. P1...	Date
Received....31.03.11....	
Plan Ref....MMD-259113-Z-DR-WYL-XX-0016 Rev. P1...	Date
Received....31.03.11....	
Plan Ref....MMD-259113-Z-DR-WYL-XX-0017 Rev. P1...	Date
Received....31.03.11....	

Reason: For the avoidance of doubt.

- 3) The storage buildings hereby permitted shall only be externally illuminated in accordance with the submitted details contained within the Proposed External Lighting Layout (Drawing No. MMD-259113-E-DR-WYL-XX-0001 Rev. P1).

Reason: To minimise unnecessary light spillage above and outside the development site.

Policy: G2, C4

**INFORMATIVES:-**

Cess pit

The cess pit should be regularly inspected to prevent risk of overfilling. It should be fully water tight to prevent losses to groundwater. Transfer notes should be kept for any cess pit waste collections. The cess pit waste collections can only be made by a licensed waste carrier and can only be taken to a suitably licensed site.

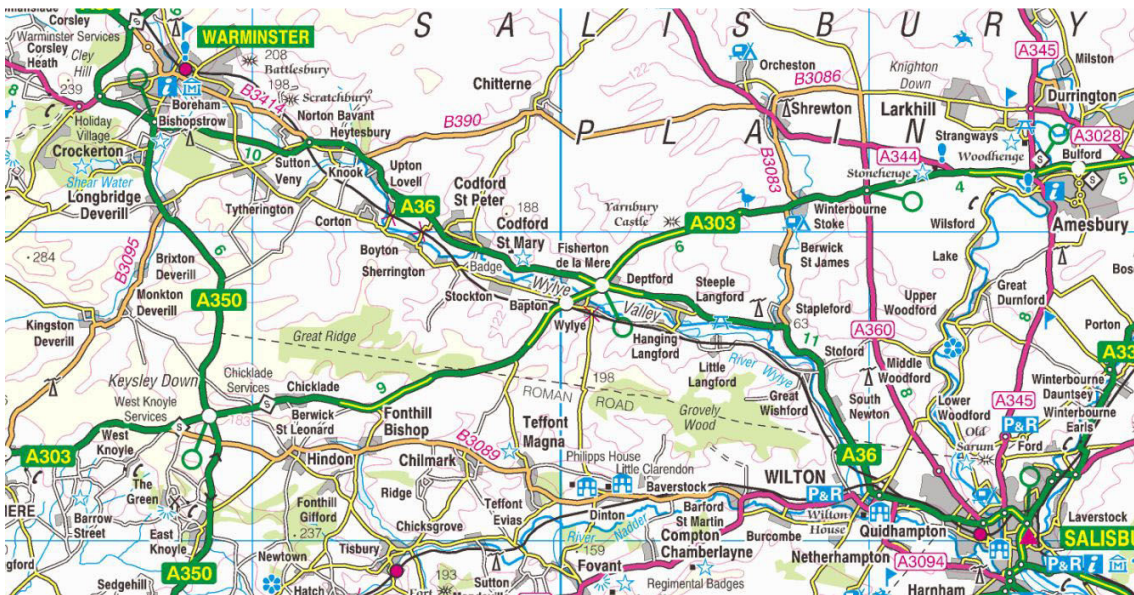
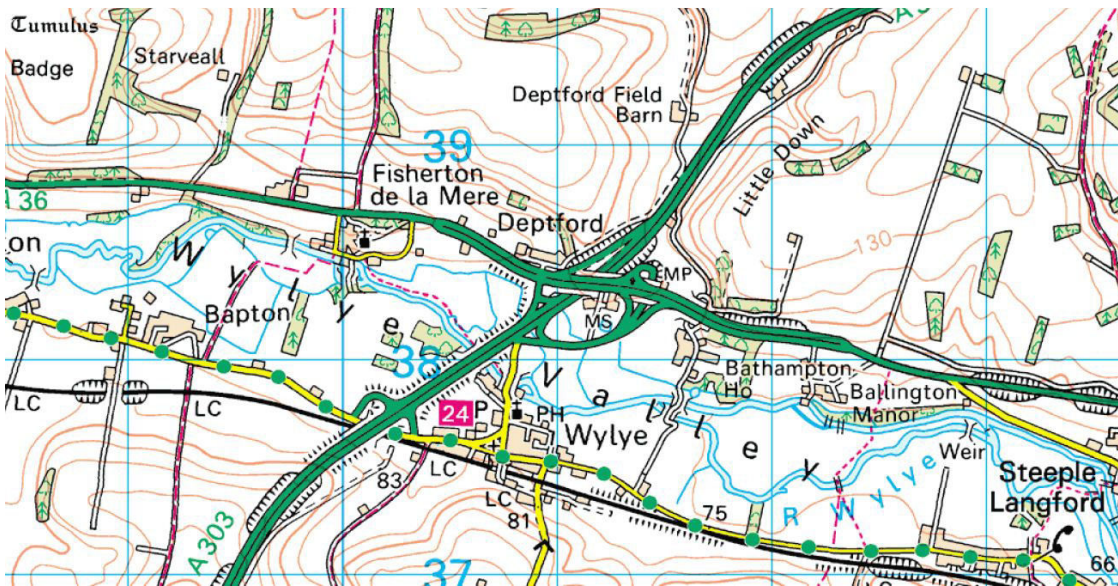
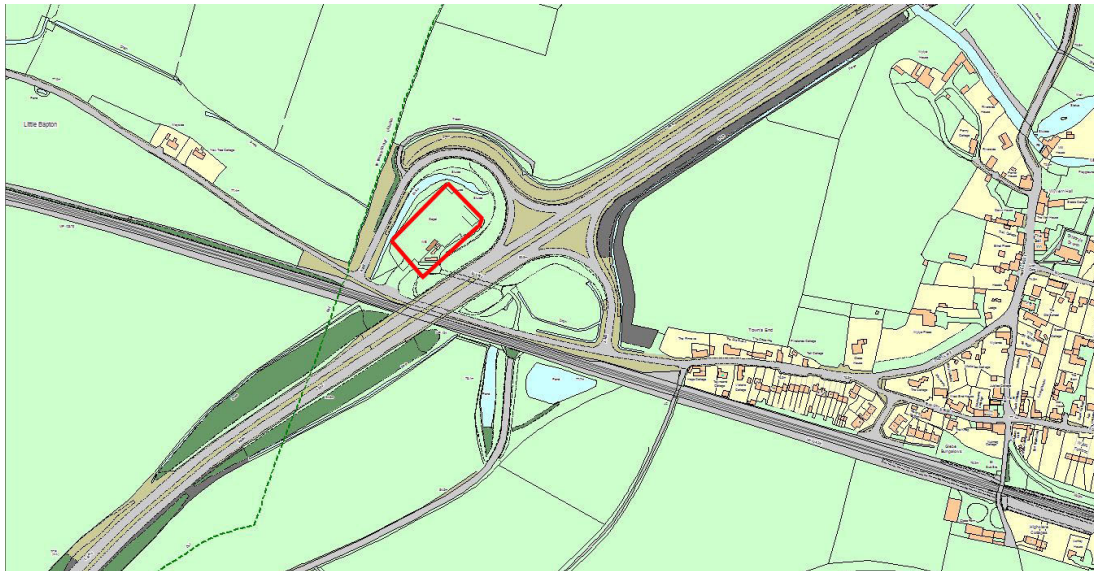
Oil and Chemical Storage

