

Date of Meeting	22nd August 2013
Application Number	E/2013/0238/FUL
Site Address	Land adjacent Chute Forest Cottage, Chute Cadley, Andover SP11 9EB
Proposal	Erection of a Dwelling
Applicant	Mr John Burrows
Town/Parish Council	CHUTE FOREST
Grid Ref	423150 169263
Type of application	Full Planning
Case Officer	Rachel Yeomans

BACKGROUND

Members may recall that this application was deferred at the previous meeting of the Eastern Area Committee to provide a more detailed response to various points raised in representations by local residents. These are set out in the addendum to the report below, followed by the original committee report.

Addendum to Committee Report for application E/2013/0238/FUL for a new dwelling at Land Adjacent Chute Forest Cottage, Chute Cadley

The previously prepared committee report which was deferred from 1st August 2013 provided Members with a detailed summary and officer recommendation to the proposed scheme. However, following its appearance on the agenda, there was some criticism by neighbours that certain matters had not been adequately considered or addressed. In order to reassure Members, a detailed response to the matters raised is provided below. The full criticisms can be viewed in full on the Council's website.

- 1. No advice has been sought or given from the Conservation Officer. The planning officer is not the 'appropriate expertise' given her assessment containing the phrase 'broadly neutral impact' rather than preserve or enhance.*

There is no requirement for the proposal to be evaluated by a Conservation Officer and it is quite acceptable for Planning Officers to be making professional judgements on such applications. The Council has a limited conservation resource and must primarily concentrate this on dealing with listed building applications and major proposals in conservation areas. The original assessment was made by the Planning Case Officer and the Team Leader (who previously advised on this site) in conjunction with verbal advice received from the Conservation Officer. Comments on the setting of adjacent listed buildings were also made by the previous appeal Inspector which have been taken into account.

Para 128 of the NPPF states *'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

The Case Officer has encouraged the agent to supply a Heritage Assessment but in the absence of this and with reference to both the Conservation Area Statement, Village Design Statement and from evaluations carried out during numerous site visits, it is not considered that the proposal would harm the character or appearance of the conservation area so as to warrant refusal of planning permission on these grounds.

It is agreed that the test to be applied is whether the proposal would preserve or enhance the character or appearance of the Conservation Area. However, appeal Inspectors have regularly upheld in decisions that a 'broadly neutral impact' is considered sufficient to 'preserve' and consequently, the case officer has not erred in her judgement and application of this phrase or the duty under the primary legislation.

Notwithstanding this, a formal written response has been sought from the conservation officer and this is provided below;

'Site: The site is located at the edge of the hamlet of Chute Cadley and constitutes a modest roadside plot which, in recent years, formed part of the garden of the adjacent (listed) Chute Forest Cottage until it was sold separately by the current owners of the site. The site had been uncultivated for many years and could have been accurately described as 'wooded' until illegal felling works were undertaken to clear the central area within the site. Remaining trees and boundary vegetation are important to the character of the area and should be retained. In particular the frontage hedging is characteristic of the roadside boundaries throughout the hamlet, which the conservation area statement notes as being "one of the most significant features of the settlement". The statement goes on to advise that the "*special, enclosed character of the routes through the settlement should be protected by the resistance of proposals to open up frontages and to remove hedging.*"

Chute Cadley and Lower Chute were once separate hamlets in clearings in the former royal Chute Forest. Today however, the distinction between the hamlets has been blurred by encroachment within the paddocks which separated them until the mid/late C20.

Conservation Policy: The primary consideration in considering an application from the point of view of the historic built environment would be the requirement on the Council, under Section 72 of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

In addition the Council has a statutory duty, under Section 66 of the Act, to have special regard to the desirability of preserving the setting of neighbouring listed buildings.

The NPPF set out the Government's planning policies for England and how these are expected to be applied. The purpose of planning is identified as '*contributing to the achievement of sustainable development*' which in turn is seen as having three dimensions – economic, social and environmental. Policy relating to the historic environment requires the identification and assessment of heritage assets which may be affected by a proposal and consideration of the impact of the proposals upon these assets and their settings with the overall aim of protecting and enhancing the historic environment by conserving heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment: The current application follows the refusal of an earlier proposal for the erection of a dwelling in 2011.

The design and scale of the proposed dwelling have been amended and proposals for the creation of the access, including a replacement hedge set slightly back from its current alignment, have been clarified.

The alignment and scale of the proposed cottage represent an improvement over the previous proposals as does the slight reduction in the area of frontage parking and confirmation of the retention of a boundary hedge to either side of the relatively narrow access. Whilst the design of the cottage (with prominent first floor dormer windows) is not particularly representative of vernacular forms in the vicinity, the materials are generally appropriate and the design does closely reflect that of a dwelling recently constructed on the opposite side of the road. I also note that the hedge immediately opposite the site has been set in from the roadside in a similar manner to that now proposed.

I remain concerned with regard to the gradual erosion of the area's rural character by construction and the potential for this to be exacerbated by the lack of amenity space within the plot which may prompt requests for the removal of surrounding vegetation. However, taking into account the current context, including both recently approved development in the area, works undertaken with the benefit of permitted development rights and the clearance of this site of its previous tree cover, I consider that the amendments to the scheme which have been proposed since the last submission are sufficient that the proposal must be considered to preserve the current character and appearance of the conservation area. As a result I am unable to object to the approval of the application.

