

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	23 April 2014
Application Number	13/07226/FUL
Site Address	9 Gaston Lane Sherston Wiltshire SN16 0LY
Proposal	Detached Dwelling & Detached Single Garage
Applicant	Mr & Mrs Butler
Town/Parish Council	SHERSTON
Ward	SHERSTON
Grid Ref	385706 185992
Type of application	Full Planning
Case Officer	Lydia Lewis

Reason for the application being considered by Committee

Councillor Thomson has submitted a request for the planning application to be considered by the committee to assess the relationship to adjoining properties, design, bulk, height and general appearance.

1. Purpose of Report

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager to APPROVE subject to conditions and subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space and affordable housing.

2. Report Summary

The main issues in the consideration of this application are the acceptability of:

- The principle of development;
- The design and appearance and impact on the character and appearance of the AONB;
- The impact of the development on the amenity of neighbouring occupiers;
- Impact of the development on trees;
- Parking and highway safety; and
- Provision of public open space and affordable housing.

The application has generated objection from Sherston Parish Council and 7 letters of objection from 4 different properties.

3. Site Description

The application relates to a plot of land currently forming the curtilage of No.9 Gaston Lane. No. 9 is a detached property set within a roughly triangular shaped plot extending to 0.1 hectares and situated within the Settlement Framework Boundary and an Area of Outstanding Natural Beauty (AONB). Open countryside lies to the east with land used for equestrian purposes to the south beyond a public right of way which runs along the southern boundary.

No.9 Gaston Lane benefits from a single detached garage to the west with space in front to park approximately 1 vehicle. The provision would be retained.

4. Planning History

N/11/00312/OUT New Dwelling & Garage - Approved by the Northern Area Planning Committee on 11th May 2011.

N/11/03783/FUL Extensions and Alterations - Permitted

5. The Proposal

The applicant seeks consent for the erection of a detached three bedroom dwelling and detached single garage. The proposed dwelling would be two storey in height with maximum dimensions of 9.3 metres wide, 7 metres deep and 7.5 metres to the ridge with a single storey extension to the north east side measuring 3 metres wide and 4 metres deep.

The single garage would be 6.4 metres deep, 3.4 metres wide, 2.2 metres to eaves level with an overall height of 4.2 metres.

The proposal would be constructed of render with reconstructed stone tile roof.

6. Planning Policy

C3 – Development Control Policy

NE4 – Areas of Outstanding Natural Beauty

NE14 – Trees and the Control of New Development

T3 – Parking

H3 – Residential Development Within Framework Boundaries

H6 – Affordable Housing in Rural Areas

CF3 – Provision of Open Space

7. Consultations

Sherston Parish Council – This application was very contentious at the outline stage, and was strongly opposed then by Sherston Parish Council, and many adjoining residents. The main objections of the Council was the effect of the inevitable increase in road traffic and parking on a narrow dead-end lane, and also the loss of amenity for No.22. This view has not changed, the Council is totally opposed to this development.

The Council was also very disappointed to see that the site plan presented was based on out of date information. There have been significant changes, particularly to No.22 which effect the impact of this proposed development on the area. No.20 is now two detached properties.

Gaston Lane itself narrows after it leaves the main highway, being narrowest at the Kissing Gate to the field at its south east end. It is a single track access at best. The Kissing Gate marks the start of the right of way across the adjoining field.

The north east elevation of the dwelling should have no windows. Also the materials of construction must be fully in keeping with the original No.9, whose plot is shares.

Highways – It is noted that the previous application has been approved and as such no highway objection is raised subject to the proposed parking area being conditioned. It would be a good idea to ask the applicant to provide a tracking diagram, along the same line that they did on the previous application.

Wessex Water – Waste water connections will be required from Wessex Water to serve this proposed development. DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Public Right of Way Team – The Council has a responsibility to maintain the top surface of rights of way such as SHED26. Where damage is clearly caused by landowners or private users the Council can require them to put this right. It is recommended that detailed before and after surveys are undertaken and the developer be required to undertake remedial works to the Council's specification if they cause damage.

