

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	11/11/2021
Application Number	19/11282/FUL
Site Address	Land at Cleveland House High Street Tisbury SP3 6HF
Proposal	Carry out alterations to existing access, erect single storey dwelling and provision of parking to serve new and existing properties.
Applicant	Mr & Mrs W Aspinall
Town/Parish Council	TISBURY
Electoral Division	TISBURY– COUNCILLOR NICK ERRINGTON
Grid Ref	394408 129559
Type of application	Full Planning
Case Officer	Christos Chrysanthou

Reason for the application being considered by Committee

The application has been called in by Councillor Errington for reasons of the visual impact upon the surrounding area, the relationship to adjoining properties and the design of the development proposal.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Site Description

The site is a parcel of garden land located toward the southern boundary of the host dwelling Cleveland House which has its frontage on High Street. The proposal site would be accessed by a private lane via High Street and would occupy a site area of approx. 346sq.m apportioned from the existing garden which would provide a curtilage area including parking for the proposed single storey dwelling.

The site lies within the conservation area and the settlement boundary for Tisbury which is listed in the Wiltshire Core Strategy as a local service centre. The adjacent neighbouring dwellings of the proposed residential plot are Phoenix Cottage to the northwest and 17/17B High Street to the southeast.

3. Planning History

None

4. The Proposal

Planning permission is sought for the following development proposal:

Carry out alterations to existing access, erect single storey dwelling and provision of parking to serve new and existing properties.

5. Planning Policy

National Planning Policy Framework

- 2. Achieving Sustainable Development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

Wiltshire Core Strategy

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 27 Spatial Strategy for the Tisbury Community Area
- Core Policy 50 Ecology
- Core Policy 57 Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the Conservation of the Historic Environment
- Core Policies 60, 61, 62, 63, 64 Transport/ demand management
- Core Policy 69 River Avon SAC

6. Summary of consultation responses

Tisbury Parish Council - Objection

Initial comments:

Parish Councillors wish to object to the amended plans that now provide more detailed information for the following reasons:

- i. loss of amenity – light in particular to neighbouring properties 17/17a due to the slope of the land,*
- ii. loss of heritage value – removal of a section of the ancient wall,*
- iii. structural impact on party walls from water run-off and structural supports, and*
- iv. disproportionate roof height to height of the ground floor living accommodation.)*

Final comments following latest consultation:

Noting the address by the applicant before the discussion began, councillors re-considered the objection made in January 2020, but decided that the plans still failed to represent the impact on local amenity value, and would be overdevelopment for the area of land allocated for the dwelling being constructed.

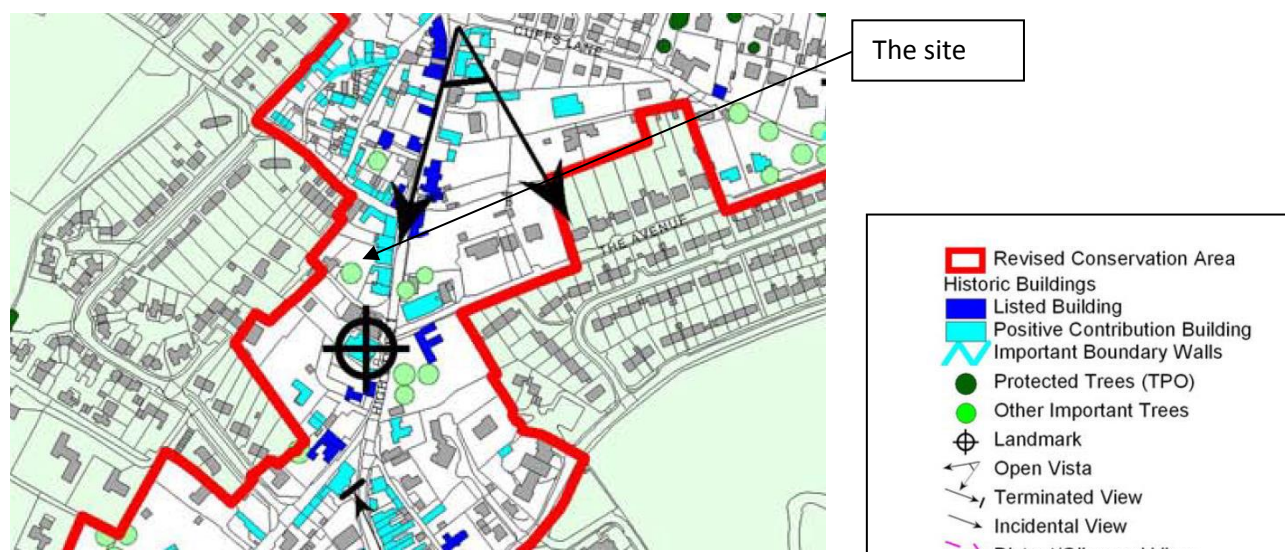
Councillors also felt that there was little in the way of biodiversity gain, especially as that has recently become a factor for consideration by the parish councillors in determining a view.

