

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	5 th October 2011		
Application Number	11/02318/FUL		
Site Address	Coach House, Church Road, Heddington, Wiltshire, SN11 0PQ		
Proposal	Demolition of industrial buildings and erection of 9 dwellings (resubmission of 10/04628/REM)		
Applicant	A Fenwick		
Town/Parish Council	Heddington		
Electoral Division	Calne Rural	Unitary Member	Councillor Christine Crisp
Grid Ref	399702 166496		
Type of application	Reserved Matters		
Case Officer	Simon T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Crisp requests that this application is considered by the Development Control Committee so that the relationship of the proposal to adjoining properties, its environmental/highway impact and car parking may be considered.

1. Purpose of report

To consider the above application and to recommend that Reserved Matters be GRANTED subject to conditions.

2. Report summary

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

- The outline permission
- Access and public footpath
- Visibility splay and
- Parking provision
- Scale, layout and appearance
- Impact upon neighbour amenity

The application has generated an objection from the parish council; thirty four (34) 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.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/04628/REM	Demolition of industrial buildings and erection of 9 dwellings	Refused 14/02/11
08/00341/OUT	Demolition of industrial buildings and erection of 9 dwellings	Refused 08/04/08 Appeal allowed 24/03/09

5. Proposal

This is a Reserved Matters application seeking consent for the detailed matters pursuant to the grant of outline planning permission to redevelop the site for 9 no. three bedroom dwellinghouses in place of the existing commercial garage, now no longer in operation (08/00341/OUT refers).

Under that outline planning permission, all matters were reserved for later consideration with the exception of means of access.

A previous Reserved Matters application was submitted under reference 10/04628/REM. That application was refused consent. This application is submitted in an attempt to overcome that refusal.

Application 10/04628/REM was refused for the following reasons:

- 1 The proposed layout of the proposal is considered to result in a unacceptable form of development in terms of parking arrangement, inadequate manoeuvring space and internal access road. As such the proposal is considered to fail the requirements of Policy C3 of the adopted North Wiltshire Local Plan 2011.
- 2 The proposed scale of the dwellings proposed is considered to result in an inappropriate form of development that would not respect the local character and distinctiveness of the area, and would give rise to perception of overdevelopment of the site and an unacceptable impact upon the amenities of neighbouring residential properties. As such the proposal is considered to be contrary to the requirements of Policy C3 of the adopted North Wiltshire Local Plan 2011.

6. Planning Policy

North Wiltshire Local Plan: policies C3 and H3
Central government planning policy guidance PPS3 - Housing

7. Consultations

Highway Officer – *“The internal layout is now satisfactory with turning facilities available for all the parking spaces.*

Whilst the parallel spaces at the front are not ideal, I accept that there is no alternative way to provide the required spaces. Enforcement of the use of these spaces will be a matter for the residents but should not be a problem in this small community.

The issue of visibility at the access has been raised by objectors. The visibility splay to the east passes over land which has previously been assumed as highway. That position has been challenged and the status will probably require further investigation. However the access arrangements were approved as part of the outline permission and this issue is not a matter for consideration as part of this application.

The visibility splay to the west passes over a small area of one of the passing bays. The encroachment is minimal and such that I do not consider it would have an adverse effect on highway safety.

In view of the above there is no highway objection to this application subject to conditions...”

County Ecologist – No objections.

Public Rights of Way Officer – *“It is noted that currently the public are entitled to the use and enjoyment of the full width between boundaries of this public footpath and this should be retained.”*

8. Publicity

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

Thirty four (34) letters of objection received. One (1) letter of support. Summary of key relevant points raised:

- Access over footpath 5 would cause danger to users of footpath
- Access not possible as footpath 5 is a public right of way not under ownership of applicant
- Available visibility splay onto Church Road is inadequate, obscured and involves land not under the control of the applicant
- Lack of parking space proposed – potential for parked cars to spill out on to highway
- Scale and appearance of dwellings not appropriate or in-keeping with locality
- Too many units proposed
- Inadequate bin storage proposed
- Overlooking and height of proposed dwellings
- Frontage properties do not relate to any existing building line on Church Road

9. Planning Considerations

The outline planning permission

This application is a Reserved Matters application, submitted pursuant to the grant of outline planning permission, at appeal, under 08/00341/OUT. Under the terms of that outline permission, all matters were reserved for later consideration with the exception of means of access.

In light of extant outline consent, the principle of development cannot be legitimately debated as part of this Reserved Matters application. Only matters relating to the appearance of development, its landscaping, the layout and scale are relevant considerations.

