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Wiltshire Council
Planning - Development Management
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Our Ref: 23052
Your Ref: S/2004/1843

19th September 2023

Sent Via Planning Portal Only

Dear Sir/Madam,

RE: Land East of 6 Ludwell Courtyard, Ludwell Hill, Ludwell, Shaftesbury, Dorset, SP7 9ND - Erection of Detached Dwelling

Please find enclosed an application for full planning permission, sent on behalf of our client ***Isgar Developments Ltd***, for the erection of a detached dwelling on ***Land East of 6 Ludwell Courtyard, Ludwell Hill, Ludwell, Shaftesbury, Dorset, SP7 9ND.***

The following documents are provided to support this application:

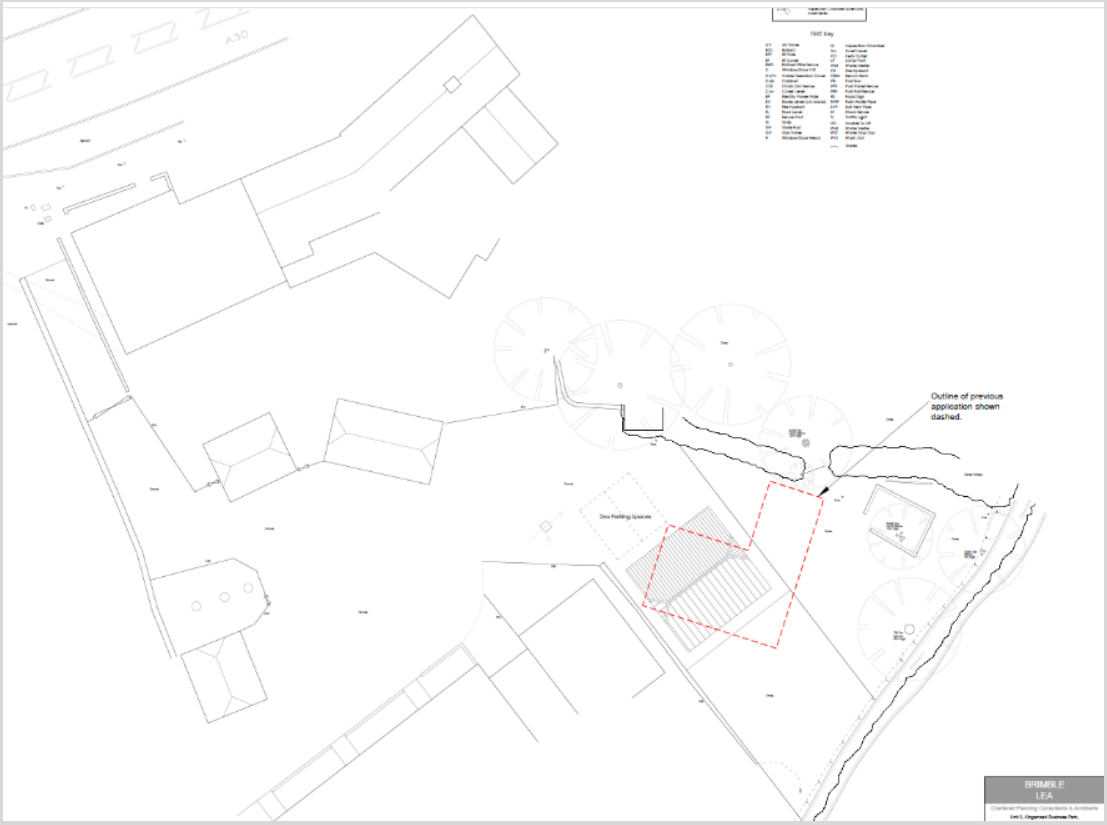
- Completed Full Planning Application Form
- Covering Letter & Planning, Design & Access Statement (23052)
- 23052-1 (Existing Site Survey)
- 23052-2 (Existing Site Sections)
- 23052-3B (Proposed Site Plan)
- 23052-6B (Proposed Plans and Elevations)
- 23052-7A (Location Plan)
- Preliminary Ecological Assessment (August 2023)
- Flood Risk Assessment (23052)
- Site Photographs (23052)
- Appeal decision relating to the refusal of application S-2004-1843

The requisite application fee of £526.00 (including the £64 Planning Portal fee) will be paid through The Planning Portal by the applicant.

