

REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting	25 October 2012		
Application Number:	S/2012/0616/FULL		
Site Address:	Church Cottage, Portnells Lane, Zeals		
Proposal:	Formation of new pedestrian and vehicular access and the erection of a detached dwelling and car port		
Applicant/ Agent:	Mr Diccon Carpendale		
Parish:	Zeals		
Grid Reference:	378025 131787		
Type of Application:	FULL		
Conservation Area:	Zeals		
Case Officer:	Andrew Bidwell	Contact Number:	01722 434 381

Reason for the application being considered by Committee

Councillor Jeans has requested that the application be determined by Committee due to:

- Significant public interest in the proposal

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

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

- Principle of development
- Scale and design / Impact on the character and appearance of the Conservation area
- Landscaping
- Impact on neighbour amenities
- Parking and Highways
- Section 106 requirements

The application has generated objections from Zeals Parish Council, no indications of support and 10 letters of objection from the public.

3. Site Description / constraints:

The site is located within the north corner of the existing residential curtilage of the dwelling known as Church Cottage. Church Cottage has both vehicular and pedestrian access off Portnells Lane, Zeals. The site is also immediately adjacent to St Martin's Church, is within the Housing Policy Boundary, the Conservation Area and the wider AONB.

4. Relevant Planning History

S/1998/1022, Ground Floor Rear Extension, approved 8/06/98

5. Proposal

It is proposed to erect a detached 3 bedroom dwelling with vehicular access off Portnells Lane, on site parking and an open sided car port.

6. Planning Policy

The following policies are considered relevant to this proposal:

Saved policies of the adopted Salisbury District Local plan - appendix C of the Adopted South Wiltshire Core Strategy:

G1 General Principles for Development
H16 Residential Development within Housing Policy Boundaries
D2 General Townscape (Infill Development)
R2 Adult recreation Open Space Provision / Off site adult recreation
TR11 Off Street Parking Spaces

Adopted South Wiltshire Core Strategy:

Core Policy 3 - Affordable Housing provision.

Core Policy 16 - Meeting Housing Needs in the Mere Community Area (private sector requirements)

National Planning Policy Framework (NPPF):

(amongst others);

Part 6 - Delivering a wide choice of high quality Housing

Part 7 - Requiring Good Design

7. Consultations

Parish Council:

Concerns regarding the following matters have been raised:

- Highway safety- with the proposed entrance located close to a bend in the road and nearly opposite the Zeals Rise road junction.
- Height of the proposed dwelling and the resultant impact on the adjoining property and the site line to the church tower.
- Over development of the site- resulting in two properties with very small gardens.
- Loss of the road side hedge and the resulting impact on the street scene.
- Changes in Planning Policy- Recent changes to national planning policy with regards to 'Garden Grabbing'

Wiltshire Fire and Rescue Services: Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers.

Wessex Water: Standard advice given regarding Water Supply and Waste Connections

Wiltshire Council Highways: It is considered that the development proposed will not have a significant effect on highway safety. A site visit was carried out and the highways officer is satisfied that the proposed visibility splays at the new site access are in compliance with the advice offered in 'Manual for Streets'. Therefore it is recommended that no highway objection be raised to this application subject to conditions.

Conservation Officer: The conservation officer objected to the original proposal raising concerns regarding the overlooking of the church yard from the two first floor windows in the rear elevation, the loss of mature hedging would be regrettable, the view from Portnells Lane would not be preserved and Church Cottage would appear cramped on the remaining plot.

Amended plans: The lowered ridge and shortened building are welcome for the reduction in harm to views from the west towards the church. The amendments to the rear significantly reduce the potential for overlooking, or perceived overlooking, of the churchyard. Continue to have reservations about development of the site for a new dwelling, and the cramping effect on Church Cottage, but it is certainly much better than the initial proposal.

8. Publicity

The application was advertised by site notice, and neighbour consultation. 10 letters mostly objecting have been received raising the following issue:-

- Hours of working should be restricted during construction to avoid noise disturbance
- Consideration must be given to closeness of the church and grave yard
- Concerned about the established hedge and trees on the site will be affected
- Plot cannot sustain a property
- Highway safety will be compromised
- Trees on the plot should be left alone
- Additional domestic traffic will be generated
- Proposed vehicular access will cause a dangerous situation
- Design is inappropriate for the site
- Grave yard should not be overlooked
- Size of the dwelling is not compatible with the site

9. Planning Considerations

9.1 Principle of development / Policy Considerations

The proposal will affect a site within the defined development limits – Housing policy boundary – of Zeals. In such location the principle of development is generally acceptable and as such there is no objection to the proposal in principle subject to it conforming to amongst others, saved policy H16 of the adopted Salisbury District Local Plan.