Public Open Space – This development generates a need for £5,820 in offsite open space contribution to be used to upgrade facilities at Court Street Recreation Ground.

8. Publicity

The application was advertised by site notice and neighbour consultation.

7 letters of objection have been received in response to the application publicity from 4 different properties. The concerns raised are summarised as follows:

- No setting out details on any drawings so the property could end up anywhere on site;
- No survey of the site with existing ground levels;

- No floor levels on the house or garage drawings, therefore they could end up any height;
- The drawings are misleading as they do not show the correct layout of No.22 or No.24 Gaston Lane;
- There is no drawing to show where the foul drainage is to be taken to;
- There is a requirement for tests to be carried out to see if the ground conditions are suitable for the type of driveway proposed;
- There is a need to put restrictions on the site working hours to be in line with normal building site practices;
- There should be no deliveries before 09:30 or after 15:00 Monday to Friday because the lane is so narrow;
- Activities carried out at the edge of the site should be done safely as the lane is very narrow and is in constant use by children and pedestrians;
- Wessex Water should be consulted;
- There should be a condition that the road should be resurfaced from the bottom of the site up to where the connection is made to the existing sewer;
- Loss of privacy;
- Loss of light;
- The site is located off a narrow lane and parking and manoeuvring of vehicles will therefore be undertaken within close proximity to the door, garden gate and gable wall of No.22 presenting a danger and a source of noise and nuisance;
- Due to the position of the Yew Tree, visibility of vehicles will be impaired;
- Public footpath access is required to the end of the lane, this is used heavily on a daily basis;
- A fire hydrant is located within the immediate vicinity of access to the site;
- Does not comply with policy NE4 of the Local Plan – Area of Outstanding Natural Beauty;
- The proposal would represent the development of a Greenfield site;
- The use of traditional building materials should be used; and
- Refuse collection lorries and recycling lorries cannot reverse down the lane.

9. Planning Considerations

Principle of Development

Extant outline planning permission exists for the erection of a detached dwelling and detached single garage on this site (ref: 11/00312/OUT). The principal of development on this site has therefore already been established.

Design and Appearance and impact on AONB

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including, inter alia: respect for the local character and distinctiveness of the area with regard to design, size, scale, density, massing, materials, siting and layout of the proposal.

Policy NE4 of the Local Plan considers that in Areas of Outstanding Natural Beauty, priority will be given to the conservation and enhancement of the natural beauty of the landscape.

Properties within the surrounding area are a mixture of architectural styles and designs, Nos.22 and 24 Gaston Lane to the north are three storey at the highest point, Lea House and the host property No.9 Gaston Lane to the west are two storey and Glencairn to the

north west and Rowans, Kingston and West Haven to the south west are modern bungalows. The scale of the proposed dwelling at two storey with a maximum ridge height of 7.5 metres would be appropriate within this context.

The layout of the proposed dwelling and garage are broadly similar to that already approved. The building line along the south east of Gaston lane facing the public right of way is not uniform although the proposed dwelling would broadly respect the siting of adjacent properties and would be set back approximately 6.5 metres from this boundary. It is noted that the garage would project further forward but given that this would be limited to single storey it is not considered that this would be harmful to the character or appearance of the surrounding area.

The proposed dwelling and garage would be rendered under a reconstructed stone tile roof. The neighbouring property No.22 is rendered and it is considered that these materials would be acceptable in this location. Conditions requiring the construction of a render sample and the submission of tile samples are recommended.

The proposed development would be situated within the Settlement Framework Boundary within a predominantly residential area. It is not therefore considered that the proposed development would have a harmful or detrimental impact on the natural beauty of the Area of Outstanding Natural Beauty.

The scale, massing and layout of the proposed dwelling would be acceptable and in accordance with policies C3 and NE4 of the Local Plan.

Amenity

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

The property has been designed to include no first floor habitable room windows in the north west elevation to avoid any overlooking of neighbouring properties. The property would be situated approximately 2.8 metres from the boundary with the host dwelling No.9 Gaston Lane and the first floor element would be situated approximately 10 metres from No.22 Gaston Lane at its closest point. A condition is recommended to ensure that no first floor habitable rooms windows are placed in either the north east or south west elevations to ensure the privacy of these properties is protected. A further condition is recommended to ensure that the first floor hallway window in the north west elevation be obscurely glazed.