An assessment of the proposal against the relevant material planning considerations and development plan policies is outlined within the following ***'Planning, Design & Access Statement'***.

PLANNING, DESIGN & ACCESS STATEMENT

1.0 PROPOSED SITE LAYOUT:



Above: Extract from drawing number 23052-3B showing the proposed site layout with the outline of the previously refused scheme shown with a red dashed line (for comparison)

2.0 PLANNING HISTORY:

- **APP/T3915/A/05/1172804** – Appeal against the refusal of planning application S/2004/1843 – Dismissed on 18/05/2006 (see appeal decision attached with supporting documents) with the following conclusions:

Conclusions

27. I have found that subject to the imposition of appropriate planning conditions the proposed development would not harm the character or appearance of the area or compromise highway safety interests. In addition, it may also be possible to impose a condition relating to a scheme for recreational open space provision. The development would accord with aspects of the Government's housing objectives and on balance, would not be at risk of flooding or increase the risk of flooding elsewhere. I consider however that these matters do not overcome or outweigh the serious harm that I have identified to the living conditions of the residents of 'Hillside'. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

- **S/2004/1843 –** Erection of a single detached dwelling – Refused 20/10/2004.

- **APP/T3915/A/04/1137193** – Appeal against the refusal of planning application S/2003/1844 – Withdrawn on 26/01/2004.

- **S/2003/1844 –** Erection of a single detached dwelling – Refused 08/10/2003.

3.0 PLANNING POLICY CONTEXT

Development Plan

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) require Local Planning Authorities to determine Planning Applications in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The Wiltshire Core Strategy was adopted in 2015 and forms part of the Development Plan for the District. The following development plan policies are relevant to this application:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP27 (Tisbury Community Area)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP57 (Ensuring High Quality Design & Space Shaping)
- CP60 (Sustainable Transport)
- CP61 (Transport & Development)
- CP62 (Development Impacts on the Transport Network)
- CP67 (Flood Risk)

3.3 **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF), July 2021, Chapters:
  2 – Achieving sustainable development
  4 – Decision making
  5 – Delivering a sufficient supply of homes
  9 – Promoting sustainable transport
  11 – Making effective use of land
  12 – Achieving well-designed places
  14 - Meeting the challenge of climate change, flooding and coastal change
  15 - Conserving and enhancing the natural environment
  16 - Conserving and enhancing the historic environment

- Planning Practice Guidance (PPG)

- Wiltshire Council Local Plan Pre-Submission Review (July 2023)

4.0 ASSESSMENT OF KEY ISSUES:

Principle of Development

4.1 The application site is located within the development limits of Ludwell, which is identified as a *'Large Village'* under the provisions of Core Policy 1, 2 and 27 of the Wiltshire Core Strategy (2015), which is a location where new residential development should be focused.

4.2 Wiltshire Council's *'Local Plan Pre-Submission Review (July 2023)'* confirms that Ludwell has a residual housing requirement of 17 dwellings, confirming that:

"Ludwell has seen very little growth both in the short term (past 5 years) and longer term (past 15 years). Overall, 3 net new dwellings were delivered between the years 2007/08-2021/22, equating to approximately 0.3 dwelling per annum. No new dwellings were delivered within the years 2017/18-2021/22."

4.3 Given the above statistics and the residual demand for 17 new dwellings, there is a significant unmet demand for new housing in Ludwell, where the current proposal will provide a new 3-bedroom family dwelling towards meeting this significant shortfall in supply. The site is also located within a low-risk flood zone (flood zone 1).