Councillors also resolved that the application should be called in if the Officer was minded to approve the application.

WC Conservation – No objection subject to conditions

The proposals were the subject of pre-application consultations (19/07321/preapp), in respect of which I said the following:

'The site is within the Tisbury Conservation Area for which there is an adopted appraisal. The following is snipped from the townscape map:



As you will see, the adopted appraisal notes the existence of a significant tree on the site. The tree makes a positive contribution to the character of the CA – hence being identified in the appraisal. However when I went out to site, I couldn't see a tree in this location but there was a lovely copper beech tree slightly further to the north west (behind the adjacent brick and stone house) so I suspect the 'dot' refers to this (unless a tree has been cut down in the past 10 years).

The site is also bordered by an attractive stone wall. I would not support the loss of this wall although the pre-app drawings suggest only a small element is removed.

I have no objection in principle to a single storey new dwelling on the plot, however, I am concerned that:

The new development would be overly cramped, occupying most of the plot;
The potential impact on the stone wall bordering the lane.'

My recollection is that the agent confirmed that the proposals would not impact on any significant trees and the drawings suggest this.

The statement accompanying the application says that they have responded to our pre-application comments by reducing the floorplan of the proposed dwelling; pulling it closer to the lane and excavating the site so it sits lower (this is implied I think rather than stated).

*I have no objection to the proposals subject to conditions covering materials, particularly the roof tiles and the stone (which should be Chilmark, random sized blocks tumbled and laid to course. A sample panel should be constructed for our approval).
In terms of the parking area, I would hope that we could have setts rather than tarmac.*

On balance, I consider the proposals would not harm the character of the Tisbury CA providing that high quality traditional materials are used – hence the requirement for conditions covering these elements.

WC Highways - No objection subject to conditions

I note the proposal seeks to provide a new two bedroom dwelling within the curtilage of the existing property, along with parking and access alterations/ arrangements for both units. Firstly, I note the application red line site boundary does not abut the public highway, which I understand to be an essential requirement. The site is accessed from what appears to be a private road and the applicant should consider whether access rights are required from the landowner(s). Notwithstanding this, I am satisfied that the information provided demonstrates that adequate parking provision is provided on site and that there will not be a detrimental impact to the public highway as a result of these proposals. Therefore, I recommend that no Highway objection is raised, subject to the following condition being attached to any permission granted;

No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces for both dwellings 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: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

Wessex Water – No objection

We are satisfied there will be no surface water connections into the foul sewer network. The use of a soakaway is subject to building control approval.

Neighbour/third parties - 17 letters of objection

Material planning concerns cited include:

- Impact on surrounding properties
- Impact on the historic wall and on the conservation area
- Visual impact, height of the roof, lack of detail on materials, rainwater goods
- Overdevelopment, loss of garden area, footprint too big for plot
- Impact on amenity, loss of light, loss of privacy, overlooking, noise
- Highway safety, parking
- Structural stability of neighbouring properties, historical wall, party wall
- Drainage, sewage disposal
- Loss of tree

7. Publicity

The application was advertised by site notice and notification letters. The application was received in January 2020 and held up by the covid-19 pandemic. Consultations occurred in January 2020 and April 2020 and more recently for a period of 14 days until the 24th September 2021 during which time notification letters were sent out.

8. Planning Considerations

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.