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank



is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

This page is intentionally left blank



This page is intentionally left blank

# Agenda Item 8f

Date of Meeting	16/06/11		
Application Number:	S/2011/0502		
Site Address:	Site next to Rose & Crown, High Street, Bulford, SP4 9DS		
Proposal:	Variation of condition 2 of planning permission S/2010/1750 - Addition of 2 no. windows		
Applicant/ Agent:	Mr Patrick Oetiker - Sixteen Twenty Eight		
Parish:	Bulford		
Grid Reference:	416806.93 143523.974		
Type of Application:	S73		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

Reason for the application being considered by Committee:

Councillor Smale has requested that this item be determined by Committee due to issues relating to the development's relationship to adjoining properties.

## 1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

## 2. Report summary

The main issues in the consideration of this application are as follows:

1. The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area;
2. The impact of residential use on adjacent uses and vice-versa;
3. Highway considerations.

## 3. Site Description

The application site consists of vacant land between the Rose and Crown pub, a residential dwelling and a church hall, situated off the Bulford High Street. A public footpath runs to the rear of the site.

In planning terms, the site is within Bulford's Housing Policy Boundary but outside of the Conservation Area (which starts beyond the public house). It is also within an Area of Archaeological Significance.

## 4. Relevant Planning History

10/0869      Proposed detached dwellinghouse and new access      REF      06.09.10

## 5. Proposal

Amendments are sought to alter design aspects of the previously approved dwelling, including:

- The insertion of 2 additional ground floor windows in the south elevation to serve a kitchen and utility room;
- Minor alterations to the proposed internal layout;
- A change in facing material to the east (side) elevation from flint to render;
- Minor fenestration alterations to the ground floor of the front elevation;
- Minor alterations to the positioning of roof lights;
- Minor alterations to the proposed landscaping / car park layout

## 6. Planning Policy

Local Plan: policies G1, G2, D2, H16, CN11, CN21, R2, TR11, TR13, TR14

Central government planning policy: PPS1, PPS3, PPS5, PPG24

## 7. Consultations

Parish Council

### **STRONG OBJECTION.**

Council considers that this proposed variation to conditions is no more than a cynical attempt to manipulate the planning system. In the first instance, the applicant submits a plan with no fenestration on three sides in order to avoid the environmental objections that have always been raised in the past history of applications on this site (by the same applicant); no sooner has this been approved than an application is submitted to vary the permission by inserting windows on the south side on the grounds that the "rooms will be dark" - a fact that was obvious from the outset.

### **MATERIAL OBJECTIONS:-**

1. **OVERLOOKING** The Manse, the grounds within the curtilage of The Manse, and the Chapel Hall.

a. **REASON:** As is by now well known to the Planning Office, the grounds of this Chapel property (adjacent to and on the south side of the application site) is used for a number of Chapel activities including the provision of organised activities for unruly and often destructive youth in this Parish. This is a sensitive and difficult task and, in the considered and expert opinion of the Chapel Pastor, this very valuable service would be jeopardised if the site were to be overlooked by a neighbouring property. It is not in this Council's interest for this activity to be jeopardised in this way and there is substantial anxiety that this variation, if approved, will put the activity at risk.

2. **CONFLICT OF USAGE** with the Chapel Hall and grounds.

a. **REASON:** The activities explained in para 1a above, by their nature, are noisy and Council would not wish to see them jeopardised by complaint from the new residential property on this site. Council rejects the Environmental Health statement that the application is acceptable on the grounds that the main living areas of the new approved residential property do not lie on the south side of the house. The south side includes the kitchen and in these modern times the kitchen is one of the areas of maximum utilisation; additionally, the new house is small in area and noise will carry beyond the rooms on the south side.

Conservation Officer      **No objection**

Environmental Health      **No objection**

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

No letters of representation were received.

## 9. Planning Considerations

### 9.1 Principle of development

The principle of a new dwelling has already been agreed and there have be no significant material alterations to planning policy or the characteristics of the site and its surroundings in the intervening period. The main considerations are therefore limited to the following:

### 9.2 *The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area*

In visual terms the proposed fenestration alterations are considered to be of a minor nature, not significantly altering the appearance of the proposed dwelling. The side elevation which is subject to the change in materials is predominantly obscured from public view and it is not considered that the change from flint to render on this elevation would harm the overall appearance of the dwelling. In summary it is considered that the amendments would have a neutral impact in visual terms.

### 9.3 *The impact of residential use on adjacent uses and vice-versa*

It is not considered that the fenestration alterations would introduce any new overlooking issues. Consideration has been given to whether the two new windows within the south (side) elevation would result in future occupiers being affected by noise disturbance from surrounding uses, notably including the Chapel Hall which is sited immediately to the south of the site. Given the nature of the rooms served by the two windows, a utility room and kitchen, and the fact that suitable acoustic double glazing can be fitted, it is not considered that the proposed dwelling would suffer from unreasonable levels of noise. The Environmental Health Officer confirms no objection.

## 9.4 Highway considerations

The alterations to the car parking layout would be minor in nature and would not affect the general turning and parking arrangement previously approved.

## 10. Conclusion

The proposed amendments would not have a significant impact upon the design merits of the scheme or upon the living environment of the dwelling's future occupiers. The car parking and turning space would still be acceptable.

## 11. Recommendation

### Planning Permission be **GRANTED** for the following reason:

The principle of a new dwelling has already been agreed and there have be no significant material alterations to planning policy or the characteristics of the site and its surroundings in the intervening period. The proposed amendments would not have a significant impact upon the design merits of the scheme or upon the living environment of proposed accommodation, and car parking and turning space would still be acceptable. The proposal would therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies G1, G2, D2, H16, CN11, CN21, R2, TR11, TR13, TR14 and PPS1, PPS3, PPS5, PPG24.

### And subject to the following Conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....927 110 Rev. F...	Date Received....29.03.11....
Plan Ref....927 111 Rev. I...	Date Received....29.03.11...

