

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

Date of Meeting	04 October 2017
Application Number	17/05460/FUL
Site Address	Land at Cedar Lodge 3 Cove House Gardens Ashton Keynes Wiltshire SN6 6NS
Proposal	Proposed single storey dwelling
Applicant	Mr & Mrs Sean & Sharon Rastelli
Town/Parish Council	ASHTON KEYNES
Electoral Division	MINETY – Councillor Chuck Berry
Grid Ref	404716 194083
Type of application	Full Planning
Case Officer	Alla Hassan

Reason for the application being considered by Committee

The application was called in to committee by Councillor Berry due to the site's previous history of a refusal for similar proposals.

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. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Impact on the character, setting and historic fabric of the listed building and the conservation area
- Design and layout
- Flood Risk and proposed drainage
- Tree preservation
- Highway safety
- Other matters

As a result of the consultation exercise, 13 objections, 9 letters of support and 1 comment were received from local residents. In addition, the Parish Council also objected to the application.

3. Site Description

The application site is located within the settlement boundary of Ashton Keynes. The site is situated in a central location in close proximity to local facilities and services available in the village. Ashton Keynes is designated as a large village within the Wiltshire Core Strategy.

The application concerns land at Cedar Lodge, 3 Cove House Gardens, Ashton Keynes. The host dwelling is a semi-detached property which benefits from a long front garden, in which the application site lies. The highway, Park Place, runs to the south and is bounded by a high stone boundary wall. Park Place is central to the village and is an important pathway/route through the village. The site is also located within the Ashton Keynes Conservation Area, and approximately 30m to the north-west of the site is situated a Grade II Listed building known as Cove House. However, it is noted that the application site is well-screened from Cove House via a combination of hedging, trees and fencing.

Planning History

N/03/00661/FUL	PROPOSED NEW DWELLING, DETACHED GARAGE AND STONE BOUNDARY PARTY WALL- Withdrawn 28/05/03.
N/03/01615/FUL	INSERTION OF DORMER WINDOWS, PORCH AND ALTERATIONS TO EXISTING DOORS AND WINDOWS- Approved with conditions 08/08/03.
N/07/00544/TCA	Fell Six Leyland Cypress Trees- Approved 02/05/07.
N/11/02491/TCA	Fell One Lawson Cypress, One Foxglove Tree and Works to One Sycamore- Approved 31/08/11.
14/11217/FUL	Erection of 3 Bedroom Detached Dwelling With Car Port & Cycle Shed/Bin Store- Refused 13/02/15.
16/02832/PREAPP	Proposed Erection of Dwelling
17/00546/PREAPP	Proposed Single Storey Dwelling

4. The Proposal

The application is a revised proposal for the construction of a single-storey 3-bedroom property and a bin/bicycle store. The walls would be constructed of Natural local stone and K-rend render system, whilst the roof would be a sedum living roof. The fenestration details consist of powder coated aluminium in grey. The proposed dwelling would be accessed via the existing driveway which serves No.3 Cedar Lodge, and a provision for three car parking spaces has been made. The proposals would be separated from No.3 Cedar Lodge by a 1200mm high grassed mound.

5. Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 7 and 14.

Core Planning Principles, Section 4 paragraphs 29, 30 & 37, Section 6 paragraph 55, 7 paragraphs 56, 57, 58, 59 & 64 and Section 12 paragraphs 131, 132, 133 and 134.

North Wiltshire Local Plan (Saved Policies)

NE14 – Trees, Site Features and Control of New Development

Wiltshire Core Strategy (Adopted January 2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Spatial Strategy for Malmesbury Community Area

Core Policy 41: Sustainable Construction and Low Carbon Energy

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 67: Flood Risk

Wiltshire Local Transport Plan

Ashton Keynes Neighbourhood Plan 2026 (Made May 2017)

Policy HSP3: Additional Housing Development

Policy INP1: Flood Risk Mitigation in new developments

Policy HCP1: Local Character

6. Summary of consultation responses

Ashton Keynes Parish Council objected to the proposals on the following grounds:

- The application neither preserves nor enhances the conservation area
- The proposed materials are inappropriate and not used within the vicinity
- The development creates further loss of open space within the conservation area and is set in front of the de facto building line
- Three substantial trees would need to be felled and the remaining trees may also need to be felled
- The reasons for the previous refusal of application no 14/11217/FUL are still applicable in this location