4.4 Bearing in mind the above assessment, it is considered that the principle of the development proposed is acceptable and accords with the provisions of Core Policies 1, 2 and 27 of the Wiltshire Core Strategy (2015). The development also aligns with the presumption in favour of sustainable development, identified within the National Planning Policy Framework (NPPF).

4.5 It should also be noted that the Planning Inspector, under appeal reference **APP/T3915/A/05/1172804** (see planning history section above), supported the principle of developing this site for residential development (see appeal decision attached), and only dismissed the appeal on the grounds of the impact of the development to the living conditions of *'Hillside'*, and a lesser degree *'Ye Old Well Cottage'*.

Character and Appearance

4.6 Ludwell is a dispersed settlement with housing on either side of the A30. Whilst in part this can be described as having a linear pattern of development, dwellings have also been built to the rear of some properties fronting this main road, and this forms part of the existing settlement form of Ludwell, which includes 'Ludwell Courtyard'.

4.7 Ludwell Courtyard includes a terrace of 4 existing dwellings (please see site photographs provided), which forms a backland development that is screened from the A30. The application site is located adjacent to number 6 Ludwell Courtyard.

4.8 The application site is located within the Cranborne Chase and West Wiltshire Downs AONB, however it does not form part of a conservation area and is positioned away from any designated heritage assets (listed buildings etc..).

4.9 A previous application for a new dwelling on this site was refused under planning application **S/2004/1843**, which was dismissed under appeal reference **APP/T3915/A/05/1172804** in 2006. Within the appeal decision (please see relevant document), the Inspector confirmed (under paragraph 8 of the decision) that:

"The proposal would add to the row of existing houses built to the rear of the former hotel. It would not extend development into the surrounding countryside and in my opinion it would not appear at odds with the mixed character of the settlement. From the network of surrounding public footpaths, and in more distant views from the south, the proposal would appear as an integral part of the village. This small-scale development would neither detract from the special landscape qualities of the AONB nor result in the loss of an open area that makes a positive contribution to the character of the village. In the context of LP policy H16 it would not comprise inappropriate backland or tandem development".

4.10 The same conclusion is put forward under this current application, which again proposes a single two-storey dwelling, but includes a revised design, scale and layout, where the dwelling has been moved closer/ adjacent to number 6 Ludwell Courtyard, and the built footprint has been significantly reduced, to address the key concern raised by the previous Planning Inspector, relating to the impact of the development towards the living conditions of *'Hillside',* and a lesser degree *'Ye Old Well Cottage'* (covered further in Residential Amenities section below).

4.11 A comparison of the proposed street-scene drawings and site layout plans from the refused application and the current application are provided below, to illustrate the changes made:

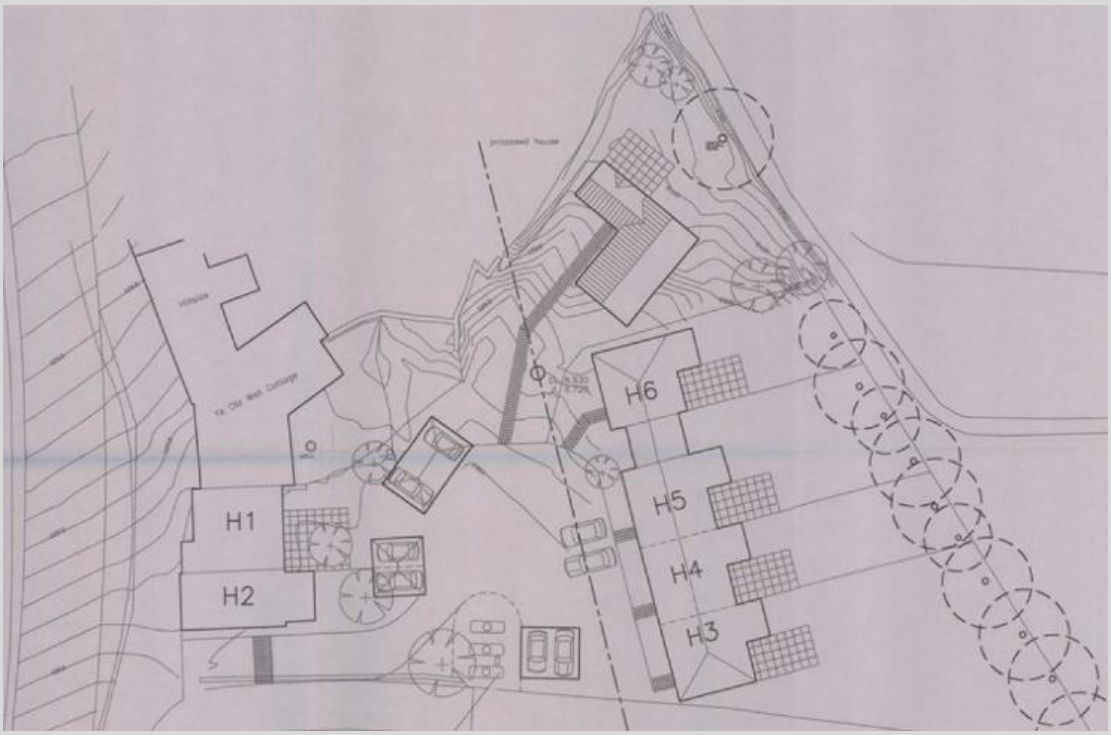
Previously Refused Street-Scene (S/2004/1843)