Conditions should be added to secure an appropriate quality of materials and construction during implementation and to ensure the replanting of the hedge.'

2. This inclusion of Chute Cadley at the bottom of the settlement hierarchy does not make it a sustainable location for development by default, indeed if Chute was considered a sustainable location it would have had an allocation for housing development. The only facility in the village is a public house. The report fails to consider the wider sustainability role set out in the NPPF which includes the social role and cultural well being by the creation of a high quality built environment.

It is acknowledged that the location is not sustainable to accept the level of housing supply which may be commensurate with a larger town for example, and is therefore only suitable to take 'infill' development commensurate for a village with the limited facilities on offer. This reflects the balance between the Government's drive to significantly boost housing supply whilst balancing this with the 'golden thread' of sustainable development. Kennet Local Plan policy HC24 is considered consistent with the NPPF and the development proposal accords with the policy requirements of HC24. The significance of this drive for new housing has been borne out through a number of recently allowed appeals in which this issue was given priority over local issues which this Council refused planning permission for.

The design standard of the dwelling takes careful account of the constraints of the site and the local vernacular and is consequently modestly proportioned and suitably positioned and detailed. The NPPF is also encouraging of a proportionate response, and the lack of sustainable construction information means that this cannot be balanced as a positive into the decision making process. However, it must also be remembered that Building Regulations set out minimum standards for such matters in any case and considering the lack of any significant harm, officers do not consider that this should warrant a refusal of planning permission.

3. The highways assessment is incorrect.

The highways officer considers that traffic speeds here are of the order of 20 mph for which Manual for Streets (mfs) Table 7.1 provides a visibility distance of 25 metres. It may be that taking measurements of the traffic speeds would show lower speeds than 20mph giving further reduced visibility distances.

Providing visibility is provided as previously recommended an approaching motor vehicle will come into the view of the driver of an emerging vehicle at 25 / 26metres, and as such I would not wish to support a highway objection to this application for a dwelling at this low-key village environment.

4. *The building control assessment of the acceptability of the foul drainage on the site is also incorrect.*

Paragraph 1.54 of part H2 of Approved Document H does indeed state that the discharge from a packaged sewage treatment plant should be 10m away from any building or watercourse.

However, this contradicts paragraph 1.11 which states that packaged treatment works “ treat effluent to a higher standard than septic tank systems and this normally allows direct discharge to a watercourse”

Paragraph 1.12 also states that packaged treatment works discharging to a suitable watercourse “.....should also be considered where space is limited or where other options are not possible.

In addition to this, the Environment Agency no longer even seek an application for consent to discharge from a packaged treatment plant for anything under 5 cubic metres of discharge per day – this is equivalent to approximately 31 people occupying the building (See attached Environment Agency statement).

I have also attached technical guidance from Klargestor, one of the major producers of packaged treatment plants which also states that these plants can discharge directly to a water course – see page 6.

As a department we do accept packaged sewage treatment plant located in close proximity to buildings and discharging to watercourses or drainage fields.

Officer note; from this advice, it appears highly likely that adequate drainage is achievable and it is not therefore considered reasonable to refuse planning permission on these grounds.

5. *There has been no assessment of the impact on biodiversity as part of this application and I have been informed that bats have been regularly seen along the tree line. Bats are a protected species under the Habitats Directive and any development proposal that affects a Bat's habitat must consider the appropriate mitigation.*

Officers are required to assess whether applications warrant a protected species survey. In this instance, the likely opportunities for bats and their habitats and other protected species was considered very limited and did not warrant further onerous survey work. However, notwithstanding this, the Council's Ecologist has been asked to evaluate the potential of the site and has provided the following response which draws the same conclusions.

‘The plot consists entirely of a former garden, which has been neglected for some time, however the vegetation that covers the site remains a mixture of former garden plants and ruderal, opportunistic weeds, which are of negligible conservation value. The area that will be lost under the footprint of the house does not represent any significant loss to biodiversity. In the longer term, the remainder of the plot will eventually be turned into a garden once more and this will offer an equal, if not greater function for biodiversity to what is currently on the site. It is likely to be planted with flower borders and shrubs which will attract a significant number and variety of invertebrates which will in turn be prey items for a number of birds, bats and other small mammals.

The boundary trees are to be retained and will therefore continue to provide a function for biodiversity as an integral part of the foraging and commuting line used by birds, bats and other small mammals, and as potential nesting areas for native birds. The root protection zones proposed within the application will ensure that the integrity of these trees is not compromised.

None of the boundary trees offer features suitable for use by roosting bats, other than for “opportunistic” roosting by individuals. None have features that would support a colony of bats. There is therefore no requirement for survey of these trees in relation to bats. The retention of the trees will ensure that opportunistic roosting remains a potential function of the site. The construction of the proposed dwelling will not affect the potential use of the limited roosting opportunities in the trees.