The proposed dwelling would come no closer to No.22 Gaston Lane than layout approved at outline and would be situated approximately 8.5 metres from this property at single storey level and 10 metres at two storey level and would be orientated to the north west. No.22 has two dining room windows and a kitchen / dining room window at ground floor in the south elevation facing the application site and a second floor, secondary bedroom window, the primary window being situated in the west elevation. The proposed garage would be situated approximately 4.8 metres from the boundary with No.22.

Owing to the orientation of the property and the single storey element being closest to No.22 together with the distance from this property, the proposed development would not result in overshadowing of No.22 that could be regarded as material and would warrant a refusal on these grounds.

With regard to the proposed garage, an existing stone wall forms the boundary at this point with a height of approximately 1.6 metres, furthermore, the proposed garage would be single storey with maximum dimensions of 2.2 metres to eaves level and 4.2 metres to the ridge with a pitched roof that slopes away from No.22.

The proposal would result in the subdivision of an existing plot. The host property No.9 Gaston Lane would retain a garden with a depth and width of approximately 29 x 12.5 metres respectively and therefore retains sufficient amenity space.

In consideration of the above the proposed development would not be materially detrimental to the amenities of neighbouring occupiers in terms of overlooking or overshadowing.

Trees

Policy NE14 of the Local Plan states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes / ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of the development.

An existing Yew tree is situated along the sites northern boundary to the east of No.9 and the west of the proposed access. This tree is in good condition and is situated in a prominent position, visible from the wider public realm. The plans indicate that this tree would be retained and the roots would be protected by a 'no-dig' driveway construction. This proposed dwelling would be situated approximately 10.5 metres from the base of the tree and no habitable room windows are proposed in the north-west elevation reducing any pressure to fell the tree.

The proposed development has been considered by the Council's tree office who considers the scheme to be acceptable subject to the imposition of a condition requiring a pre-commencement meeting on site to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development with a report detailing the results and any necessary remedial works.

Parking and Highway Safety

Policy C3 of the Local Plan requires new development to have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

In December 2010, minimum car parking standards were introduced. As part of these standards, the Council has taken the view that garages are no longer allocated parking provision, except where the garage has minimum dimensions of 3 x 6 metres allowing for potential storage, whilst also providing parking. Two car parking spaces are required for a three bedroom property.

The proposed garage would measure 3.4 x 6.4 metres and a further 2 car parking spaces are proposed. The proposal therefore complies with minimum standards.

The principle of vehicular access in this location was accepted as part of the extant outline scheme (ref: 11/00312/OUT) and the principle has therefore already been established. In response to this application, the Public Rights of Way team have recommended that the applicant undertake before and after surveys of the public right of way. However, this is not a condition of the extant consent and it would not therefore be reasonable to impose such a condition to this consent.

Concern has been raised from residents in relation to pedestrian safety given that a gate is situated at the eastern end of Gaston Lane providing access to a public footpath and given the proximity of the proposed access to the garden gate and main pedestrian access to No.22. An acceptable visibility splay would be provided and sufficient space is provided within the site to enable cars to enter Gaston Lane in a forward gear. In light of the above, a refusal on the grounds of pedestrian safety could not be substantiated.

The proposed development would not be detrimental to highway safety in accordance with the aims and objectives of policy C3 of the Local Plan.

Provision of public open space and affordable housing

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

For a 3 bedroom property the level of public open space contribution required would be £5,820. This would be directed towards facilities at Court Street Recreation Ground.

Policy H6 of the Local Plan relates to affordable housing in rural areas and states that the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments, within the framework boundaries of the villages on the basis that about 50% of the dwellings permitted will be subsidised housing with an additional proportion of low cost housing, subject to local need and site characteristics.

The Council's housing team have confirmed that where a single market dwelling is proposed an off-site financial contribution of £26,000 is required.

Subject to the applicants entering into a Section 106 agreement under the terms outlined above the proposal would be acceptable in this respect.

