

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	3 rd September 2008
Application Number	08/01437/FUL
Site Address	Glenhavon, Plough Lane, Kington Langley
Proposal	Demolish existing dwelling and erect 2 detached houses/garages with access, parking, turning and garaging
Applicant	Mr Oliver Keates
Town/Parish Council	Kington Langley
Grid Ref	391267 176445
Type of applications	FULL 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

The application is for residential development within the settlement framework boundary of Kington Langley and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Principle of development
- Siting, layout and design of development
- Effect upon residential amenity of existing properties

Officer Recommendation

Subject to the completion of a legal agreement under s106 of The Act, then:

Planning Permission be GRANTED subject to conditions:

Contact Officer	Simon T. Smith	01249 706633	ssmith@northwilts.gov.uk
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Proposal and Site Description

The proposal is for the demolition of an existing dwelling and the erection of two new dwellings in its place. The proposal includes revised access arrangements. The application site is entirely in residential use (and its associated curtilage) is surrounded by other residential properties and is contained within the Settlement Framework Boundary, but outside the Conservation Area of Kington Langley.

Planning History		
Application number	Proposal	Decision
04/02785/FUL	Detached dwelling	Refused 26/11/04
05/01165/OUT	Dwelling and access	Refused 15/07/05
06/01672/FUL	Four dwellings and garages	Refused 16/08/06 Appeal pending
06/02336/FUL	Four dwellings and garages	Refused 27/10/06 Appeal dismissed
06/02758/FUL	Erection of two detached dwellings	Refused 14/03/07
07/01598/FUL	Erection of two detached dwellings	Refused 06/08/07
07/03172/FUL	Extensions and garage to existing dwelling	Approved 24/01/08

Consultations

Parish Council

“Councillors have inspected the above numbered application and plans and are unable to support this planning application.

The planning application for 2 x detached dwellings should be considered in the light of the planning history for this site and planning applications:

07/01598/FUL dated 15.6.2007

06/02758/FUL dated 25.10.2007

07/01598/FUL was REFUSED by the NWDC as being contrary to policies C2 and H6 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (August 2007). The current application in no way removes any of these considerations.

06/02758/FUL was also REFUSED by NWDC Development Control Committee held on 14.3.07 for the reasons cited above.

The site itself has the benefit of an Appeal decision of DISMISSAL following an inspection by the Planning Inspectorate on 20.3.2007 (Reference APP/J3910/A/06/2026499 dated 28.3.1007): Appeal A Item 6 states that the planning application “would not be compatible with its location and surroundings.....and harmful to the character and appearance of the surrounding area and would conflict with Local Plan Policies C3 and H3”. These points are as relevant to 2 x dwellings as they are to 4 x dwellings.

Councillors would also draw planners’ attention to the following points:

- There is insufficient information on sizing in this application (ie., site measurements and datum point) to demonstrate that adequate space has been allowed for access to sewers and vehicle access to the rear of the properties.
- The application fails to take account of an extension built onto Grafton, Plough Lane, which extends to its boundary and virtually against the house described as Plot 2.
- The application refers to the necessity of removing an apple tree at the front of the site to provide new access between the 2 proposed dwellings but fails to take account of the telegraph pole that would also need to be removed and supplies to neighbouring properties re-routed.
- The Parish Council has already given its support for application 07/03172/FUL for a first floor extension to form a 2-storey dwelling and garage on this site which was granted by NWDC on 7.2.08. The current owner of the property is named as a Mr Keates but there is no resident on the property which is gradually falling into disrepair and dereliction whilst a succession of inappropriate applications are submitted. The Parish Council believes that redevelopment is the only reasonable option for this site.

In summary, the Design and Access Statement included with this re-submitted application in no way alleviates the issues raised when the previous applications were refused and Kington Langley Parish Council continues to believe that Refusal is the only valid conclusion.”

WCC Highways

No objections subject to conditions (see the recommendations)

Representations

Six (6) of letters of objection that have been received from 5 households.