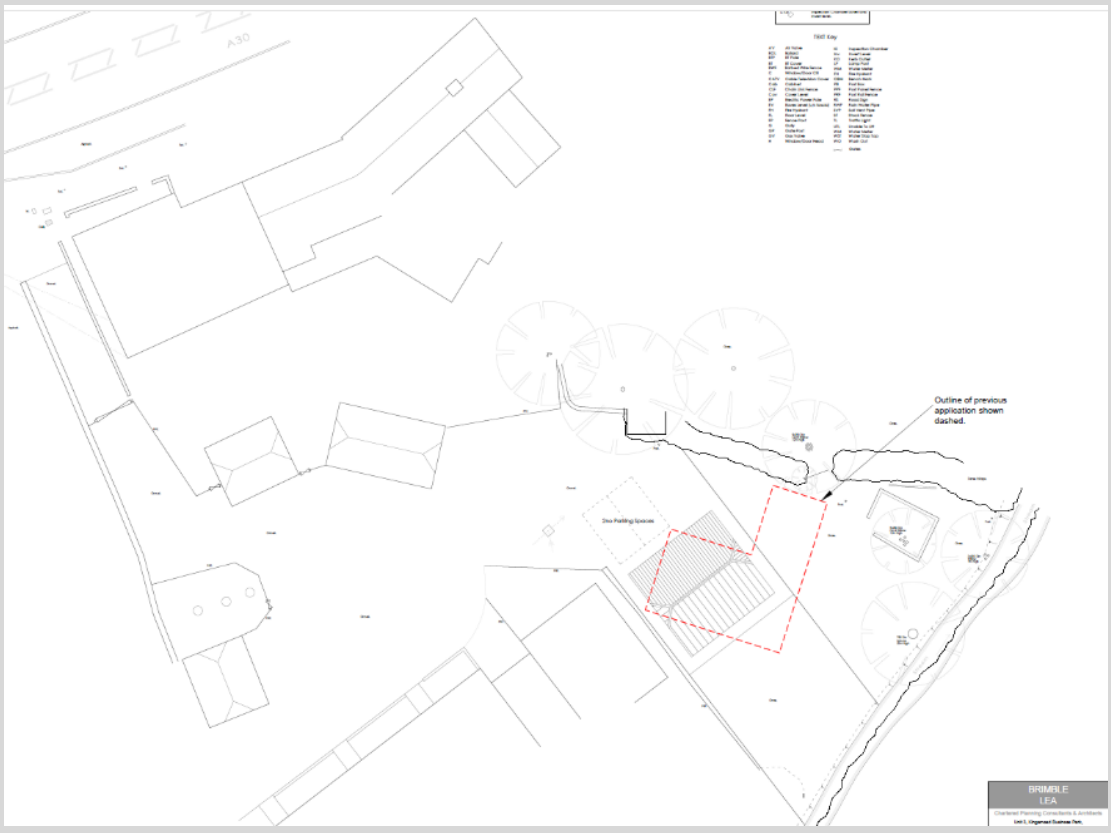
Proposed/ Current Street-Scene



Previously Refused Site Layout (S/2004/1843)



Proposed/ Current Site Layout



Please note the outline of the previously refused scheme, shown with red dashed line above

4.12 The above visuals demonstrate the level of change that has been accommodated within this scheme, which includes a significantly reduced built footprint and the relocation of the dwelling away from the neighbouring boundary with Hillside and Ye Old Well Cottage.

4.13 The external design of the proposed dwelling now incorporates a cropped gable roof design, which introduces visual interest and responds to the mixed design and character of development found within this locality, whilst respecting the existing character of Ludwell Courtyard, with the incorporation of a dwelling with a lower eaves and ridge height than number 6, with a suitable set-back and appropriate use of external materials (including natural stone walling and plain clay tiles).

4.14 The development proposed will provide a more efficient use for the land/ site, whilst retaining generous outdoor amenity spaces (gardens, parking areas etc..) to serve the new dwelling.

4.15 The proposed surfacing material for the access, turning and parking area, to serve the new dwelling, will match the existing stone finish found at Ludwell Courtyard, which will also aid surface water drainage.

4.16 This small-scale development will neither detract from the special landscape qualities of the AONB nor result in the loss of an open area that makes a positive contribution to the character of the village.

4.17 A combination of careful siting, design and screening ensure that the proposed development will not have an adverse visual impact upon the character and appearance of the AONB or the wider locality, in compliance with the provisions of Core Policies 51 and 57 of the Wiltshire Core Strategy, and Chapters 11, 12 and 15 of the NPPF. As such the visual impact of the development is considered to be acceptable.

