

REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	November 22 nd 2012
Application Number	E/2012/0943/FUL
Site Address	Land to the rear of 1-6 London Road Marlborough SN8 1PH
Proposal	Erection of 3 dwellings
Applicant	PARS Developments
Town/Parish Council	MARLBOROUGH
Grid Ref	419113 169140
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application has been called to committee at the request of the local ward member, Cllr Peggy Dow.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are:

1. Whether residential development in this location is acceptable in principle;
2. Whether the scale/design/layout of the houses is acceptable, particularly in relation to the setting of nearby listed buildings and the impact upon the character and appearance of the conservation area;
3. Whether the proposal would give rise to matters of highway safety;
4. Whether the scheme would give rise to an adverse impact upon the residential amenities of the occupiers of the neighbouring dwellings as well as the amenities of the future occupiers of the proposed dwellings;
5. Whether the scheme would give rise to an adverse impact upon matters of archaeological importance;
6. Other matters, such as land ownership and flood risk

3. Site Description

This application relates to land to the rear of 1-6 London Road, Marlborough. The site itself is accessed off of Wye Lane, a small lane leading directly off London Road to a small enclave of residential development behind the properties facing London Road. Wye Lane is opposite The Parade. The site can be found almost immediately on the right hand side of Wye Lane after passing no.1 London Road (which forms part of the passageway). The site formerly contained a collection of buildings which in some cases abutted boundaries and buildings along London Road but these have since been demolished and the site is now a vacant brownfield site.

