

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	20 <sup>th</sup> April 2011		
Application Number	10/04414/FUL		
Site Address	55 Pavenhill, Dogeridge, Purton, SN5 4BZ		
Proposal	Redevelopment involving demolition of existing dwellinghouse and erection of 7 dwellinghouses and associated works		
Applicant	News Homes Ltd		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Councillor Jacqui Lay
Grid Ref	407887 187554		
Type of application	Full		
Case Officer	Simon T Smith	01249 706633	simon.smith@wiltshire.gov.uk

## Reason for the application being considered by Committee

Councillor Lay requests that this application is considered by the Development Control Committee so that the scale of development, the visual impact of development upon the surrounding area, its environmental/highway impact and car parking may be considered.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be DELEGATED to Officers to GRANT Planning Permission subject to all parties entering into a legal agreement under Section 106 of The Act and subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Access and impact upon highway safety
- Number of units, layout and appearance
- Impact upon neighbour amenity

The application has generated an objection from the parish council; and six (6) letters of objection received from the public with one (1) letter of support.

### 3. Site Description

A 0.16Ha site consisting of a singular detached dwellinghouse and its curtilage. The land is elevated above Pavenhill via a retaining wall with a shared vehicular access (with two other residential properties) via Restrop View.

The site is situated and surrounded by residential properties. Restrop View is a relatively modern housing estate and Pavenhill itself being a more historic route through the village and consists of a mix of dwelling, in both age and appearance.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>None of relevance</b>		

## **5. Proposal**

The application seeks to redevelop the site for 7 new two and three bedroom dwellinghouses, together with the creation of a new vehicular access via Pavenhill and closure of the existing access. The proposal includes details of 12 parking spaces, manoeuvring space, landscaping and boundary treatments.

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3, H3 and CF3

Central government planning policy guidance PPS3 - Housing

## **7. Consultations**

Highway Officer – No objections subject to planning conditions

County Ecologist – The submitted information provides a clear account of the ecological value of the site. No objections subject to planning condition to ensure implementation of the submitted Biodiversity Supporting Statement.

County Archaeologist – Recommends that planning conditions be imposed to ensure a written programme of archaeological investigation is submitted for approval and implemented.

Public Open Space (adoptions and Inspections Officer) – Requirement for a financial contribution towards the provision of public open space is delivered as a result of development. (Note: the level of contribution has been agreed with the applicant and will be the subject of a legal agreement under s106 of The Act in the event of Members of the DC Committee resolving to grant planning permission).

## **8. Publicity**

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

Six (6) letters of letters of objection received. One (1) letter of support. Summary of key relevant points raised:

- Highway safety compromised because of new access onto busy Pavenhill
- Access should be from Restrop View
- New pedestrian footpath along site frontage would lead nowhere
- Too many units proposed
- Parking insufficient
- Overlooking
- Noise and disturbance during construction

## 9. Planning Considerations

### Principle of development

The entire application site is located within the Settlement Framework Boundary of Purton, as identified by Policy H3 of the adopted North Wiltshire Local Plan 2011. Inside of the Settlement Framework Boundary, the principle of new residential development is established as acceptable by this policy. Criterion (ii) to Policy H3 states that such sites in Purton are suitable for development that is beyond “small” or “limited” in scale.

The acceptability of a proposal must therefore be considered against the more detailed development control criteria contained in policy C3 of the Local Plan and guidance in PPS3 at the national level. Those issues are considered below.

### Access and impact upon highway safety

Considerable debate has occurred locally regarding the suitability of the proposed new access to the development site from Pavenhill. Concerns have been raised that by reason of the narrowness of road, the number and speed of existing vehicles and the limited visibility of Pavenhill would render the new access unsafe.

As an alternative, it has been suggested locally that access could be gained from the rear of the site via Restrop View. However, this would necessitate crossing land outside of the application site and which is also outside of the control of the applicant. It is not known who owns that land, although it has been suggested that it may be part of the Crown Estate.

Despite exploring the possibility of making use of an access via Restrop View, the developer has been unable to conclude upon this as a realistic alternative and is therefore unwilling to amend the scheme.

In this situation, and notwithstanding the local desire for access to the development site to be via Restrop View, the application can only be considered and determined upon the acceptability of the scheme as submitted. In this particular instance, the Council’s Highway Officer has firmly concluded that adequate visibility can be achieved at the point of the proposed access onto Pavenhill and that the additional traffic movements associated with the new development would not render the situation on Pavenhill significantly different than at present. The Highway Officer also confirms that the proposed layout does demonstrate suitable parking, turning and servicing space (although it is not expected that the internal drive would be adopted).

The conclusions of the Council’s highway Officer are all important on this particular issue. In the absence of an expert view to the contrary, it is not reasonable to refuse planning permission on the grounds of highway safety when the proposed access has been judged acceptable. The fact that there may be a preference for an alternative access via Restrop View is not a reason to refuse planning permission on this context.

### Number of units, layout and appearance

The erection of 7 new dwellings on a 0.16Ha site results in a density of 43dph (dwellings per Hectare). As of June 2010, guidance in PPS3 no longer requires new development to have regard to an indicative minimum (previously 30dph) it continues to advocate the efficient use of land and the need to not automatically conclude that the intensification of development as unacceptable (paras. 45-51). Rather, PPS3 requires a judgement to be made over whether a proposed development is well designed, laid out and built in the right location: would the proposal successfully integrate into the locality.

In this particular instance whilst a density of 43Ha may be a little above surrounding development in Pavenhill and Restrop View, it is not inappropriately so. Indeed, in conjunction with existing

properties 56, 57 and 57a, the sites location at the junction of Pavenhill/Restrop View, the site would successfully accept such a density.