Reason: For the avoidance of doubt.

- 3) The development shall be carried out in accordance with the recommendations of the submitted Noise Survey Report (JTEC Environmental dated 12<sup>th</sup> – 17<sup>th</sup> July 2010) and passive wall vent details submitted by the agent on 07/12/10.

Reason: To ensure acceptable internal noise levels to the new dwelling.

Policy: G2

- 4) No development shall commence on site until details of the acoustic specification of the glazing to be fitted to the ground floor kitchen and utility room windows within the south elevation of the dwelling hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and maintained as such thereafter.



Reason: In the interests of the amenity of the proposed accommodation.

Policy: G2

- 5) No development shall commence on site until written details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. Where so requested by the local planning authority, samples of materials shall be provided on site for further written agreement. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 6) No works to externally face the new dwelling shall commence until a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 7) No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 8) No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 9) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;

- (c) details of new trees and hedgerows including species, planting sizes and densities;
- (e) means of enclosure;
- (f) car park layouts;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. refuse and other storage units);

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Policy: G2

- 10) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Policy: G2

- 11) Prior to the commencement of development a scheme for the provision, use, retention and maintenance of the proposed turning circle shall be submitted to and approved, in writing, by the Local Planning Authority. The turning circle shall remain clear and available for use at all times and shall be operated and maintained in accordance with the approved details.

Reason: In the interests of highway safety

Policy: G2

- 12) The development hereby permitted shall not be occupied until the first 5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety

Policy: G2

- 13) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

Reason: To ensure that the development can be adequately drained

Policy: G2

14) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained

Policy: G2

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north, east and south elevations of the development hereby permitted.

Reason: In the interests of residential amenity and privacy, and to ensure adequate living conditions for the occupiers of the proposed dwelling.

