

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16 th May 2012		
Application Number	12/00293/FUL		
Site Address	22 Milbourne Park, Milbourne, Malmesbury		
Proposal	Erection of detached dwelling		
Applicant	Mr G Lambert-Jones		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	394292 187618		
Type of application	Full		
Case Officer	Kate Backhouse	01249 706684	kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Thompson has requested that the application be considered by committee in order to assess the acceptability of the scheme

1. Purpose of Report

To consider the above application and recommend that authority be DELEGATED to the Area Development Manager to GRANT Planning Permission subject to an acceptable legal agreement and the conditions set out below:

The Parish Council object to the application on the grounds that it is overdevelopment of the plot in terms of size and scale contrary to policy C3 of the North Wiltshire Local Plan 2011 and that the plot is a Greenfield site in the open countryside.

2. Main Issues

- Principle of development Policies C3, H6 and H3 of the adopted North Wiltshire Local Plan 2011 and the National Planning Policy Framework
- Impact on the character and appearance of the area
- Affect on the privacy and amenity of existing neighbours and potential occupants

3. Site Description

The site is located on Milbourne Lane in the rear garden of 22 Milbourne Park. 22 Milbourne Park is a detached bungalow within a small housing estate within the framework settlement boundary for Milbourne. Milbourne Park is a 1960s housing estate of detached bungalows. The estate as a whole consists of large plots with bungalows sited towards the front of all the plots. The estate is open plan with many of the properties having been extended. 20 Milbourne Park has divided its plot and there is now a new bungalow built in the rear garden.

4. Relevant Planning History

None

5. Proposal

The proposal consists of the erection of a new dwelling in the rear garden of 22 Milbourne Park. The plot is sited at the end of a cul-de-sac with the rear garden backing onto Milbourne Lane. There is an existing vehicular access from Milbourne Lane. The submitted information show a modern, flat roof single storey detached dwelling to be sited in the rear garden. The plot is to be broadly divided in two with the existing dwelling retaining an average size garden, not dissimilar in size from the adjacent property, 21 Milbourne Park.

The applicant entered into pre-application discussions prior to the submission of this application. At this stage concerns were raised in respect of the size of the new dwelling and its relationship with the existing dwelling and also satisfactory parking arrangements.

The original 'L' shaped dwelling proposed at pre-application stage has been replaced with a simple, rectangular building, set at an angle to provide garden land to the rear of the property and to maintain satisfactory distances between existing dwellings and the proposed new build. Revised plans have been provided as per Highway Officer request illustrating parking arrangements for two cars.

6. Consultations

Public Open Space.

'The development site is outside of the distance thresholds for spending open space contributions as set out in the North Wilts Open Spaces Study.' No POS contribution is therefore requested.

Affordable Housing

At pre-application stage the Affordable Housing Officer confirmed that there would be a £26,000 contribution as this falls within Policy H6. The applicant has agreed to enter into a legal agreement in respect of this.

Highways

Expressed initial concerns however the applicant has submitted revised plans overcoming the objection subject to conditions.

Archaeology

No objections.

Parish Council

Objection, due to overdevelopment of site and development on Greenfield site.

Malmesbury and St Paul Without Residents Association

Objection, due to overdevelopment of site and development on Greenfield site.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

15 letters of objection have been received.

Summary of key relevant points raised:

- Felling of tree and impact on wildlife
- Noise during construction works
- Overdevelopment of plot
- Amenity space too small
- Overbearing impact on neighbours
- Out of keeping with remainder of estate
- Garden grabbing

5 letters of support have been received

Summary of key relevant points raised:

- Sustainable building
- Low level design won't impact on neighbours
- Introduces new character to the area

8. Planning Considerations

Principle of development

Policy H3 of the Local Plan states that proposals for residential development, within the Framework Boundaries as defined on the proposals map, will be permitted, provided that amongst other things priority is given to the re-use of previously developed land and buildings.

The National Planning Policy Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This includes: land in built up areas such as private residential gardens.

The site is situated within the Settlement Framework Boundary for Milbourne where residential development is considered acceptable in principle in accordance with policy H3 of the North Wiltshire Local Plan 2011. Objection has been raised that the proposal is 'garden-grabbing' and overdevelopment of the site. Part 53 of the NPPF states that '*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*'. Within the Adopted North Wiltshire Local Plan 2011, no specific reference is made to development in residential gardens. The Wiltshire Core Strategy, due to be adopted later this year will supersede the North Wiltshire Local Plan 2011 however again in this document, there is no specific reference made to garden grabbing.

As noted above, the NPPF refers to inappropriate development of residential gardens where there would be harm to the local area. Within the NPPF there is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' The site is located within a framework settlement boundary where it is considered that there are suitable and sufficient services and facilities to accommodate further development.

Impact on character and appearance of area.

The proposed dwelling has been reduced substantially in size from that shown at pre-application and given its low height and positioning in the plot, it is considered that the development would not cause harm to the local area as the property would be largely hidden from view from Milbourne Park. It is acknowledged that the property is not in keeping with the design of the properties on Milbourne Park, however given the orientation of the property and its access for pedestrians and vehicles from Milbourne Lane, it is considered that the development would be read in connection with Milbourne Lane rather than Milbourne Park and a modern design is therefore considered entirely acceptable.

Impact on privacy and amenities of existing and future occupiers.

It is considered that there is adequate amenity space for both existing and proposed dwellings to accommodate a new dwelling given the reduction in size from the initial proposal. The mature hedge to the rear of the site together with the proposed fencing will ensure adequate levels of privacy given the single storey nature of the proposal. It is worth noting that the applicant would be entitled to erect a building for ancillary use, just 40 centimetres lower in height than the proposed dwelling, without being required to submit a planning application.

9. Conclusion

It is considered that the proposal complies with policies C3 and H6 of the North Wiltshire Local Plan in that it is sited within the framework settlement boundary for Milbourne and will not impact unduly on the privacy and amenities enjoyed by neighbouring residents. The dwelling has adequate amenity and parking spaces and meets the Government's overarching aim for achieving sustainable development.

10. Recommendation

That authority be DELEGATED to the Area Development Manager to GRANT Planning Permission for the following reason subject to an acceptable legal agreement and the conditions set out below:

It is considered that the high quality bespoke design of the proposed new dwelling will be a striking addition to the settlement whilst not impacting negatively on the character and appearance of the established residential estate. The local planning authority has therefore determined that the development is considered to be acceptable on its planning merits as the proposal is compatible and complimentary to policies C3 and H3 of the North Wiltshire Local Plan 2011 and meets the Government's overarching aim for achieving sustainable development. Having regard to all other matters raised, planning permission is granted subject to the following conditions.

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional structures.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) hard surfacing materials.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

8. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Block plan - date stamped 22.03.12 (Revised plans)

Floor plan - date stamped 30.01.12

South and east elevations - date stamped 30.01.12

North and west elevations - date stamped 30.01.12

REASON: To ensure that the development is implemented as approved.

9. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

Informatives

1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

