CASE OFFICER'S REPORT

Application Reference:	PL/2023/06402
Application Type:	Full planning permission
Site Inspection:	Site visit on previous application
Consultation ends:	08 September 2023
Case officer:	Julie Mitchell

Site Address:	150 Bouverie Avenue South, Salisbury, SP2 8EB
Proposal:	Subdivision of the residential plot and the erection of a dwelling to the southwest of '150 Bouverie Avenue South', together with hard and soft landscaping and associated works.
Recommendation:	Approve with Conditions

Policies

National Context:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
CP1 Settlement strategy
CP2 Delivery strategy
CP20 Spatial Strategy: Salisbury Community Area
CP50 Biodiversity and geodiversity
CP51 Landscape
CP57 Ensuring high quality design and place shaping
CP58 Ensuring the conservation of the historic environment
CP60 Sustainable transport
CP61 Transport and development
CP62 Development impacts on the transport network
CP64 Demand management
CP69 Protection of the River Avon SAC

Wiltshire Housing Sites Allocations Plan
Appendix A: South Wiltshire HMA Amended Settlement Boundaries (Adopted February 2020)

Supplementary Planning Guidance:
Wiltshire Local Transport Plan 2011-2026:
Car Parking Strategy
Cycling Strategy
Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

Relevant Planning History
S/1998/1270 - GARAGE WITH SNOOKER ROOM OVER - Approved

PL/2021/05643 - Outline application for subdivision of the residential plot and the erection of a dwelling to the southwest of '150 Bouverie Avenue South'. Access and layout are the only matters for which approval is sought at this stage, with all other matters reserved - Approved

Consultation Responses

Salisbury City Council - No comments have been received. the following comments are taken from the minutes of the meeting held on 21 August 2023 which were published on their website at the time of writing the report:
SSC Object due to overdevelopment, overlooking properties and impact on trees

WC Highways - The parking provision proposed is adequate for the development.

The section of Bouverie Avenue South adjacent to the site is private with the public highway ending approximately 225m from the site and therefore private vehicular access rights for the additional dwelling must be ensured.

I wish to raise no highway objection providing the following conditions are imposed:

No part of the development hereby permitted shall be occupied until the parking spaces [3] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials. REASON: In the interests of highway safety.

Arboricultural Officer
I have no objection provided the development is carried out in accordance with the Arb Impact Assessment, and a satisfactory Arb Method Statement is submitted prior to commencement.

Representations

A number of third party representations have been received in response to the proposal.

Objections are raised on the following grounds:

- Plot not large enough for a house
- Dwelling is disproportionate to plot size
- Dwelling is much larger than indicative dwelling shown on Outline permission
- Out of character with 'parkland' character of area
- Loss of 2 car parking spaces on highway (turning space)
- Increase in traffic volumes/congestion on private, unadopted road
- Increased risk to pedestrian safety due to lack of pavement/use of highway as a pedestrian route

- Damage to road surface from construction vehicles
- Inadequate turning space within the site
- Existing property has limited parking/access
- Increased pollution (noise and air)
- Loss of mature trees
- Unclear which trees are retained
- Impact on wildlife/protected species including bats and birds
- Cut off wildlife corridor
- Impact on silvan, spacious character
- Restrictive covenant on land
- Noise and disturbance, reduced privacy and loss of amenity
- Comparison with refusal at 107 Bouverie Avenue South (new access to rear of plot)
- Reduced amenity levels and living conditions of The Orchard
- Proximity of dwelling to southern boundary with The Orchard
- Housing Restraint Area in Salisbury District Council Planning Policy (2011) stopped development of this area
- Setting a precedent for future sub-divisions/intensification of use
- Not in any existing building line
- Intensification of use
- No public benefit
- May be visible from front windows of Beechwood House (Old Blandford Road)

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:
Core Policy 1 of the Wiltshire Core Strategy (WCS) sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages; only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' and identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Core Policy 20 confirms that development in the Salisbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Salisbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2. The settlement boundaries have undergone a more recent review as part of the Wiltshire Housing Site Allocations Plan which was adopted in February 2020 and the site is within the boundary for Salisbury, a principal settlement within the WCS. Accordingly, a presumption in favour of new residential development would apply subject to site specific constraints and considerations.

