

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	26th November 2008
Application Number	08/1973/FUL
Site Address	Former Concrete Batching Plant, Christian Malford
Proposal	The erection of 13 dwellings (including six affordable) and associated works including the provision of two surface water drainage ponds
Applicant	O&H Q7 Ltd
Town/Parish Council	Christian Malford
Grid Ref	396145 179053
Type of application	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 seeking planning permission for the erection of thirteen dwellings on land at the former Concrete Batching Plant in Christian Malford. The application site largely lies within the framework boundary, with only the two ponds falling outside. The key considerations in the determination of this application are:

- Policies C3, NE22 and H3 of the North Wiltshire Local Plan
- Scale of development/character and appearance of the area
- Flooding
- Access and highways
- Loss of privacy
- Ecological impact

Officer Recommendation

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) Affordable housing provision and off-site contribution of £26,000
- (ii) Off-site open space contribution for £79,600
- (iii) That no new connections to the public sewer should be made until the completion of a sewerage improvement scheme

following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission.

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Proposal and Site Description

The application site comprises the main part of a former concrete batching plant and existing coach depot within the village of Christian Malford. The site is located off of Station Road from which it has had historical access as part of the batching plant operation and the current Coach Depot operation.

The site comprises both previously developed land ('brownfield') and greenfield land with all thirteen dwellings proposed located within the defined framework boundary for Christian Malford.

This part of the village is linear in nature and is characterised by a mix of dwelling types with bungalows on the south side of Station Road.

The proposal is to develop the site for thirteen dwellings of which six will be affordable to be provided by a Registered Social Landlord. The dwellings will comprise a mix of 1 bed flats, and 2, 3, 4 and 5 bed houses. The market housing will be 4 and 5 bedroom only. All dwellings proposed are two storeys in height with ridge heights ranging between 7.6 metres and 8.2 metres.

The site is proposed to be accessed off of Station Road between bungalows Pine Avon and The Cleave. Formal parking is sought to be provided to serve both the flats (2no. 1 bed) and the adjacent Post Office.

Two surface water attenuation ponds are proposed on the western part of the site which is to remain undeveloped.

Planning History		
Application number	Proposal	Decision
07/3341FUL	Erection of 22 dwellings (including 11 affordable units) and associated works.	Withdrawn
07/01804FUL	Erection of 28 houses (including 7 affordable), nature conservation area and associated works.	Withdrawn
06/01775S73A	Continued use of site as bus and coach operating depot.	Approved
05/02148S73A	Continued use of site as bus and coach operating depot (6 coaches and no more than 8 vehicles)	Refused
99/02739OUT	Residential development (coach depot site)	Approved.

Consultations

Christian Malford Parish Council no objections but would welcome progress on the establishment of a new footpath linking the site to the school and that the main part of the site will be maintained without the involvement of the local community.

NWDC Drainage Engineer no objections.

Wiltshire County Council Highways have no objections subject to conditions.

Wiltshire County Council Ecologist no objections subject to conditions.

The Environment Agency has no objections subject to conditions.

Wessex Water no objections subject to the comment that there should be no new connections to the public sewer pending completion of a sewerage improvement scheme that is due in Summer 2009. This cannot be secured by condition but can be addressed through a legal agreement.

Representations

Five letter of objection have been received on the following grounds:

- Loss of privacy
- Drainage
- Ecology
- Highways/access
- Scale of development (no. of units)
- Out of keeping with the character of the area

Planning Considerations

Principle of development

The site lies within the framework boundary of Christian Malford. A large portion of the site was the subject of an allocation for about 10 dwellings in the previous Local Plan to 2001. It was also the subject of an adopted development brief. The smaller portion comprises the site of the coach depot which has always been in the framework boundary and which was granted outline planning permission in 1999. The site is no longer allocated in the 2011 Local Plan, but the framework boundary was not amended to exclude the site.

On the basis that the site is included within the framework boundary development is acceptable in principle subject to other policy considerations.

Design and Scale of Development

The scheme proposes 13 dwellings. These dwellings are to be provided across two former sites, one of which was the subject of a previous local plan allocation and remains located within the framework boundary and the other being the coach depot which was granted outline permission in 1999 for residential development. This is relatively low density, but reflects the character of the area and the requirements of Policy H3. That policy requires developments in the villages to be 'small scale and limited'. In light of the previous allocation for approximately 10 dwellings and the outline permission on the site of the coach depot, thirteen dwellings is considered to be in accordance with this policy.

