

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	14th March 2012		
Application Number	11/04105/FUL		
Site Address	Land to the rear of Juggler's Cottage, Cherhill, Wiltshire, SN11 8XP		
Proposal	3 Bed Dwelling		
Applicant	Mr Thorne & Ms Mudie		
Town/Parish Council	Cherhill		
Electoral Division	Calne South & Cherhill	Unitary Member	Councillor Alan Hill
Grid Ref	404018 170314		
Type of application	Full		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

## Reason for the application being considered by Committee

The application has been called to Committee by Cllr Hill on the grounds of scale of the development; visual impact upon the surrounding area; design – bulk, height and general appearance.

### 1. Purpose of report

To consider the above application and to recommend that the application be DELEGATED to the Area Development Manager to allow the signing of S106 agreements to cover Public Open Space and Affordable Housing.

### 2. Report summary

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

- Principle of development
- Impact on the setting of the Grade II listed building, Jugglers Cottage.
- Impact on the Cherhill Conservation Area and Wessex Area of Outstanding Natural Beauty
- Scale, design and general appearance
- Impact on Highways
- Impact upon neighbour amenity

The application has generated objection from Cherhill Parish Council; and 10 letters of objection from the public.

### 3. Site Description

The site is within the northern garden of the Grade II listed Cottage known as Juggler's Cottage. It also lies within the Cherhill Conservation Area and Wessex Downs AONB. The garden is considerable and slopes down approx 3m in height from south to north. The garden is partially unkempt with some fruit trees and more mature trees on the boundaries. Access would be gained off Park Lane.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>11/00469/FUL</b>	Dwelling and garage	Withdrawn
<b>11/01422/FUL</b>	Dwelling (re-submission of 11/00469/FUL)	Withdrawn
<b>11/03514/LBC</b>	Replace windows and dormers, open 3 fireplaces	Delegated

## **5. Proposal**

The proposal follows several months of negotiation and submission of amended plans and is for a simple brick 3 bed cottage in the rear garden of a Grade II listed cottage within the Cherhill Conservation Area and Wessex Downs AONB. Parking and turning and a new access will be provided, but no garage. The dwelling will be parallel to the lane similar to the type of development in the very near vicinity.

## **6. Planning Policy**

North Wiltshire Local Plan: Policies C3; HE1; HE4 and NE4

## **7. Consultations**

Cherhill Parish Council acknowledge the applicants' presentation to them where they stated the need to develop the plot to fund repairs to the listed building. However, they object on the grounds that the construction of a new dwelling in the Cherhill Conservation Area which is characterised by large gardens in this part of the village. The Cherhill Parish Plan published in June 2010 'Vision for the future' is specifically against this type of development in Cherhill. The plot was not identified for possible future building.

On the original plans: The design of the house is a design without imagination and the style of house would not 'enhance' the conservation area. There is no reference on the application to any heating or insulation for a sustainable property.

The Parish Councillors raised concerns about the entrance and exit onto the narrow Park Lane and being on a National Cycle Rout NC201.

On the amended plans: Comments are still awaited on the plans before the Committee and will be reported on the "additional information" pages.

Archaeology: In the 1980s 2 Roman skeletons and artefacts were found to the front of the next door property. This indicates a high probability that there are further archaeological remains in the vicinity. They therefore recommend an archaeological condition (WL26)

Housing – Policy H6 of the adopted North Wiltshire Local Plan 2011 states that where a single market unit is proposed an off site contribution of £26k will be sought. There are 21 households seeking an affordable home in Cherhill and the surrounding area.

Highways have no objection subject to conditions.

Amenity and Fleet state that an off site contribution of £5,800 is required for POS to upgrade facilities at Tommy Croker Park.

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

CPRE Object on the grounds that the site is very close to the transition from built residential village and open rural environment and is well wooded and attractive with little traffic other than farm traffic. This would be an encroachment into the open countryside. The Cherhill Conservation Area Statement describes the following elements:

1. To the north the main part of the village lies tranquillity amongst the small lanes and valleys that have made up the pattern of the village for centuries.
2. Large plots characteristic to Cherhill should be protected from inappropriate infill and backland development.
3. It is important to bear in mind that even small adjustments to the fabric of the area can alter its special nature.
4. The nature of the lanes is beginning to be spoiled by new accesses being formed to infill housing development.
5. Grass banks and verges are key elements contributing to the rural character of the village and should be protected.

CPRE endorse these statements which are applicable to this application and would not want to see this eroded by infilling which would compromise the development of the existing cottage to deliver an attractive family house set in large garden traditional of Cherhill.

The dwelling would be of no benefit to the first time buyer.