Although not the subject of a planning condition, the description of the outline application and all details submitted and considered by the appeal Inspector make it clear that the principle of 9 dwellings on this site is established as acceptable.

Access and public footpath

Considerable concern has been raised locally over the adequacy of the proposed access, and in particular, the ability of the applicant to achieve the required visibility splays (dealt with separately below).

However, as noted above, the previous 08//00341/OUT permission already grants outline planning permission for the means of access. Indeed, in paragraph 18 of his decision letter, the previous appeal inspector debates the acceptability of the proposed access and, in effect, he later concludes in paragraph 20 that the access is acceptable. The outline planning permission, therefore, clearly grants planning permission for the means of the access (ie. the point at which the site would gain access to Church Road).

The practical effect of the above situation is that, provided the proposed development makes use of the means of access approved under the outline planning permission, this aspect of the proposal has already been established and can no longer be legitimately debated.

It has been suggested that the plans approved at outline stage differ from those now submitted at Reserved Matters stage, in that the position of the point of access changes, with a consequent effect on the visibility splay (debated below). Officers are not convinced of the significance of any differential beyond that normally associated with any comparison between different plans drawn to a different scale.

Continued concern has also been raised about the potential for conflict between users of the public footpath, running along the south-Eastern boundary of the site to the field behind, and the proposed routing of the access road. This issue was debated by the Inspector in paragraphs 18 – 20 and there is no reason to conclude otherwise.

Visibility splay

Expected visibility from the point of access has been specified by the outline planning permission. The Inspector imposed condition 06 to that condition, worded thus:

“Before the access hereby permitted is first brought into use by occupiers of the dwellings hereby permitted, the area between a point 2.0 metres back from the carriageway edge along the centre line of the access and a pint on the carriageway edge 43.0m from and on both sides of the centre line of the access shall be cleared of obstruction at and above a height of 900mm above the nearside carriageway level and thereafter kept free of obstruction at all times.”

Nevertheless, residual concerns do remain locally over the ability of the applicant to actually comply with the outline permission in respect of the means of access or the visibility splay. It is clear that there is considerably dispute over land ownership, which if proven to be correct, would in fact prohibit the required visibility being achieved to the south-east of the site access (thereby failing the requirements of condition 06) and also prohibit the proposed positioning of the access (thereby failing the requirements of the outline planning permission itself).

The above land ownership dispute may indeed prove to have a very real effect upon the ability of the applicant to implement their planning permission. In contrast, however, the dispute is not effectual upon the decision as to whether to grant consent for the now submitted Reserved Matters. The Inspector makes a similar point at the end of paragraph 18 to his decision letter.

Although ordinarily, land ownership is a private matter which the Council can play no role in resolving or adjudicating, in this particular case the Council as a land owner themselves do, to a certain extent, retain an interest since the disputed land at the visibility splay has up until this point assumed to be public highway by the Council, the appeal Inspector and the applicant. However, the neighbour now claims to retain ownership of that land, which would indeed impede meeting the requirements of condition 06 to the outline planning permission. The Highway Officer has confirmed that the question as to whether the land is public highway or not will require further investigation by the Council. Critically, however, that further investigation can only be in the Council's capacity as a land owner and Highway Authority, and not as the Local Planning Authority. There is no reason to delay determination of this Reserved Matters application, since whatever the outcome of those investigations, there should be no bearing on how this application is determined.

Parking provision

Parking provision for the development is also a matter controlled by the outline planning permission. The appeal Inspector imposes condition 04 under 08/00341/OUT, which requires two parking spaces to be created for each dwelling prior to occupation of any of the dwellings. The submitted Reserved Matters do indeed demonstrate two parking spaces for each dwelling, to the apparent satisfaction of the Council's Highway Officer. The minor infraction of the visibility splay caused by space 08 at the frontage of the site is considered to be minor, and not a reason to object to the proposal.

Scale, layout and appearance

The outline planning permission establishes the erection of 9 units on this site as acceptable. This renders the ability to debate the appropriateness of the proposed density impossible beyond how such a density translates into the proposed scale, layout and appearance of the development. For information, the erection of 9 new dwellings on a 0.19Ha site results in a density of 47dph (dwellings per Hectare).

The proposed layout is typical of many small scale housing developments, being arranged as two terraces of units set either side of a centralised manoeuvring/parking space. Previously refused iterations of the layout have included centrally positioned garages and outbuildings, though these have now been removed to increase manoeuvring space and reduce the perception of overdevelopment. Landscaping is, as would be expected on such a development, restricted to incidental/deterrent planting.