Policy H16 states that:

Infilling, small scale development and redevelopment will be permitted within the Housing Policy Boundaries of: (amongst others), Zeals.

The policy will be subject to the following criteria:

- (i) the proposal will not constitute tandem or inappropriate backland development;
- (ii) the proposal will not result in the loss of an open area which makes a positive contribution towards the character of the settlement; and
- (iv) the proposal will not conflict with the Design Policies of the Plan.

The site is currently in residential use as part of the garden to Church Cottage. Church Cottage is located within the defined housing policy boundary of Zeals and the Conservation Area. In such locations the principle of residential development is accepted and proposals should be dealt with on their individual merit and suitability for the site. In this case the proposal site is within the Conservation area and is adjacent to a listed building St Martin's Church. As such the impact on the character and appearance of the Conservation Area and the setting of the listed building are principle matters for consideration.

9.2 Scale and design / Impact on the character and appearance of the Conservation area / setting of the listed building.

The proposed dwelling is positioned as close to the northern boundary as possible. This Position has been chosen to ensure that dwelling will not obstruct views through to St Martin's Church from Portnells Lane. This is a significant aspect of this proposal on which the conservation officer has expressed his concerns. These concerns have centred on a preference for the site to remain open and that if it does not, the character of the conservation area would not be preserved.

However, amended plans have been negotiated aimed at reducing the impact of the dwelling in this regard and the conservation officer has considered that this aspect of the proposal is now much better.

Whilst the dwelling - albeit smaller - remains in the same position as originally proposed, the amended plans have achieved a reduction in both ridge height and overall length. These amendments when considered in combination with the fact that much of the immediately adjacent residential road (where views to the church are most likely to be affected) - Zeals Rise, is notably higher than the site, will assist in limiting any obstruction to views through the site to the Church. It is considered therefore that this proposal as amended will not result in the loss of an important view in the Conservation area, nor will it adversely affect, the character and appearance of the area to an extent that would justify refusal.

Scale

The dimensions of the proposed building are shown on the amended plan and the main gable width is 5.5 metres and the main ridge height is 6.5 metres. In order to further reduce the scale of the building visually the north gable end is stepped down from the main ridge by 0.5 of a metre and an element has been introduced on the south west elevation - facing the road - showing a narrower gable width of 3.7 previously 4.3 metres. It is considered that these features will ensure an overall consistency of scale with the narrow gable widths and relatively low ridge heights of traditional cottages in this area.

Design

It is proposed to construct the dwelling using natural stone walls with plain clay tiles of a red brown multi colour for the roof covering. It is proposed to finish the upper storey of the narrow gable feature on the south west elevation using horizontal timber boarding to be left natural which will result in a silver grey colour. The doors windows fascias and soffits are also proposed to be (painted) timber. These materials are considered to be appropriate for this conservation area setting generally and in relation to the setting of the listed Church.

In answer to the concerns raised regarding impacts including overlooking onto the church yard, the rear north west elevation has been significantly amended. This has resulted in the removal of two gable style bedroom windows and the consequent levelling of the eaves across the main part of the rear elevation. The only remaining first floor window in the rear is a stairwell window which due to its position partly behind the existing hedge, is not considered likely to give rise to any unreasonable overlooking.

In regard to the matter of 'garden grabbing' raised by neighbours and the Parish Council, the proposed site is not considered to amount to garden grabbing. The relevant recent change in planning legislation which refers to garden grabbing in affect removes residential gardens from the definition of previously developed land or, 'brownfield' land and the minimum density expected from developments. This does not however, remove the possibility of developing gardens provided they are in development limits and are otherwise suitable for development. What this in affect means is that greater emphasis can be placed on local distinctiveness in all areas including plot size.

Zeals is generally a very eclectic area with many varied house types styles sizes and ages. This applies to local plot size where gardens also vary greatly. In this case the garden for both Church Cottage and the new dwelling is not considered to be at odds with the local variations in garden size and local distinctiveness generally. It is clear from the plans that ample residential amenity space will remain for both dwellings.