The hedgerow to the front of the site is proposed for removal, with replanting further back to allow visibility. If native stock is used, I have no objection. I note there will be some additional hedge planting around the remainder of the boundary and this will increase connectivity of habitat and increase the function of the hedgerow as a wildlife corridor for secluded movement between different habitat areas by a range of birds and small mammals. The wider area is already given over to residential development and any increase in commuting corridors for wildlife throughout the locality such as planting new hedges or bulking up existing ones will increase the permeability of the landscape and thereby benefit biodiversity.

There are no other ecological issues in relation to this site and I make no objection to the application.'

To summarise, officers have fully considered the many issues and concerns raised by objectors and have sought the necessary expert advice where deemed necessary. The committee report was prepared as a proportionate summary of the many points raised following extensive consultations, negotiations and the applicants' submission of additional information to address some of these points. The additional criticisms have been thoroughly considered however, for the reasons given above, they do not cause officers to alter their professional judgement on the application proposal. Accordingly, approval of planning permission with conditions is recommended.

Reason for the application being considered by Committee

This application has been brought to committee at the request of the division member, Cllr Howard.

1. Purpose of Report

To consider the officer recommendation that the proposal be granted planning permission.

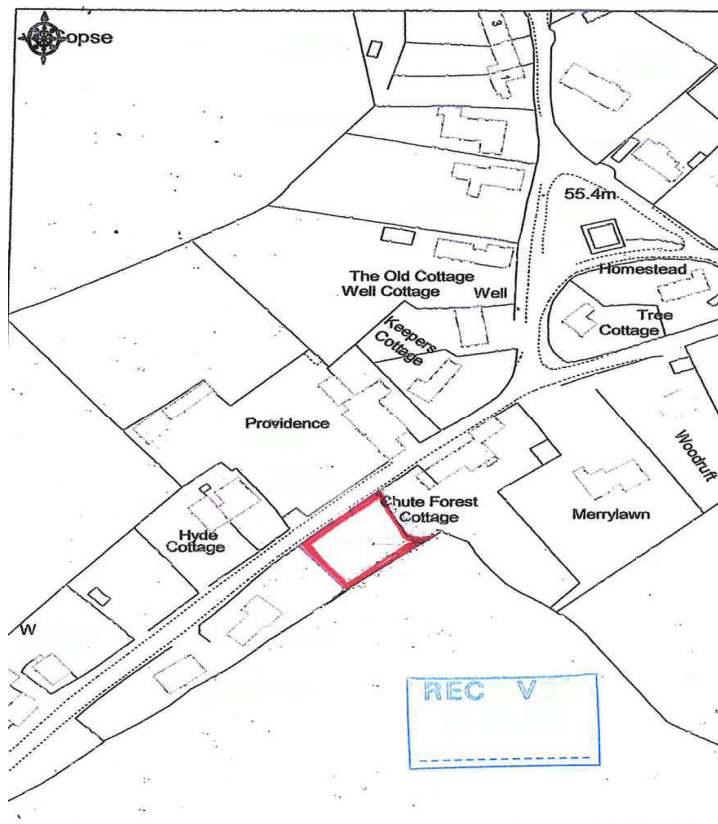
2. Report Summary

The key issues for consideration are:

- The principle of residential development in this location;
- Whether the proposals will preserve the setting of listed buildings and other non-designated heritage assets;
- Whether the proposal would preserve or enhance the character or appearance of the conservation area (including a broadly neutral impact);
- Impact on visual amenity, including whether the proposal represents good quality design, impact on the AONB landscape and trees;
- Highway safety;
- Impact on residential amenity.

3. Site Description

The application site lies on the southern side of Chute Cadley. The site can be accessed from Ludgershall by proceeding east along the A342 towards Andover. Before leaving Ludgershall and immediately before the sign for Faberstown, take the left hand turning signed Biddesden and Chute into Biddesden Lane. Proceed along this lane until the T junction and turn left. Keep following this road into Lower Chute. At the T junction, turn right (past the Hatchett Inn) and take the next left towards Chute Cadley. The application site can be found on the right hand side before the road splits. The site slopes upwards from the roadside to the southeast.



Site Location Plan

4. Planning History

E/2011/1627/FUL – Planning permission was refused for a new dwelling on the site on 25th January 2012 for the following reasons:

1. The proposed dwelling, by virtue of its scale, bulk, orientation and design would be cramped and out of keeping with the area and would thus fail to preserve or enhance the character and appearance of the conservation area. Furthermore, the scale of the dwelling, its proximity to the boundary and orientation within the site would be unneighbourly for occupiers of Chute Forest Cottage. The proposal is therefore contrary to policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment.
2. The proposal makes inadequate provision for visibility splays at the site access and the local planning authority is not satisfied that the necessary visibility splays can be achieved without detriment to the character and appearance of this part of the conservation area and without use of third party land outside of the application site. The proposal is therefore contrary to policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment.
3. The siting of the dwelling and its proximity to existing trees and landscape features would give rise to pressure from future occupiers of the dwelling to reduce or fell trees which make a positive contribution to the sylvan character of the area. As such the proposal is contrary to policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment.

It should be noted that this application proposed a much larger dwelling, tantamount to the appearance of an elongated barn conversion which was intended to be placed diagonally across the site. The dwelling now proposed has been the subject of protracted pre-application discussions in an attempt by the applicants to address the issues as fully as possible.

