

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23 rd November 2011		
Application Number	11/02331/FUL		
Site Address	Land rear of 6 Upper Pavenhill, Purton		
Proposal	Erection of 2 bedroom bungalow		
Applicant	Mr A Frost		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Cllr Jacqui Lay
Grid Ref	407744 187716		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Lay has requested that the application be considered by the committee to assess the entrance out onto Upper Pavenhill, the public highway and the impact on the public footpath which runs down the access road.

1. Report Summary

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager subject to conditions and subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space.

2. Main Issues

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

- The principle of development;
- The design and appearance;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety;
- Impact of the development on trees;
- Provision of public open space; and
- Other issues.

The application has generated objection from Purton Parish Council, 5 letters of objection and 1 letter of support.

3. Site Description

The application site relates to a plot of land currently forming the curtilage of No.6 Upper Pavenhill. No.6 is a detached property set on a large plot situated within the Settlement Framework Boundary as defined in the Proposals Map.

The site slopes down to the north west towards the open countryside beyond the site. An access lane and public right of way runs along the south western boundary of the site.

The settlement along Upper Pavenhill has developed organically over time consisting predominantly of semi-detached / detached dwellings with the building on the west side of Upper Pavenhill Road fronting the street whilst those on the east are set further back due to the rise in topography. There is a mix of stone and brick buildings in the vicinity.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/00974/FUL	Erection of three bed detached dwelling at rear of 6 Upper Pavenhill	Withdrawn
04/00799/FUL	Two storey rear extension and conservatory	Permitted
99/01473/OUT	Outline for the erection of one dwelling	Refused
88/01535//OL	Outline for residential development (two dwellings)	Refused
	An outline application for 1 single storey dwelling at the rear of 6A Pavenhill and creation of access through part of 6A's land was approved in May 2008 (ref: 07/02078/OUT). This permission has now lapsed.	

5. Proposal

The applicant seeks consent for the erection of a new 2 bedroom detached dwelling. The proposed dwelling would be single storey in height and roughly 'L' shaped with maximum dimensions of approximately 12 metres wide, 10 metres deep and 4.1 metres high. Parking for 2 vehicles would be provided.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy
 NE14 – Trees and the Control of New Development
 H1 – Required level of Residential Development
 H3 – Residential Development within Framework Boundaries
 CF3 – Provision of Open Space

National Planning Policy

Planning Policy Statement 3 - Housing

7. Consultations

Purton Parish Council – Objects to the application as the access to the site is via a steep narrow single track lane which is a definitive route No.41 designated a footpath. Emerging onto the road from the site is not ideal given that it is onto a narrow road often which vehicles parked either side of the access which will obstruct visibility and create an additional hazard for other road users. It is asked that the application is refused planning permission.

County Archaeologist – Has no comments or observations to make.

Public Rights of Way Team - Following consultation with County Highways, the requirements of the Rights of Way Warden are incorporated in his recommendations.

County Highways – No objection subject to standard conditions WD1, WD12, WD17 and WG2.

Principal Ecologist – No comments to date at the time of preparing this report.

Thames Water – With regard to surface water drainage it is the responsibility of the developer to make provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required.

With regard to sewerage infrastructure and water infrastructure no objection is raised. An informative is recommended.

Public Open Space Team – It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £4,200 in offsite Open Space Contribution to be used to upgrade facilities at the Venture play area.

8. Publicity

5 letters of objection have been received in response to the application publicity. In summary, the following concerns are raised:

- The width of the existing road is only 2.45 metres, and this already causes major problems with damage to parked cars. Additional traffic, especially building delivery lorries will only increase the problem. Refuse collection, cess tank emptying and oil delivery is already a major issue;
- Front gates open directly onto the already busy road;
- Access will be a danger due to the existing residents parked in the main road;
- Overloaded services i.e. water supply, drainage etc, there is already very low water pressure;
- Loss of privacy;
- The electricity pole situated on the corner of the access road could easily be damaged and result in a loss of energy supply;
- The footpath would be blocked by heavy lorries;
- No available parking;
- Noise and disturbance;
- It is not stated whether there will be outside security lighting installed;
- Will set a precedent for further backland development;
- Is not within the same building pattern as the rest of the houses;
- Objectors 1.6 metre high boundary wall sits within the visibility splay;
- By resurfacing the public right of way it will appear as a private access road and not a right of way;
- Emergency vehicles may struggle to get through;
- Poor visibility;
- PPS3 has removed such land from the definition of previously developed land;
- Construction of the retaining wall is likely to adversely affect the semi-mature Ash tree indicated for retention;

- The pond within the objectors garden is frequently occupied by newts, frogs and toads and young grass snakes and these are likely to use the site as habitat;
- Loss of light;
- Will be hazardous to drivers and pedestrians; and
- Will require a Traffic Regulation Order to introduce no waiting yellow lines which will have an impact on the amenity of adjacent residents.

