

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	14.08.2013		
Application Number	W/13/00781/FUL		
Site Address	Land At Beaglers Green, Kingsfield Grange Road, Bradford On Avon, Wiltshire		
Proposal	Erection of 2 bedroom bungalow		
Applicant	Mr And Mrs C Humphrey		
Town/Parish Council	Bradford On Avon		
Electoral Division	Bradford On Avon North	Unitary Member:	Rosemary Brown
Grid Ref	383362 160981		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Rosemary Brown has requested that this item be determined by Committee due to:

- * Scale of development
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Other:

"I am endorsing the reasons put forward by the Town Council as follows: 1) The site is inadequate in size and configuration to satisfactorily accommodate a new dwelling. 2) The access is substandard. 3) The result of the development is therefore inappropriate backland development. 4) There will be significant adverse affects on neighbouring property. 5) The proposal is contrary to District Plan policy H1, in particular clauses A and B."

1. Purpose of Report

To consider the above application and to recommend that planning permission be:

Granted subject to conditions.

Neighbourhood Responses:

8 letters of objection.

Parish/Town Council Response:

Objection.

2. Report Summary

The main issues to consider are:

- * Principle of the development;
- * Impact on the character of the surrounding area;
- * Setting of the Grade II listed Conigre House;
- * Neighbour amenity;
- * Whether inappropriate backland development;
- * Whether a loss of an important visual gap;
- * Connection to services;
- * Nature conservation interests; and
- * Access, highway safety and parking.

3. Site Description

The application site is part of the residential curtilage of 3B Beagler's Green, a detached chalet bungalow dwelling circa 1970s. The existing dwelling is a backland development with a west facing 'rear' garden and a west facing 'front' garden. The application site is a parcel of land approximately 500square metre in area which is part of the host dwellings front garden.

The development area has recently been altered. It is relatively flat, however the topography more generally is for land to slope to the east and south. Until recently it was laid to lawn and used for growing vegetables. More recently it has simply been stripped to bare earth.

To the east boundary is a fence approximately 2 metres high and the neighbouring private residential gardens. To the south is a Beech hedge over 2 metres in height with private residential garden beyond. To the west is the raised and level parking and turning area of 3B Beagler's Green (which is laid to gravel). To the north is the existing access drive to serve 3B Beagler's Green and the proposal, beyond which is hedging and the gardens of the Grade II listed Conigre House which has been converted to apartments.

The application site is located within the defined town policy limits. There are no other planning designations to the site.

4. Relevant Planning History

74/00885/HIS - Construction of new chalet bungalow with single garage – Permission on 28.10.1974 (Permission for 3B Beagler's Green)

90/00769/OUT - Erection of dwelling – Refusal on 31.07.1990 (Refusal for a dwelling on current application site)

W/12/02337/OUT - Erection of dwelling (chalet bungalow) (Outline application to determine access, layout and scale) – Withdrawn on 01.02.2013 (Withdrawn proposal for a dwelling on current application site)

5. Proposal

This is a full planning application for the erection of a single storey 2-bedroom bungalow. It would be an L-shaped dwelling with a length of 14 metres and a width of 7 metres extending up to 10.5 metres. The gross external floor area would therefore be approximately 115.5 sq.m.

The accommodation provided would include entrance hall, living room, kitchen, utility, family bathroom, study and 2x double bedrooms, one en-suite.

Externally the building would be constructed with oak boarding to the walls and a sedum green roof. Eaves would be approximately 2.5 metres above ground level and the ridge 3.3 metres high due to the scheme having a shallow 10 degree pitch roof.

Access would be from an existing private driveway that serves 3B Beagler's Green and which has a 'right of access' over the frontage car park to Conigre House, as apparently does 3A Beagler's Green.

The proposal includes an area of hard standing and turning to the east of the proposed dwelling and beyond this a modest garden area for the dwelling including patio. Beneath part of the garden is a water harvesting tank with capacity for 3000 litres of water. Indicative details of soft landscaping have been shown on the submission.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (local plan)

C31a: Design

C32: Landscaping

C38: Nuisance

H1: Further Housing Development Within Towns

U1: Infrastructure

U1a: Foul Water Disposal
U2: Surface Water Disposal

National Planning Policy Framework 2012 (NPPF)

7. Consultations

Town/ Parish council

Bradford on Avon Town Council: Objection.

“The Town Council recommends refusal. The site inadequate in size and configuration to satisfactorily accommodate a new dwelling and the access is substandard. The proposal therefore results in appropriate backland development. In addition there will be significant adverse effects on neighbouring property. The proposal is contrary to District Plan Policy H, 1 in particular clauses A and B”

Ecology

No objection.