Outline permission was granted in 2021 which established the principle of development of a single dwelling and there have been no material changes in policy since the granting of permission. The principle of a single dwelling is therefore considered acceptable subject to the following site specific considerations of the detailed plans now submitted.

The granting of any planning permission on this site does not set a precedent for other housing development, which would be considered on its merits having regard to the identified constraints and impacts. Any restrictive covenants affecting the land are immaterial to the consideration of a planning application and development would be subject to third party consent if applicable.

Flood risk:

The application site is not within an area identified as being at highest risk of ground or surface water flooding to enable the LPA to conclude that the sequential test would not be a requirement for the proposed development of a dwelling on this site.

Design and Visual Impact:

The current proposal is a full application to include the consideration of all relevant matters whereas the submitted plans of the design of the dwelling at outline stage were indicative only. Concern has been raised that the dwelling is substantially larger than the indictive drawings but as the current application is a full application the design of the dwelling must be considered on its own merit. There is no fall back position other than in respect of the outline as reserved matters have not been submitted or approved and the comparison of the scope or scale of difference between previous indicative drawings is not the test of acceptability in considering whether the scheme as now presented is acceptable having regards to its design and visual impact. It is however noted that the indicative drawings were at a scale of 1:200 and therefore the difference between the indicative drawings and proposed drawings is not as significant as illustrated in third party representations.

Third party objections have been made in respect of the capacity of the site to accommodate a dwelling, the size of the dwelling, loss of trees and vegetation and resultant impact on the character of the area. It is acknowledged that the site is located within an area which has a spacious character, comprising large detached houses within substantial plots. The site is currently planted with various trees and mature vegetation. An Arboricultural Impact and Mitigation Statement has been submitted to enable the proper assessment of the proposed development on existing trees and potential for visual impact resulting from the loss of existing trees. The recommendation of the submitted report is that the siting of the dwelling can be achieved without impacting on retained trees in order to maintain the character and visual amenity resulting from the trees in this area. The Council's Arboricultural Officer has reviewed the report and advised that there is no objection to the development provided the development is carried out in accordance with the Arboricultural Impact Assessment, and that a satisfactory Arboricultural Method Statement is submitted prior to commencement. A condition can be added accordingly and a pre-commencement condition is accepted by the devleoper.

The principal elevation faces south east towards the access into the site and therefore onto the end of Bouverie Avenue South, as such the development would face towards the highway where it would relate to the existing streetscene and built form rather than sit behind existing dwellings. However, it would not form an unduly prominent addition due to the limited width of the site's frontage and retained trees. The development would therefore follow the conventional pattern of

residential development fronting onto the highway and would not constitute a form of backland development since it does not necessitate the creation of an access drive to be formed between properties to the rear of the site, as might occur in any proposal for tandem development within the large rear gardens of dwellings in this location. In view of this distinction, there is no reason that it should set a precedent for backland or tandem development on the large plots in this area. It is acknowledged that there would be some visual impact as a result of the removal of vegetation which currently forms the boundary of the garden to form the access, however the presence of a dwelling at the end of a residential cul-de-sac would not be out of character in a residential location. The removal or cutting back of vegetation is also not development and could be undertaken unrelated to any development proposal.

The design and scale of the proposed dwelling is that of a two storey dwelling with rooms in the roof served by a dormer window front and rear, a lean-to side car port extension with sliding roof and single storey green roofed extension to the rear as shown in the plan extract below. The proposed dwelling has 4 bedrooms at first floor and a fifth bedroom within the roofspace. The proposed front and rear elevations are shown below.

