

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	15 th September 2021
Application Number	21/01153/FUL
Site Address	Land at Dyers Close, Chippenham, SN15 3LG
Proposal	Demolition of existing garages; erection of detached bungalow with associated garage/parking and landscaped curtilage area and public turning space.
Applicant	Functional Property Ltd
Town/Parish Council	Chippenham
Electoral Division	Cllr Liz Alstrom
Grid Ref	
Type of application	Outline Planning
Case Officer	Charmian Eyre-Walker

Reason for the application being considered by Committee

The application was called to committee to by Cllr Liz Alstrom to allow the Committee Members to assess the scale, relationship to adjoining properties and highways/parking impact of the proposal.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

Issues to be addressed:

- Principle of the development
- Design and layout
- Impact on amenity
- Highways
- Impact on Heritage Assets
- Ecology
- Drainage

8 letters of objection have been received.

Chippenham Town Council (on amended plans) objects

3. Site Description

The site is located at the end of Dyers Close, a residential cul-de-sac within an established residential area just north of London Road. The site is completely surrounded by residential development, although there is a small section of the eastern boundary (approx. 4m) which is formed from the rear boundary of no 164 London Road which is a Grade 2 listed building.

The site is generally flat with a mix of block walling, wooden fencing and hedging as boundary treatments.

There is currently 6 lock-up garages and 2 other garage/shed type buildings on the site, which would be demolished and removed as a result of development taking place.

It is understood that the existing garages are either vacant or tenanted to people outside Chippenham. There is no evidence to suggest that they provide parking or storage for residents in the immediate locality.

There are no planning policy designations which cover the site..

4. Planning History

None

5. Planning Policy

Wiltshire Core Strategy

CP1 Settlement Strategy

CP2 Delivery Strategy

CP3 Infrastructure

CP10 Spatial Strategy: Chippenham Community Area

CP50 Biodiversity and Geodiversity

CP51 Landscape

CP56 Contaminated Land

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of The Historic Environment

CP60 Sustainable Transport

CP61 Transport and Development

CP67 Flood Risk

North Wiltshire Local Plan 2011 Policies

NE14 Trees and the control of development

NPPF

Section 3 Plan-making
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change

6. The Proposal

The proposal is to demolish the existing garages and buildings on the site and erect a 3 bed 1.5 storey detached dwelling with garage and associated amenity space as well as providing an informal turning space for occupants of Dyers Close.

7. Consultations

Chippenham Town Council wishes to maintain its objection and please refer to our previous comments. We have seen the latest comments from Highways but do not understand how the amended plan (the only amendment being removal of part of the front boundary hedge of No. 13) alleviates their original concerns. Surely the Applicant would still need to demonstrate that the cul-de-sac is safe and useable for the public to manoeuvre around in, even if not to adoptable standard, and this can only be evidenced by vehicle tracking. The proposed development would still block access to No. 13's existing driveway and even if a section of front boundary hedge were to be removed as proposed (does the Applicant own the land the hedge is on? If not, they would have to serve notice on No. 13) it would be entirely unreasonable to expect No. 13 to pay for the cost of having to install a new relocated driveway as a result of the proposed development.

Highways – No objection to revised plan, subject to a condition securing the turning space for general use.

Public Protection – No objection.

Ecology – No comment.

8. Representations

8 letters have been received raising objections on the following grounds:-

- The current turning head is essential and should not be lost.
- The proposal is a 2 storey dwelling not a bungalow.
- Access to 13 Dyers Close removed/blocked despite historical easements.
- No suitable on-street parking/Dyers Close is narrow.
- Proposed turning head is not large enough.

- Turning head will be used to park due to inadequate on plot parking,
- Irregular positioning compared to other houses in street.
- Lack of play space.
- Overlooking
- Nesting bats- application makes incorrect and misleading statements
- The contamination report states that the site is in a 'environmentally sensitive location'.
- Removal of boundary hedge shown, that is not in applicant's control.
- Flooding potential.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of the development

The proposal lies within the framework boundary of Chippenham, where, in accordance with policies CP1, CP2 and CP10 of the Wiltshire Core Strategy, new dwellings are permissible, subject to other policies contained within the plan. These will be addressed below.