Although in itself the subject of local objection the proposed development would provide a strong presence to the road frontage. Set forward of both the properties either side of the site (Cromwell House, Coach House and Gainsborough House), the relationship with Church Road is indeed analogous to other properties only a little further up and down Church Road. Contextually, therefore, the proposed layout and street frontage is not considered to so incongruous so as to justify a reason to refuse planning permission.

The dwellings themselves are of an appearance typical of modern residential development, albeit with a degree of architectural simplicity that is welcome in this village context (porch canopy, narrow module windows, heads and cills being examples). Materials are to be facing brickwork with reconstituted stone detailing together with clay pantiles, largely reflective of the mix seen locally.

All dwellings are of a three floor internal layout, with accommodation being created in the roofspace. Proportionately the front four units are, visually, more comfortable than the rear, displaying a narrower gable depth and steeper roof pitch. Nevertheless, all units remain relatively tall at over 9.0m to ridge and 5.0m to eaves, and it is this particular aspect of the details that causes concern locally – and indeed formed part of the basis for refusing the previous reserved matters application.

Clearly requiring a judgement, which can of course be subjective, the scale of the proposed dwellings cannot reasonably be described as exceptional. Equally, it is also evident that Heddington is already made up of dwellings of a wide variety of size, scale, appearance and vintage and such a variety of existing development would inevitably dilute the ability to defend a refusal reason based on visual appearance and scale alone.

For the above reasons, and in light of the removal of built form in the central portion of the site (as proposed under the refused 10/004628/REM application, the scale, layout and appearance of the development is now considered to be acceptable.

Impact upon neighbour amenity

The site shares boundaries with existing residential properties to the South-East and North-West. Although a constrained site, the proposed plots are positioned and orientated so as to avoid direct facing windows or an immediate impact upon amenity through the proximity of development. An obvious exception is the proximity of development to the applicants own property, “Coach House”, which perhaps is not as critical an impact to consider, since it would not be an imposed situation.

The proposal has been altered to address previously expressed concerns about the relationship of unit 1 to existing property Cromwell House. A modest, but distinct, 2.0m stand off from the north-western boundary with Cromwell House has been introduced which together with an off-set relationship and obscure glazing, is considered sufficient to avoid an unacceptable impact upon the amenities of Cromwell House from overlooking and a perception of “oppressiveness”. The common boundary is to remain as existing (dense conifer hedge and 1.85m high timber fence).

10. Conclusion

The submitted Reserved Matters are considered to be acceptable in the context of surrounding development in Heddington. The concerns raised locally regarding the proposed means of access, visibility splay and land ownership are acknowledged as a potential bar to development actually taking place. However, they are issues that should not prevent the issue of Reserved Matters consent since they are, respectively, matters that have already been concluded upon under the outline planning permission or matters pertaining to civil law and therefore not material planning considerations.

11. Recommendation

Planning Permission be GRANTED for the following reason:

Subject to the imposition of appropriate planning conditions, this revised submission of reserved matters of: appearance, landscaping, layout and scale, is considered to be acceptable. The proposed development is without unacceptable impact upon amenity and highway safety, and would be in-keeping with the character and appearance of the locality. As such the proposal is considered to meet with the requirements of Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. 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.

Location plan 001
Existing site plan 002
Proposed site plan 003
Proposed plans plots 1 – 5 (R5) 004
Proposed elevations plots 1-5 (R5) 005
Proposed plans and elevations plots 6-9 (F4) 006
Proposed garden room plans and elevations 007
Existing context plan 009
Proposed context plan 010
Proposed vis-splay 011
Proposed site sections A-A & B-B 012
Proposed site sections C-C 013
Proposed landscaping plan 014
Proposed drainage strategy plan 015

All date stamped 4th July 2011.

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

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

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.

POLICY-C3

4. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars,

without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-C3

5. 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.

POLICY-C3

6. 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.