1 letter of support has been received, this states that the applicant keeps all the hedge and pathway clear so that people are able to walk through. There are properties being built along Upper Pavenhill. If nothing is done with this land it will not be long before gypsies arrive on the land.

9. Planning Considerations

Principle of Development

Policy H3 of the Local Plan states that proposals for residential development, including residential institutions and applications to renew permissions for residential development, within the Framework Boundaries will be permitted provided that a number of criteria are met including: priority is given to the re-use of previously developed land and buildings; and the most efficient use of the land is achieved compatible with the site's location, its accessibility and its surroundings. Planning Policy Statement 3: Housing (PPS3) was amended in June 2010 through a Ministerial Statement to exclude private residential gardens from the definition of previously developed land in Annex B.

The application site would therefore be classified as greenfield land and the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. The Ministerial Statement does not create a policy presumption against development in private residential gardens, but it does, alter the weight to be given to factors to be considered, in particular, development needs to be judged against the prevailing character of an area.

The basic policy set out in PPS3 is unchanged and paragraph 36 states that the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment.

The site is situated within the Settlement Framework Boundary, in a sustainable location. The proposed development would represent the more efficient use of land and is considered to be acceptable in principle.

Design and Appearance

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: respect for the local character of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

Although the proposed dwelling would be situated beyond the established building line of Upper Pavenhill, a dwelling has been approved within the garden of the neighbouring property No.6a, although it is noted that permission has now lapsed. Furthermore, the development proposes the erection of a bungalow and this together with the drop in land levels between the site and Upper Pavenhill, ensure that the scale and massing of the proposed development are appropriate. It is proposed that the dwelling be constructed of bradstone traditional Cotswold reconstituted stone with a concrete tile roof. A condition requiring the submission of sample materials is recommended to ensure the quality is sufficient.

Amenity

Policy C3 of the Local Plan considers that new development will be permitted subject to a number of criteria including inter alia: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

The proposed bungalow would be situated approximately 32 metres from the host dwelling and at a lower level. The proposed development would not therefore be detrimental to the amenities of No.6.

The planning permission approved for a dwelling to the rear of No.6a (ref: 07/02078/OUT) has now lapsed. However, it is noted that the proposed development is limited to single storey with a roof hipped away from the curtilage of No.6a.

The proposed dwelling would be orientated to the north of No.5 ensuring that there would be no significant overshadowing of this property or its garden, and would be situated some 16 metres away. Whilst some overlooking may occur, this would be limited given the single storey nature of the proposed development and would be of the end of the rear garden. Any overlooking could not be regarded as significant and would not warrant a refusal.

Concern has been raised regarding the impact of any external lighting. The site is set at a lower level than existing properties within Upper Pavenhill, is within the framework boundary, is not in an area that is intrinsically dark and any lighting would be on a domestic scale. In these circumstances it is not considered reasonable to attach a condition restricting external lighting.

Parking and Highway Safety

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.

In December 2010, new minimum car parking standards were introduced. Two car parking spaces are required for a two bedroom property and two are proposed.

Highways recommended that the previously withdrawn application (ref: 10/00974/FUL) be refused for 4 reasons. Highways and the Rights of Way Warden have discussed the scheme with the applicant prior to the submission of this application and advised that with regard to refusal reasons 1 and 2 (relating to the footpath), it is considered that the construction of a separate raised footway will not be required. However, a compromise would be if the entire width of the access lane to the dwelling access could be re-surfaced with a new bitumen macadam surface. It is considered that from the termination of the bitumen surface that a Type 1 surface should be provided for the Right of Way until the gates, along with a pair of new kissing gates. These details are shown on the submitted plans and a condition is recommended reinforcing this.

With regard to refusal reason 3 (visibility), after further consideration, County Highways consider that a highway objection on the grounds of visibility at the access, in this particular instance could not withstand appeal. While the visibility splay may not be extensive, County Highways consider that when the access and movements related to the existing access and neighbouring properties are taken into account, it is not considered that an objection would withstand appeal. A condition regarding the visibility splays to be provided from the site onto the public right of way is recommended.