Design and layout

The proposal is for a detached dormer bungalow and detached single garage to the end of a cul-de-sac. Whilst Dyers Close itself is characterised by fairly uniform 2 storey dwellings there are other house styles in the area, so that the proposal is not considered to be overly out of character. The materials are proposed as reconstituted stone walls and concrete tiles, which are considered to be appropriate for this area.

The existing boundaries are to be retained. A turning area for public use is also to be retained to the front of the plot, as by developing this site the larger turning area provided (on private land) will be removed. However, this turning facility is required due to the narrow nature of Dyers Close and lack of other turning facilities. The comments about lack of on plot parking are noted, but the site contains a garage of size commensurate with a parking space and an additional space to the front of that providing the required 2 spaces. A reason for refusal on lack of parking could not, therefore be sustained.

The proposed dwelling has 2 ridge heights and they will measure approx. 6.5m and 7.5m, which is not considered excessive or dominant within the surrounding area. The proposal is considered to comply with the requirements of CP57 and CP61 of the WCS and guidance in the NPPF.

Impact on amenity

The proposed dwelling lies in an established area of residential properties, where a degree of mutual overlooking occurs. The orientation of the proposed dwelling would not unduly add to this and the impact on neighbours is considered to be acceptable. The scale of the proposed dwelling is not considered to create a dwelling that will be overbearing to any of the other surrounding dwellings and is thus considered to be compliant with the requirements of Policy CP57 of the WCS and guidance in the NPPF .

Highways

Evidence has been submitted that the garages are either vacant or tenanted to people outside Chippenham and therefore do not provide parking or storage for local residents. Their loss from a 'loss of parking' perspective is not, therefore, resisted. The Highways Officer raises no concerns to their loss.

The proposal has been amended since its first submission so that an informal (ie not to adoptable standard) turning head is retained for use. They have requested a planning condition to secure its retention free of obstruction and subject to that raise no objections.

Impact on Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

Whilst the development site shares a short section of boundary with 164 London Road (a Grade II listed building) but given the nature of the site as it is and the proposed development, it is not considered that the proposal causes any harm to the setting of that listed building and the requirements of the Act and policies CP57 and CP58 are complied with.

Ecology

The application is accompanied by an 'Inspection for Bat Roost Potential' survey, which concluded that roosting bats were not present in the buildings, nor evidence of previously nesting birds. The Ecology Team has no comment. Policy CP50 of the WCS is complied with.

Drainage

The site lies in Flood Zone 1 and is not at risk of flooding. All matters to do with drainage can appropriately be dealt with through the Building Regulations process.

Other Matters Raised

The property, 13 Dyers Close, currently has access to a parking space through the site. It is understood that this access is not formal nor is it a 'right of access', but just an historical use. Whilst the ownership of the access to that parking space is a private legal matter, the applicant has sought to engage with the owner of the property to offer a solution of a revised parking access from the turning head of the proposed development. It is understood that this option has not been accepted.

The Council's Highways' Engineer is satisfied with the parking and provision of an informal turning head (although any turning facilities could currently be removed by the site owner) and it is not considered that any reason for refusal on highways or parking grounds can be sustained.

10. Conclusion

The proposed dwelling is considered to be acceptable in terms of location, orientation and design. It is not considered to cause harm to any heritage assets and is thus considered to comply with policies CP1, CP2, CP10, CP50, CP57, CP58 and CP61 of the WCS and policy in the NPPF.

11. Recommendation

That Planning 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 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 the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

3 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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of 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 enlargements.

6 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

7 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;

- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment. i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Plans, Elevations and Block Plan 20539-10A
Received 25th June 2021.

Existing Topographical Survey
Existing Floor Plan
Existing Elevations and Sections
Location Plan
Received 3rd February 2021.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 9 No occupation of the development shall commence until the access, parking and turning areas shown on drawing number No.200539-10 A, Site Plan & Block Plan, have been laid out and constructed with a bound and compacted surface (not loose stone or gravel). The turning space shall be kept clear of obstruction, and available for use as a turning space, at all times.

REASON: To ensure that vehicles can enter and leave the site in a forward gear, and users of Dyers Close have a means of manoeuvring at the end of the road, in the interests of highways safety.

INFORMATIVES TO APPLICANT:-

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.