

Application Number:	3/20/1328/FUL		
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=373284		
Site address:	Frogmore Lane, Sixpenny Handley, Salisbury, SP5 5NY		
Proposal:	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).		
Applicant name:	Rushmore Farms Ltd & Midsummer Homes Ltd		
Case Officer:	Emily Jones		
Ward Member(s):	Cllr Piers Brown		
Publicity expiry date:	8 October 2020	Officer site visit date:	
Decision due date:	13 October 2020	Ext(s) of time:	28 December 2020

1.0 The application comes to committee as the Parish Council have objected on flooding grounds, contrary to officer recommendation.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation:

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 of the National Planning Policy Framework (NPPF) provides that development proposals that accord with an up to date development plan should be approved without delay.

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to the landscape character of the AONB or on neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The development proposals accord with the development plan and there are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site lies mainly in the settlement boundary of Sixpenny Handley with the dwellings wholly within it. Seven dwellings are of an appropriate scale for the village.
Flooding	The houses and vehicular access are outside of the land most liable to flooding and the development can attenuate its own floodwater and not exceed pre-development levels. There would be no increase in the risk of flooding elsewhere.
Access and parking	Parking provision meets the standards and the access onto Red Lane is considered safe.
Impact on landscape and design	The design of the dwellings and proposed materials are appropriate for the area. Where visible, it would be seen against the adjacent existing development and would not harm the character of the AONB.
Impact on neighbour amenity	The layout is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings. Window placement would not give rise to undue overlooking.
Biodiversity	A biodiversity mitigation plan has been agreed by the natural environment team.

5.0 Description of Site

The application site is located to the south of the village of Sixpenny Handley and comprises a paddock of land on the edge of the village. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and is located at a lower level to the rest of the village.

6.0 Description of Development

The application proposes the erection of seven, two-storey dwellings in a cul-de-sac formation off a new access to be formed on Red Lane.

7.0 Relevant Planning History

Application Ref.	Description	Decision	Decision Date
3/19/2047/FUL	Residential development comprising 9 new dwellings with ancillary car parking and drainage improvement works.	Withdrawn	06/08/2020

8.0 List of Constraints

Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty :
(statutory protection in order to conserve and enhance the natural beauty of their
landscapes - National Parks and Access to the Countryside Act of 1949 &
Countryside and Rights of Way Act, 2000)
Type: Grade 3

Location: Sixpenny Handley, Policy: CHASE8(SP), LN2

Risk: High Risk of Foul Sewer Inundation

Groundwater Source Protection Zones

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. Cranborne Chase & West Wiltshire Downs AONB

- Visibility splays will change character of land – no landscape plan
- No affordable housing provision
- There is a history of flooding
- Should be no external lighting in International Dark Sky Reserve

2. Environment Agency

No comments received

3. Natural England

No objection:

- Will not have significant adverse impacts on statutorily protected nature conservation sites

4. Wessex Water

No objection:

- No surface water connection to foul drainage network
- Since 2012/13 undertaken works in the area to reduce the ingress of overland surface water flow into the public foul sewer. Further works planned from 2020 to lessen ground water inundation.

5. Dorset Council Highways

No objection, subject to condition

6. DC Planning Policy

No comments received

7. Sixpenny Handley With Pentridge Parish Council

Objection:

- Any development would exacerbate flooding issues

Representations received

Total - Objections	Total - No Objections	Total - Comments
13	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

- Site is subject to regular flooding – including groundwater flooding
- Development will increase risk of flooding
- 3/89/0773 – refused on flooding grounds and subsequently dismissed at appeal
- Sewer system is under pressure – incidences of foul water contamination
- Housing need for Sixpenny Handley is addressed elsewhere
- Access onto single track road – highway safety concerns
- Concerns regarding biodiversity impact
- A greenfield site
- Impact on neighbour amenity – increased noise, loss of privacy, overshadowing
- Landscape harm
- Design of houses out of character with surroundings – bulk, massing, materials, details, overbearing

- Loss of view
- Loss of value

10.0 Relevant Policies

Christchurch and East Dorset Part 1 Core Strategy (2014)

The following policies are considered to be relevant to this proposal:

- Policy KS1 – Presumption in favour of sustainable development
- Policy KS2 – Settlement hierarchy
- Policy KS12 – Parking provision
- Policy ME1 – Safeguarding biodiversity and geodiversity
- Policy ME3 – Sustainable development standards for new development
- Policy ME6 – Flood management, mitigation, and defence
- Policy HE2 – Design of new development
- Policy HE3 – Landscape quality
- Policy LN1 – The site and type of new dwellings
- Policy LN2 – Design, layout and density of new housing development

Other Material Considerations

National Planning Policy Framework (NPPF) 2021:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be refused.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 ‘Delivering a sufficient supply of homes’ outlines the government’s objective in respect of land supply with subsection ‘Rural housing’ at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 ‘Making effective use of land’
- Section 12 ‘Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The site has access to limited public transport which could negatively impact upon persons who suffer from limited mobility. No other impacts on persons with protected characteristics have been identified.

13.0 Planning Assessment

Principle of development

The site lies mainly within the settlement boundary, with the dwellings being situated within it. Under Policy KS2 of the Local Plan, Sixpenny Handley is classified as a rural service centre being a main provider for the rural area where residential development is allowed of a scale reinforcing its role as a provider of community, leisure and retail facilities to support the village and adjacent communities.