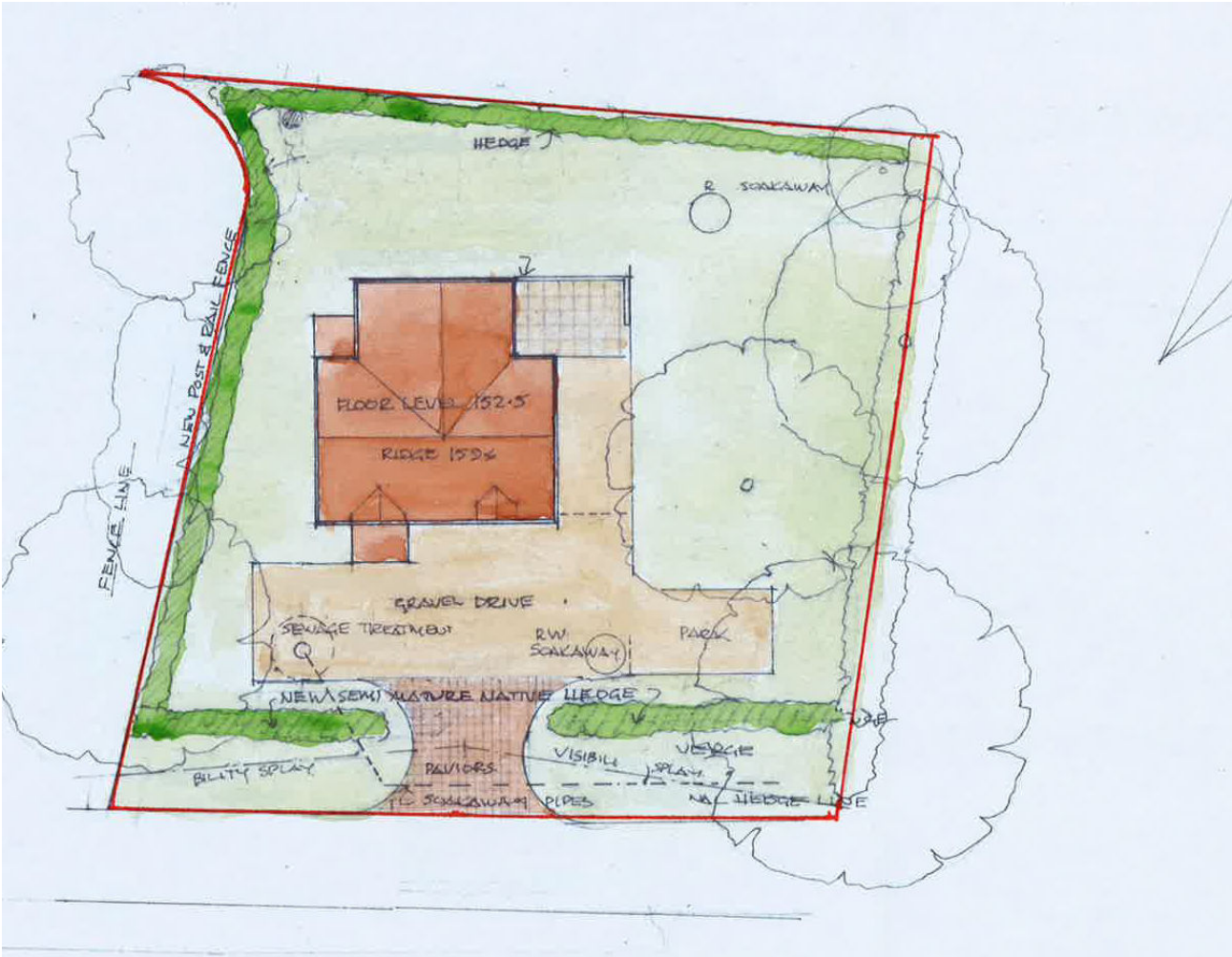
E/09/1030/TCA – The applicants carried out works to trees within the conservation area adjacent to Chute Forest Cottage consisting of the felling of two larch trees, one aspen poplar, and one elder described as dying, along with the re-shaping of two ash trees and one box elder. This application sought to regularise these works which were carried out without the benefit of consent. The Council objected to the felling of the poplar and the unspecified re-shaping of the two ash trees and the box elder however upon appeal the Inspector held that this was acceptable subject to the planting of two modest new multi stemmed birch trees.

K/10493 – Planning permission was refused and an appeal dismissed for a new dwelling on this site in April 1988. A copy of the appeal decision has been uploaded to the Council's website (under the documentation details for the current application) for full viewing. Given the age of this decision and the material planning changes since this time, particularly in respect of the Government's drive for new housing in sustainable locations and the publication of substantial new planning guidance (including the Kennet Local Plan 2011, the National Planning Policy Framework and the emerging Wiltshire Core Strategy, the Conservation Area Statement, Manual for Streets, the Kennet Landscape Conservation Strategy and the Village Design Statement in addition to the Inspector's decision to require only two replacement trees to be planted following site clearance, and other planning decisions nearby) it is considered that such changes must be factored into any decision.

It should also be noted that the larch, holly, maple and two ash in the western hedgerow are covered by a Tree Preservation Order.