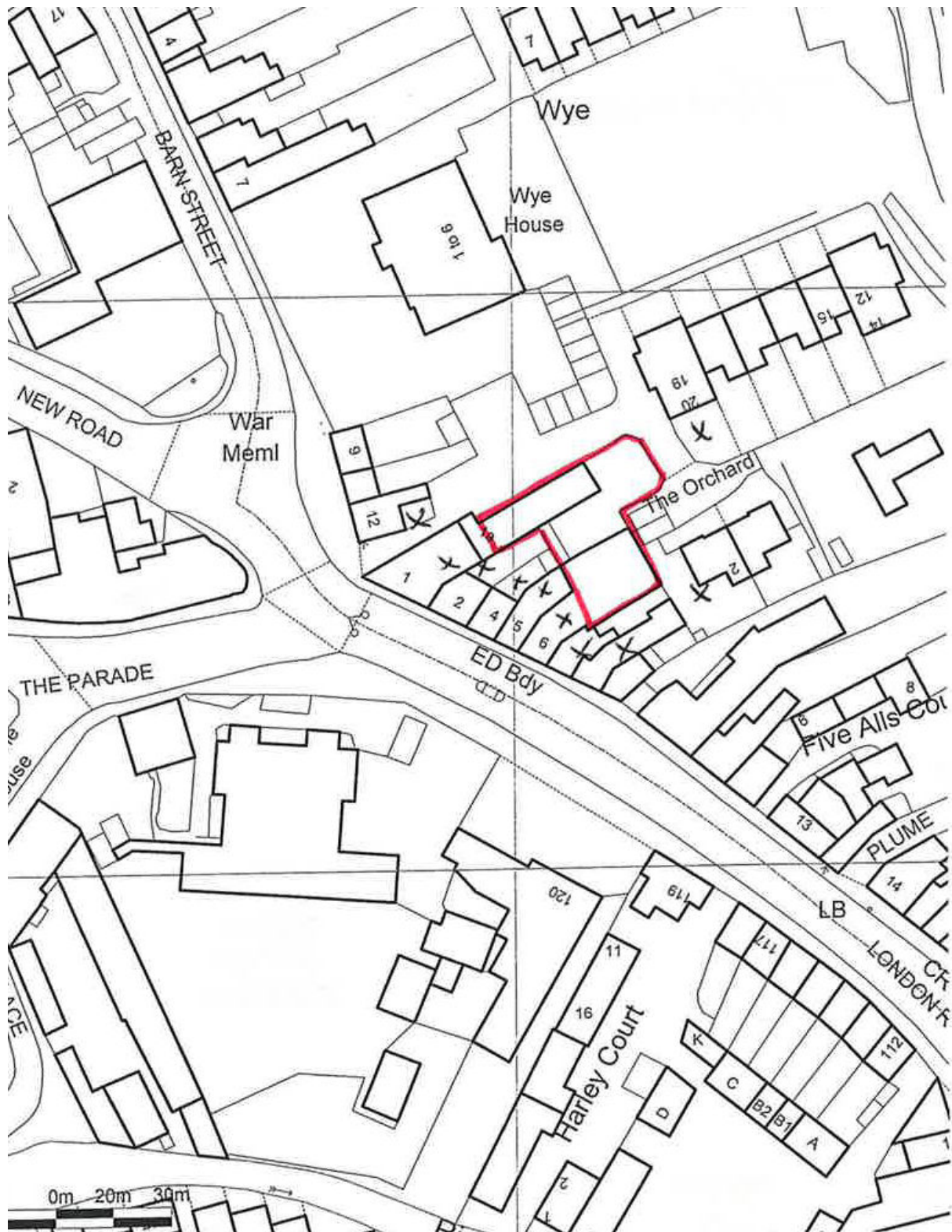


Plate 1: Location Plan, not to scale.

The development already existing at Wye Lane largely comprises historic properties to the front on London Road (south and south east) with a number of more modern developments at the rear (Wye House Gardens and 1 & 2 The Orchard). The application site could be considered the last remaining area at this part of Wye Lane

to be developed. The site falls partly within the conservation area and there are many listed buildings close by.



Plate 2: Block Plan, not to scale.



Photograph of site – the application site being to the left (behind the herras fencing) with Wye Lane in the background



Plate 4 – View through the site to the rear of Wye Lane showing neighbouring development



Plate 5 – Site looking towards the rear of outbuildings on London Road

4. Planning History

Planning permission has been granted at the site for two dwellings and a garage building (K/52166/F). This was approved in 2005 but has subsequently expired. Commercial buildings previously existed at the site and in some cases these directly abutted buildings on London Road. These have subsequently been demolished and the site is now vacant.

- K/52055/CAC Demolition of existing commercial buildings.
- K/52166/FUL Demolition of existing commercial buildings. Erection of two dwellinghouses and garage building, and associated access – approved June 2005
- K/54712/LBC Demolition of existing commercial buildings to enable redevelopment of site for residential purposes. Approved July 2006
- E/2012/0388/FUL Erection of 4 dwellings - withdrawn.

5. The Proposal

This application seeks to erect 3 dwellings with 3 associated parking spaces. The dwellings are intended to form a courtyard style development with two dwellings at the front of the site with a single dwelling behind these. A shared open courtyard area occupies the space between the three dwellings. The two dwellings at the front will face directly onto Wye Lane and a rear passageway provides rear pedestrian access for plot 3 as well as properties facing onto London Road.

