

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

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| Date of Meeting | 31 st October 2018 |
| Application Number | 17/09914/FUL |
| Site Address | Land to the rear of 88- 89b, High Street, Cricklade, SN6 6DF |
| Proposal | Erection of 2 no. dwellings |
| Applicant | H M Baker Trust and Mrs S E Baker |
| Town/Parish Council | CRICKLADE |
| Electoral Division | CRICKLADE – Cllr Bob Jones OBE |
| Grid Ref | SU 10121 93753 |
| Type of application | Full Planning |
| Case Officer | Victoria Griffin |

Reason for the application being considered by Committee

The application has been called in to Committee if minded to support by the local Councillor in order to consider the proposal in relation to the materials impacts including the scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, the design - bulk, height, general appearance and highway impacts.

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 **GRANTED subject to conditions:**

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the Conservation Area, Listed Buildings and their setting;
- Impacts on local highways/parking; and
- Impact on neighbour amenity
- Drainage
- Other matters

Cricklade Town Council objects to the proposals for the following reasons:

- Loss of integrity of burgage plots in conflict with NP
- Highway safety concerns
- Overdevelopment

11 no. letters of objection/comments have been received from neighbouring properties and are considered in the officer assessment below.

3. Site Description

The site currently comprises of garden land for no's 88-89b (4 no. properties), 2 no. pre-fabricated garages a garden store and an area of hardstanding used for parking, with a pedestrian path linking back to the rear of the properties which front onto the High Street and lies within the Cricklade Conservation Area.

No's 88-89b High Street are Grade II Listed Buildings. The application site has a frontage on Horsefair Lane and is surrounded on all sides by existing residential properties. This rear garden area is characterised by a historic wall that runs along the frontage to Horsefair Lane and separates the properties which is proposed to be retained.

4. Planning History

No relevant planning history located on the site.

5. The Proposal

Planning permission is sought for the erection of a 2 no. x dwellings on an area of land to the rear of 88-89b High Street, Cricklade that fronts onto Horse Fair Lane. Horse Fair Lane runs parallel with the High Street to the east and serves a number of existing dwellings and other associated development. Horse Fair Lane is predominantly residential in character and comprises of a range of housing types and styles. Materials proposed include natural blue slates and natural rubble stone for walls with timber windows and doors. The proposals are situated within the gardens of 88-89b High Street which are grade II listed buildings.

6. Policies / Legislation

The Core Strategy for Wiltshire was formally adopted by the Council in January 2015. The Core Strategy forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's development Plan now comprises of:

- Core Strategy
- Saved Policies in the North Wiltshire Local Plan 2011
- Strategic Allocations plans (where relevant)
- Neighbourhood plans (where relevant)
- Minerals and Waste plan

Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 3 – (Infrastructure requirement)

Core Policy 19 – (Spatial Strategy for the RWB & Cricklade Community Area)

Core Policy 51 (Landscape)

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 new development) Core Policy 64 (Demand management)

National Planning Policy Framework (2018)

Paragraphs 11 Presumption in favour of sustainable development

Section 5 (Delivering a sufficient supply of homes)

Section 12 (Achieving well designed places)

Section 9 (Promoting sustainable transport)

Section 15 (Conserving and enhancing the natural environment) Section 16 (Conserving and enhancing the historic environment)

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. ‘

Paragraph 196 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Cricklade Neighbourhood Plan (March 2018)

H1 Settlement boundary

H3 Design of new housing

H4 Housing mix of sites

H7 Residential car parking

H8 Foul water, flood risk and surface water drainage

Legislation:

- Planning (LB&CA) Act 1990,
- Planning and Compulsory Purchase Act 2004

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Other guidance:

Conservation Area Description Cricklade (Designated 22nd September 1999)

Setting of Heritage Assets – Historic England Advice Note

7. Summary of consultation responses

Cricklade Town Council – Objection – (summarised):

- Harm to character of area
- Loss of integrity of burgage plot
- Highway safety
- Loss of residential amenity

Highways – No objection – (summarised) further clarification sought on existing parking and level of parking provision - adequate access and parking provision shown

Thames Water – No comments received

Archaeology – Support subject to conditions

Conservation Officer – No objections to revised proposals for 2 no. dwellings recommended conditions

Drainage – Support subject to conditions

8. Publicity

The application was advertised by site notice and neighbour notification. A re-consultation was carried out following revised plans submission.

11 no. letters of objection/comments were received from neighbours, raising the following points (summarised):

- Loss of parking and increased parking demand on restricted street
- Overlooking of property
- Loss of privacy
- Highway safety concerns
- Lack of space to accommodate level of development
- Reduce size of dwellings to alleviate parking demands
- Concerns over noise and construction disturbance
- Harm to Conservation Area and Listed Buildings
- Concerns over construction traffic and use of the lane
- Over-development of site
- Pedestrian safety issues
- Development should provide on-site parking
- Construction management is in place before works commence
- Relevant permissions for shared access has not be given

9. 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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Cricklade Neighbourhood plan; and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of development

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Plan saved in the WCS set out in Appendix D, forms the relevant Development Plan for the Cricklade Community area.