5. The Proposal

The application proposes the development of a single detached cottage together with associated driveway, turning and parking areas and landscaping works. Since the application was submitted, the site plan and block plan have been amended to take account of a land ownership concern. In order to accommodate an addition new hedge on the applicant's land, it was suggested the dwelling be moved approximately 1.5 metres further southwest. The amended plan is shown below.



Block Plan



Elevations and Floor Plans of the Proposed Dwelling

6. Planning Policy

The following planning policies are considered of relevance to this proposal:

Kennet Local Plan - policies HC24, PD1, NR6 & NR7 are applicable.

The Chute Conservation Area Statement, the Village Design Statement for the Chutes, the Kennet Landscape Conservation Strategy, along with the Management Plan for the North Wessex Downs Area of Outstanding Natural Beauty are all material considerations.

The emerging Wiltshire Core Strategy is also a material consideration, but since the Inspector has not yet reported on the Examination in Public which was underway at the time of writing, it cannot therefore be afforded any significant weight. Within this document, Core Policies 1, 2, 26, 57, 58 and 60 are relevant.

The National Planning Policy Framework, with particular reference to:

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

It should be noted that sustainable development is an overarching objective which runs throughout this document.

7. Consultations

Wiltshire Council Highways – I attach comments on the revised plan. I am satisfied that providing the hedge is set back as detailed over the entire frontage the available visibility will be satisfactory. Manual for Streets (the newer guidelines) allows visibility at such low-key residential environments to be to the centre-line of the road, which [my colleague] did not make clear in his previous comments. The parallel splay as indicated will achieve this. I think a parallel splay should be provided as it will provide a better situation for the nearby property and good visibility of the access for approaching traffic.

I refer to the above planning application and to the amended plan number 3103/8. I am satisfied that provided the hedge is set back as detailed the available visibility will be satisfactory. I have no highway objections subject to planning conditions which have been incorporated into the recommendation.

Wiltshire Council Arboricultural Officer - The proposed scheme seems achievable without having a detrimental effect on the character of the site. Landscaping details and information on the re-positioning of the two multi-stemmed birch, required under the Tree Replacement Notice, should be detailed and agreed, although I note that the tree report only refers to one tree.

Services routes/soakaways should be detailed and agreed. The proposed hedging is at 600mm centres at 300mm between rows. This is deemed acceptable for larger stock on some nursery websites, but in my view it could look rather sparse until established, especially if the stock has limited branch structure. We usually ask for hedging at 450 centres, which is approximately 5 plants per metre.

In response to amended plans:

I am of the opinion that the proposed scheme, and in particular the sewage treatment plant, is unlikely to have a detrimental effect of the adjacent trees' long-term health. If the configuration of the pipe work for the sewage plant cannot be reconfigured to pull it out of the RPA of tree No 1, the short section within the RPA should be laid in accordance with National Joint Utilities Guidelines (NJUG 10) & BS 5837:2012.

Wiltshire Council Building Control Officer – Further to our earlier conversation I can confirm that the use of a package treatment plant and associated soak-away, as shown on drawing No. 3103.8, would satisfy the requirements of the Building Regulations.

Chute Forest Parish Council – A summary reads as follows;

The application only seems to deal with the first reason for refusal on previous application E/2011/1627/FUL. It does not adequately address the highways reason or the impact on trees. The applicants cannot achieve the required standard of visibility on their land.

The proposals are contrary to the Conservation Area Statement which states that 'the special enclosed character of routes through the settlement should be protected by resistance to proposals to open up and remove hedging'.

Planning history relates to unauthorised felling of trees in which the applicants were requested to plant two 'replacement' birch trees. As not covered by Tree Preservation Order and their current size does not warrant this status, the relocation of one could be agreed not to significantly affect the sylvan character of the area.

The Parish Council expressed concerns over foul drainage provision (these have since been provided and Building Control Officers are satisfied that this would offer a solution), and impact on trees and hedges (which the arboricultural officer has also advised would be acceptable subject to condition).

No indication of regarding works necessary at entrance has been provided – works stipulate 50mm topsoil removal only but there are concerns that this would not be suitable as there is a 600mm rise over the first 2 metres.

The Parish Council also pointed out a discrepancy in the plans and a boundary/ land ownership issue. These have since been updated to reflect title documents and survey drawing.

Chute Parish Council – The site is considered unsuitable and too small for a dwelling and no visibility to narrow highway entrance.

8. Publicity

This application has been advertised by way of a site notice, an advertisement in the local press and neighbour notifications. At the time of writing a total of 31 letters of objection have been received from 18 nearby residences. These set out the following summarised concerns:

- The safety of the access even with hedge removal.
- Concerns over accuracy of plans and ability of site to accommodate what is shown on the plans.
- Objection to infilling of last green breathing space between Chute Cadley and Lower Chute. Siting a house on the narrowest part of the road between Lower Chute and Chute Cadley will spoil the rural aspect between the villages.
- The proposal would set an undesirable precedent for further development.
- Once built upon, there is no going back.
- The site was an orchard, then a garden and allowed to develop into a wooded copse, associated with Chute Forest Cottage. This should be preserved and not cashed in for profit.
- The owners removed the trees unlawfully, harming the positive contribution this made to the character of the area and the wildlife. The owners were ordered to restore this to garden and not used as consideration towards a new development on the site.
- The plans (first set) do not show a septic tank or soakaway. There appear no real options for this given Root Protection Zones for retained trees, slope of site and greenfield run-off rate to be accommodated.
- Object to loss of existing mature yew, holly and box hedge to deal with the visibility issue. This would fail to preserve or enhance. New planting could not adequately replace this frontage as it would be set so far back as to change the intimate character of the street.
- The young trees planted following the illegal felling of trees have simply been dismissed as unimportant where in fact these are replacements for unlawful felling of mature trees.
- The Plot is very small and is constrained by trees such that they would not be protected during construction or afterwards.
- Any house built on this land would impose and overlook the houses opposite due to the

- ground level sloping towards the back of the site.
- The applicants do not live in the village nor have they for many years. They do not intend to live in the house and are trying to obtain planning permission for financial gain at the expense of the character of the village.
 - There is nowhere for construction vehicles during a lengthy construction process.
 - The house would overlook neighbouring houses and gardens to the detriment of neighbour privacy.
 - The proposed dwelling would be too close to neighbouring dwellings and is disproportionately large for the size of the plot.
 - The proposals contradict the Village Design Statement.
 - The excavations will cause damage to trees
 - The height of building on site levels will dominate
 - The site is an eyesore caused by unlawful felling of trees on the site and neglect. Applicants had no intention of returning the site to garden land and is an example of planning creep. The hedge should be reinstated and trees planted.
 - The amended plans demonstrate no resolution to access, visibility, protection of trees and wildlife and most importantly, highway safety.
 - Appears the property would impinge on drainage system of Chute Forest Cottage.
 - The plot has not increase in size, therefore a dwelling can still not be accommodated.
 - There is no need for new housing in Chute Cadley.
 - The proposal would have a detrimental impact on the special character and appearance of the conservation area and a potentially significant impact on listed buildings.
 - Concerns have been raised regarding the validity of the application – in relation to the layout, tree protection, services especially drainage, site levels and heritage impact.
 - The application does not overcome reasons for refusal upheld on appeal in 1988 or those in refusal dated 23rd August 2011.
 - The application fails on policy grounds in relation to HC24 and PD1 in that it would consolidate loose knit sporadic development and cannot therefore be considered an infill plot.
 - The driveway is inadequate leading to highway safety concerns.
 - Furthermore, the loss of hedging would not be in harmony with the village in that it would destroy the character of this part of the village which is characterised by intimate enclosure of narrow lanes bordered by mature hedging.
 - No formal Heritage Assessment has been submitted as required by the NPPF.
 - The dwelling would fill a wooded area which is part of the setting of listed building, Chute Forest Cottage and the loss of the hedge destroys this special character. It therefore fails to preserve or enhance the character or appearance of the conservation area, a duty required by the Planning (Listed Building and Conservation Areas) Act.
 - The listed buildings would be dominated by the proposed dwelling and this would weaken the spacious setting of the adjacent listed cottages.
 - The proposal is contrary to the Kennet Landscape Strategy which seeks to allow development which does not unacceptably damage local character.
 - The previous appeal considered whether the proposal would seriously harm the special environmental and landscape qualities and whether the site was large enough to permit the erection of a new dwelling without adversely affecting its character and appearance. Since this period additional constraints have emerged including the designation of the conservation area, and two adjacent listed buildings, the Conservation Area Statement and the Village Design Statement have all been published as well as significant tree constraints subject to Tree Preservation Order.
 - The new dwelling cannot provide visibility splays at the required standard of 25m x 2m as this would require land outside the applicant's control. We cannot understand why the Highway Officer believes visibility can now be achieved. This inconsistency is perverse.
 - No follow up has been provided to the arboricultural report following the sewage treatment plant.
 - Object to relocation of trees ordered to be replanted.
 - No justification has been provided to substantiate the harm to designated Heritage Assets (the conservation area and listed buildings) in accordance with the NPPF para 132.

- The proposals are inconsistent with policy PD1 B(3) and B(7).
- The proposed dwelling is within 7m of the neighbour's septic tank.
- The application process has been protracted and is having a significant effect on the village including stress and depression.
- The proposed additional vehicular movements and construction traffic would inevitably damage roadside verges which are an important feature.

9. Planning Considerations

9.1 The principle and impact on the character and appearance of the conservation area, including impact upon trees and the Area of Outstanding Natural Beauty.

It is of note that the Government have made it clear through the NPPF and ministerial statements that there should be a general presumption in favour of new housing in sustainable locations to address the national shortage. However, this clearly needs to be balanced with particular site constraints.

The site lies close to the boundary between the settlements of Chute Cadley and Lower Chute which are listed together under 'Table H5' as villages which are suitable for infill development subject to the following criteria as set out in policy HC24;

- a) Development must be within the existing building up area of the village;
- b) Development must not consolidate an existing sporadic loose knit area of development;
and
- c) Development must be in harmony with the village in terms of its scale and character.

The proposal should also comply with Policy PD1.