In this case the material considerations are as follows:

- Principle of development
- Scale, siting, design and impact on the character of the conservation area
- Impact on amenity
- Highway safety/ Parking/ Drainage
- Ecology/River Avon SAC

9. Assessment

Principle of development

Core Policy CP1 of the Wiltshire Core Strategy sets out a settlement strategy for Wiltshire and guides where development may be acceptable. The application site is situated within the settlement boundary for Tisbury.

Core Policy CP2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. Tisbury is listed as a local service centre in the Wiltshire Core Strategy and within the list of settlements where sustainable development is considered acceptable.

The proposed residential development at the site is considered acceptable in principle, provided the development is appropriate in terms of the relevant material considerations.

Scale, siting, design and impact on the character of the conservation area

Core Policy CP57 states - a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Core Policy CP58 states that - designation of a conservation area or listed building does not preclude the possibility of new development. In considering applications for new development, the council will seek to ensure that the form, scale, design and materials of new buildings are complementary to the historic context.

The proposed dwelling is single storey with an I-shape footprint that would have a depth of 10.9m and a max width of 14.6m. The building height would be approx. 2.6m to the eaves and approx. 5.5m to the roof ridge.



The gable end facing the lane would be approx. 5m in height and would set back from the front wall by 1.5m. The front facing gable end projection would have a width of 5.9m and would project 3.9m from the main section of the dwelling. The separation distance to the two storey dwelling to the northwest Phoenix Cottage would be approx. 6.5m from the porch on the northwest facing elevation.



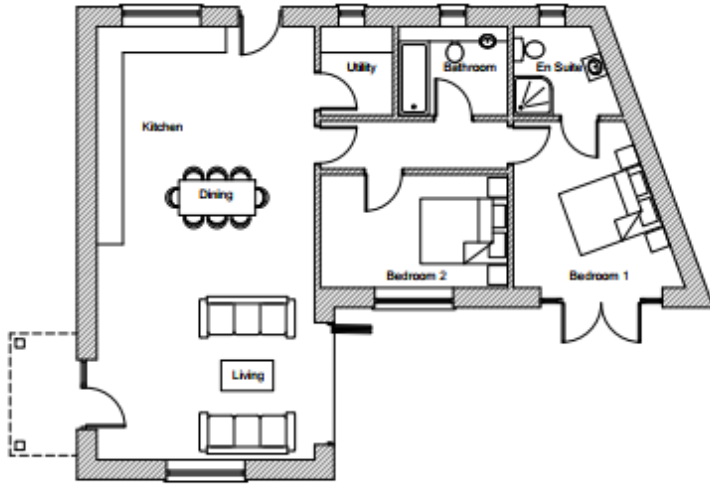
The southeast side elevation would be sited at a gap of 1.5m to the boundary to 17/17B High Street and would comprise a hipped roof. The northeast rear elevation would be sited at a max distance of 9m from the new shared boundary with the host dwelling tapering to approx. 3m opposite the northern corner of the proposed dwelling.

Exterior materials would consist of local natural stone walls with brick quoins, plain roof tiles and timber windows and doors. The choice of traditional materials are considered acceptable in the context of the conservation area.

The proposal single storey dwelling was subject to a pre-application enquiry at which point the conservation officer had raised concerns regards the footprint being cramped into the site. The footprint shown in the plans submitted with the application represent a reduction of 10% to that presented at pre-application.

Officers had looked into reducing the roof height with the applicants however the roof has been designed to reflect the roof pitch of the neighbouring dwellings and any lowering of the roof pitch would distort the traditional design of the dwelling and without having any significant benefit on neighbouring amenity.

The floorarea of the proposed single storey dwelling amounts to approx. 116sq.m which would provide an open-plan living area, 2no bedrooms, en-suite, bathroom and utility room.



Floor Plan

The overall plot size is approx. 346sq.m. The footprint of the proposed dwelling therefore occupies just over 1/3 of the total site area. This is on balance considered not to represent overdevelopment and in officers view the available garden and curtilage are of a suitable size for a small dwelling located sustainably within the centre of Tisbury.



In the immediate area along the lane there is no prevailing development pattern and the sizes of residential curtilages in Tisbury in general are mixed. It is however notable that there are tightly grouped dwellings within the locality for example directly north in the area around The Quarry.

