

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30 th June 2010		
Application Number	10/00537/FUL		
Site Address	Embankment site, Bath Road, Chippenham, SN14 2AR		
Proposal	Erection of 5 dwellings and associated car parking		
Applicant	Mr J O'Donovan		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Judy Rooke
Grid Ref	390971 172670		
Type of application	FULL		
Case Officer	S T Smith	01249 706 633	simon.smith @wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Rooke has requested that this application be called to committee to enable the consideration of the scale of development and its relationship to adjoining properties.

1. Purpose of Report

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

2. Main Issues

This application is for the erection of 5 new dwellings on a site currently used as a commercial builders yard. Access to the site is to remain via the existing private way from Bath Road, immediately adjacent to the petrol filling station. The main issues to consider are:

- Principle of development
- Access
- Flooding and drainage
- Impact upon neighbour amenity
- Design and appearance

3. Site Description

The application site is a hard-surfaced commercial builders yard situated between the railway embankment to the west and residential properties to the north and east. Several buildings have been erected on the site as well as several areas of external storage. Access to the site is via a private way from Rowden Hill, which currently provides vehicular access to the site, plus several domestic garages serving properties fronting Bath Road. The access is also used as a pedestrian route under the rail line to Hungerdown Lane.

Ladyfield Brook (classified as a main river) runs along the south-west boundary of the site, with the vehicular access crossing via a bridge.

4. Relevant Planning History		
Application Number	Proposal	Decision
04/02686/OUT	Residential development	Approved 14/01/05
09/00975/FUL	Erection of 5 dwellings and associated car parking Refused planning permission for the following reasons: <i>01. By reason of its design, size, scale and massing the proposed development is considered to not respect the character and distinctiveness of the surrounding area to the extent that it would fail the requirements of Policy C3(i) of the adopted North Wiltshire Local Plan 2011.</i> <i>02. By reason of the proposals scale and siting in relation to adjoining development, the proposal is considered to create an unacceptable impact upon the amenities and living conditions of existing residential occupiers. The proposed development is therefore considered to be contrary to the provisions of Policy C3(iii) of the adopted North Wiltshire Local Plan 2011.</i>	Refused 04/11/09

5. Proposal

The application is for the erection of 5 new dwellings arranged in a terrace across the site. Separate garden areas are provided together with space for the parking of 11 cars and out-building for secure bin/bicycle storage.

Vehicular access to the site remains as existing from Rowden Hill, together with the retention of a pedestrian access point via Timbrell Place, which also intended as emergency access for Fire Service.

The application is a resubmission and revision of a previously refused scheme (09/00975/FUL refers) for 5 dwellings. The layout of the proposed development remains largely similar, with a more dramatic change to elevational treatment from a modern aesthetic to a more conventional approach.

6. Consultations

Highway Engineer – This application reduces the number to 5 dwellings and as such would not be looking for the development to be adopted. Little has changed from the previous application in a highways perspective. No objections subject to conditions being imposed in respect of parking spaces being laid out in accordance with submitted plans.

Drainage Engineer – As per previous application: *“This application doesn’t cause me any concerns. It mentions that surface water will go to soakaways and if so these should be provided in accordance with BRE356 soakaway design. I am quite sure that the site is served with a piped surface water culvert, which could be used as an overflow from the soakaways to reset them more quickly.”*

Environment Agency – As per previous application: Following submission of Flood Risk Assessment, raises no objections subject to conditions and informatives. In particular, comment

that the secondary access via Timbrells Place is required so as to provide emergency access in the event of the main vehicular access via Bath Road/Rowden Hill being flooded.

Landscape Architect – As per previous application: This proposal would generate a need for the provision of Public Open Space. This development is too small to warrant the creation of such provision on site and therefore a contribution of £37,027.11 is required. Such a contribution would be targeted at improving the quality of facilities at Kingsley Road play area and Kingsley Road local park.

District Ecologist – Site is located adjacent to Ladyfield Brook and railway embankment, both of which are likely to act as wildlife corridors. Ladyfield brook flows into the Bristol Avon County Wildlife site approx. 1km downstream. Recommends that a Construction Management Plan be submitted and approved prior to the commencement of development and that any lighting scheme be sensitive to nocturnal wildlife. Both matters can be made the subject of planning conditions.