Thirteen objections were also received as a result of the public consultation period. The main points raised were as follows:

Design of the Proposal & Impact on the character and appearance of the local context and heritage assets:

- Building would be visible from the road and seen over the boundary wall where the protruding part will ruin the view of the historic boundary wall
- Materials not in-keeping with local materials which mainly consist of Cotswold Stone
- Modern style of building not in-keeping with surrounding houses
- Spoils the general spaciousness of the village
- In front of the building line
- Within the curtilage of a listed building and would therefore change the character of the historical enclave of local context
- Elevation pictures unclear as to how residential amenities are maintained and which trees will be removed exactly
- Lack of natural light to proposed dwelling

Impact on neighbour amenity:

- Gable Cottage, property directly opposite will be overlooked by the higher portion of the proposed dwelling
- Will overlook neighbouring property No.4 Cove House Gardens

Drainage:

- It is on a flood plane and will therefore cause adverse drainage impacts

Trees:

- Groundwork and construction will adversely affect both the flora and fauna within the conservation area

Highways:

- Inconvenience for pedestrians and motorists, and an increased risk of mishap during the construction period
- Vehicle movement would pose a danger to pedestrians, especially school children

Other matters:

- The proposal would be a contravention of various provisions of the Ashton Keynes Neighbourhood Plan
- Similar to previously refused application and should therefore be refused again
Nine letters of support were also received mainly due to the following reasons;
- New affordable housing in Ashton Keynes is essential to maintain the vitality of the village and will help the regeneration of the local community
- Will add diversity to the character of the village, which in any event is characterised by different styles and aesthetics of dwellings
- Will not be visible within the streetscene due to its positioning behind the boundary wall
- Welcome the contemporary design
- Will have no demonstrable negative effects on other properties
- Has been modified enough to gain planning consent
- Well thought-out and designed plan
- No significant impact on trees

One comment was also received indicating that that the planning notice was invisible as it was initially placed on a telegraph pole across from the application site where it was very difficult to notice due to regularly parked cars/vans. This was brought to the case officer's attention, and was consequently repositioned and placed at the entrance gates of the application site.

The following consultee responses were also received:

Conservation officer: *The current scheme follows a series of pre-application discussions regarding the site. Cedar Lodge has been separated for many years from Cove House and the sense of separation strengthened via plot divisions and dense planting on these boundaries.*

The current proposal is not considered to cause significant harm to the setting of the adjacent listed building. This is due to;

- *The low profile of the proposed dwelling*
- *The height of the adjacent boundary wall*
- *The existing dense planting between the application site and the adjacent listed building.*

The low profile of the proposed building and the high perimeter wall will mean that little of the proposed new dwelling will be visible from outside the application site thus causing little impact on the either the appearance or character of the application site. The simple materials and pallet of the proposed build is consider to be appropriate in this context as the building responds to the context of the garden in which it would be located.

The applicant and his design team have listen and responded positively to advice from the LPA and addressed the previous conservation reasons for refusal.

Tree Officer: Support subject to the following condition: *The development shall be carried out as specified in the approved Arboricultural Report prepared by Certhia Consulting Limited dated August 2017 and shall be supervised by an Arboricultural Consultant.*

Reason: To prevent trees on site from being damaged during construction works.

Drainage Engineer: Support

Highways Engineer: *I understand the above to be a proposal for a new build dwelling at the above location. I am satisfied that reasonable visibility splays are available and contained within the highway verge. I also consider it likely that any conflicting vehicular movements occurring within the access will not lead to a significant impact on the highway due to the nature of the highway conditions and expected low speeds on this un-classified road. Therefore I raise no highway objection subject to the following condition being attached to any permission granted.*

No part of the development hereby approved shall be 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

7. Publicity

The publicity for the application was by way of a site notice, neighbour notification letters and an advert in the Wiltshire Gazette and Herald.

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.

Principle of development

Core Policy 1 of the Wiltshire Core Strategy outlines the settlement strategy where sustainable development will take place. Ashton Keynes is designated as large village where *“Development at Large and Small villages will be limited to that needed to help meet the housing needs and settlements and to improve employment opportunities, services and facilities.”* Core Policy 2 states that within the limits of development, there is a presumption in favour of sustainable development. As the site is situated in a central location within the settlement boundary of the village, the principle of development is acceptable in principle, provided that it complies with other policies.

