

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	11/01314/S73A		
Site Address	Land at Harpers Lane, Bristol Street, Malmesbury, SN16 0AX		
Proposal	Improvement works including replacement wall and fencing, resurfacing, planting and lighting (revision of 10/04503/S73A)		
Applicant	Mr P Von Fullman		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Councillor Killane
Grid Ref	392973 187362		
Type of application	Retrospective		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Killane has requested that the Committee consider this application so the Members can consider the: scale of development; visual impact upon the surrounding area; relationship to adjoining properties; design, bulk, height, general appearance; environmental / highway impact; and car parking.

1. Report Summary

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- The design and appearance of the works and their impact on the character and appearance of the Malmesbury Conservation Area; and
- The impact of the development on highway safety.

The application has generated an objection from Malmesbury Town Council and 1 letter of objection.

3. Site Description

The application site is situated on land at Harpers Lane to the rear of Nos.42-44 Bristol Street which are grade II listed buildings, within the Malmesbury Conservation Area. The properties within Bristol Street are set at a higher level than the application site. On the southern side of the lane are various outbuildings and garages as well as a wood yard.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/04503/S73A	Improvement works, including replacement retaining walls and fencing, resurfacing, replanting and provision of new single garage building	Withdrawn

5. Proposal

The applicant seeks retrospective consent for the replacement walls and fencing, resurfacing, planting and lighting to an existing parking area. The previous proposal (ref: 10/04503/S73A) proposed a new single garage building, this element has been removed from the current application.

6. Planning Policy

C3 – Development Control Policy
HE1 – Development in Conservation Areas

7. Consultations

Malmesbury Town Council – Oppose the application. This is an inappropriate development in the conservation area and the Town Council are particularly concerned that the garage is clearly very much not in keeping. Policy HE1 applies. (Please note: this application does not include a proposal for a garage.)

Conservation Team – Do not feel that the replacement wall enhances the appearance of the Conservation Area as the detail of the wall has been altered which has increased the visual harm. The following remedial measures to overcome this harm are recommended:

- Reducing the height of the wall to the previous lower level, although this would not include having the stepped levels on the side walls. Instead of these, it would be better for the wall to sweep down from the rear wall to the height of the retained land each side of the car parking area;
- Replacement of the profiled tile ‘copings’ on top of the wall with a stone, traditional, weathered wall coping;
- Removal of the light fittings from the wall;
- Redecoration of the wall with an agreed finish to give a less stark appearance. A grey / umber colour is recommended using a material such as Keim; and
- The introduction of some planting between the fencing and the retaining walls as well as the introduction of some planting in the car park area to soften the appearance of the stone walls.

Landscape Team – The Council’s landscape architect provided an illustrative plan giving an appropriate planting density and plant schedule as the density of the plants proposed was considered to be low in comparison with the available planting area.

8. Publicity

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

1 letter of objection has been received in response to the application publicity. The concerns raised are summarised below:

- The suggestion that the existing retaining walls were in danger of collapse and posed a real safety risk to the public is rejected. They were concrete and perfectly safe;
- The fact that the area which has been proposed for a 2 bedroom house has been excavated and cleared suggests that the proposition may be tried again;
- Taking the back of the bank further back would not have been necessary even if safety reasons were paramount;
- The proposal is contrary to policies HE1 and C3 (i), (ii), (vii) and (viii) of the Local Plan;
- The concrete walls are not in keeping with the rest of Harpers Lane. The other two parking areas further down the lane have been faced with Cotswold stone. The proposal to paint the current development (raw umber) is not in keeping;
- No other parking spaces have downlighters;
- Vision at the access onto Bristol Street is limited;

9. Planning Considerations

Policy HE1 of the Local Plan considers that in Conservation Areas, proposals for development and other works will only be permitted where the proposal will preserve or enhance the character or appearance of the area.

Works commenced on site in July 2010 without the benefit of planning permission. The applicants' agent asserts that the works were necessary because the existing retaining walls were in danger of collapse and posed a safety risk.

The reinforced concrete wall which has been erected would be finished in Keim raw umber coloured paint. It is proposed to remove a section of the existing wall on the west side of the parking area. It is also proposed to remove the existing pantile capping to the top of the wall and replace it with a rounded concrete capping. The 1.8 metre high timber boarded fencing steps down matching the steps in the retaining wall. Four downlighters have been inserted into the rear wall, these will be painted to match the surrounding wall colour.

The surface of the parking area has been finished in tarmac, it is proposed to install a finished surface comprising epoxy resin surfacing with chippings in a Cotswold stone colour on top of the tarmac. A line of granite setts would be installed along the front site boundary between the parking area and Harpers Lane.

The works undertaken required the removal of a number of conifer trees and silver birch saplings which were purported to be undermining the original walls. A planting scheme has been submitted in support of the application. An amended planting scheme proposing an increase in planting density has been submitted in response to the comments of the Council's Landscape Architect. This addresses the concerns raised and as such over time would help to soften the impact of the new wall and fence.

The proposed works, with the exception of the retention of the four downlighters would address the concerns raised by the Conservation Officer. In this respect, the applicants' agent has advised that the lights were installed for safety reasons and to assist parking. They are on a timelock which controls a sensor and are therefore only on when cars are being parked. A photo showing the affect of the lights when illuminated has been submitted in support of the application. There are no residential properties in close proximity to the downlights. In consideration of the above and given that the lights would be painted to match the surrounding wall, it is not considered that on balance, the retention of the lights would have a materially detrimental impact on the character and appearance of this part of the Malmesbury Conservation Area.

Policy C3 of the local plan states that new development will be permitted subject to a number of criteria including amongst other things: have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The works undertaken were to an existing parking area. The applicants' agent has confirmed that the parking area previously had space to park 4 vehicles and the proposal has not therefore

resulted in creating any further parking provision. Having reviewed the planning history for the site, it appears that the site may have only been able to accommodate a maximum of 2 vehicles. The Highways team have verbally confirmed that given that the parking area provides parking for existing residents / visitors, an objection on highways grounds could not be sustained.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be, on balance, acceptable and would have no significant adverse impact on the character and appearance of the Malmesbury Conservation Area and would not be detrimental to highway safety. The proposal is in accordance with policies C3 and HE1 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. All soft landscaping comprised in the approved planting scheme (drawing number: PF/03 Rev A) shall be carried out in the first planting and seeding season following the date of this decision. 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.

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

POLICIES – C3 and HE1 of the North Wiltshire Local Plan 2011.

2. All hard landscaping and improvement works shall also be carried out in accordance with the approved details (drawing number: PF/01 Rev B) within two months of the date of this permission and shall be retained in accordance with the approved details thereafter.

REASON: To ensure the works preserve the character and appearance of the Conservation Area.

POLICIES – C3 and HE1 of the North Wiltshire Local Plan 2011.

3. 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.

- PF/01 Rev B – Site plan and elevations, date stamped 4th April 2011
- PF/02 Rev A – Sketch view site location, date stamped 4th April 2011
- PF/03 Rev A – Planting scheme, date stamped 23rd May 2011

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