Accordingly WCS Core Policies 1 and 19 identify Cricklade as a local service centre. They are defined as smaller towns and larger villages which serve a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self-containment. Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing.

WCS Core Policy 2, amongst other components, establishes a minimum housing requirement for each of the County's Housing Market Areas and sets out a role for settlement boundaries. Within a settlement boundary development is acceptable in principle; outside, other than in circumstances as permitted by other policies within the WCS, identified in paragraph 4.25, residential development will not be permitted.

This application seeks the erection of a 2 no. dwellings within an identified settlement boundary, as such would accord with Core Strategy policies 1 and 2 and is considered to be acceptable in principle.

Impact on character and appearance

Core Policy 57 (i) states that applications for new development will need to demonstrate how they make a positive contribution to the character of Wiltshire through (inter alia) enhancing local distinctiveness by responding to the value of the natural and historic environment. Core Policy 58 states that development should protect, conserve and where possible enhance the

historic environment.

The site is located within the Cricklade Conservation Area, which is characterised mainly by buildings of two storeys in height, vernacular in style and of traditional construction. The High Street itself has a diverse mix of uses with retail with a number of historic public houses and residential properties. Despite the development of the Town over the Centuries since its Anglo Saxon Foundation in the 9th Century, the grid pattern of the original streets can still be appreciated, this early foundation giving rise to the development of burgage plots leading back from the high street.

The current proposal seeks the erection of 2 no. dwellings within the rear gardens of no' 88-89b High Street, which would formalise a rear area that fronts onto Horsefair Lane. The siting of the dwellings would be viewed alongside existing built form and buildings that line the rear gardens of the Listed Buildings situated along the High Street and would represent an infilling of an area that is presently under-utilised part of garden in this part of the Conservation Area.

The Town Council comments are noted in respect of the impacts on the historic burgage plots within this part of the Conservation Area and some revisions have been sought to address the site's context more explicitly within the design proposals including the reduction of the number of units proposed from 3 no. dwellings to 2 no. dwellings and the retention of historic walling in this part of the site. The NPPF is a material planning consideration and paragraphs 194 & 196 of the NPPF are relevant to the determination of the application. Paragraph 196 provides: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' .

Moreover, the principle of the layout and design approach on this site has been considered in some detail with the Conservation Officer, including having due regard to the most suitable approach to offer some level of protection to the integrity of the burgage plot arrangement and conserve the local character in accordance with CNP policy H3. This has evolved from the subdivision on the site from 3 no dwellings to 2 no. dwellings that appropriately follow the linear layout of the existing plots, within the context of the existing modern development and general condition and appearance of the existing site.

It is considered that the alterations to the site with the introduction of the 2 no. dwellings would provide an appropriate formal setting to the listed buildings, alongside existing modern development, and would continue to appear as a subservient entity from the listed building as

the informal garaging with a more active frontage facing out onto the street and this part of the public realm.

It is accepted that the proposals would lead to some degree of harm within the rear of gardens of the Listed Buildings which form a part of the setting for these designated heritage assets and within the Conservation Area however this is not considered to be unjustified within the submissions. In accordance with the advice contained in the NPPF, this harm can be qualified as less than substantial., in such circumstances this harm can be weighed against the public benefits of the proposal. As such noting the site's individual characteristics it is considered that the development would lead to less than substantial harm and this harm is considered to be at the low end of the scale and is weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of the creation of 2 no. new dwellings include the use of land within a sustainable location within the settlement framework close to local amenities contributing to meeting the Council's identified housing requirement; and there would be economic benefits during construction.

Impact on highway/parking

The proposals have met with concern over the lack of allocated parking and existing/increased pressure for on-street spaces from immediate neighbours which is key issue with regards to objections received. The revised application proposes to provide 1 garage space for each of the 2 x 4 no. bed dwellings. The Highways officer is satisfied that the level of on-site parking provision for the development would be adequate in this location and that there is an existing parking arrangement which is used on an informal basis. Whilst the parking currently could provide some parking for the host buildings the Highways officer is satisfied that there is no formal agreement tying the existing hardstanding parking to any dwelling therefore no significant cumulative impact on the highway would arise to justify a refusal on this basis alone. A single parking space is to be retained for no.88 with the retention of a detached single garage within the site.

In respect of the visibility into the site, in particular with regards to Unit 1 where the heritage wall is to be retained, given that the fall-back position is of an existing parking access the proposals in the widening of the access do offer an improvement in visibility over the existing splay. Officers' are of the view that given the amount of accommodation proposed in the revised proposals, it is not considered that the number of domestic vehicles associated with the property would reach a point at which its local impact would result in 'severe' harm as

directed by Paragraph 32 of the Framework. A condition is however recommended to ensure that parking provision is provided within the site prior to the occupation of the dwellings.