Core Policy 13 of the Wiltshire Core Strategy identifies the Malmesbury community Area Strategy. Paragraph 5.71 requires that Development within the Malmesbury Community Area to reflect and respect its high quality built and natural environment, whilst paragraph 5.72 supports the provision of some new homes to help to alleviate affordability issues in the area.

Design of the Proposal & Impact on the character and appearance of the local context and heritage assets:

The site is located within the heart of the conservation area, off Park Place which is characterised by its significant foliage and high stone boundary walls. It is also nearby a Listed building and therefore proposals must protect, conserve and where possible enhance the historic environment in accordance with Core Policy 58. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 133 and 134 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

It is considered that the proposals would result in less than substantial harm to the setting of the nearby listed building and the character and appearance of the conservation area. In this case the main public benefits resulting from the scheme would be the provision of a dwelling in a sustainable location which is of close proximity to local services and facilities to meet local needs. As such, the scheme would add to the local housing stock. The development as proposed would also result in some support for local services and facilities, both during construction and after occupation. In addition, the proposal will create some additional short term economic benefits during the construction phase.

Concerns were raised during the public consultation (by both local residents and the Parish Council) that the proposed dwelling's style and materials were out of keeping with the surrounding area and will therefore have an adverse impact on it. Although the proposed dwelling is of a clearly modern design where the materials or design do not match those of the local context, it is considered to be of a high quality design which differentiates itself from

other properties. This avoids a pastiche approach to design, allowing the proposal to complement and illustrate the evolution of the Conservation Area.

In addition, it would be largely hidden from public vantage points. From Park place, there would be modest views of the sedum roof and eaves therefore it would not appear as a dominating or over-bulky feature within the street scene. Furthermore, the conservation officer is satisfied that the proposed scheme will have little impact on the locality due to the low profile of the proposed dwelling and height of adjacent boundary wall. It is therefore considered that the proposed design whilst unique in this setting is not considered to be harmful to the character and appearance of the area.

Concerns were also raised in regards to the perceived harm caused to the nearby Grade II Listed building, Cove House. The Ashton Keynes Conservation Area Statement 1998 highlights the importance of Cove House and its grounds, recommending that development in the Cove house demense should be resisted. Some of the objectors to the proposals indicated that the application site was part of the former grounds of Cove House where development is inappropriate. As confirmed in the Conservation Officers' comments above, the application site is not considered to be part of grounds of Cove House as there is a strong sense of separation due to the defined plot divisions, dense planting on these boundaries and lack on inter-visibility. It is also noted that at the point of listing, the properties were in separate ownership thus further establishing the clear separation between the application site and Cove House. The application site is therefore not considered to have been or to currently be part of the grounds of Cove House and will not be harmful to its setting.

Impact on neighbour amenity:

Concerns were raised in regards to impacts on neighbouring amenities, and in particular gable Cottage and No.4 Cove House Gardens. The former is situated across the adjacent road, approximately 16m to the southeast of the application site. The latter is the neighbouring property to No.3 Cove House Gardens, where the nearest point of the proposed dwelling would be located approximately 25m away. Bearing in mind that the proposals are for a single-storey dwelling where the majority of the windows would be of a low level, and the considerable distances to nearby neighbours with a road separating the site from one of the properties alongside the considerable boundary/property planting, there are considered to be no significant adverse impacts on residential amenities that would warrant the refusal of the application.

Trees:

The application site is well planted with trees and shrubs, particularly along the southern boundary at Park Place. As identified in the Ashton Keynes Conservation Area Statement, those trees are considered to be significant foliage which has a positive impact on the Conservation Area.

As outlined in the arboriculture statement submitted, the design allows the proposed dwelling to co-exist with the trees. In addition, the proposed construction method statement establishes that there will be no damage to the roots of surrounding trees. The trees officer was therefore satisfied with the proposals subject to a condition requiring the works to be carried out in accordance with the Arboriculture Report submitted.

Highways:

The proposal involves the use of the same existing access driveway for Cedar Lodge, and a provision for three car parking spaces has been made. The highways officer raised no objections to the application subject to an appropriate condition. They were satisfied that the proposal complied with the current Wiltshire Parking Standards for a three bedroom dwelling, and that reasonable visibility splays are available from the highway verge. Some of the objections received during the public consultation indicated that the proposals would be of an inconvenience for pedestrians and motorists, which will have an increased risk of mishap during the construction period. There was also a concern that vehicle movement would pose a danger to pedestrians, especially school children.