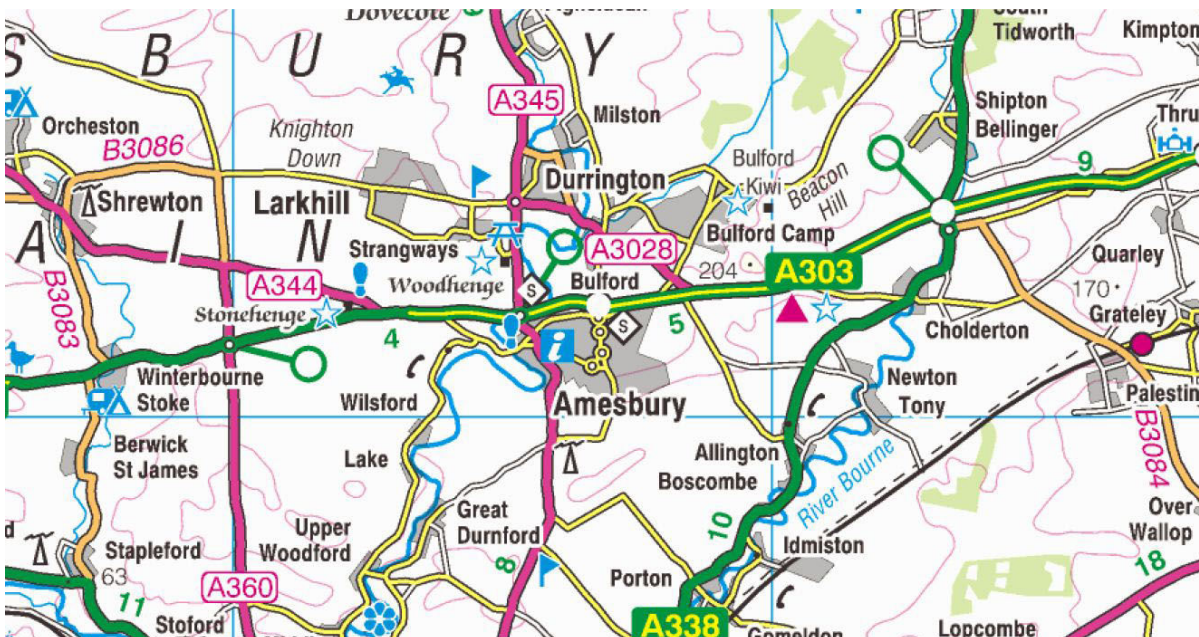
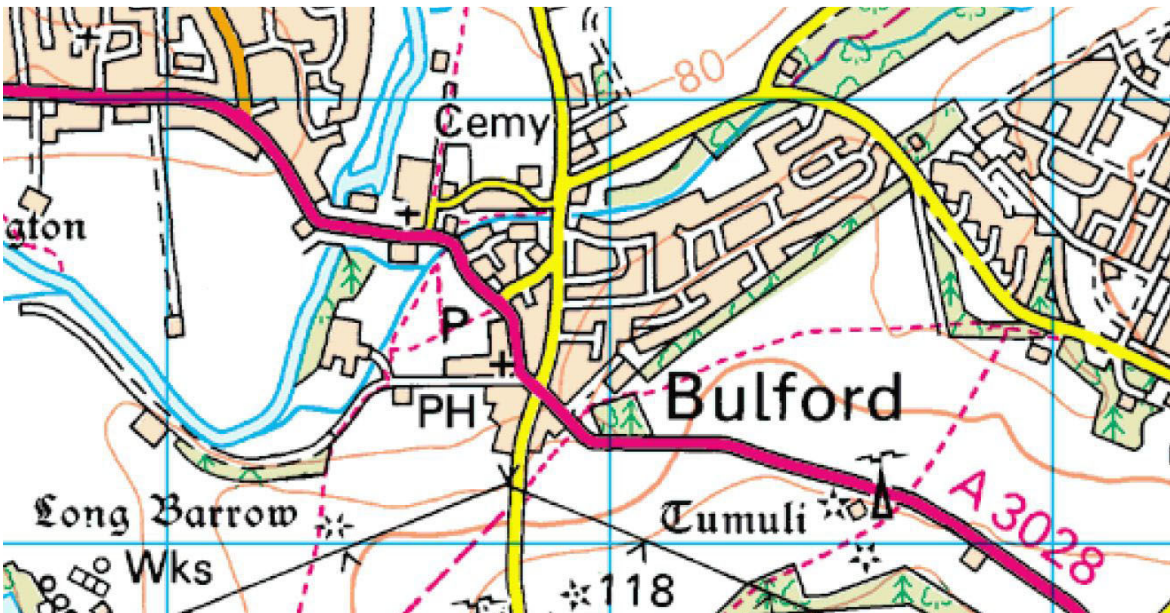
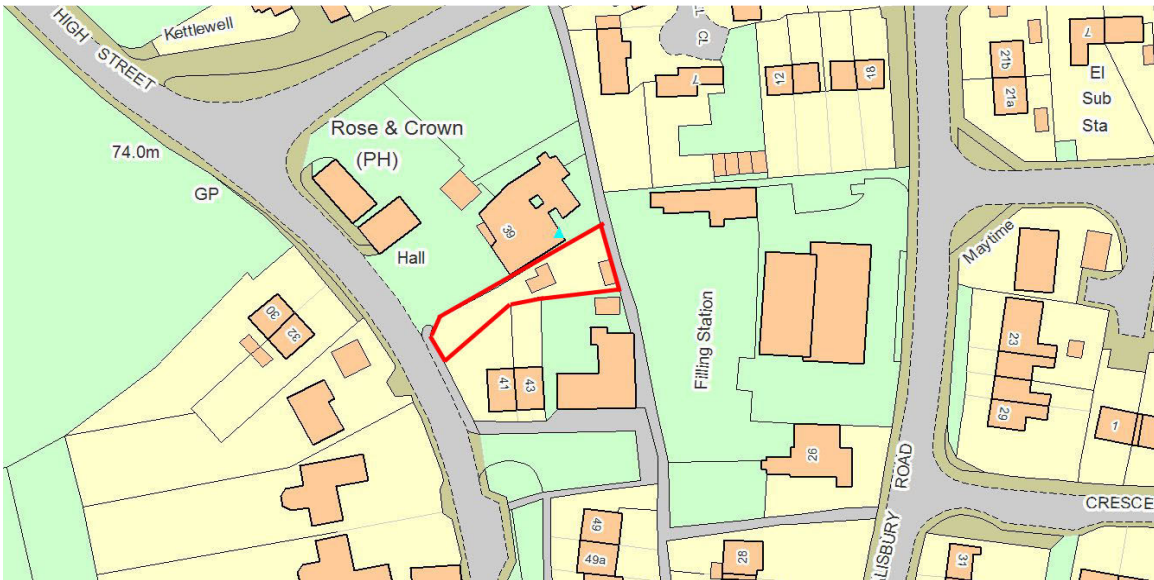
Policy: G2

16) No construction works shall take place outside of the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays or at all on Sundays or Bank Holidays.

Reason: in the interests of the amenities or nearby properties

Policy: G2

This page is intentionally left blank



This page is intentionally left blank