Impact on Residential amenity

The site is surrounded on all sides by existing residential properties and the host building's no's 88-89b High Street. Revisions to the scheme have sought to reduce the scale of the building relative to its surroundings. No windows are proposed facing onto side properties within the main elevations of the dwellinghouse. Representations have been received in relation to no.87 to the rear of the site and the degree of overlooking, whilst it is accepted that the proposal would alter the outlook and character of the site with first floor windows facing towards these properties and surrounding having regard to the existing site context and the distance from the rear elevation (approx.. 30m) this is not considered to represent unacceptable degree of harm such as to justify a refusal on this basis. Furthermore it is considered that the number of openings and proximity to neighbouring properties would afford the proposed occupiers with an acceptable level of amenity in accordance with Core Policy 57.

Drainage

The site does not fall within a designated flood zone at risk and a sufficient level of information is provided within the submissions to recommend conditions for surface water drainage and foul water drainage. Relevant conditions and informatives are attached to this recommendation.

Other matters

Some clarification has been sought on the ownership of a pedestrian access to the side of the site leading to No.87 High Street concerning a representation received and in relation to the right of use of this area for waste bins etc. The applicant has confirmed that the path is within shared ownership and the red line is correct in that it extends over part of the access. This is considered to be acceptable in the context of the application submissions. An informative is duly applied that any relevant other permissions would need to be sought from other relevant land owners if required.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 and Cricklade Neighbourhood Plan (2018) form the local component of the current Development Plan.

The impact of the proposal is considered to be acceptable in highway terms, residential amenity and the impact on the historic setting of Listed Buildings and Conservation Area. The main harm associated to the development is considered to be the changes to the historic burgage plots and impact on the setting of the Listed Buildings. Paragraph 134 of the framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed development would result in less than substantial harm to the heritage asset of the Cricklade Conservation Area and the setting of Listed Buildings. Whilst the benefits of the development are limited to the social benefits of the creation of 2 no. new dwellings other benefits include the use of land within a sustainable location within the settlement framework close to local amenities and there would be economic benefits during construction. As such noting the site’s individual characteristics it is considered that the development would secure the optimum viable use of the site. It is considered that the proposal would form an enhancement to this part of the Conservation area and would formalise and enhance the appearance of the site which would pass the test of conserving or enhancing the character or appearance of the Conservation Area and would safeguard the setting of the nearby Listed Buildings. Therefore, it is considered that the public benefits associated to the development would outweigh the less than substantial harm to the heritage asset, which is considered to be at the low end of the scale, therefore whilst there are identified conflicts with Core Policy 58 of the Wiltshire Core Strategy there are other material considerations that need to be considered as set out above, the proposals are therefore considered to accord with the Cricklade Neighbourhood Plan (2018) and National Planning Policy Framework(2018).

RECOMMENDATION

Approve subject to conditions:

- (1) **TIME LIMIT** 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) **PLANS COMPLIANCE:** The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Plan

Proposed Site Plan

Proposed Elevations

Proposed First Floor Plan

Proposed Ground Floor Plan

Proposed Elevations – date received 5th July 2018

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

- (3) **SAMPLE PANEL MATERIALS:** No external walls on site shall be erected until a sample panel of the materials to be used for all external walls (including boundary treatments) and roofs, including details of windows, doors and rainwater goods, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- (4) **FOUL WATER DETAILS:** No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

- (5) DISCHARGE OF SURFACE WATER DETAILS:** 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 together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

- (6) SURFACE WATER COMPLIANCE:** 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

- (7) PD RIGHTS REMOVED:** 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 to, or extensions or enlargements of 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 enlargements.

- (8) PD RIGHTS REMOVED:** 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 windows, doors or other forms of openings, other than those shown on the approved plans, shall be introduced in the elevations of the dwelling hereby permitted.

REASON: To preserve the character and appearance of the building and the amenities of adjoining residents.

- (9) PARKING AREA PROVISION:** 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. The proposed access and 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.

- (10) BOUNDARY TREATMENTS:** No development shall commence until details of the proposed boundary treatments and landscaping to include a detailed planting specification showing all plant species, supply and planting sizes and planting densities; finished levels and contours. The development thereafter shall be carried out in accordance with the approved details.

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

- (11) CONSTRUCTION MANAGEMENT:** No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To protect residential amenity and the character and appearance of the area.

- (12) CONSTRUCTION & ENVIRONMENTAL MANAGEMENT:** The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme to include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours,

- site opening times, wheel wash facilities and site compound arrangements.
- iv. Site working hours and a named person for residents to contact;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and

REASON: In the interests of residential amenity and highway safety

(13) ARCHAEOLOGICAL INVESTIGATION: No development shall commence within the site 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 enable the recording of any matters of archaeological interest.

INFORMATIVES:

PLANS COMPLIANCE

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.

WASTE SUPPLY AND WATER CONNECTION:

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

HIGHWAY WORKS:

The proposal includes alteration to the public highway; consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

THIRD PARTY LAND:

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.

CONSERVATION OF HABITATS REGULATIONS 2010:

Anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline online.

COMPLIANCE – MATERIALS:

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.

CIL COMPLIANCE:

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