The provision of seven dwellings within the settlement boundary is considered to be of an appropriate scale for the village.

Flooding

A winterbourne stream runs southwards through the site with natural attenuation ponds, a larger pond is found on the opposite side of Back Lane. The area suffers from surface water flooding leading to regular flooding of Back Lane to a height of about 600mm above the road. The land rises to the north-east and as such there is a higher plateau of land within the site set above the area that floods.

Paragraph 167 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. Policy ME6 of the Local Plan requires post-development surface water run-off must not exceed pre-development levels. The

application is accompanied by a site-specific flood risk assessment and drainage strategy.

The proposed houses are sited in the north-east corner and are therefore situated in the areas of lowest flood risk. The access for the development is also to the north-east of the site onto Red Lane, providing a safe egress for future residents if the surrounding land to the west and south flooded.

The submitted drainage strategy demonstrates that the proposed development would attenuate any floodwater within the site using sustainable drainage systems and release it at the same rate as the current field does, thereby not exceeding pre-development levels. As such, it is not considered the proposal would result in an increase in the risk of flooding elsewhere. It also demonstrates that the development is appropriately flood resistant and residual risk is safely managed. It thereby accords with the relevant policies.

Impact on highways

As already mentioned, vehicular access would be on to Red Lane and the boundary here would be altered to provide suitable visibility splays. A pedestrian access would be provided onto Frogmore Lane providing a linkage towards the village. There is sufficient off-road parking for each dwelling that meets the residential parking standards. The highways officer has considered the proposal and raises no objection to the scheme on highway safety grounds subject to a condition requiring the turning and parking to be constructed prior to the development being occupied.

Impact on visual amenity and AONB landscape

Section 15 of the NPPF requires that planning decision should contribute to and enhance the local environment by protecting valued landscapes. Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The proposed dwellings are two-storeys and have a mix of hipped and gabled roofs. The materials vary across the dwellings but are from a mix of brick, flint panels, render, and timber for the walls, and clay and slate tiles for the roofs. These materials provide interest and appeal and are appropriate for the character of the area and the wider AONB landscape. Furthermore, the properties surrounding the site are a mix of 1¾ and 2 storey and so the proposed development would not appear out of character nor unduly overbearing or bulky.

When viewed from the south/south-east, there would be a line of mature trees within the site that would obscure some of the development. The site is also bounded by a mature hedge that is shown to be reinforced by the vehicular entrance to the site. Nevertheless, where visible, and particularly during the winter months when the leaves have dropped, the proposal would be seen against the backdrop of the

existing built development of Sixpenny Handley and would not appear as an incongruous feature.

It is therefore considered that the proposal does would not result in harm to the character of the area or to the AONB landscape, complying with the relevant policies in the Local Plan and AONB management plan.

Impact on neighbour amenity

Much of the development is sited away from neighbouring properties however plot 1 would abut the boundaries of 25 and 27 Paddock Close. The dwelling for plot 1 would be sited approximately 18.5m from the rear boundary which is considered to be a satisfactory distance to not be overbearing on or unduly overshadowing of the properties to the north. Whilst the detached garage would be closer at 5.1m from the boundary, this would be single storey and as such not have a detrimental impact on neighbour amenity.

In terms of overlooking, the dwelling for plot 1 is not directly back-to-back with 25 Paddock Close and this coupled with the distances of over 18m is such that it is not considered that there would be significant loss of privacy to justify a reason for refusal on this ground.

It is not considered there would be additional noise or disturbance to the neighbouring properties above typical levels for a residential area and therefore no concerns are raised on this ground.

Biodiversity

A biodiversity mitigation plan has been submitted and agreed by the Natural Environment Team. Its contents shall be conditioned to secure the biodiversity mitigation and enhancements.

Other matters

The site is fewer than 10 dwellings and therefore the requirement for the provision of affordable housing is not required under the Local Plan or the NPPF.

Wessex Water have confirmed that they have carried out works to the sewage system and that additional works are planned to deal with the capacity in the village. They raise no objections to the proposed development provided there are no surface water drainage is connected to the public sewage. Although this is not proposed, it will be conditioned to ensure that the sewage system is not inadvertently overloaded.

Concerns regarding loss of view and loss of property value are not material planning considerations.

14.0 Conclusion

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

15.0 Recommendation

Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Topographical Survey - drawing no. 17199.35 - dated 30 July 2020

Site/Block Plan - drawing no. 17199.36 Rev A - dated 22 December 2020

House 1 Plans and Elevations - drawing no. 17199.37 Rev A - dated 22 December 2020

House 2 Plans and Elevations - drawing no. 17199.38 Rev B - dated 22 December 2020

House 3-4 Plans and Elevations - drawing no. 17199.39 Rev A - dated 18 August 2020

House 5-6 Plans and Elevations - drawing no. 17199.40 Rev A - dated 18 August 2020

House 7 Plans and Elevations - drawing no. 17199.41 Rev A - dated 18 August 2020

Street Elevation and Illustrative View - drawing no. 17199.42 Rev A - dated 22 December 2020

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

3. There shall be no surface water connections into the foul sewer network.

Reason: To prevent the increase of the risk of sewer flooding and pollution.

4. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: A pre-commencement condition is required to prevent the increased risk of flooding and to protect water quality.

5. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: This condition is required to ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

6. Before the development is occupied or utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 17199.36 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 17199.36 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17199.36 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 November 2021 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

12. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) (including a sample panel of the flint) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.