Given the limited scale of development proposed and the form and layout of development in this locality; it is considered that the construction of the dwelling would not give rise to significant disruption in terms of access, however a condition will be attached to the planning consent requesting a Construction Method Statement to minimise detrimental effects to neighbouring amenities. In addition, the highways officer has confirmed that the increase in vehicle movement would not be significant enough to compromise the safety of pedestrians, bearing in mind the nature of the road, vehicular speeds in this location are likely to be low. It is therefore considered that the scheme will not have any significant adverse impacts on parking or highways safety.

Drainage:

The Drainage engineer had the following initial comments to the application:

- *Site is in FRZ 1 according to EA mapping*
- *The site itself is not at risk from surface water flooding however the roads in the area are affected by surface water flooding so any planning application will need to cover access/egress arrangements*
- *It is known that ground water levels are high in the area thus detailed information will be required on storm water disposal – note that the council's emerging strategy on ground water calls for at least 1m from underside of any infiltration arrangement to the top of agreed ground water level – may be difficult to achieve*
- *Assumed foul drainage will go to main sewer – will need approval from the sewerage undertaker*

Therefore, a holding objection was raised in regards to the drainage, and further information was requested from the agents. Following the provision of this information, the drainage engineer was satisfied with the revised foul drainage disposal arrangements with connection to the main sewer, and the raised floor level of the building which allows storm water drainage disposal to be achieved without issues with ground water. The drainage team consequently changed the recommendation to support.

Other matters:

Although it was highlighted during the public consultation that previous proposals had been refused in this area, each application must be assessed on its own merits and it does not follow that this application should be refused. It is also noted that the proposals have been significantly amended in response to the previous determination and subsequent officer advice to a more discreet design that is not considered to cause significant adverse harm to the local context, conservation area or the nearby Grade II Listed dwelling. Some of the objectors also commented that the proposals conflict with the Ashton Keynes

Neighbourhood Plan (Made 31/05/2017). It is acknowledged that the Neighbourhood Plan allocates housing needed for the plan period 2026. However, Policy HSP3 (Additional Housing Developments) states:

“In addition to housing allocations in this plan, applications for residential developments on windfall and infill sites within the Settlement Boundary will be supported where such development:

- a. in its scale and form is in keeping with surrounding properties and respects residential amenity;*
- b. provides safe and suitable access.”*
- c.*

The plan therefore provides some support for additional housing within sustainable locations provided that they meet the above criteria. The proposals are therefore not considered to conflict with the Ashton Keynes Neighbourhood Plan.

Low Carbon Economy:

Policy CP41 requires all new dwellings to be built to Code Level 4 for sustainable homes. Therefore this shall be added as a condition. It is acknowledged that the Code for Sustainable Homes is no longer a government requirement, however it is still a policy of the Core Strategy and its application is therefore considered to be appropriate.

CIL:

The Council's CIL charging scheme was adopted on 18 May 2015 and it is understood that the proposal may be CIL liable. An informative is added in this respect.

9. Conclusion (The Planning Balance)

The site is located within the framework boundary of Ashton Keynes where residential development is considered to be acceptable in principle in accordance with CP1 & CP2 of the Wiltshire Core Strategy. The proposal is considered to be acceptable on its planning merits and would not be significantly detrimental to the Conservation Area, nearby listed building or to any residential amenities in accordance with CP57 and CP58. Having regard to all other matters raised, it is recommended that planning permission is granted subject to the conditions below.

RECOMMENDATION

Grant 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: Proposed Elevations, Site and Block Plans (Drawing No 1652_0411b) and Proposed Ground Floor Plan (Drawing No 1652_0421b) received by the LPA 06/06/2017.

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. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 4 The development shall be carried out as specified in the approved Arboricultural Report prepared by Certhia Consulting Limited dated August 2017 and shall be supervised by an Arboricultural Consultant.

Reason: To prevent trees on site from being damaged during construction works

- 5 No part of the development hereby approved shall be 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 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.
- h) hours of construction, including deliveries;

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse hereby permitted or within its curtilage.

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 enlargements.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

9 The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.

10 Prior to the first occupation of the buildings a plan showing details of the green roof including species, planting density, substrate and a section at scale of 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained.

11 INFORMATIVE TO APPLICANT:

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.

12 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples.

Please deliver material samples to site and inform the Planning Officer where they are to be found.

13 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

14 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

15 INFORMATIVE TO APPLICANT:

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