It is noted that this part of Christian Malford is dominated by low density development comprising bungalows on the western side of Station Road. However, having regard to the location of the site within the framework boundary, the mix of dwellings on the eastern side of Station Road and south of the site and the now inappropriate and inefficient use of land bungalows represent, the scale of development in relation to this part of the village is not considered to be detrimental to its character or appearance.

The dwellings are of an appropriate design and in keeping with the general character and appearance of the village as a whole.

Loss of Privacy

Objections have been received on grounds of loss of privacy due to the potential footpath to the rear of Hilandale and from no. 52 Station Road. The footpath is only indicative at this time and is an aspiration of the Parish Council's to provide a pedestrian link to the school given the poor access at present. In any event it is considered that any overlooking of the garden to the rear of properties on Station Road could be effectively mitigated by appropriate landscaping and boundary treatments.

In terms of no 52 Station Road, the windows in the side elevation of the flats (Type C) are some 11

metres to the rear of that property and at first floor the opening is secondary and proposed to be obscure glazed.

Highways and Access

Wiltshire County Highways raise no objection to this means of access which to a great extent has historically established via the allocation and development brief for the site.

Affordable Housing

The Policy H6 requires that in villages 50% of new dwellings permitted will be subsidised (affordable). This application proposes that six of the thirteen dwellings are to be affordable with an additional £26,000 being secured through a legal agreement. This is in accordance with the Policy and Affordable Housing Supplementary Policy Document.

Public Open Space

An area of open space is shown on the plans but this is not sufficient to satisfy Policy CF3. Therefore, a further financial contribution is to be secured through the legal agreement to improve existing public open space in the village.

Recommendation and Proposed Conditions/Informatives

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) Affordable housing provision and off-site contribution of £26,000
- (ii) Off-site open space contribution for £79,600
- (iii) That no new connections to the public sewer should be made until the completion of a sewerage improvement scheme

following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission 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. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been 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) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

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

Items 1 to 6 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

4. 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.

5. No development shall commence until details/samples 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.

6. Prior to the use or occupation of the development hereby permitted, the car parking areas shown on the approved plan(s) shall be provided and shall thereafter be kept available for the parking of vehicles at all times.

Reason: In the interests of road safety.

7. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the local planning authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the local planning authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

8. No dwellings shall be occupied on the development site prior to the provision of a bus stop and shelter on station Road, adjacent to the site and in accordance with a design and specification to be first approved in writing by the local planning authority.

Reason: In the interests of reducing the reliance on the private car as a mode of transport in accordance with Policy C3 and guidance contained within PPG13.

9. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

10. Details of the attenuation ponds must be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To ensure no increase in flood risk.

11. Prior to the commencement of development approved by this planning permission (or such other

date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: The Environment Agency is at the present not ensured that risk to Controlled Waters is absent at the site of concern.

12. Prior to the commencement of any work on the site the site should be checked by a competent ecologist, in accordance with a method to be first agreed with the local planning authority, to update and enhance information on the location of badger setts in order to determine whether a licence application is required. No vegetation shall be cleared from the site during the breeding season, between March and September, unless the habitat has first been checked by a competent ecologist before those clearance works begin.

Reason: In the interests of the ecology of the site and the natural environment.

13. Prior to the commencement of any works on the site the protective measures, as detailed under the heading 'Precautions' in the method statements for badgers, slow-worms and great crested newts submitted by Chalkhill Environmental Consultants (received 15th August 2008), shall be fully implemented.

Reason: In the interests of the ecology of the site and the natural environment.

14. Prior to the commencement of any work details of the management plan for the open space to the west of the site, which has been identified to be managed as a habitat for slow worms and great crested newts, shall be submitted to and agreed in writing by the local planning authority. The management of the space shall be carried out in accordance with the agreed management plan and as detailed under the heading 'Enhancements' in the method statements for slow-worms and great crested newts submitted by Chalkhill Environmental Consultants (received 15th August 2008),

Reason: In the interests of the ecology of the site and the natural environment.

15. 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.

Informative

1. 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

Site location plan; plan numbers 2195.10C; 2195.12C; 2195.13B; 2195.18C; (all received 15th August 2008) 2195.15B and 2195.19A received 28th October 2008

Reason for Decision

The proposal is for a limited development within the framework boundary of Christian Malford. The dwellings are appropriately designed and will have no adverse impact upon the appearance or amenities of the surrounding area. The application complies 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, 2:24, 2:25, 4:02, 4:04, 4:07, 5:01, 7:01 (District Ecologist)