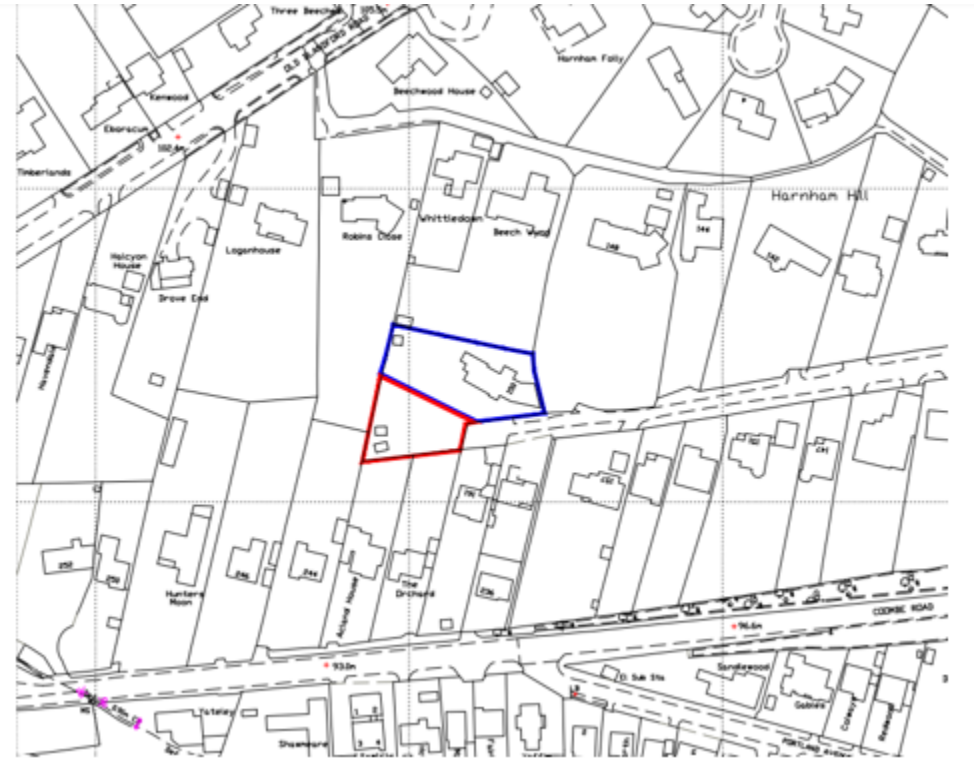


The eaves height is approximately 5 metres, whilst the ridge height of the hipped roof is approximately 9.3 metres. Owing to the hipped roof, the full height of the roof is only a small section of the roof. The dwelling is of a traditional design, with central front porch feature and a chimney, constructed of clay facing brick and clay roof tiles with contrasting weather board and render to the single storey elements. It is not considered that the proposed dwelling would be incompatible with existing properties in the surrounding area which are predominantly larger detached properties. The proposed site would retain an acceptable sized garden for the existing dwelling relative to the existing house with a smaller but reasonable sized garden for the proposed dwelling. Whilst noting that the density of development in this area is relatively low with larger than average plot sizes, there would be no demonstrable detriment to the character of the area, which would remain an area of lower density, higher value housing. It is therefore not considered that the formation of two relatively smaller plots to accommodate the existing dwelling and the proposed single dwelling would have a demonstrable or harmful impact on the character of the area such that would weigh strongly against the presumption in favour of the principle of development.

Residential Amenity:

The proposed dwelling would sit behind existing dwellings in Coombe Road, namely The Orchard and Quinta (Acland House), and would be adjacent to the substantial rear garden of Robins Close