The proposal does require removal of a small section of the stone wall along the frontage to provide access to the parking area however the main section of the stone wall fronting the lane would be retained along with the side retaining wall. The parking area would be surfaced with permeable pavements/ setts.

The Conservation Area Appraisal mentions a tree within the site that is noted for its positive contribution to the conservation area however having visited the site it is unclear whether the tree remains in existence as there doesn't appear to be a high grade tree at the location shown in the Conservation Area Appraisal. The revised site plan submitted includes new hedge planting in the front garden behind the existing wall. The erection of new 1.8m high fencing above a low wall is proposed on the north boundary. The eastern boundary wall would be retained as existing.

Having visited the site it is noted that the road rises steeply from High Street. Whilst the site is reasonably flat it appears some ground works would be required to provide a level floor up to 0.5m lower than the existing ground levels.

The applicants have submitted a letter from a structural engineer which states the proposal wouldn't impact on neighbouring properties. The structural engineer recommends setting back the parking area for the host dwelling further away from the boundary wall, which is reflected in the revised site plan, and has made recommendations regarding the depth of the foundations on the south east flank wall, which would be dealt with at building control stage.

Overall in officers view the proposal is a small scale residential development within the settlement boundary and would not result in any significant impact on the conservation area to warrant refusal.

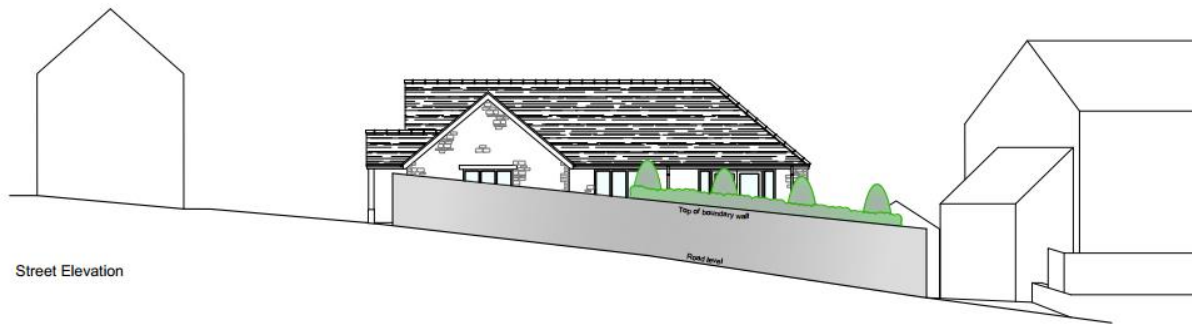
Impact on amenity

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The separation distances to the dwelling to the northwest (Phoenix Cottage) would be approx. 6.5m and whilst there is a window next to the entrance door that would face the neighbour, being single storey and separated by the parking area, the window would not unduly harm the neighbour's amenities.

The neighbour Phoenix Cottage has first floor windows in the southeast elevation however views to the rear garden of the proposal site would only be oblique and view to the front garden area would be partially screened by the pitched roof form of the proposal dwelling.

The neighbour 17/17B High Street has a two and a half storey rear projection with upper floor windows however these would face directly toward the hipped roof on the side elevation of the proposal dwelling and away from the proposal garden/ amenity areas. As such the amenity levels of the proposal dwelling would be satisfactory.



Whilst the ground levels of the proposal site are higher than 17/17B High Street, in this case, the single storey dwelling would be set away from the boundary with 17/17B High Street and with no side facing windows there wouldn't be any overlooking of their garden area. It is also noted the neighbours garage is sited alongside the retained southwest boundary wall therefore there are already built elements visible to the neighbour 17/17B High Street. The roof would also be hipped on the southeast elevation with the roof sloping away from the neighbour which would soften the visual aspect.

The building height of the proposed dwelling would be set 1.4m below the ridge height of the neighbour 17/17B High Street and below the eaves height of the neighbour Phoenix Cottage. As such due to the limited scale of the proposal and being sited at a suitable distance away from the neighbouring dwellings, it is considered the proposal would not be overbearing on neighbouring properties.