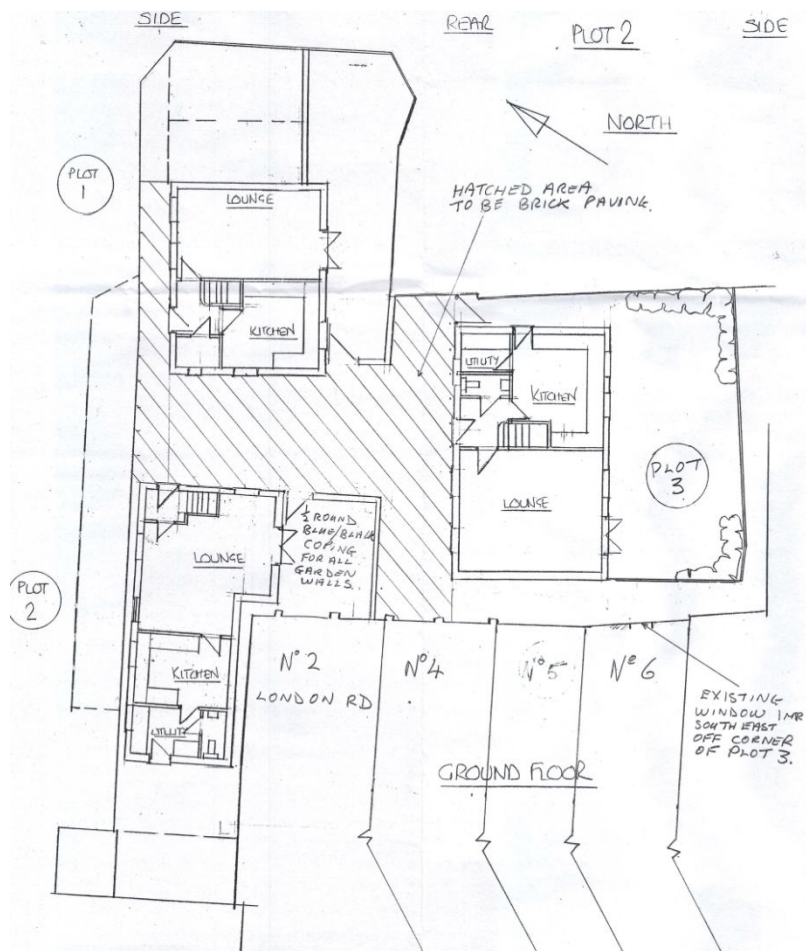


Plate 6: Layout plan, not to scale



Plate 7: Front elevation

6. Planning Policy

The National Planning Policy Framework (NPPF) sets out the general planning policy advice of central government. Of particular relevance to the determination of this application is section 6 “delivering a wide choice of high quality homes”, section 7 regarding design (this not only emphasises the importance of design in terms of visual impact but also in respect of the impact upon the community, including neighbour amenity) and section 12 regarding historic heritage.

Wiltshire and Swindon Structure Plan: DP3 regarding the development strategy for residential development and HE7 regarding historic heritage (listed buildings and conservation areas).

Kennet Local Plan (saved policies): Policy PD1 regarding general development and design principles and HC1 regarding strategic housing provision are the pertinent considerations.

Wiltshire Core Strategy Pre-submission Document (February 2012): This holds limited weight at the present time as a material consideration but this weight will strengthen as the document progresses towards adoption (timetabled early 2013). The key policies would be Core Policy 1: Settlement Strategy, Core Policy 14: Spatial Strategy: Marlborough Community Area, Core Policy 57: Ensuring high quality design and place shaping and Core Policy 58: Ensuring the conservation of the historic environment.

Other material considerations: The Practice Guide to Planning Policy Statement 5 and the Marlborough Conservation Area Statement are also material considerations.

7. Consultations

Wiltshire Highways: No objection

Wiltshire Conservation Officer: The design of the development has been significantly improved to a level which should no longer cause harm to the character and appearance of the conservation area and the setting of the nearby listed buildings.

Wiltshire County Archaeologist: No objection subject to a condition requiring an archaeological watching brief

Marlborough Town Council: Objects for the following 3 reasons:

1. Overdevelopment of the site.
2. Out of keeping in a Conservation Area.
3. Further clarity required on parking and access.

Wiltshire Fire & Rescue Service: No objection, general fire safety advice provided.

8. Publicity

6 separate letters of objection have been received from neighbouring residents as well as a further letter of objection written on behalf of 3 neighbouring residents (2 Orchard Close, 19 Wye House Gardens and Orchard Close). The objections received are summarised as:

1. It has been stated upfront on the joint letter that objection is not raised to the principle of development at this site but the scheme that is currently proposed;
2. The proposal represents an overdevelopment of the small site with box like houses of particularly poor quality being bland and uninspiring. A sketch has been provided showing an alternative design for the dwellings (this can be viewed online). Dwellings of the design shown do not protect or enhance their historic setting or surrounding historic fabric;
3. The tandem arrangement with a pair of houses on the frontage with one almost immediately behind them is un-neighbourly and clumsy;
4. The parking spaces at the front of the site are in a separate ownership and will result in cars parking right outside of the front elevations of the front two dwellings and the car parking space serving plot 2 is inaccessible;
5. The dwellings have small gardens – in some cases too small to be used as a garden and would be overlooked by windows of the proposed dwellings and existing dwellings.
6. The rear facing windows of plots 1 and 3 would look into the garden of 2 The Orchard;
7. The dwellings will result in the increased use of the awkward junction of Wye Lane and London Road;
8. Car parking is below the standard required of 2 per dwelling and is poorly arranged with plot 3 being remote from its parking space;
9. The owners of 1 London Road state that the owner of the application site does not have right of way over the parking strip in front of the application site and therefore they do not have rights to access their parking space;
10. Concern that the front ground floor windows of plot 2 will cause conflict with the tenants of no.2 when high sided vans may need to be parked in close proximity to these windows;
11. Concern about parking arrangements for the tenants of 1 London Road whilst the construction phase is taking place.
12. The main objection from the occupier of 24 London Road is the location of plot 2 adjacent to the north western edge of my garden. I feel that a two storey property this close to mine and will cause a considerable loss of light to the rear of my

property in particular my office/day room and bathroom and I object to it on these grounds.