9.3 Landscaping

The site is well enclosed with mature hedges. These will be retained and where the access is to be formed hedging plants will be repositioned and supplemented just inside of the required visibility line. The existing mature Beech tree on the northern boundary will be retained and a new mixed thorn hedge will be planted to form the boundary between Church Cottage and the proposed dwelling.

9.4 Impact on neighbour amenities:

The dwelling will be positioned at the northern corner of the site. This will result in the nearest part of the dwelling being approximately 2.5 metres from the boundary with Little Acre. However this will be the single storey utility room end which has no first floor accommodation and thus, no windows will be inserted. As such there is no reasonable prospect of overlooking from this end. However, a condition will be imposed to prevent additional windows and openings from being added in future without the need for express planning permission.

Furthermore, Little Acre is positioned approximately 6.5 metres from the boundary and approximately 8.5 from the single storey part of the new dwelling. This interrelationship between the dwellings combined with an improved residential boundary treatment is not considered likely to result in any unreasonable level of overshadowing or disturbance. As such the proposal is not considered likely to adversely affect neighbour amenity.

9.5 Parking and Highways:

Matters of concern regarding highway safety have been raised by neighbours and the Parish Council. These concerns centre on highway safety issues mostly the perceived danger from the use of the proposed access. Whilst these concerns are noted the comments of the highways department do not advise that the access would be unsafe. As such having carried out the appropriate statutory consultation and having received

comments from a highways officer that do not object to the access, it is not considered reasonable or, defensible to oppose the application of highway safety grounds.

With regard to the proposed on-site parking and the car port, there are no objections to these aspects of the proposal. The car port itself will be constructed from timber with a pitched tiled roof and will be open on all sides.

9.6 Section 106 requirements:

This proposal will generate the need for contributions to be paid for off-site adult recreation provision, and for an affordable housing contribution. Therefore, in order that the proposal complies with policies R2 (adult recreation) and CP3 affordable housing, the applicants will need to enter into a section 106 legal agreement with the council to secure appropriate commuted sums.

10. Conclusion

For the reasons set out above this proposal is considered to be acceptable from a planning point of view.

11. Recommendation:

Subject to signing a section 106 agreement for the provision set out at 9.6 above, Approve for the following reason:

The proposed development as amended, accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), CN5 (setting of listed buildings) CN8 (Conservation Areas), D3 (design criteria), and H16 (Housing Policy Boundary) of the saved policies of the adopted local plan, insofar as the proposed development is considered to be compatible in terms of the scale, design and materials and would not adversely affect the amenity of the neighbours, the character of the surrounding conservation area and highways safety.

The proposal is also considered to be compatible with the aims and objectives of the Local Planning Policy Framework (LPPF), in particular Part 6 - Delivering a wide choice of high quality Housing Part 7 - Requiring Good Design and, Decision Taking - paragraphs 186 – 187, in so far as the council has worked with the applicants to secure a negotiated acceptable development.

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 section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the carriageway edge, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

3 The sides of the access shall be splayed outward at an angle of 45 degrees from 4.5 metres back from the carriageway edge.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

4 Any gates to close the access shall be set back a minimum distance of 4.5 metres from the edge of carriageway, such gates to open inwards (away from the highway) only.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

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

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

6. No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

7. 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: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

8. 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: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

9. 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- G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

10. No development shall commence on site until details of any screen walls and/or fences and hedging have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences and hedging shall be erected in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.
Policy - G1, H16, D2, CN5, and CN8 adopted Salisbury District Local Plan

11. Tree protection existing trees on site.

- (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- G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

12. 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 form of openings other than those shown on the approved plans, shall be inserted in the north west (end), north east (rear) and south east (end) elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Policy - G1, H16, D2, CN5, and CN8 adopted Salisbury District Local Plan

13. The construction of the development hereby permitted shall only take place between the hours of 07:00 am and 6:00 pm from Mondays to Fridays and between 07:00 am and 12:00 midday Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Policy - G1, H16, D2, CN5, and CN8 adopted Salisbury District Local Plan

14. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing ref.no. 11066 – 3 A, Block & Location Plan, received on 26/04/12

Drawing ref.no. 1106 – 2, Revision D, Proposed Plans. Elevations, Sections, Site and Roof Plan received on 10/08/12

REASON For the avoidance of doubt.