Summary of key relevant points raised:

- Very little space between properties and neighbours
- Alter appearance of road frontage
- Materials used in driveway across verge should be stone or gravel to match footpath not tarmac
- Lack of parking
- Highway safety – increase in vehicles
- Access is blocked by electricity supply pole
- Surface water drainage arrangements
- Not in accordance with building line
- Removal of existing boundary planting to “Grafton”, which is not under applicant’s control
- Previous appeal decision (which related to a proposal for 4 dwellings) makes clear that development of site is not compatible with surroundings

Planning Considerations

Principle of development

The site lies inside the defined settlement framework of Kington Langley. The principle of residential on this site complies with policy H3 of the adopted Local Plan, but the ultimate acceptability of the submitted scheme should be assessed against criteria laid out in policies C3 and H8.

Siting, layout and design of development

In contrast to previously refused schemes on this site, all the proposed development is to be sited toward the front of the application site. No development in depth is now proposed (as has previously been considered and refused planning permission several times in several different iterations and, indeed, dismissed at appeal under reference 06/02336/FUL).

The dwellings’ positioning slightly behind the neighbouring properties is not necessarily considered to be detrimental to the street scene since there is considered to be no strongly defined “building line” on either side of this part of Plough Lane. However, as has been previously been requested, the detached garage blocks have been removed from overt view, and in this particular instance positioned to the rear, so as to improve the aesthetic of the development’s frontage.

Scale and symmetry of the development has resulted in a layout that does fill the frontage of the plot. Again, this is not considered to be a reason to refuse planning permission since there is no overriding composition to surrounding development – ie. although plot sizes are relatively large in the locality, the properties are different in design, scale and, most critically, relationship with each other. The relatively small gap between properties and site boundaries is therefore not thought to be objectionable.

Although differing from the previous proposals, the design of the two dwellings continues to be conventional and typical of large modern houses. Several of the more welcome features of the previous schemes (such as open eaves, detailed chimney stacks and suitable proportioned windows, have been lost. However the simplified form of the units is not considered to be objectionable in this locality.

Detailed layout and materials used for the revised access drive could also be conditioned to ensure that it is reflective of the existing footpath and neighbouring accesses. Similarly, concerns about the treatment to boundaries of the site can be the subject of a condition that will require the submission of all landscaping details prior to the commencement of development.

It should be noted that scale, form and layout have not previously been used as reasons to refuse planning permission for two dwellings on this site. Where such reasons have been used, it was in relation to the creation of four units on the site in a form of development "in depth".

Effect upon residential amenity of existing properties

As before sufficient, it is considered that retained distances, together with significant boundary treatments and sensitive placement of side facing windows, all combine to allow the development to avoid a significant adverse impact upon the amenities of the neighbouring properties, as is required by Policy H3 and C3.

Affordable Housing and Public Open Space

It should be noted that two previous applications for two dwellings on this site (following the demolition of the existing) have been refused on the basis that no provision for affordable housing has been made within the proposal. In this instance, and in view of the net increase of one dwelling on the site following the demolition of the existing, the applicant has agreed to make a contribution of £26,000 towards such provision off-site, in accordance with the adopted Affordable Housing SPG. Similarly, contribution of £7,800 towards the provision of off-site public open space facilities (in accordance with adopted guidance and Local Plan policy) is sought.

In respect of both matters, it is expected that a legal agreement under s106 of The Act will be entered into prior to the determination of this planning application.

Recommendation :

Subject to the completion of a legal agreement under s106 of The Act in respect of required contributions towards the provision of off-site public open space and affordable housing, in accordance with adopted North Wiltshire Local Plan 2011 policy then :

Permission be GRANTED 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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. 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.

4. No development shall commence until details of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

6. In respect of both dwelling hereby approved, all first floor windows serving bathrooms and en-suite shall be fitted with obscure glazing and shall remain in that condition at all times thereafter.

Reason: In the interests of neighbour amenity.

7. Prior to the commencement of development the detailed construction, layout and material schedule of the proposed access drive shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of securing satisfactory means of access.

8. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities and character of the area and in the interests of highway safety.

9. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan 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.

Informatives:

1. The applicant is advised that in order to discharge conditions 04 and 07 above, it may be preferred that the materials to be used for the frontage of the two units be switched and that the use of tarmac for the driveway should be omitted in favour of a material that is more reflective of the existing footpath and neighbouring driveways in the locality.

Reason for Decision

The proposal is considered to be in accordance with Policies C3, H3, H6 and CF3 of the North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.04; 4.02; 5.01