“This application is unlikely to impact on the bats using the Coombe Mine Quarry to the south. I have no further comments to make.”

Highways

No objection.

“I acknowledge the residents objections on highway grounds, however, the site is accessed off of Kingsfield Grange Road, which is an unclassified road and vehicle speeds at the access point will be low. The traffic generated from the proposed development would not have an adverse impact on the existing road network and therefore a refusal reason cannot be justified on highway grounds.

Therefore, I raise no highway objection to the proposed development subject to, two car parking spaces being provided within the curtilage of the site.”

Wessex Water

No objection.

It appears that the development will affect a mains sewer. It is advised that the developer contact Wessex water regarding this. No development within the statutory 3 metre easement will be permitted without agreement from Wessex Water.

Conservation Officer

No objection.

“This proposed bungalow would be close to the Grade II listed Conigre House, however the listed building is already surrounded by recent dwellings of standard design.

The proposed dwelling, by contrast, seeks to present a minimal impact by keeping a low profile green roof and through the use of timber cladding, which would be left to weather naturally. This would reduce its impact on the setting of the listed building.

Although the proposed building on this plot would effectively complete the surrounding of the listed building with new development, its careful design and low profile would not in my view result in harm to the setting of the listed building over and above that which already exists due to the other houses in the immediate area.

The access is regrettable as it would bring additional vehicles around the listed building, whereas currently vehicles tend to remain at the front. However, vehicles could be directed anywhere on the current site and so I cannot make a formal objection on this basis.”

Tree and Landscape Officer

No objection.

There is no landscape or arboricultural reason to refuse this application. However, there are trees on the adjacent site to the south that are likely to be impacted on if not considered. For this reason, if consent is to be granted the following condition arboricultural condition must be applied. To ensure

the green credentials of this building can be satisfactorily achieved, a landscape condition must also be applied.

Wiltshire and Swindon Biological Records Centre

"6 bat species recorded in nearby quarry (within c.85m, 1983)"

Wiltshire Fire & Rescue Service

Seeks a developer contribution of £76.13 and advises on building regulations and use of sprinkler systems.

8. Publicity

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

Expiry date: 14 June 2013

8 letters of objection received (including Bradford on Avon Preservation Trust and Friends of Woolley). Summary of points raised:

- * Cramped overdevelopment of an inadequate sized plot;
- * "Garden-grabbing" development;
- * Impact on neighbouring amenity from overlooking;
- * Loss of existing landscaping and consequent impact on wildlife;
- * External lighting would harm neighbouring amenity;
- * Gravel drive would increase noise and harm neighbouring amenity;
- * Car parking so close to boundary will result in pollution from exhaust fumes;
- * 115.5 sq.m. is not modest. 2-bedroom bungalow would more typically be 55-80 sq.m.
- * Lack of private garden and position on the boundary harmful to future occupier's amenity;
- * Surface water disposal and impact on neighbours with consequent risk of flooding;
- * Harm to open setting of Conigre House and historic spatial characteristics;
- * Setting of Conigre House characterised by 4+ bedroom houses with large gardens, not 2-bedroom bungalows with very small gardens;
- * Inappropriate backland development;
- * Inappropriate siting and relationship to existing spatial characteristics;
- * Planning history and refusal in 1990 still relevant;
- * Access point to the public highway is used by a significant number of properties and to add to this would be dangerous with conflicting movements;
- * Lack of bat survey, bats are known to be in the area;
- * Beech hedge would not provide adequate privacy all year round;
- * Proposed chimney too close to boundary and would result in nuisance;
- * Covenant prevents development of this land;
- * Loss of good growing land (former vegetable patch);
- * Lack of tree survey, trees and hedges exist on or near the site;
- * Sewers may not be adequate to cope;
- * Location and storage of refuse/recycling;
- * Bins etc on collection days are a hazard due to the number that have to be left outside Conigre House
- * Neighbourhood Planning is advancing and progressing – the proposals are contrary to the emerging plan.

9. Planning Considerations

This is a full planning application that has been submitted following an earlier outline application which was encouraged within informal planning advice by the original case officer. It was acknowledged at pre-application stage that planning permission had been refused in 1990 as the proposal "represents an unacceptable subdivision of an existing residential curtilage, detrimental to the character, amenity and privacy of the immediate locality." However, notwithstanding the planning history, an application was not discouraged and advice was given on how to create an acceptable scheme.

The first planning application was withdrawn following an indication that permission would be refused and because the proposals were in the setting of a Grade II listed building. In locations such as this full details should be required to assess the potential impact. Further negotiation has taken place in

light of the responses to the first outline application and resulted in this full planning submission which, on balance, your officers support.

Principle of the development.