The proposed layout is typical of small scale housing development, being arranged as three groupings of units around a centralised access and manoeuvring/parking space with a single detached garage block (serving plots 6 and 7). A degree of built presence to Pavenhill has been introduced, rather than retaining the “set-back” of the existing dwelling, but this is considered acceptable when coupled with the repositioned stone retaining wall (complete with new railings) and necessary new pedestrian footway across the frontage of the site. The submitted revised plans under consideration acknowledge land ownership/access issues at the Eastern boundary.

The dwellings themselves are considered to be of better than average appearance. The occasional deep span gables seen on plot 6 and 7 (and some of the side elevations of the other plots) is outweighed by the generally steeper pitched roofs and narrower gable proportions across front and rear elevations of the development. Other features such as low and open eaves, simple porch canopies, well proportioned windows of an (apparently) sliding sash design and the use of feature materials for header and cill definition are also welcome. A materials mix of facing brick, reconstituted stone and concrete tiles is considered appropriate in this location.

#### Impact upon neighbour amenity

The site has direct shared boundaries to the East and West. To the East, 5 of the 7 plots are sited in a right-angle against the common boundary with No.54 Pavenhill. Although relatively constrained in terms of distance, the proposed plots are positioned so as to avoid facing No.54 private garden space (which is positioned between the house and elevated above Pavenhill). In the case of plots 4 and 5, which have an oblique view toward No.54 itself, windows at first floor have been restricted to bathroom windows only. The “blind” in the rear elevation of plots 4 and 5 may often be seen as a symptom of inappropriately positioned development, but in this case, their existence is not critical to the visual acceptability of the scheme given their presence in elevations that are not prominent in the public realm. An existing highly landscaped boundary between the site and No.54 does help to provide a strong defence against inappropriate impact upon amenity and living conditions.

To the West, plots 6 and 7 are orientated at a right angle direct to the flank wall of No.56 Pavenhill, with a consequently more oblique relationship with its rear garden. The approximate 11.0m distance is mitigated by the restriction of first floor windows in the facing elevation to bathroom only, which may be reasonably conditioned to be fitted with obscure glazing only. The presence of a blind in both plots is considered to be acceptable for the same reasons described above.

The creation of the new access to Pavenhill will clearly result in vehicles turning into and out of the site where currently there is not. During those turning manoeuvres, there is the potential for car headlights to create a disturbance to residents on the opposite side of Pavenhill. In this instance, however, Pavenhill is already a relatively busy road with several turns and driveway accesses and therefore the situation is not unprecedented. In any event, the distance of those properties directly opposite the application is likely to be sufficient to ameliorate any potential impact.

#### **10. Conclusion**

The proposal is considered to be of a form and scale that is reasonable in the context of surrounding development along Pavenhill and Restrop View. The concerns raised locally regarding the proposed means of access are acknowledged, however the ability to refuse planning permission on the grounds that they may be a preferred alternative means of access is effectively removed if the proposed access is considered to be acceptable. In this case the Council's Highway Officer is entirely satisfied with the proposal.

## 11. Recommendation

Subject to all parties entering into a legal agreement under s106 of The Act in respect of the provision of a financial contribution towards public open space, as required by Policy CF3 of the adopted North Wiltshire Local Plan 2011; then

Planning Permission be GRANTED for the following reason:

Subject to the imposition of appropriate planning conditions, the proposed development of even new dwellings on this site is considered to be acceptable in terms of its scale, layout, appearance and means of access in the context of the surrounding locality. In addition, the proposal is not considered to result in an unacceptable impact upon residential amenity of surrounding occupiers. In this way the proposed development is considered to comply with the provisions of policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and guidance contained within PPS3 Housing.

### 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. 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.

### Plans

Site location plan – dated 26<sup>th</sup> November 2010  
Site layout (55/PD/001A) – dated 4<sup>th</sup> February 2011  
Site layout existing (55/PD/010) – dated 26<sup>th</sup> November 2010  
Landscape proposals (PN/LP/070) - dated 4<sup>th</sup> February 2011  
Visibility splay drawing (55/PD/012) – dated 26<sup>th</sup> November 2010  
Street scenes (55/PD/009A) – dated 4<sup>th</sup> February 2011  
Site sections (55/PD/008A) – dated 4<sup>th</sup> February 2011  
Plots 1 & 2 plans and elevations (55/PD/002A) - dated 4<sup>th</sup> February 2011  
Plots 3 plans and elevations (55/PD/003A) - dated 4<sup>th</sup> February 2011  
Plots 4 & 5 plans and elevations (55/PD/004A) - dated 4<sup>th</sup> February 2011  
Plot 6 plans and elevations (55/PD/005A) - dated 4<sup>th</sup> February 2011  
Plot 7 plans and elevations (55/PD/006A) - dated 4<sup>th</sup> February 2011  
Garage plans and elevations (55/PD/007) – dated 26<sup>th</sup> November 2010

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

3. 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.

4. No part of the development hereby permitted shall be first brought into use/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.

5. 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 and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations

6. Before the development hereby permitted is first occupied all windows shown as such on the approved plans, shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

7. 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

8. Unless otherwise agreed in writing with the Local Planning Authority prior to its construction, the proposed rebuilt and repositioned retaining wall to the frontage of the site with Pavenhill shall be constructed using the stone reclaimed from the existing wall.

REASON: In the interests of securing a boundary treatment that respects the existing character of the locality.

9. All development shall be carried out in full accordance with the recommendations in Section 4 of the approved Biodiversity Supporting Statement (John's Associates, 2011), unless otherwise agreed in writing by the Local Planning Authority. In the event that protected species are discovered onsite during the development, all works shall be suspended until such time as an appropriately qualified ecologist has advised how to proceed.

REASON: In the interests of securing development that takes account of the ecological value of the site.

10. No development shall commence within the area indicated until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