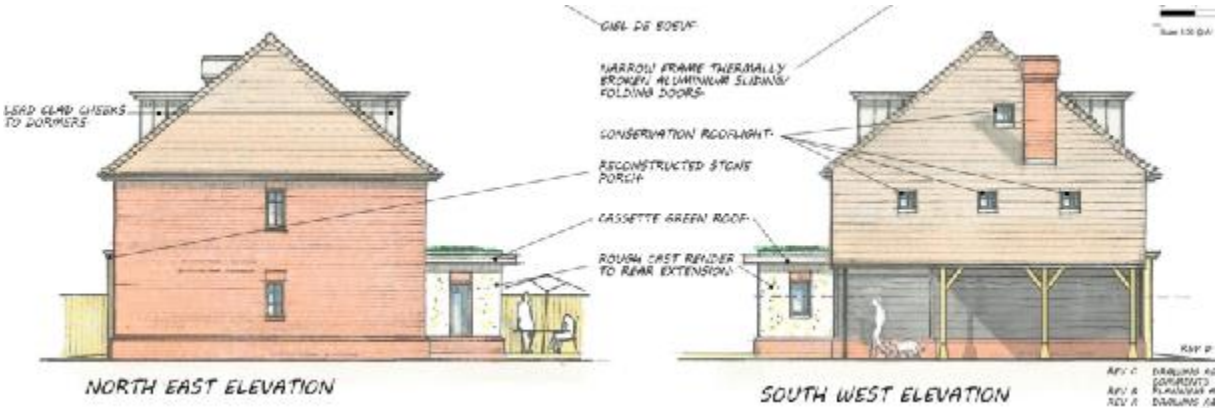
(Old Blandford Road) and Fern Hill (244 Coombe Road). The site would also share a boundary with the host property, which would be sited at right angles overlooking the proposed parking area. No. 161 Bouverie Avenue South faces the access road where the proposed access is located. Third party representations include the impact of development through noise and disturbance, reduced privacy and loss of amenity to existing dwellings. The location plan extract below shows the relationship of the plot to the adjacent neighbouring dwellings and their gardens:



The relationship and potential for impact on the amenities of existing residential properties is a material consideration, particularly with regards to the potential for overlooking from first floor windows and dormer windows in the roof, which can result in loss of privacy, and the scale of dwelling and proximity to boundaries, which can result in overshadowing and loss of light. The site layout is shown in the plan extract below.



The side elevations of the proposed dwelling are shown in the extract plans below:



From the submitted plans and layout of the existing dwellings, it is noted that the distance to existing properties, other than the host dwelling, would maintain significant separation between buildings and as such neither loss of light or privacy (window to window) would be anticipated as a result of the windows and dormer windows on the principal and rear elevations. of the proposed dwelling.

Opportunities for overlooking of gardens are also created where a two-storey dwelling with dormer windows in the roof is proposed, however the distance and angle of windows relative to the main windows is not considered to result in a demonstrable or material loss of privacy to the amenities of neighbouring properties as a result of overlooked gardens. The design of the dwelling includes rooflights in the sliding roof on the south side elevation which serve bathrooms and a storage area in the roof, accessible from the ground floor only. Opportunities for overlooking of the rear gardens of properties fronting Coombe Road would be limited but not impossible and therefore a

requirement for obscure glazing would be appropriate in these circumstances. There is also a first floor bathroom window on north side elevation facing the host dwelling and again a requirement for obscure glazing would be appropriate and proportionate.

A further issue for consideration is the relationship of the means of access to existing properties. The private access road continues up to the proposed access to the site and therefore whilst traffic using this road would likely to be limited due to the no-through nature of the road, the use of this road by vehicular traffic is an existing impact. Other than the temporary impacts of construction, the impact of additional vehicles associated with a single dwelling through its normal residential occupation would be unlikely to cause a level of noise or disturbance which would materially increase such that it could be demonstrated to affect residential amenity to existing dwellings in order to generate and sustain a reason for refusal. It is considered that the presence of the proposed dwelling would not have a significantly greater impact on or from the neighbouring properties than would be usual in a residential location where each property shares a garden boundary with at least one other property as well as the access road giving access to those properties. Construction vehicles would be temporary and would not form a sound basis for refusal of development.

It is concluded that the siting and design of the proposed dwelling can be achieved without undue impact on surrounding neighbouring properties and a reason for refusal on the grounds of demonstrable loss of amenity would not be justified.