7. Publicity

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

6 letters of objection received

Summary of key relevant points raised:

- Emergency access via Timbrells Place could be used as a “rat-run” if the gate were to be left unlocked – creating noise, disturbance and loss of privacy to existing residents
- Emergency access not suitable to allow fire appliance – too narrow with sharp bend
- No need for emergency access
- Track is a private access to 16 dwellings and is not a public right of way – objections if access gates were used without restriction
- Use of emergency access should be tightly controlled
- Pedestrian access is required in case of flooding of main access – if site requires two access points, then this indicates that the site is not suitable for residential development
- Proximity to new houses to Rowden Down Cottage – only 2.5m away – 5 units seems too many for the site

8. Planning Considerations

Principle of development

The application site is located within the Settlement Framework Boundary of Chippenham. Policy H3 of the adopted North Wiltshire Local Plan 2011 is applicable and does allow for the principle of new residential development. However, the acceptability of new residential development must also be assessed against a range of other policies contained within the Local Plan, the salient points of which are discussed below.

In the context of the large amount of employment land within the confines of Chippenham, the loss of this site for employment purposes is not considered to be a reason to refuse proposal for redevelopment, especially given its rather inappropriate positioning next to residential properties. In any event a builders yard is a *sui generis* use class, falling outside of the scope of Policy BD2 of the adopted Local Plan, and therefore not subject to the safeguarding of the business use classes that it offers.

Outline planning permission for residential development has previously been granted under reference 04/02686/OUT. That permission has now lapsed.

Access

The site is currently served by vehicular access running from Rowden Hill to the side of the petrol filling station. It is a private drive and not only provides access to the site, but also to the rear of several properties fronting Bath Road. It also serves as a pedestrian link under the rail line to Hungerdown Lane.

Wiltshire Council Highways have indicated that on the basis of 5 units being proposed, they would not look for the access to become adopted highway, and on that basis have no objections to make in this regard. There is considered to be no reason to diverge from this view.

As noted below, a small section of the access drive as it joins Rowden Hill falls into the high risk Flood Zone 3 category. Flood Zone 3 also touches the pedestrian link under the rail bridge. Because the proposed development is for residential development, the Environment Agency have reiterated their requirement for a secondary access to the site to be available for emergency purposes (eg. for a fire appliance) in case the main access road is impassable due to flooding in either direction. This is proposed to be accessed by a set of existing access gates via Timbrells Place (albeit for a long period, unused). Unless cut by emergency services, the gates would remain locked and impassable. Pedestrian access/egress to the site would be retained so as to provide a dry, safe passage to and from the site.

Wiltshire Council Highways have previously indicated that the Fire Brigade would be able to achieve the reach the proposed development via Timbrells Place in the extremely unlikely event that the main access is inaccessible due to flooding. The concerns of local residents in this regard are noted, but in light of this advice, there can be no reason to refuse planning permission on these grounds.

It is recommended that planning conditions would be sufficient to ensure the following: (i) the emergency access is only ever used by emergency services in the event of the main access/egress is flooded; and (ii) that a scheme for the control of the pedestrian access so that it is only used in an emergency be submitted to the Council for approval prior to the development taking place.

Flooding and drainage

With the exception of sections either end of the access drive immediately adjoining Rowden Hill and underneath the rail bridge respectively, the application site is classified as being within Flood Zone 1, meaning that there is a low probability of flooding. The two sections of the access drive are, however, within the Flood Zone 3 category, where there is a high probability of flooding (ie. greater than 1 in 100 years), meaning that there would be no way into or out of the site via that drive in the event of a flood event.

Since the main part of the site where the dwellings are proposed (ie. the vulnerable element of the development – where people will be sleeping and living) is classified as being at a low risk of flooding, there is considered to be no reason to object to the proposal on the ground of flood risk. Such facts and considerations would address the requirement for a Sequential Test, as advocated within PPS25.

Nevertheless, and again using guidance within PPS25, the Environment Agency require that a secondary access be available for emergency services to use in the event of the main access being impassable due to flooding. This has been achieved via Timbrells Place. The ability to make use of this secondary emergency access is discussed in the section above.

Impact upon neighbour amenity

The development is surrounded by existing residential development of varying forms. Most are some distance from the site, but in particular, two properties are directly adjoining, and their

existing level of amenity must be secured: Rowden Down Cottage to the immediate north, and 38A Rowden Hill to the east.

Rowden Down Cottage is part of a semi-detached pair whose curtilage adjoins the northern boundary of the site, with its flank wall being directly on to the boundary. A set-back at first floor level allows for a section of flat roof, across which a first floor bedroom window is positioned – some 3.5m back from the common boundary with the application site.