POLICY-C3

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), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY-C3

8. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

9. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

10. Prior to the commencement of development, full details of the proposed cycle store/sheds shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

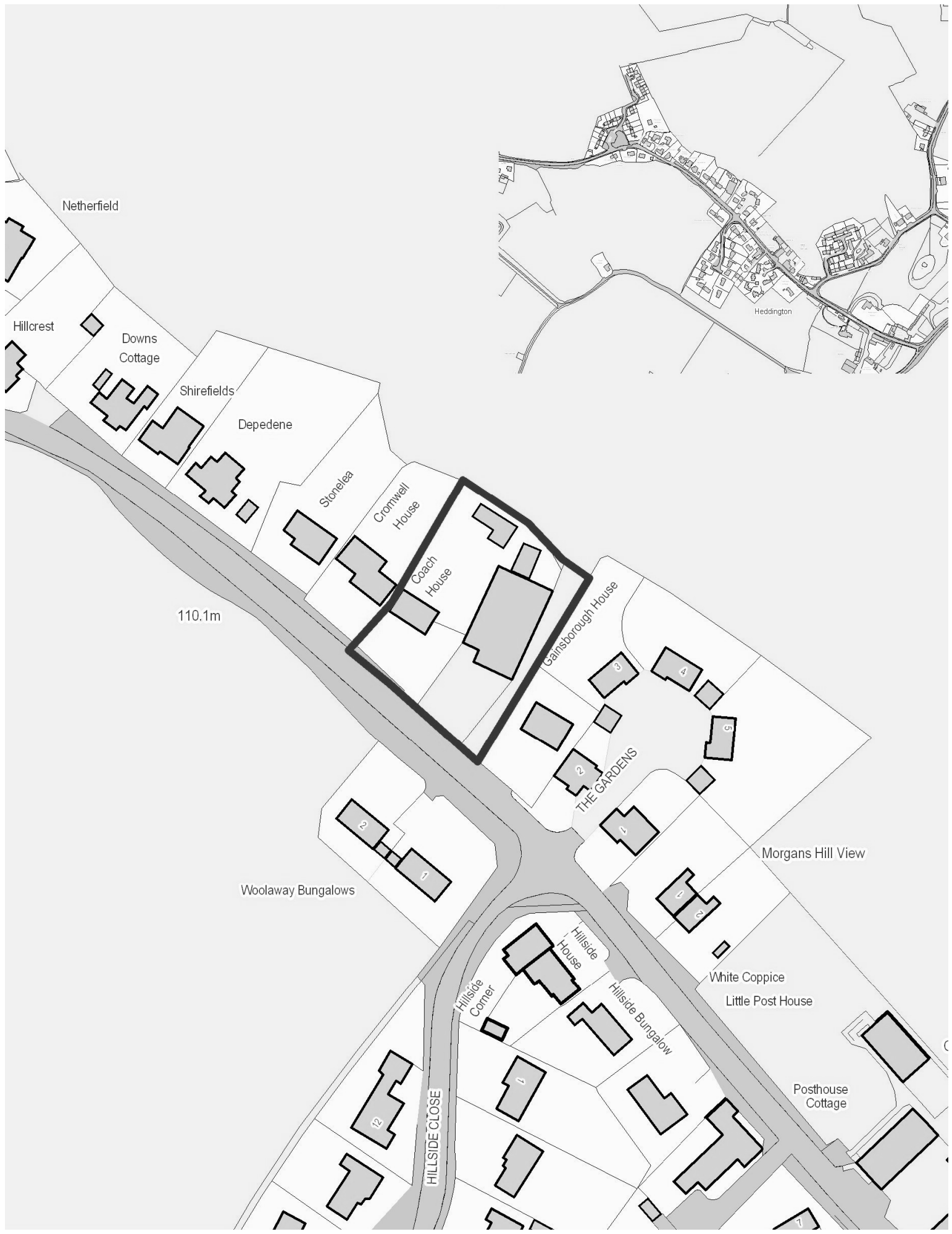
Reason: In the interests of securing a harmonious form of development without an adverse impact upon visual amenity.

11. Prior to the first occupation of any of the dwellings hereby granted permission, all windows in the side elevation of unit 1 shall be fitted with obscure glazing and be of a fixed shut design and shall remain in that condition thereafter unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: In the interests of residential amenity.

12. Prior to the occupation of any of the dwellings hereby granted permission, the first floor landing window to the front elevation of plot 1 shall be fitted with obscure glass, as specified on the submitted plan (Proposed plans plots 1-5 (R5 drawing no.004), and shall remain in that condition thereafter unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: In the interests of residential amenity.



Netherfield

Hillcrest

Downs Cottage

Shirefields

Depedene

Stonelea

Cromwell House

Coach House

Gainsborough House

110.1m

THE GARDENS

Woolaway Bungalows

Morgans Hill View

White Coppice

Little Post House

Posthouse Cottage

Hillside House

Hillside Corner

Hillside Bungalow

HILLSIDE CLOSE

Heddington