With regard to refusal reason 4 (provision for emergency access), the letter dated 13th September from Wiltshire Fire Rescue Service is noted. It is also noted that a 3.7 metre width of road will be available. The carrying capacity / make up of the road will need to be sufficient. A turning circle within the site will need to be demonstrated for a fire tender. The submitted plans show the

provision of a turning circle on site and a condition ensuring that this is laid out prior to the dwelling being occupied is recommended.

The amended proposal takes on board these comments and Highways have raised no objection to the scheme subject to the imposition of suitably worded conditions. Highways have reviewed the information submitted on behalf of an objector to the scheme and have advised that while they acknowledge many of the issues outlined in Upper Pavenhill, it is not considered that the issues are of a significant nature to warrant a highway refusal that would withstand a planning appeal.

Trees

Policy NE14 of the Local Plan states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes / ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of the development.

The Council's Tree Officer has reviewed the application and has advised that neither of the trees on the actual site are worthy of a Tree Preservation Order. The deciduous tree is a fairly young multi-stemmed Ash that although attractive has limited amenity value due to the multitude of stems which gives it a shrub appearance not a tree and the coniferous tree is a Leylandii.

The other trees near the site are those on the opposite side of the track which are also Ash. Like the other Ash, these would appear to have grown up from the hedge shrubs. Although it appears that there is only one tree there is in fact three trees making up the canopy. The stems are all covered in ivy so that the extent of any decay is not obvious. However, the lower parts of the trunks are leaning. The trees are considered attractive and can be readily seen from the road. If these trees were to be felled as part of the scheme, then their retention would be sought. The application form indicates that no trees would be felled as part of the proposal and to ensure the trees would be protected during construction an appropriately worded condition is recommended. A landscaping scheme is also recommended.

Planning Contribution

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

For a 2 bedroom property the level of public open space contribution required would be £4,200. This would be directed towards upgrading facilities at the Venture play area.

The applicants have confirmed that they are willing to enter into a Section 106 agreement under the terms outlined above and subject to this the proposal would be acceptable in this respect.

Other Issues

Further to concerns raised by Councillor Lay in relation to the presence of a spring on the site, the Council's land drainage engineer was consulted and confirmed that there is a spring clearly shown on the historical mapping for the area.

In response, the applicant has submitted further information in relation to the spring, which is 28 metres from the site. It has been advised that management of the spring still exists today by the means of a ditch that is shown on the submitted plans. The proposed bungalow after excavation will still be between 1 and 1.8 metres higher than the lane and approximately 1.5 – 2.3 metres higher than the bottom of the existing ditch. The spring is on the other side of the lane and the land of 4 & 5 is raised much higher than the lane.

The Council's drainage engineer has reviewed this information and is satisfied.

10. Recommendation

Subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 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, it is recommended that planning permission be DELEGATED to the Area Development Manager for the following reason:

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway or pedestrian safety. In this way the proposed development is considered to comply with the provisions of policies C3, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within Planning Policy Statement 3: 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. 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. The development hereby permitted shall not be first brought into use until the Right of Way surface has been upgraded and shall be a consolidated surface (not loose stone or gravel) in accordance with drawing NAD 0135 (This includes the provision of kissing gates). Full details of the construction specification and kissing gates shall be submitted and approved in writing by the Local Planning Authority prior to works being constructed.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

4. No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces have been completed in accordance with the details shown on the approved plans. These areas shall be properly consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan.

5. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 10 metres in both directions from the centre of the access in accordance with the

approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

POLICY - C3 of the North Wiltshire Local Plan 2011.

7. 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) other vehicle and pedestrian access and circulation areas;
 - (h) 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.

8. 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.

9. No demolition, site clearance or development shall commence on site until an arboricultural statement and tree protection plan of all relevant details above and below ground have been submitted to and approved in writing by the Local Planning Authority.

No retained tree/s shall be cut down, uprooted, or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be

carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.

No equipment, machinery or materials shall be brought onto the site for the purpose of development until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of 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 protective fencing has been erected in accordance with the approved plans. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk or any tree or group of trees to be retained on the site or adjoining land.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

POLICY - NE14 of the North Wiltshire Local Plan 2011.

10. 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 of the North Wiltshire Local Plan 2011.

11. 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.

- NAD 0135 – Proposed new bungalow, date stamped 6th July 2011

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

Informatives

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