The application site is a gap between two dwellings in the area between two coalescing villages – Chute Cadley and Lower Chute. The 1988 appeal decision set out that at this time there was a clear visual break between the settlements and that there were potential other sites which could be developed if this one were allowed. In the opinion of officers, this has subsequently changed, with other new dwellings being found to be acceptable and this appears the final logical infill site left. It appears from historic maps that some form of building once occupied part of the site in the 1800's and therefore it seems unlikely that this site represents the original or last remaining gap between the two settlements.

Whilst planning policy has changed since the 1988 appeal decision, similar phrasing to that quoted by the Inspector exists in Policy HC24 of the adopted Kennet Local Plan 2011 in terms of the principle of 'infill' development. Policy HC24 permits infilling which is defined as 'a small gap within a group of houses, not sufficiently large for more than one dwelling'. In this instance it is considered that the site meets the definition of an infill plot and as a relatively distinctive linear settlement, where dwellings follow the pattern of the roads without significant gaps in between, it is not considered that the proposal would consolidate a loose knit or sporadic area of development. This accords with advice given at pre-application stage and is consistent with the decision made in 2011.

In respect of criteria c), the dwelling has been substantially downscaled and the design completely altered since the previous application. The proposed dwelling, although set on rising land, would be installed so as not to dominate the streetscene through its setting back from the roadside, its relatively modest height and its proposed floor level set into the site. This is shown through the provision of a finished ridge level some 70 cm lower than the ridge of Chute Forest Cottage. It is designed as a single detached dwelling facing the roadside with some space to both sides and this accords with the grain of development in the area. The style of the dwelling has been altered to better reflect the appearance and proportions of modest vernacular cottages in the area with high quality handmade materials, including bricks, clay tiles and flint. It is now considered that the

design is of a good quality and that the site could accommodate the scale of the proposed dwelling.

A key concern expressed by local residents and parish councils is the impact of the proposed dwelling upon the roadside hedge and upon the remaining trees on site which in turn would permanently harm the character of the area.

Whilst officers sympathise with the concerns of residents in assessing the proposed character and appearance of the site against its character and appearance prior to the removal of trees on the site, the Inspector held that such changes were acceptable and therefore its current state must be seen as the starting position.

The applicants have already created a large gap in the roadside hedge and it is of note that no consent would be required for its complete removal, notwithstanding the desire shared between officers, local residents, the parishes and the aspirations set out within the VDS and the CAS to preserve the intimacy created by roads bounded by mature hedging. Its loss would be required in order to secure adequate visibility required for a dwelling as set out by highway officers. Consequently, whilst the loss of the existing hedge could be deemed regrettable, officers consider that having regard to the fact this hedge could be removed at any date, the provision of a new semi-mature hedge planted behind the 2m parallel visibility would help to ensure the character of the area is not significantly harmed but is secured over the longer term.

The site layout and arboricultural report set out the Root Protection Areas for the trees on site. It was set out at pre-application stage that the retention of these trees and the importance of ensuring their retention over the longer term would be key in preserving the character of the site. The position of the dwelling, including service runs and parking and turning areas has been designed to take account of this, with a sufficient area now provided at the rear of the dwelling for amenity purposes, such that this should not result in undue pressure to significantly reduce or remove the adjacent trees. Following concerns expressed in representations, officers have sought additional advice in respect of both the proposed package treatment plant, the existing septic tank serving the neighbour's property, surface water drainage and the impact of these elements on trees. The applicant has now demonstrated that these matters can be addressed whilst complying with Building Regulations and ensuring no significant harm to trees subject to a condition. For this reason, it is not considered that these represent sufficient grounds for refusing planning permission.

The application would propose a new building on this site, however, it is not considered that this is incongruous with the character of the area and the proposal provides for the preservation or replacement of existing landscape features such that it is considered the proposed dwelling would have only a broadly neutral impact on the character and appearance of the conservation area and would not harm the objectives of the AONB.

9.2 Impact on setting of the adjacent listed buildings

The appeal Inspector, in determining the 1988 appeal, concluded that a dwelling on the site would not necessarily be seen as part of the setting of Providence Cottage across the lane and the well-established hedge between the site and Chute Forest Cottage would minimise the impact of the new dwelling. Since this time, it is noted that both buildings have been confirmed on the Statutory List (they were included as draft at the time of the previous appeal). However, officers are minded to agree with the Inspector's conclusions in this regard as the degree of separation, boundaries and positioning of the dwelling would not harm the setting of Chute Forest Cottage. The dwelling would be visible in the context of the setting of Providence Cottage, but set back from the opposite side of the lane and with a relatively modest ridge, it is not considered that this would impinge on the spacious setting of Providence Cottage such that the application should be refused for this reason.

9.3 Neighbour Impact

The proposed dwelling is sufficiently distant and positioned such that it would not significantly

harm the amenities of the occupiers of Chute Forest Cottage. The first floor windows in the front of the dwelling would look towards the garden of Providence Cottage, which is noted as their principal garden and which currently benefits from a relatively high degree of privacy. However, these first floor windows would serve bedrooms and would be set back some 14 metres across the lane from the nearest garden boundary of Providence Cottage. Therefore, whilst these would afford some views over the garden for Providence Cottage and consequently a degree of privacy would be lost for these neighbours, it is considered that having regard to the design and positioning of the proposed dwelling the level of overlooking would not result in significant harm to the amenities of the neighbouring occupiers such that it would warrant refusal of planning permission.