Residential Amenities

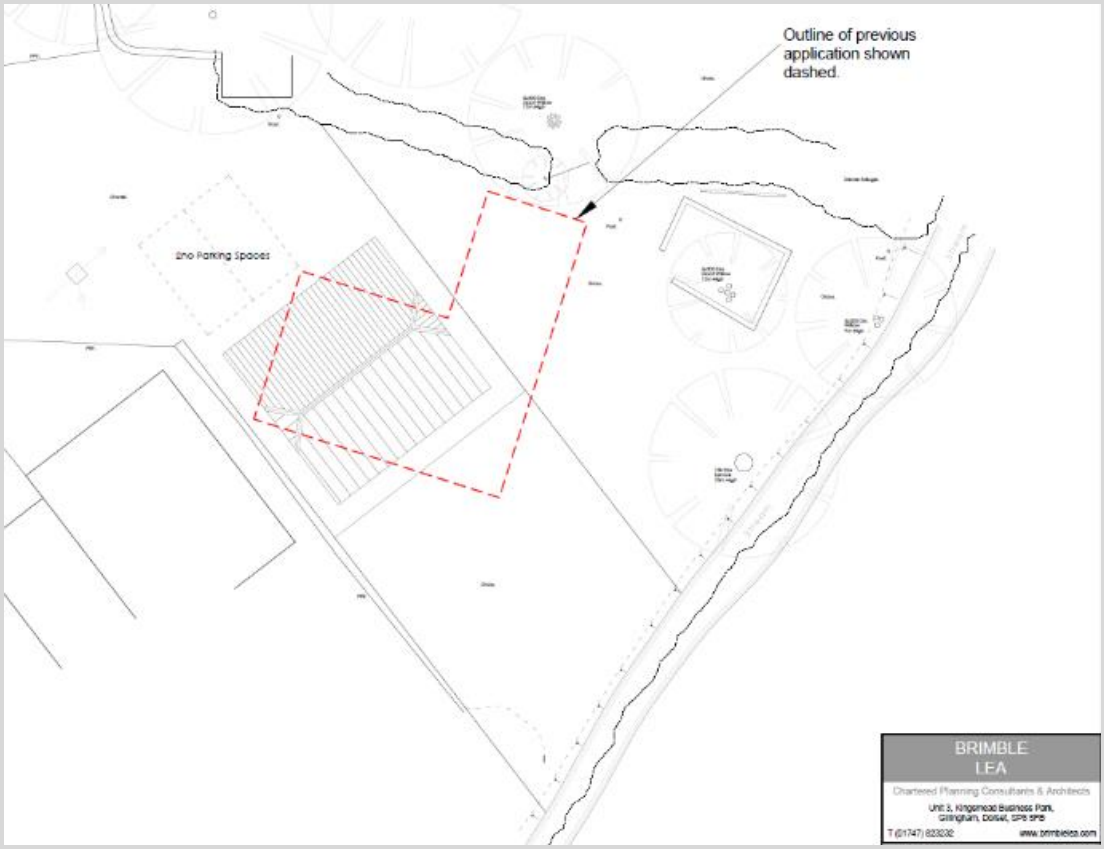
4.18 As confirmed previously, the previous appeal was dismissed on the grounds of the impact of the development to the living conditions of *'Hillside',* and a lesser degree, *'Ye Old Well Cottage'*. The Inspector confirmed, under paragraph 14 of the appeal decision (see relevant attachment), that:

"I saw the relationship of the appeal site to the garden of these neighbouring properties and the lower ground levels within 'Hillside'. I agree with the appellant's agent that it would be the residents of 'Hillside' that would be most affected by the proposal. The proposed dwelling would be built in very close proximity to the western boundary of the garden to 'Hillside'. I consider that when seen from the garden of this neighbouring property the height and large mass of proposed new building would appear overbearing and visually intrusive. The tall, solid flank wall of the proposed dining room and bedroom 'wing' would be especially dominant and overpowering. It would seriously detract from the outlook and pleasant enjoyment of this adjoining garden and would unacceptably erode the living conditions of 'Hillside'. To a lesser extent the proposal would also detract from the outlook of the garden of 'Ye Old Well Cottage".

4.19 The applicant has consulted the immediate neighbours (including Hillside and Ye Old Well Cottage), prior to the submission of this application, and no objections were raised. We

appreciate that neighbours will be formally consulted again by the Council, as part of this formal planning application.

4.20 This revised proposal now includes significant reductions to the built footprint and scale of the proposed dwelling, taking away the 'wing' element referred to by the Inspector, with the dwelling being moved and orientated further away from the boundaries with Hillside and Ye Old Well Cottage, to lie adjacent to 6 Ludwell Courtyard, as shown by the below plan extract:



4.21 The changes made have significantly reduced the built impact of the development on the outlook and living conditions of Hillside and Ye Old Well Cottage (as can be seen above), whose living conditions will now be preserved.

4.22 The new dwelling has no side windows on the upper/ first floor, which will ensure that the privacy of Hillside and 6 Ludwell Courtyard is preserved.

4.23 The separation distances to the other neighbours, from the windows on the proposed front elevation, are significant, and no different to the other dwellings built at Ludwell Courtyard.

