

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	14th May 2008
Application Number	07/02078/OUT
Site Address	Windtop Upper Pavenhill Purton SN5 4DQ
Proposal	Outline application for 1 single storey dwelling at rear of 6A Pavenhill and Creation of Access through part of 6A's land
Applicant	J E Frost
Town/Parish Council	Purton
Grid Ref	407759 187726
Type of application	Outline application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

This application proposes the erection of a detached single storey dwelling in the side garden of Windtop and beyond the rear garden of 6A Pavenhill. Vehicular access would be gained by removing the party boundary wall between Windtop and No 6A. The site lies within the framework boundary of the village and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Affect of the residential amenity of existing properties
- Impact on traffic and parking in the local area
- Public Open Space Contribution under Policy CF3

Officer Recommendation

Planning Permission be GRANTED subject to the conditions

Contact Officer	Mandy Fyfe	01249 706638	mfyfe@northwilts.gov.uk
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Proposal and Site Description

The proposal is for outline permission to erect a detached single storey dwelling on land to the west of 6A and to the south of Windtop. The main feature of this site is that it slopes steeply to the west from the existing retaining wall to the west of 6A. There is a 9m drop overall across the site from the highway to the field boundary. However where the dwelling is proposed there is only a 1m difference in levels. The dwelling would be sited to the south side of Windtop. Between Windtop and 6A is an existing boundary wall. This would be removed and a vehicular access created for the use of the proposed dwelling through part of No 6A's side and rear garden. The proposed parking and turning area would be between the existing septic tanks and new dwelling.

Planning History		
Application number	Proposal	Decision
88.1535	Outline application for residential development (two dwellings)	Refused

Consultations

Parish Council comments are awaited.

Wiltshire County Council Highways do not object subject to conditions (see the recommendations)

Representations

No.9 of letters of support/objection that have been received.

Summary of key points raised

- Backland development
- Windtop is sole exception in that it is set back from road frontage as all other infill permissions have been closer to road
- Set a precedent for further developments
- Narrow lane and limited parking and turning areas
- Previous refusal on site
- Overlooking and loss of amenity
- Out of character with area
- Enough houses for sale in Purton already
- Septic tank/drainage issues
- Any new garage in the future would further add to the built form
- Contrary to Policies C3 and NE15

Planning Considerations

Principle of development

This proposal is within the settlement framework boundary of Purton and therefore residential development is acceptable in principle subject to Policies C3 and H3 of the 2011 North Wiltshire Local Plan.

The application is in outline only, although the submitted plan does show the dwelling sited to the south of the gable end of Windtop.

Impact on amenity

The proposed dwelling is indicated as a single storey dwelling only. The applicants wish to construct the dwelling for their retirement and it would have two double bedrooms. As this application is in outline only, the elevations and floor layout are illustrative only. Nevertheless due to the sloping nature of the west side of Pavenhill, some part of a dwelling would be visible to the surrounding residents. However

as this dwelling would be a bungalow, it is not considered that there would be any direct overlooking into the surrounding dwellings or loss of amenity. A two-storey dwelling on the other hand would have a material impact on the surrounding dwellings and therefore would be unlikely to be acceptable in this location.

Highways and Access

The original plans showed vehicular access being shared with Windtop itself. As Windtop is a split level dwelling, there is a principal window facing directly down the driveway which would mean loss of amenity for the occupiers of this room by car headlamps.

Revised plans have now been submitted showing the vehicle access has been moved further to the south so that the boundary wall between 6A and Windtop would be removed to provide a safe access to any new development as well as providing adequate parking facilities for both No 6A and Windtop. The Highway Authority no longer objects to this scheme provided that there is sufficient space for parking and turning within the site and have requested further drawings be submitted showing this.

Previous refusal

There was a previous refusal for two dwellings on this site which were refused for four reasons in 1988. A copy of this decision notice is attached as Appendix A of this report. It should be noted that at that time this land was outside the settlement limit in the open countryside. The application site is now within the settlement boundary where residential development is acceptable in principle.

Public Open Space

Under the requirements of Policy CF3, this development requires the payment of an Off Site capital contribution. The applicant has agreed to pay the required amount for a 2 bedroomed dwelling of £4.458.45.

Recommendation and Proposed Conditions/Informatives

Planning Permission be GRANTED subject to the following conditions:

1. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (a) The layout of the development;
- (b) The scale of the development;
- (c) The appearance of the development;
- (d) The access to the development;
- (e) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

Reason: The application was made for outline planning permission.

2. (a) The application for approval in respect of all matters reserved in Condition No.1 above shall be made to the local planning authority within a period of three years, commencing on the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years of the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The dwelling hereby permitted shall be single storey construction only.

Reason: In the interests of amenity having regard to the character of the site and the surrounding development and in accordance with the requirements of Policy C3 and H3 of the North Wiltshire Local Plan 2011

4. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) the means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved.

Items 1 to 4 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

5. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

6. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

7. The dwelling hereby approved shall not be occupied until the turning space shown on the submitted has been properly consolidated and surfaced to the satisfaction of the local planning authority. Such turning space shall be kept clear of obstructions at all times.

Reason: In the interests of highway safety.

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

9. The first 4.5m of the driveway from the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

10. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety

11. The development hereby approved shall not begin until a scheme for a contribution towards the creation of, or improvement and/or management of, existing public open space, in accordance with the North Wiltshire Open Space Study, has been submitted to and approved in writing by the Local Planning Authority. Such a contribution shall be made in accordance with the timing detailed within the approved scheme.

Reason: In accordance with Policy CF3 of the North Wiltshire Local Plan 2011.

Informatives:

1. Notes are given for your assistance. There may be other matters not mentioned which you will need to consider. North Wiltshire District Council takes no responsibility for omitting reference to such matters here.

2. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.

3. The developer's attention is drawn to the fact that works of providing foul and/or surface water drainage generally constitute engineering operations which are included within the definition of development in the Planning Act. The Town and Country Planning (General Permitted Development) Order 1995 generally permits such engineering operations without express planning permission first being granted if the works are by or on behalf of sewage undertakers (eg Wessex Water Services Ltd. or Thames Utilities Ltd.); if it is your intention that sewers for this development are not to be adopted by a sewage undertaker then a separate planning permission may be necessary for the engineering works of drainage. This is particularly the case if off-site works (ie outside the site edged in red in the planning application) are required.

4. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

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

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

Plan References

Revised OS 1:1250 location plan dated 7th April 2008. Additional drawings Nos: SU10 and SEC 01 both dated 22nd February 2008 and Revised Site levels and sections Dwg No: 3273/02/B dated 7th April 2008.

6. This decision has a condition which requires a payment towards Open Space Provision in the area of the application. Cheques should be sent to Planning Services, made payable to North Wiltshire District Council, and a letter confirming the discharge of the condition will be dispatched.

Reason for Decision

The proposed single storey dwelling will not have an adverse impact upon the appearance of this area or upon the residential amenity of neighbouring properties. The proposal complies with Policies C3 and H3 of the North Wiltshire Local Plan 2011

Appendices:	Appendix A Copy of 1988 decision notice
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.03; 4.04, 4.07; 5.01.