13. Objection is raised from the occupier of 9-11 Barn Street to the loss of privacy from the windows in the proposed dwellings towards their garden area and back windows of their property.
14. Objection is raised to the high density of the proposal;
15. There are boundaries and trees/hedging close to the site which are not in the ownership of the applicant and these boundary treatments and hedging/saplings should not be disturbed during the construction phase or when the dwellings are complete;
16. There is a mature silver birch tree in the site which should be the subject of a TPO.

An objection was received from the owner of 5 London Road to the original plans (not the amended plans which show a rear access route) stating that cramming in four dwellings into such a small site will severely restrict access to the rears of properties 1-6 London Road, which would be necessary for maintenance and fire safety purposes (fire escape from these premises and access to the rear of these properties by Fire Services). These points do not appear to have been covered in the application.

17. Given the limited (single) and narrow access of Wye lane on the one hand and the pleasant open character of the area around Wye House and Orchard house on the other, it would seem a shame to cram in more cars (6) and add to congestion when existing residents already find it hard to manoeuvre. Not only would this be a missed opportunity to provide two bigger houses, possibly for larger families, in central Marlborough.

9. Planning Considerations

9.01 Principle of development

The site lies within the centre of Marlborough where, in principle, new residential development is considered acceptable. This is in line with policy and advice contained within the NPPF, Kennet Local Plan (saved policies), Structure Plan as well as the emerging core strategy. Furthermore, residential development has previously already been permitted at the site. The principle of residential development is therefore considered acceptable on this site.

9.02 Design and relationship with historic context

This application proposes a courtyard style of development of 3 dwellings (2 at the front and 1 at the rear) with a shared area of hardsurfacing between properties. The site lies within the designated conservation area as well as being adjacent/abutting many historic and largely listed buildings. The design intention is that the two dwellings at the front are located close to the boundary frontage in order to maintain a sense of intimacy as one enters from London Road, through Wye Lane passageway and into the residential area behind (see plate 3). By placing the two dwellings at the front of the site close to Wye Lane it is considered that they create an "active" frontage of built form reflecting the high density network of dwellings and passageways which exist elsewhere in the conservation area and often to the rear of historic road frontages (e.g. Harley Court, Five Aills Court, Angel Yard, Alma Place). The dwelling at the rear will be glimpsed through the opening between the front two

dwellings and the development will form its own small courtyard group with doors opening up into the shared area helping to create a “sense of place”. Plate 8 below is an aerial photograph of the site, showing the site in its context.