9.4 Highway safety

Some criticism has been directed towards the apparent inconsistency of highway comments. However, the Highway Officer comments clarify why this approach is not inconsistent and officers are satisfied that the proposed access and parking arrangements would not be detrimental to highway safety subject to conditions which are recommended in the event Members are minded to grant planning permission.

9.5 Other issues

Neighbours have raised the concern of damage to verges outside of the applicant's control and inconvenience of access during the construction period. Both of these matters are not capable of being controlled via planning condition but would be a civil matter.

10. Conclusion

The proposed dwelling is of a suitable design and scale for the locality and its position within the site and further submitted details demonstrate that the proposal would have only a broadly neutral impact upon the character and appearance of the conservation area and the AONB. No particular harm would result to the setting of adjacent listed buildings and the proposal as outlined would not be prejudicial to highway safety. The proposal would result in a degree of overlooking of the garden for Providence Cottage; however it is not considered that this would result in significant levels of harm to the amenities of neighbouring occupiers. The submitted location is sustainable in planning terms and having regard to the Government's drive to significantly boost housing supply, approval of planning permission is recommended. In the event Members are minded to grant planning permission, a list of suggested conditions is attached.

RECOMMENDATION

That planning permission be GRANTED with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Details shall include mortar mix and brick bond. 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.

- 3 Notwithstanding the submitted details, no development shall commence on site until a sample panel of the external flintwork, including dressing, coursing and bedding of the flint, type of pointing and mortar mix, has been prepared on site and approved in writing by the Local Planning Authority. The external flintwork of the dwelling shall be

constructed in accordance with the approved details and the sample panel retained on site for comparison purposes during construction.

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

INFORMATIVE TO APPLICANT:

It is highly likely that flint work will need to be hand laid, using a traditional lime based mortar, with care taken not to smear mortar over the faces, to achieve the necessary density and lack of visible coursing which usually results from the use of pre-formed flint blocks.

- 4 No works shall commence on site until large scale details of window reveals, cills, eaves, ridges and verges and all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

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

- 5 The rooflight hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

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

- 6 The dwelling hereby approved shall be carried out in full accordance with the submitted levels details approved on plan 3103.8 as amended to take account of the survey levels.

REASON: In the interests of visual amenity, preserving the character and appearance of the conservation area, neighbour amenity and the setting of adjacent listed buildings.

- 7 Notwithstanding the submitted details, no development shall commence on site until further details of the hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) a detailed planting specification showing all plant species, supply, locations, planting sizes and planting densities. This shall be based on the amended plan set out on drawing number 3103.8 and shall include the provision of a semi-mature hedge to the frontage;
- b) finished levels and contours including details and cross sections of the levels across the front boundary;
- c) any gates or other means of enclosure;
- d) all hard and soft surfacing materials;
- e) the planting or relocation of two trees the subject of the previous replanting order, of a size and species and in a location to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and to preserve the character and appearance of the conservation area.

- 8 No demolition, site clearance or development shall commence on site until the protective fencing has been installed in accordance with the details set out in the Arboricultural Report dated December 2012. This shall be maintained in full accordance with these details until all works are complete and excess materials and plant removed from site. Any re-grading within Root Protection Areas or excavations necessary for the purposes of running any services shall not be commenced until full details of such works including mitigation measures have been submitted to and approved in writing by the local planning authority. All works shall subsequently be carried out in strict accordance with the Arboricultural Report or any subsequently approved details.

REASON: In order to protect trees to be retained in the interests of preserving the character and appearance of the area.

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 10 The dwelling hereby permitted shall not be first occupied until the first two metres of the access, measured from the edge of the carriageway, 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.

- 11 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900 mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

INFORMATIVE TO APPLICANT:

The intention of the above condition is not to permit works to the trees to be retained at either end of the site. Such works may require a Conservation Area Treeworks notice. Should the applicant consider that works are necessary to facilitate the required splay, full details should be submitted to the Council for their prior approval.

- 12 No part of the dwelling hereby approved shall be first occupied until the parking, access and turning areas shown on the approved plans have 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.
- 13 Any gates approved as part of condition number 7 shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.
- REASON: In the interests of highway safety.
- 14 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 given the constraints of this site.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.
- REASON: To safeguard the character and appearance of the area.
- 16 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 3103.8 received on the 4th June 2013, the Package Treatment Plant details and plan received on the 22nd April 2013 (unless updated and approved under condition number 8) 3103.7 received on the 19th February in respect of scaled elevations and floorplans only (Site Plan subsequently amended) and the Arboricultural Report by Certhia Consulting received on the 19th February 2013, Topographical Survey by Brunel Surveys received on the 23rd May 2013 and Site Location Plan received on the 4th June 2013.
- REASON: For the avoidance of doubt and in the interests of proper planning.
- 17 INFORMATIVE TO APPLICANT: The applicant is requested to note that there is local concern regarding the lack of available spaces to accommodate construction vehicles and the likely damage to roadside verges. The applicant should be sensitive to such concerns with regard to the timings, routes and locations of delivery or construction vehicles and should consider repairs to verges in the event that damage occurs.