

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	28 th April 2010		
Application Number	N/10/00340/FUL		
Site Address	Land at the end of Tern Close, Calne, Wiltshire		
Proposal	Proposed Detached House, Detached Garage, Access & Fencing.		
Applicant	Mr S Robinson		
Town/Parish Council	Calne		
Electoral Division	Calne Central	Unitary Member	Cllr. Howard Marshall
Grid Ref	400629 171001		
Type of application	Full Application		
Case Officer	Richard Palmer	01249 706673	richarde.palmer@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr. Marshall has requested this application be considered at the Committee meeting for reasons of: Scale of development; Relationship to adjoining properties; Design; Environment/highway impact.

1. Purpose of Report

To consider the above application and to recommend that planning permission be **DELEGATED** to Area Development Manager for **APPROVAL** subject to completion of S106 contribution towards Public Open Space and conditions

2. Main Issues

1. Principle of the development;
2. Scale, form and layout of development
3. Impact upon residential amenity
4. Highways
5. Public Open Space

3. Site Description

The site comprises of about 0.045ha of land at the eastern end of Tern Close in Calne. Tern Close comprises of 23 dwellings of predominantly terrace houses and a pair of semidetached housing dating from the 1970's. There is an area of garage blocks/parking and two areas of grassed space, one at the entrance to the cul-de-sac and the other the rear western end, now comprising the application site.

The application site is located between existing residential properties and farmland to the east. The site, a rough grassed area has a slight gradient and contains four trees to its frontage.

4. Relevant Planning History - None of relevance

5. Proposal

The proposal is to erect a detached 3-bed dwelling located central to the site with a detached garage to its eastern side, and access on its southern side (boundary with no.8). There will be a 1.8m high fence erected around part of the boundary to enclose the rear garden. The four frontage trees will remain.

The house is of a simple design and constructed with brick and tile. There are no flank windows proposed at either ground or first floor levels (and no dormers are proposed).

6. Consultations

WC Highway. - Recommends that no highway objection is received subject to 4 conditions being imposed (Conditions 5-8).

WC Environmental Health – Comments awaited

Wessex Water – Comments awaited

Calne Town Council - Objects to the proposal on the following grounds: (i) Local Plan Policy C3(i), (ii), (iii) (v), (vii). In addition it does not adhere to the requirements of Core Policy C3 paragraph 5.10. Members noted that there are proposals to plant new trees to the northeast boundary, however, were displeased to hear that two trees on the site have recently been felled - although these trees were not protected they were large, mature trees which enhanced the area.

7. Publicity

The application was advertised by site notice and neighbour consultation. Expiry date 08.04.2010

3 letters of objection received

Summary of key relevant points raised:

- The new development will prevent natural sunshine from reaching no.8 in the afternoon/evenings (especially in the summer);
- It would cause further vehicular congestion with increase in vehicles and where parking is at a premium;
- Vehicles have difficulty turning at present due to the parking of vehicles;
- It would increase environmental problems due to vehicle exhaust, household heating/lighting, noise;
- It would prevent children being able to play on this site;
- It will prevent emergency vehicles from access the rear of 8 Tern Close;
- There is a gas main and storm drain that is not marked on the plans;
- The house would overlook houses and therefore effect privacy;
- Would lose the view out into the countryside;
- The 6 foot fence would be inappropriate to an open plan estate;
- Concern raised about childrens safety during construction phase

8. Planning Considerations

Principle of the development:

The land is located wholly within the Settlement Framework Boundary of Calne (Policy H3). This policy aims to permit residential development subject to qualifying criteria.

The density equates to about 22 dwelling per hectare. Whilst this is below the threshold in PPS3 which aims for 30/ha, it is considered that to have two dwellings on this site (44/ha), would likely give rise to an over-development of the site.

Scale, form and layout of development

The design and scale of the development is considered to be appropriate to this location. Whilst it will be the only detached dwelling in Tern Close, it is located immediately adjacent (11m away) to the only pair of semidetached houses at the end of the Close and therefore will be seen in this context.

The building will be of brick and tile, which will be similar to neighbouring dwellings. It will be about 8m high which is marginally higher than the surrounding houses at about 6.5m. With the terrain in the cul-de sac sloping down from southeast to northwest, the height of the proposed house will be seen in context with the pair of semi-detached housing on the higher land. Furthermore, the proposed house is about 11m away from the row of terrace dwellings lower down the hill to the northwest. It is also a comparable depth and on a similar front building line to the semidetached dwellings to the south. Therefore in terms of scale, form and layout it is considered to be an appropriate form of development.