Highway Safety:

The proposed dwelling would be served by an existing vehicular access road (Bouverie Avenue South) which terminates immediately to the east of the proposed means of access. This is a private access road over which the applicant has confirmed there is a right of way to the site. As the means of access is not on to the publicly maintained highways, the highways officer has raised no objections on highway safety grounds.

The site plan includes 3 parking spaces within the site which meets the parking requirement for a 4+ bedroom house and can therefore be considered satisfactory to serve a single dwelling house on this plot. The highways officer has confirmed that the parking provision is sufficient, subject to a condition to ensure that it is created and maintained as proposed.

Third party objections are noted regarding the loss of parking spaces on the turning head of the highway, these are not formal parking spaces and are not protected for parking since the existing dwelling (150) has an established right of access over this area. Objections regarding traffic generation and pedestrian safety and potential damage to the highway are also noted, however this is an existing access road used by vehicular traffic, and the generation of traffic from one additional dwelling would not be of such significance that it would alter the potential for conflict between vehicles and pedestrians which already exists.

Ecology:

Core Policy 50 and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system and seeks that development demonstrate no net loss of biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 175 d) and the government has signalled its intention to bring

forward legislation to require development to deliver 10% net biodiversity gain although this has yet to be implemented.

This application site falls within the catchment of the Hampshire River Avon SAC (Core Policy 69). The proposal would result in a net increase of 1 residential unit which has potential to increase adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

• Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)

• Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, it can be concluded that it would not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

With the arboricultural report indicating the retention of trees other than for the loss of a tree to form the access, there is no evidence that the development would be harmful to the habitat of protected species and the approval of development enables the LPA to impose conditions to protect the trees. A refusal of development would offer less certainty regarding the future retention of trees and other vegetation which provide habitat, since the clearance of such would not result in development for which permission would be needed for a householder to undertake.

S106 contributions/CIL:
The proposal falls below the threshold for any S106 contributions to be sought. However, residential development is normally liable for CIL and an informative is to be added to any permission granted.

CONCLUSION
The principle of a new dwelling is acceptable having regard to the location of the site within the settlement boundary for Salisbury which was reviewed and adopted as part of the Wiltshire Housing Sites Allocations Plan in 2020. A suitable access can be gained from the private access road and the minimum parking standard can be achieved for the proposed and existing dwellings. A tree survey report has been submitted which indicates that the development of a dwelling can be satisfactorily accommodated within the site without harm or loss of retained trees other than the tree positioned at the proposed access with appropriate mitigation measures. There is

sufficient separation between the proposed dwelling and existing dwellings to conclude that the siting of the proposed dwelling can be accommodated without demonstrable harm to the amenities of existing properties or the character of the area.

In the planning balance, the public benefits arising from a single dwelling are limited in terms of the contribution to housing supply, however there is a presumption in favour of sustainable development within the primary settlement and there are no other material considerations, having regard to the character of the area, relationship with adjoining neighbours and uses and impact on residential amenities in light of consideration of third party representations, which would weigh strongly against the 'in principle' support for a dwelling to indicate reasons for refusal having due regard to paragraph 11 of the NPPF. Conditional approval is recommended.

Conditions: (8)

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 hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 20/3287/LOC1 B dated May 2020 (Revised 22.06.22)
Proposed Block Plan 20/3287/200D dated 20/07/23
Proposed Floor Plans 20/3287/201C dated 13/07/23
Proposed Elevations 20/3287/202D dated 31/07/23

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement and the recommendations contained within the Arboricultural Impact and Mitigation Statement reference WT 057-23 AIA dated 26 June 2023 produced by Mark Wadey NDArb CUEW MArborA RCArborA MICFor Arboricultural Consultant (Wadey Trees).

The protective fencing shall be erected in accordance with the approved method statement and shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

4 No development above slab level shall be undertaken until 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. 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.

5 No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

6 The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation.

7 Before the development hereby permitted is first occupied the first floor window in the north east elevation and rooflights in the south west elevation shall be glazed with obscure glass only to an obscurity level of no less than level 3 and the said windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the north east and south west elevations and roof slope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Informatives: (1)

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.