The proposal dwelling would be sited to the northwest of 17/17B High Street and due to the trajectory of the sun which rises in the east, circles south and sets in the west, the dwelling which is 5.5m in building height and set away from the boundary with a hipped roof wouldn't unduly shadow the garden area of 17/17B High Street.

Overall having visited the site and assessed the impact of the proposal on the neighbouring properties, taking into consideration the limited scale of the dwelling and its siting within the settlement boundary, the proposal is not considered to unduly impact on amenity to warrant refusal.

Highway safety/ Parking/ Drainage

It is noted that vehicles used in association with host dwelling currently park on the existing hardstanding adjacent to the southeast elevation of the neighbour Phoenix Cottage and a further 2no existing parking spaces are available a short distance to the south west along the lane.

The site plan indicates the formation of a new parking and turning area which would be accessed via the existing hardstanding which would be extended into the rear garden area of the host dwelling. The site plan has been revised taking the new parking area for the host dwelling away from the northwest boundary. The new parking area for the host dwelling would provide 2no spaces.



The new dwelling will be provided with 2no parking spaces adjacent to this access drive, which is sufficient parking provision in accordance with WC adopted parking standards.

WC Highways have been consulted and do not raise an objection subject to a condition requiring the access, turning and parking to be carried out before occupation of the dwelling.

Concerns have been raised by third parties regards drainage and a drainage plan, drainage construction details, percolation test and soakaway calculations have been submitted by the applicants. The site appears capable of being suitably drained however this matter would be dealt with under building regulations.

Wessex Water are satisfied there will be no surface water connections into the foul sewer network and that the use of a soakaway is subject to building control approval.

Ecology/River Avon SAC

Core policy CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires 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.

This development falls within the catchment of the River Avon SAC and has potential to cause 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, I conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

The comments made by the parish council regards the biodiversity of the site are noted however the application site is an existing residential garden area within the settlement boundary where development is considered acceptable, and both the proposed new dwelling and the host dwelling would retain sufficient garden areas, therefore in officers view a refusal on this point would be difficult to justify.

10. Conclusion

The proposal would provide a single storey dwelling within the settlement boundary of Tisbury where sustainable residential development is supported by policies in the Wiltshire Core Strategy. The proposed dwelling would not harm the appearance and character of the conservation area or impact on neighbour amenity. The proposal would provide sufficient parking in accordance with adopted parking standards.

The matters raised regards drainage and structural stability are noted and these matters would be dealt with by building regulations. Conditions are attached to ensure the development is carried out in a satisfactory manner in accordance with the submitted drainage details and the structural engineers recommendations.

The site lies within the River Avon SAC catchment however the proposal would fall within the scope of the generic Appropriate Assessment.

The proposed development accords with the objectives of core policies 1, 2, 27, 50, 57, 58, 60, 61, 62, 63, 64 and 69 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, the Local Planning Authority considers that planning permission should be granted.

RECOMMENDATION

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

Drg. No. 18192-2/F Proposed Site Plan (Revised) Date rec. 08/09/2021

Drg. No. 18192-3/D Proposed Plan, Elevation and Site Section (Revised) Date rec. 06/04/2020

Drg. No. 18192-4/B Location plan (Revised) Date rec. 06/04/2020

Drg. No. 2021/62/01 Proposed drainage layout Date rec. 20/08/2021

Drg. No. 2021/62/02 Private drainage construction details Date rec. 20/08/2021

Soakaway Calculations, 13/07/2021, MD Civil Engineering Services Date rec. 20/08/2021

Percolation Test, 29/04/2021, Dorset Drainage Services, Date rec. 20/08/2021

Structural Engineers Letter, Andrew Warring Associates, Date rec. 08/09/2021

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

3 No development shall commence on site until the exact 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. The stone to be used for the exterior walls should be Chilmark, random sized blocks tumbled and laid to course and a sample panel would be required to 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 visual amenity and the character and appearance of the conservation area.

4 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces for both dwellings 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: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

5 The development shall not be first occupied until the drainage scheme has been constructed in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

6 The development shall be carried out in accordance with the recommendations made in the Structural Engineers Letter.

REASON: In order to ensure that the development can be carried out in a satisfactory manner.

7 No development shall commence on site until details of the boundary treatment works have been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVE

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
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996