Impact upon residential amenity

There will be no side windows and therefore this will significantly minimise any potential direct overlooking of existing properties to either sides.

The house is also centrally located in its plot. It is considered that its proposed height and location would not be demonstrably harmful to the amenities of neighbours in terms of daylight or resulting in an oppressive form of development. No.8 is on higher land to the south and therefore the development will have minimal impact upon its existing sunlight levels. No's 5-7 are to the north of the development, and whilst the proposed development may have an impact, this is not considered to be significant due to the distance the proposed house is away, the proposed slope of the roof, and the rising land to the southeast.

The land has been used as an informal play/recreation area which has provided an amenity to the local residents. The land though is in private ownership and thus could be fenced off at any time.

Whilst the existing open gap presently allows views out of the cul-de-sac into the field and countryside to the east, views over private land are not protected. It is considered that a loss of a gap at the end of this cul-de-sac can not be safeguarded.

The proposed 1.8m fence will be erected to enclose the rear garden. Whilst there is an element from the side of the house to the detached garage south, there is still a large area of front garden that will remain unfenced. It is therefore commensurate to the open character of the area.

It is therefore considered that the effect on the amenity of the surrounding dwellings is acceptable.

Highways

Access to the site will be via a new driveway leading from Tern Close. This will be located between the existing trees and lead to the garage. Over two car parking spaces would be possible on the driveway and garage. It is considered that a proposed single dwelling would not lead to a significant increase in vehicle usage/trip generation in the Cul-de-sac. On this basis WC Highways have accepted the proposal and it is not considered that a refusal can be justified on this basis.

Public Open Space

Section 106 Contribution

The applicant has agreed to pay the relevant monies for POS contributions through a S106 agreement.

9. Conclusion

The land is presently an open piece of land that has been informally used by local residents in the past, for purposes of general amenity. The land though is in private ownership, with direct access to a highway (Tern Close) and is within the Settlement Framework of Calne. It therefore has potential for residential

development. The development of a single dwelling by reason of its location, size, layout and design is considered would not undermine the existing residential character of this area, nor be demonstrably harmful to the existing amenities of neighbouring residents.

10. Recommendation

The applicant be invited to enter an Agreement in respect of Public Open Space contributions following completion of which the Development Control Manager be authorised to GRANT Permission for the following reason:

The application site is located within the settlement framework boundary of Calne where the presumption allows for suitable residential infilling. Whilst the land is currently open, there is no right of public access. The proposal, by virtue of its siting, scale and design is considered to be in keeping with the character and appearance the streetscene in Tern Close and will have no demonstrable impact upon the amenities currently enjoyed by the nearby residents. The development will therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and there are no other material considerations which would make the development otherwise unacceptable.

and 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

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:

- (a) indications of all existing trees 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 and other works;
- (d) hard surfacing materials;

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

POLICY C3

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.

POLICY-[C3]

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), 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.

POLICY C3

6. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY C3

7. 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/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY C1 & C3

8. No dwelling shall be occupied until the parking spaces (driveway and garage) together with the access thereto, have been provided in accordance with the approved plans. The driveway and garage shall be kept for this purpose for parking and vehicle maneuvering thereafter.

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

POLICY C3

9. 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within their curtilage.

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.

POLICY C3

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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the side elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY C3

11. No construction work, including the removal of debris resulting from the works (excluding any internal works) shall take place on Sundays or public holidays or outside the hours of 8.00am to 7.00pm weekdays and 8.00am to 1.00pm Saturdays.

Reason: To minimise the disturbance which noise from the construction works associated with the proposed development could otherwise have upon the amenities of nearby dwellings.

Policy C3, NE18

INFORMATIVES:

1 - This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref:-

Location Plan dated 01.02.2010;
SD/EW/05 dated 01.02.2010
DG/1.0/1B dated 01.02.2010;
TCC/100/1A dated 01.03.2010;
3.114/P/B/L dated 01.03.2010;
TCC/100/2 dated 01.03.2010.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20 2.02 4.02 4.03 4.04

