

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	26th November 2008
Application Number	08/02281/FUL
Site Address	The Barton, Bushton
Proposal	Erection of a Dwelling
Applicant	Mr Maslin
Town/Parish Council	Clyffe Pypard
Grid Ref	407305 179311
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 Councillors Bucknell and Still have requested that the application be considered by Committee to assess the flooding issues

Summary of Report

This application proposes the erection of a dwelling. The site lies outside 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 H4
- Affect of the residential amenity of existing properties
- Design and scale of the development
- Impact on traffic and parking in the local area

Officer Recommendation

Planning Permission be GRANTED subject to the conditions and the satisfactory comments of the Drainage Engineer (and the imposition of any conditions considered necessary as a result).

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Proposal and Site Description

This application seeks planning permission for the erection of a detached four-bed house. The site is in a rural location and is a fairly elongated area of land. The site previously formed part of a former scrap yard and outline planning permission was granted in 2004 (04/2727/OUT) for two dwellings. The dwelling on the north-east part of the site has been erected and is now occupied. Planning permission has already been granted for a dwelling on this part of the site under 07/02181/FUL, this new application is a re-submission of that previous approval. The proposed dwelling is the same as previously approved the only difference is that it is set further back into the site, by approximately 4 metres, so that it is closer to the rear boundary.

Planning History		
Application number	Proposal	Decision
07/02181/FUL	Erection of Dwelling	Permission
04/02727/OUT	Removal of All Existing Buildings and Mobile Homes, Extinguishment of Scrap Yard Use and Erection of Two Dwellings	Permission

Consultations

Clyffe Pypard Parish Council - The Parish Council have raised concerns about drainage at this site and these concerns have not been addressed from the first property built on this site so we think that sorting out the drainage system should be given the highest priority before any further building work is allowed.

Wiltshire County Council Highways – No highway objection raised subject to conditions (see the recommendations)

The Environment Agency – Comments are awaited.

Environmental Health - Have requested conditions be attached to any permission in the interests of the protection of public health and the avoidance of pollution, as the site has in the past, been subject to a potentially contaminative use.

Drainage Engineer – Further details requested. (This will be reported in the “Additional Information”).

Representations

Three letters from local residents have been received.

Summary of key points raised:

- Concerns relating to the disposal of surface water. The drainage ditches are not shown on the drawings and the hedge has recently been removed. The area should be returned to its original landscape with all trees and hedges replanted.
- Area renowned for flooding, as the run-off from the fields to the north of the site, run down towards the ditch that runs along the boundary of the plot, and this ditch feeds into the small brook that runs under the Bushton Road. The ditch would be more efficient if it was dug deeper and wider to take the amount of water that runs off the field, which is on a slope and predominantly clay.
- Adequate size drainage piping should be used to ensure the likelihood of flooding around and within the property is removed. It is understood that existing pipes which were laid specifically to prevent flooding have been cleared for the property to be built. The routing of new pipes needs to be professionally supervised to ensure all properties on the perimeter of the field are not unduly affected by the changes.
- Number of discrepancies on the Design and Access Statement and the application forms.
- Understand the applicant has purchased additional land to the rear of the site, as the proposed dwelling has been pushed towards the boundary of the site, can only conclude that the newly purchased land, including the hedge and ditch will be added to the site.

Planning Considerations

Principle of Development

Outline planning permission was granted for two dwellings on this former scrap yard site in 2004 under

application 04/02727/OUT and therefore the principle of development is no longer a matter for consideration. The proposal can most usefully be considered against the provisions of the general development core policy C3.

Planning Considerations

This application is a re-submission of an application for a 4-bed detached house, which was granted planning permission under 07/02281/FUL. The only alteration to the previously approved application is that the dwelling has been moved further back into the site by approximately 4 metres so that it is closer to the rear boundary. This brings it more into line with the newly completed dwelling on the other part of the former scrap yard.

Concerns have been raised by a local resident that the land to the rear of the site has been purchased by the applicant, with perhaps the intention that it should be incorporated into the site. The agent has been asked to clarify the position regarding land ownership as the site plan submitted with the application does not include any additional land. However, the red line indicating the site submitted with the application is the same as previously submitted and separate planning permission for a change of use will be required to use any additional land to the rear of the site for anything other than agriculture. Confirmation on the ownership of any additional land will be reported as Additional Information.

As stated earlier, planning permission has already been granted for a dwelling on this site, under 07/02181/FUL, and a number of conditions were incorporated in the decision, including drainage details, landscaping and a condition dealing with the contamination. Following a complaint that works had commenced on site and a hedgerow removed, Enforcement visited the site and although some clearance had taken place it was not considered significant enough to indicate that works had commenced. With regard to the hedgerow, this was not conditioned to be retained on the permission, however, the boundary treatments and landscaping were conditioned in the same way as the new dwelling on the adjacent site.

Drainage Details

One of the conditions attached to the previous decision was in respect of the drainage details. Whilst the comments of the Parish Council are noted, the drainage details on the adjacent site were also controlled by condition, these details were submitted and the condition was discharged following consultation with both the Council's Drainage Engineer and Building Control.

Information has recently been submitted regarding the drainage details in respect of this application, however, following consultation with the Drainage Engineer further details have been requested. This issue will therefore be reported in the "Additional Information".

Recommendation and Proposed Conditions/Informatives

Planning Permission be GRANTED subject to the conditions and the satisfactory comments of the Drainage Engineer (and the imposition of any conditions considered necessary as a result).

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. 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.

4. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be 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. 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) 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 hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

6. No development shall take place until a scheme to deal with the contamination of the site has been submitted to, and approved in writing, by the local planning authority. The scheme shall include:

- a. site investigation and risk assessment works for chemical contamination;
- b. works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environment setting, as identified by the site investigation and risk assessment works;
- c. remediation validation works.

The works shall be carried out in accordance with the details so approved before the dwelling is first occupied.

Reason: To ensure that the site is decontaminated in an appropriate manner.

7. 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.

8. 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) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

9. 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.

10. Before the dwelling hereby approved is first occupied the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

11. The dwelling(s) hereby approved shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been constructed to the satisfaction of the Local Planning Authority within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

Reason: In the interests of Highway safety.

12. A recessed entrance having a minimum width of 3m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety.

Informatives:

1. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3

2. Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 – Investigation of Potentially Contaminated Sites – Codes of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R & D Publication 20 “Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources“ protocol should be used.

3. 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 Ref: Site Location Plan, T.D.11348/1B and T.D.11348/2B received by the local planning authority on the 2nd October 2008.

Reason for Decision

The proposal accords with Policy C3 of the North Wiltshire Local Plan 2011, in that it has acceptable visual impact upon the surrounding area, does not have a materially detrimental impact upon the amenity of neighbouring properties and does not compromise highway safety.

Appendices:	<ul style="list-style-type: none">• 1.20 2.02 4.02 4.03 4.04
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• NONE.