The principle of the development is acceptable because the site is located within the town policy limits of Bradford on Avon as defined within policy H1 of the local plan. Policy H1 details a permissive approach allowing infill housing subject to detailed criteria.

In addition the NPPF is a material consideration and whilst this states that local authorities should consider developing policies to resist inappropriate garden development it does not exclude all development proposals on garden land. It is therefore considered that a case by case judgement is appropriate. The NPPF represents an unashamedly pro-growth agenda from the government; however it also details the need for quality design.

Impact on the character of the surrounding area.

The proposed development is considered to have an interesting and unconventional design which seeks to address the constraints of the site. It is acknowledged that it is unlike any other dwelling within the immediate area, and it is also acknowledged that it is backland development and so does not form part of a street scene.

The area is generally characterised by larger 2-storey and chalet bungalow development from 1960s and 1970s. The dominant material is reconstructed stone faced blockwork. All of the existing development within the setting of Conigre House, a Grade II listed property, is considered, in hindsight, to be at odds with the special architectural and historic context of this building. Whilst this proposal would be very different to any of the existing development in terms of siting, form, materials and scale it would be a very unassuming structure having a minimal height, low profile sedum roof and timber clad walls. It is considered that as it weathers the proposal would blend into the environment.

It is noted that whilst the proposal would have a smaller curtilage than some other properties to the east and south of Conigre House, it is very comparable to site area to numbers 7-17 Kingsfield which are to the west of Conigre House and greater in scale and mass than this proposal.

The NPPF places weight on the need to encourage economic growth and development placing an emphasis on house building to help stimulate wider economic growth. This however should not be at the expense of quality. The proposal is considered to be a quality design that addresses the constraints of the site. Whilst the proposal would not have such a spacious arrangement as other dwellings in the immediate locality, it is quite comparable to other property in the locality more generally, 3b Beagler's Green would continue to have a large plot and the new dwelling's plot would not be perceived from any public vantage point.

The site is not located within any special designation such as a conservation area.

On the basis of all these considerations it is assessed that no harm would occur to the character of the area. Whilst the area's spaciousness will be eroded over the existing arrangement this would not result in significant harm, the area is resilient enough to accommodate this change.

Setting of the Grade II listed Conigre House.

As detailed above it is considered that the setting of Conigre House has been fundamentally altered with the development in the 1960s and 1970s. The development proposals now presented are considered to be far more unassuming and modest in comparison to the existing development that virtually encircles the listed building. Furthermore whilst of a different design it is considered to represent a quality design with oak frame, oak cladding and an interesting sedum roof design. Furthermore the development proposal is at a substantially lower level compared to the imposing and grand Conigre House. It is noted that the Council's conservation officer raises no objection.

Neighbour amenity.

The proposed development would be single storey and given that it is considered that it would not cause overlooking of neighbouring property. The concern that the boundary treatment to the south would merely be a Beech hedge which would not afford privacy year round is noted. This boundary

could be replaced by or supplemented by a 2 metre high fence or other planting without the need for planning permission. As such this is not considered to be a significant concern. Furthermore the windows to habitable rooms would be obscure glazed and this can be ensured in perpetuity by condition.

The proposals would not be directly overlooked by the neighbouring properties to any unacceptable degree.

It is noted that the proposals would increase the level of vehicular activity and that this has been positioned to the rear boundaries of several neighbouring properties' rear gardens. Whilst the objections on these grounds are noted it is not considered that the noise, or fumes etc would cause any significant harm.

It is also noted that a chimney has been proposed close to the south boundary of the site. This is again not considered to cause significant harm to residential amenity from a planning perspective.

The occupiers of 3B Beagler's Green would continue to enjoy a spacious and enclosed private rear garden. The proposals would benefit from a modest garden area, which due to its backland location would be relatively private and self-contained. It is considered to be an adequate amenity area for a dwelling.

Whether inappropriate backland development.

The proposals are a classic form of backland development as are many of the dwellings in this location that do not have active street frontages. It is considered that the proposals would create a dwelling that is not inappropriate though as it would not cause any significant harm to residential amenity and can be adequately accessed and serviced.

Whether a loss of an important visual gap.

It is noted that to the south of Conigre House is an open green wedge extending nearly to Holt Road. These are the residential gardens of several properties and do form an open visual gap in the built environment. However as the dwelling proposed is very modest and unassuming in scale and form and would weather into its setting it is not considered to significantly erode this visual gap.

Connection to services.

The proposals would connect to the sewerage and water supplies of Wessex water. These are available and Wessex Water raises no concern with this. Wessex water have highlighted that they have records of a public sewer running through the site, but that is not an insurmountable issue in planning terms. It has been raised with the applicant, mindful of the potential cost implications it could have on their scheme. An informative on any decision notice would be prudent.