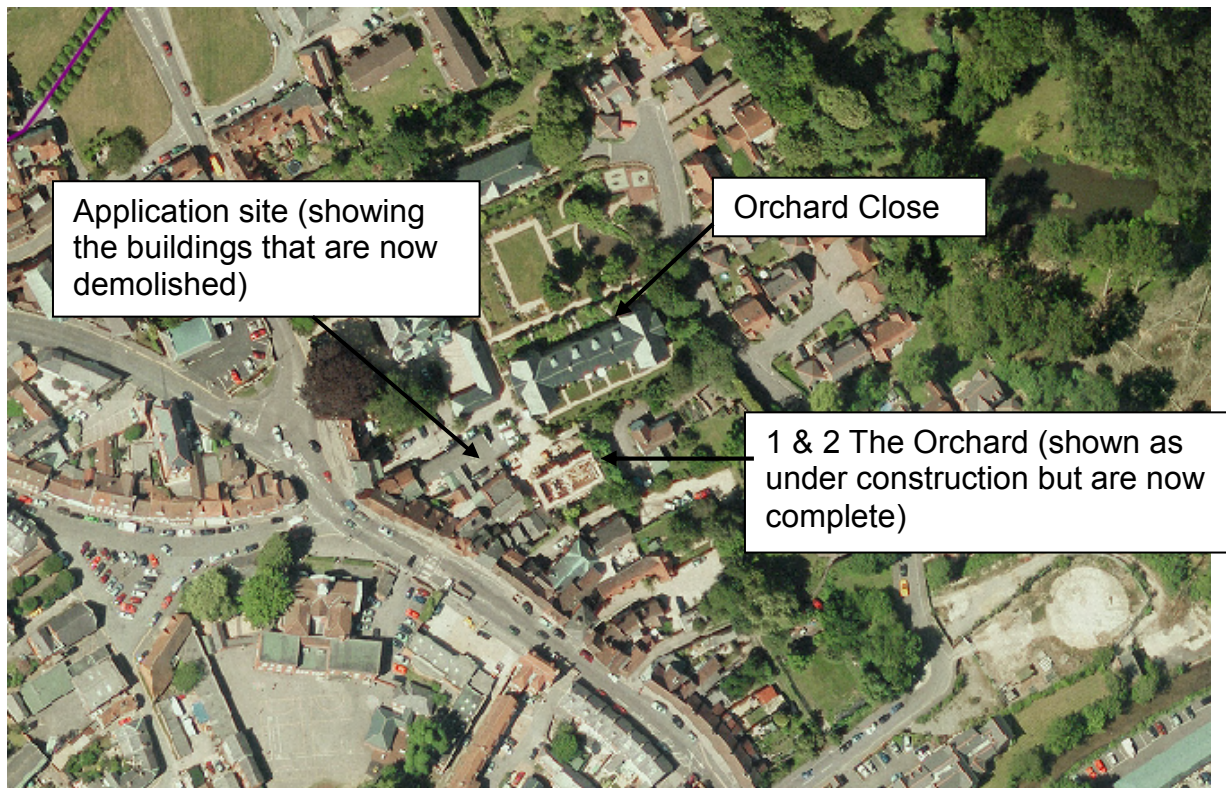


Plate 8: Aerial photograph of the site, not to scale.

Objection has been raised to this layout and its cramped form. Whilst this scheme appears higher density in comparison to the immediate modern developments of Orchard Close and Wye House Gardens, the scheme nonetheless reflects the higher density of many developments that have evolved over the years behind the more prominent and historic frontage dwellings. There is no overriding character or scale of dwelling at the rear of this part of London Road with larger modern dwellings neighbouring the historic terraces of London Road. It is considered that this proposal will read as a stand-alone element within this eclectic mix of dwelling styles, layouts and ages.

In terms of their appearance, all of the dwellings are similar in scale and design albeit of slightly different sizes. The dwellings are modest in scale with narrow gable spans and heights reflective of historic properties. The difference in form of the buildings, but with the same design details, helps to introduce variety into the group of buildings whilst maintaining the cohesive design of the development. With the use of high quality hard surfacing between the dwellings and common high quality materials throughout, this will also help to create a sense of unity and link the dwellings together and help the scheme to read as a small courtyard development. It is recommended that a “hard” landscaping condition be added to any permission to secure a low front boundary wall to the rear plot to create a small front garden area and ensure the use of high quality paving and brick walling elsewhere.

The objectors have referred to the design of the dwellings as of a poor standard and being bland and uninspiring. This is not considered accurate. The dwellings are of a simple vernacular with simple design features which will add quality and interest to the scheme, such as string coursing, simple but traditionally designed front doors with a fan light window above and a traditional brick bond. This is a similar approach to other schemes approved within the conservation area where simple design features have been utilised to create a modern interpretation of a simple historic vernacular, e.g Angel Yard (see plate 10 below). Plate 9 shows the properties of Barn Street and London Road. The residential properties have very simple vernacular (those to the left) in comparison to the commercial properties where traditional shop frontages add more interest at ground floor level.



Plate 9: Front elevation of Wye Lane and the properties of London Road (application site to the rear)



Plate 10: Angel Yard, Marlborough – an example of a simple modern terrace within the conservation area with adjacent listed buildings.

It is also relevant to consider the scheme that was approved at the site and this is a material consideration and a possible fall-back option should this permission ever be renewed. The built form occupied a similar area to that now proposed with development at both the front and rear close to neighbouring boundaries (see plate 9 below) and parking along the frontage.