10. Conclusion

The principal of development and access have been established through the granting of the extant consent (ref: 11/00312/OUT). The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties.

Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway safety.

RECOMMENDATION

DELEGATE to Area Development Manager for APPROVAL subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space and affordable housing, as required by policies CF3 and H6 of the adopted North Wiltshire Local Plan 2011 and subject to the following conditions:

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

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

- 2 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) all hard and soft surfacing materials;

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

- 3 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 building(s) 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.

- 4 No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available

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.

- 5 No development shall commence on site until details and samples of the materials to be used for the external 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.

- 6 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, 'Proposed Site Plan' 3909/53 Rev B. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 No development shall commence on site until visibility splays have been provided in accordance with the approved plan 'Proposed Site Plan' 3909/53 Rev B with the wall reduced in height to 1 metre for 3 metres either side of the access as demonstrated. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 8 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), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 9 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.

- 10 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 habitable room windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north west or south west elevations at first floor level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 11 Before the development hereby permitted is first occupied the first floor hallway window in the north west elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 12 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with best practice.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plans:

3909/53 Rev B (Proposed site plan)
3909/51 Rev B (Proposed floor plans & elevations)
3909/54 (Proposed floor plan & elevations of garage)
3909/02 (Site location)

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

INFORMATIVES TO APPLICANT:

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

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way.

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.

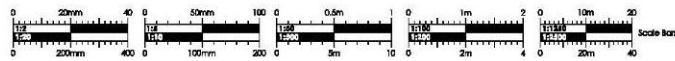
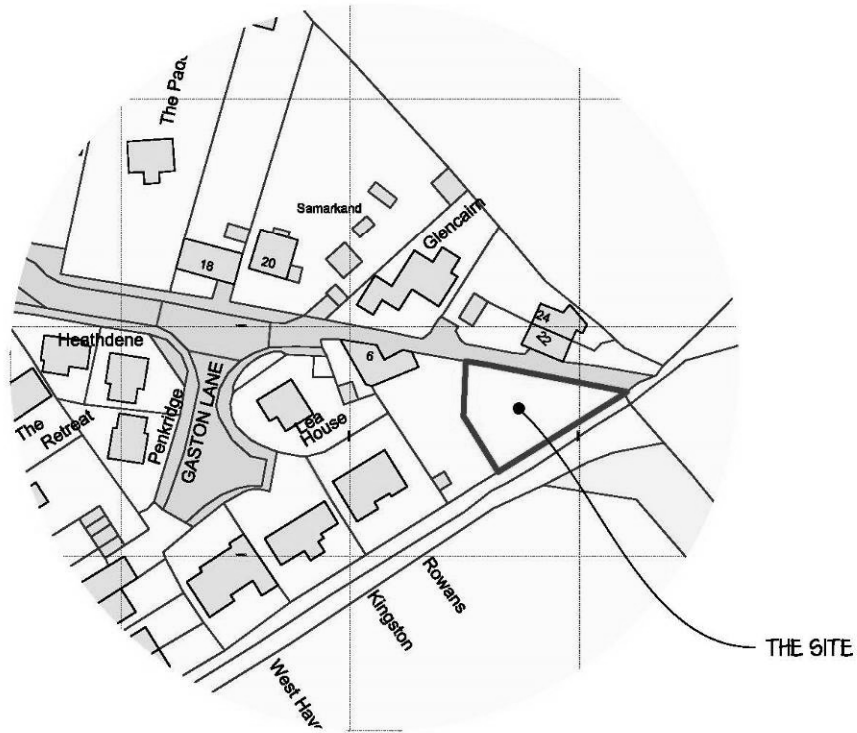
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.


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.

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.

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REV	DETAIL OF REVISION	Dimensions for fixed-in items are to be checked on site prior to manufacture.	BY	DATE
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	Project PROPOSED NEW DWELLING, LAND AT 9 GASTON LANE, SHERSTON, WILTSHIRE, SN16 0LY	Scale 1:1250	PG Size A4
	Description SITE LOCATION PLAN	Date DEC '13	Drawn -
		Drawing No 3909/02	Revision -