4.24 6 Ludwell Courtyard has no side windows and therefore the position of the dwelling adjacent to this property will preserve its outlook and living conditions.

4.25 Given the revised siting, design, scale and layout of the development proposed, it is considered that the development will not create any adverse harm to the residential amenities of neighbours. The proposal will therefore comply with the provisions of Core Policy

57 of the Wiltshire Core Strategy, and overcomes the previous concerns raised under the relevant appeal decision.

Highway Safety

4.26 The previous Planning Inspector was happy that a development for a single dwelling could be accommodated on this site, with suitable access, turning and parking arrangements, without causing any issues to highway or pedestrian safety (see relevant appeal decision attached).

4.27 The development again proposes to take access from the shared access into Ludwell Courtyard (from the A30) and has extended the current courtyard to create a dedicated parking and turning area to serve the new dwelling.

4.28 The proposed plans demonstrate that a minimum of 3 parking spaces can be accommodated, to serve the new 3-bed dwelling, with suitable turning and access space, to allow vehicles to enter and leave the site in a forward gear.

4.29 Access for the proposed development will be safe and suitable for the very limited amount of traffic that will be generated by the proposed development. The proposal therefore complies with Policies 60, 61 and 62 of the Wiltshire Core Strategy and Chapter 9 of the NPPF.

Flooding & Drainage

4.30 The application site is located within an area defined on the Environment Agency's Flood Maps as being at the lowest risk of flooding (Flood Zone 1) and there is no history of this site flooding. Surface water run-off will be appropriately drained, and rainwater will be harvested in a water butt, to ensure that the proposed development will not increase the risk of flooding elsewhere, and to reduce the water demands of the development.

4.31 The new parking and turning areas will be surfaced with a porous surfacing material (loose stone/ gravel to match the existing courtyard) to absorb any surplus surface water run-off.

4.32 The proposal accords with the provisions of Core Policy 67 of the Wiltshire Core Strategy and Chapter 14 of the NPPF.

Trees

4.33 The new dwelling has been suitably positioned away from the root protection zones of the trees along the eastern and southern site boundaries (see plan extract at paragraph 4.20 above).

4.34 The development will therefore not affect the long-term future/ retention of trees within or adjacent to the application site.

Ecology

4.35 The application is supported by a *'Preliminary Ecological Assessment'* (August 2023), prepared by Stark Ecology, which demonstrates that the development will not harm protected species.

4.36 The report recommends a number of ecological enhancement measures, which will be secured by the development. These measures include:

Ecological Enhancement

To enhance the site for a range of species the following nest boxes will be provided:

- Two Vivara Pro WoodStone House Sparrow Nest Box | NHBS Practical Conservation Equipment to be built in to the eastern aspect of the new dwelling, at a minimum height of 4m.
- Three Bee Brick | NHBS Practical Conservation Equipment to be building in to the southern aspect of the new dwelling, at a height of c.1m.
- One Beaumaris Woodstone Bat Box | NHBS Practical Conservation Equipment to be installed at a minimum height of 4m on the southeast or southwest aspect of one of the mature trees at the southeastern corner of the site.

4.37 The development will secure ecological enhancements and will not harm any protected species. As such the proposal accords with the provisions of Core Policy 50 of the Wiltshire Core Strategy.

5.0 CONCLUSION:

5.1 This revised scheme has overcome the concerns raised under the previous appeal decision, and will create a development that preserves the residential amenities of Hillside and Ye Old Well Cottage, in addition to helping to meet a significant localised housing need, whilst securing wider ecological enhancements.

5.2 This design, access and planning statement sets out how the development proposed complies with the development plan and relevant material planning considerations, and I therefore trust that planning permission will be granted.

5.3 Should you have any further queries about this application, please do not hesitate to contact me. Otherwise, I look forward to receiving feedback from the planning case officer, after the consultation period has ended, and before a recommendation/decision is made.

Yours sincerely,

James U'Dell
Planning Consultant
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