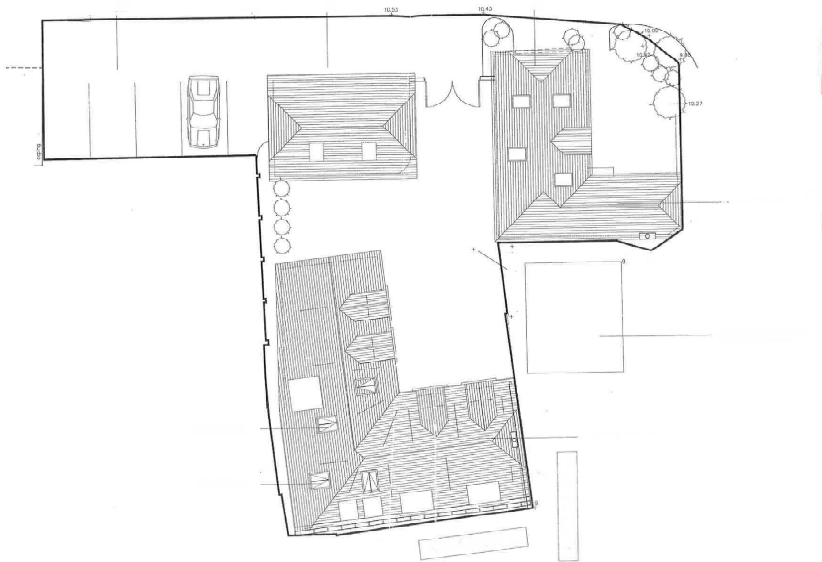


Plate 9: Layout of the scheme (two dwellings and garages) approved at the site



Plate 10: Streetscene view (as seen from Wye Lane) of the approved scheme

It is therefore considered by your officers that with appropriate conditions securing high quality materials, finishes, boundary treatments and hard surfacing, the scheme is an acceptable addition and will cause no harm to the setting of the adjacent listed buildings or the character and appearance of the conservation area. Indeed, this is considered an improvement on the situation that used to exist where modern commercial buildings directly abutted listed buildings, in some cases up to the first floor. The scheme is therefore considered acceptable in design terms.

9.03 Residential amenity

A number of objections relate to the impact of the scheme upon the reasonable living conditions of the existing occupiers of the neighbouring residential dwellings as well as the future occupiers of the proposed dwellings. Each of these impacts is addressed separately below:

Existing occupiers: Your officers do not consider the scheme to give rise to an adverse impact upon the reasonable living conditions of the occupiers of the neighbouring dwellings. None of the windows of the proposed dwellings will result in direct overlooking and where appropriate windows have been obscurely glazed or the internal layout arranged to avoid overlooking. Views from the proposed dwellings will either be at oblique angles (to 2 The Orchard who has objected) or are of sufficient distance (i.e. over 21 metres to a neighbouring window and over 10.5 metres to neighbouring gardens) or relate to commercial premises and their upper floors. Furthermore, the overlooking between the proposed and existing properties is reflective of the existing situation where densely packed buildings and outbuildings to the rear of London Road possess, in places, a higher degree of overlooking with some rear elevations being at close quarters or facing towards each other (e.g. plate 5 above). The dwellings themselves are sited far enough away from neighbouring properties so as not to be overbearing or have an adverse impact in terms of shadowing/loss of light. In respect of properties along London Road, the dwellings will come close to the boundaries of these properties but are to the north/north-east and largely separated by outbuildings and boundary walls. Indeed, in some cases the scheme will be a significant improvement in comparison to the previous buildings which existed where in places abutted the neighbouring boundaries and walls. The scheme will represent a change in outlook from these properties but this is not considered to be harmful in respect of amenity.



Plate 11: View from application site towards 2 The Orchard

Future occupiers: Whilst your officers understand and sympathise with objections being raised in respect of amenity, your officers do not agree with the extent of the comments made with regard to the future occupiers. It is acknowledged that these dwellings do not meet typical suburban amenity standards. However, the dwellings as proposed are nonetheless typical of many town centre residential schemes (both modern and historic) with parking at times close to the dwellings, smaller gardens and a higher degree of mutual overlooking where residential and commercial uses existing cheek by jowl. Such higher density schemes have historically reflected site constraints by relaxing approaches to amenity with dwellings closer together and small or no gardens. The proposed scheme reflects this and whilst providing small gardens with some overlooking between properties, this is reflective of the densely packed buildings to the rear of London Road and is not considered, in this instance to be harmful.