In terms of surface water drainage, there are no records of problems in the locality from the Environment Agency. The site is within flood zone 1 in fluvial terms, the lowest probability of flooding. The scheme will have a modest urbanising affect on this otherwise permeable garden space. The proposals though do include a sedum roof which will slow the discharge of water from the roof. This will then be discharged to the 3000 litre rainwater harvesting tank located under the lawn area. This will be used to provide grey water to the dwelling (for irrigated the roof, garden and washing cars) and help alleviate any potential surface water flooding issues in storm events. In the event that the tank is insufficient the applicant has confirmed water would go to a soakaway. There is sufficient space for a reasonable soakaway to be provided as part of the development and a condition would be prudent to control this. The rest of the site would remain largely permeable. This is considered to be a commensurate sustainable drainage solution given the scale of development proposed.

Nature conservation interests.

It is noted that bats are present in this area. This is a known fact. The Council's ecologist however has been consulted and stated that they have no objection to the proposals which are unlikely to harm bats. On that basis then it is not considered to be a significant issue and no further information is required.

The site may well have some potential for other species to be present such as nesting birds or foraging foxes or hedgehogs. However the indicative landscaping details do show potential for

enhancing biodiversity opportunity on the site through the development including the sedum roof. A detailed landscaping scheme should be able to enhance biodiversity opportunity.

Access, highway safety and parking.

The site will make use of the existing private shared drive that goes over the car park of Conigre House and then access the public highway. This arrangement is well established and a modest intensification of this is not considered likely to cause demonstrable harm. The proposal details 2 car parking spaces and hard standing for turning. This is considered adequate to serve the property. The arrangements for 3B Beagler's Green would be unchanged. The highway officer raises no objection.

Other materials considerations.

It is noted that a significant collection of refuse and recycling bins occurs at the front of Conigre House on collection days. This is far from ideal. The proposal will inevitably add to this. However whilst not ideal this of itself is not grounds for refusal. The site contains sufficient space for the storage of refuse and recycling bins without impact on the neighbouring property.

The proposals indicate the retention of existing soft landscaping features, save for the felling of a tree over the access. This would be replaced by a new tree. Existing hedging and trees on the boundary or nearby the site are shown as being retained. A new hedge on the west boundary over and above the bank would also add to the landscaping over and above the existing situation. The Council's tree and landscape officer advises that there are no landscape or arboricultural reasons to refuse the application. They do recommend conditions and these are now recommended to committee. This also addresses the concerns raised by the public.

Summary and conclusions

This is a finely balanced case. The planning history is noted, however it is also noted that this is over 20 years ago and was merely for an outline development. This proposal is a bespoke full planning application that addresses the significant constraints to development on this site in terms of planning considerations. It is considered to be an interesting design that has some significant sustainability and design qualities. The local objections are noted and have been given lengthy and careful consideration, however on balance planning permission is recommended subject to conditions.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely Policies C31a, C32, C38, H1, U1a and U2.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following condition(s):

- 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 a final 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

- 3 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
- * A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
 - * A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
 - * A schedule of tree works conforming to British Standard 3998: 2010;
 - * Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - * Plans and particulars showing the sighting of the service and piping infrastructure;
 - * A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway and extent of the areas of the driveway to be constructed using a no-dig specification;
 - * Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
 - * Details of all other activities, which have implications for trees on or adjacent to the site.
 - * Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2 -code of practice for daylighting;
 - * In order that trees to be retained are not damaged during the construction works and to ensure that as far as possible the work is carried out satisfactorily no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.; and
 - * Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 4 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:-
- * location and current canopy spread of all existing trees and hedgerows on the land;
 - * full details of any to be retained, together with measures for their protection in the course of development;
 - * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - * finished levels and contours;
 - * means of enclosure;

- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); and
- * 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.

- 5 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.

- 6 The window(s) in the south elevation serving the living room shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38.

- 7 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and H1.

- 8 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 its 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1, C31a and C38.

- 9 The development shall be carried out in accordance with the hereby approved plans:

- Drawing: 1030 – SLP Revision B;
- Drawing: 1030 – BP Revision B;
- Drawing: 1030 – SK1 Revision A;
- Drawing: 1030 – SK2;
- Drawing: 1030 – SK3; and

Drawing: 1030 – SK4.

REASON: In order to define the terms of this permission.

Informative(s):

- 1 The developer is advised to contact Wessex Water at an early stage regarding the potential presence of Wessex Water infrastructure (public sewer) under the site and the potential need for diversion works and/or easement in order to facilitate the development. Wessex Water can be contacted on 01225 526000.

Appendices:	
Background Documents Used in the Preparation of this Report:	