10 letters of objection have been received

Summary of key relevant points raised (on original plans):

- Featureless modern home.
- The plot adjoins open country and is within an AONB.
- The conservation area was to protect from inappropriate infill development. Cherhill will always need more housing but the conservation area was to protect against inappropriate development and spoiling the heritage and charm of the village.
- Highway safety and parking problems.
- Overlooking of Upper Farm and 2, The Street.
- Setting a precedent for infilling elsewhere.
- Detrimental effect on listed Juggler's Cottage.
- The Conservation Area Statement says that new buildings...should be designed with respect to the traditional character of the village and goes on to say that traditional Cherhill construction is 1.5 storeys with eaves below the ceiling level on the first floor. The pitch is wrong at 30 degrees making the cottage higher than Juggler's Cottage.
- The applicants' analysis of the houses in Cherhill is full of subjectivity and conjecture and not historical research.
- Object to the new access proposed which removes mature hedging.
- The test is whether the proposed development would fail to preserve or enhance the character of the conservation area or the listed building. This will not be achieved.
- The financial side of updating and repairing Juggler's Cottage is not a planning consideration.

The applicant has agreed to enter into a S106 agreement for payments of monies to POS and Affordable Housing and has also responded to some of the letters of objection. A full copy of the letter and also the response from the applicants' highways engineer is available on the application file and online.

## 9. Planning Considerations

The application has been revised so that it is now a much more traditionally designed 3 bed cottage with single storey lean-to on the south side and dormers in the roof space. Parking and turning is provided to the north side with access formed off Park Lane. The garden is approx. 13m

deep and the dwelling will be placed perpendicular to Jugglers Cottage which is some 39m away to the south.

The site lies within the Framework boundary of Cherhill and also within its conservation area, the setting of a Grade II listed building and the Wessex Downs AONB.

It is not considered that the development would adversely affect the landscape quality and character and the AONB will therefore not be adversely affected. The CPRE's comments about this being an encroachment into the open countryside are noted, but the site does lie within the framework boundary and project little further than Upper Farmhouse and Upper Farm to the east.

The new dwelling, sited some 39m from the Grade II listed Cottage will be set down from it both in terms of land fall and overall height so that the relationship is sufficiently subservient. The ridge line of the proposed cottage will be 1.89m below that of Juggler's Cottage. Juggler's Cottage benefits from a huge garden (at approx 60m) and will retain a significant garden, even with this plot built. It is considered that sufficient setting for the listed building and amenity space will remain. As access is to be taken from Park Lane this development is not backland development.

With regard to the Cherhill Conservation Area, there is a Cherhill Parish Plan which was published in 2010, but more relevant to development is the Cherhill Conservation Area Statement (adopted 1999). In the section covering Park Lane the key points are:

- Ensure new accesses are detailed sympathetically to maintain the character of Park Lane.
- Encourage new buildings and extensions to be designed with respect to village character.
- Ensure retention of existing hedgerows and mature trees.

Whilst a breakthrough of the hedge and bank will be required to form the access, the majority of the hedging and banked character of this part of Park Lane will be retained and it is not considered that this part of the lane's character will be eroded sufficiently to justify a refusal.

The plans for the dwelling have now been significantly amended so that they reflect a simpler cottage style to be built in good quality brick with a grey slate roof, with traditional proportions and detailing. It is considered that the proposal now will preserve the character of the conservation area whilst allowing a new home and retention of the open character of the area. The proposal is therefore considered to comply with policies C3, H2, HE1 and HE4 of the North Wiltshire Local Plan 2011.

The applicant has agreed to pay the S106 contributions for POS and Affordable Housing and therefore the application is recommended for Delegation to allow this legal agreement to be drawn up.

## **10. Recommendation**

The application is DELEGATED to the Head of Development Control to GRANT Planning Permission for the following reason:

The plans for the dwelling have now been significantly amended so that they reflect a simpler cottage style to be built in good quality brick with a grey slate roof, with traditional proportions and detailing. It is considered that the proposal now will preserve the character of the conservation area whilst allowing a new home and retention of the open character of the area. The proposal is therefore considered to comply with policies C3, H2, HE1 and HE4 of the North Wiltshire Local Plan 2011.

Subject to the signing of a S106 agreement in respect of Public Open Space and Affordable Housing

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. No development shall commence on site until details and samples 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.

POLICY: C3

3. 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 species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (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;

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

POLICY: C3

4. 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: C3

5. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

- (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) 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.

POLICY: C3

6. 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY: C3

7. 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY: C3

8. No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY: C3

9. No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections

through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

10. No development shall commence within the area indicated on the location plan outlined in red 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: To enable the recording of any matters of archaeological interest.

POLICY: C3

11. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: C3

12. 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 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: C3

13. The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

POLICY: C3

14. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

306/001RevA, A11/SA193/01RevA, 02RevB, 03RevB, 04RevB dated 27<sup>th</sup> February 2012, Topographical survey 20<sup>th</sup> Dec 2011

REASON: To ensure that the development is implemented as approved.