With only minor positional changes, the proposal is as per the previously refused application, with the new units are positioned alongside the flank wall of Rowden Down Cottage at a distance of 2.5m – 3.5m. No windows are proposed for the new facing elevation. The new units are orientated similarly to Rowden Down Cottage and it is therefore likely that first and second floor windows to the rear would allow for views of the rear portion of the garden of Rowden Down Cottage. However, these views would be necessarily oblique and offer no greater degree of overlooking than already experienced from the adjoining existing property to Rowden Down Cottage (ie. it is already a semi-detached property).

38A Rowden Hill is a dormer bungalow type dwelling built to the rear of No.38 Rowden Hill (presumably on land originally part of its rear garden). No.38A retains an access onto Rowden Hill. The proposed development is positioned at some 25.0m – 29.0m distance from the rear elevation of No.38A, with some planting along the boundary fence. In normal circumstances this distance is thought sufficient to mitigate against unacceptable levels of overlooking. This revised scheme limits development to 2 storey height only, and omits all external balconies.

Design and appearance

The proposed dwellings are to be of a two-storey terrace design, with receding unit depth. All units are of a three-bedroom size and would reach a maximum height of 7.5m to roof ridge and 5.0m to eaves. Materials are to comprise a mix of brick, clay tiles and painted timber windows.

In contrast to the unmistakably modern idiom of the previous proposal, this application is for a typical modern house type found of many housing estates. Shallow roof pitch and wide gable is in contrast to the more traditional surrounding cottages, although this does help to reduce the overall height of the dwellings. The short flat section of roof to units 4 and 5 is not thought to be critical to the success or failure of the design. Deep eaves, window headers, timber windows, chimney and porch canopy are thought to enliven the scheme and to this extent welcomed.

The revised height and massing of the proposed dwellings have resulted in a less contentious scheme. Previous objections in this regard and the previous reason for refusal are thought to be overcome.

9. Conclusion

The revised height, massing and design of the proposed dwellings have resulted in a less contentious scheme. Previous objections in this regard and the previous reason for refusal are thought to be overcome. Appropriately worded planning conditions can control use of the necessary emergency access to the north of the site via Timbrells Lane, so as to avoid any unnecessary impact upon residential amenity.

10. Recommendation

That the application be delegated to the Area Development Manager to secure an agreement under s106 of The Act for the provision of a financial contribution towards public open space, in accordance with Policy C3 and CF3 of the adopted North Wiltshire Local Plan;

Then:

Planning Permission be GRANTED for the following reason:

The proposal is considered to constitute an acceptable form of development in terms of its scale, siting, massing and design in relation to adjoining development and is without unacceptable detriment to the amenities of surrounding residents. As such the proposal is considered to comply with the provisions of Policies C3, NE2 and H3 of the adopted North Wiltshire Local Plan 2011.

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 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;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

POLICY: C3

4. No part of the development hereby permitted shall be occupied or first brought into use 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

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), 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

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/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: C3

7. No development shall commence on site until a scheme to deal with contamination of the land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed. The site shall be fully decontaminated in accordance with the approved scheme before any part of the development is occupied.

REASON: In the interests of public health and safety.

POLICY: C3

8. Prior to the commencement of development full details of the proposed secure storage building 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 approved.

REASON: In the interests of amenity so as to secure an outbuilding of satisfactory design and appearance.

9. With the exception of its use by emergency services, the proposed secondary access to the site via Timbrells place shall be secured against all future vehicular use, in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development and future occupation of the site as a residential development shall be carried out in complete accordance with such details approved.

REASON: In the interests of securing an emergency access to the site in the event of an extreme flood and so as to avoid an unacceptable impact upon residential amenity.

10. The emergency access to the site via Timbrells Lane shall not be used for pedestrian access unless otherwise needed in the event of an emergency in accordance with a scheme that details such future control over the emergency pedestrian access, which shall have been submitted to and approved in writing by the Local Planning Authority. Development and future occupation of the site as a residential development shall be carried out in complete accordance with such details approved.

REASON: In the interests of securing an emergency access to the site in the event of an extreme flood and so as to avoid an unacceptable impact upon residential amenity.

Informative

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.

1605 L02, L1605 L101, L1605 L102,

All dated 15/02/10

Appendices:	None
Background Documents Used in the Preparation of this Report:	2.02; 2.21; 2.25; 2.37; 4.04; 4.07; 4.09; 5.01; 6.02