9.04 Highway safety

The scheme will use the existing access and will provide 3 car parking spaces (one for each dwelling). The highways engineer is satisfied that the additional car movements associated with the dwellings is an acceptable addition to the access from Wye Lane and London Road. Furthermore, given the central location within the town, the highways engineer is also satisfied that three parking spaces is sufficient.

Comments have been received stating that there are land ownership issues restricting access across part of Wye Lane to the parking space serving plot 2. Evidence has now been produced by the applicant demonstrating that they do have a right of access across Wye Lane to this parking space and your officers are satisfied with this and that the parking as shown can be achieved.

Your officers therefore see no reason to disagree with this advice and subsequently

the scheme is considered acceptable with regard highway safety.

9.05 Archaeology

The archaeologist has stated that *“the Extensive Urban Survey for Marlborough suggests that the application site is within a 12th–13th century settlement area. Important information on the origins and early development of the town may exist on the site. Furthermore isolated Prehistoric and Romano-British finds have been discovered in the vicinity”*. It is therefore recommended that a programme of archaeological works, in the form of an archaeological watching brief, is carried out during the construction stage of the development. This can be secured by means of a planning condition and if this is imposed upon any planning permission then your officers are satisfied with the scheme in respect of its impact upon archaeology.

9.06 Other matters

A small part of the site falls within Flood Risk Zone 2 (as identified by the Environment Agency). A flood risk assessment has been submitted with the planning application and concludes that as this site is already a brownfield site with hard surfacing, the surface water run-off from the proposed scheme will not alter significantly. Your officers agree with the contents of the assessment and its conclusion and flood risk is not therefore considered to be an adverse matter at the site.

10. Conclusion

Your officers consider that although this is a dense scheme with one dwelling closely sited behind the front two, it is concluded that once developed with common materials and a common form and appearance, the scheme will appear as a small courtyard development. It is the modest scale of the dwellings and their cohesive design as well as the densely packed character of this part of the rear of London Road that result in a scheme which is considered acceptable within its historic context. Wye Lane has an eclectic mix of dwelling styles, layouts and ages and this additional small courtyard will add to this mix. With appropriate conditions to ensure that high quality materials are used (e.g. brick and brick bond, slate tiles, windows and doors, hard landscaping) and no harm to amenity is caused (e.g. obscure glazed conditions where necessary) the scheme is considered acceptable.

RECOMMENDATION

The application be approved subject to the conditions set out below:

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 of the proposed ground floor slab levels of the 3 dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON:

In the interests of visual amenity and to safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

3. Notwithstanding the submitted details, no development shall commence on site until details and samples of the materials to be used for the external walls (including the string course and boundary walls) and roofs have been submitted to and approved in writing by the Local Planning Authority. The roof material shall comprise either natural slate or a plain clay tile. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

4. The brickwork on the houses and walls hereby permitted shall be constructed using English bond unless otherwise agreed in writing by the local planning authority.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

5. Notwithstanding the submitted details, no development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details of all windows, including the fan window above the front doors), doors and rainwater goods 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:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

6. No development shall commence on site until a scheme of soft and hard 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) hard surfacing materials, and
- (e) Details of all boundary walls within the site. This shall make provision for a front boundary to plot 3.

Development shall be carried out in accordance with these approved details unless otherwise submitted to and agreed in writing by the local planning authority.

REASON:

To ensure a satisfactory hard and soft landscaped setting for the development.

7. 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.

8. No development shall commence within the application site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON:

To enable the recording of any matters of archaeological interest.

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 and G-H, and Part 2, Class A shall take place at the dwellinghouses 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.

10. The rear-facing windows at first floor level of plot 1 and plot 2 shown on the approved plans shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such thereafter.

REASON:

In the interests of the privacy of neighbouring properties.

11. No part of the development hereby permitted shall be first occupied until the three 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.

12. 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.

Drawing no:11999/5, Received on the 2nd October 2012, and
Drawing no:11999/6, Received on the 2nd October 2012.