

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	16 January 2014		
Application Number	13/04963/FUL		
Site Address	2a and 4 Earls Court Road, Amesbury, SP4 7NA		
Proposal	Demolition of existing dwellings and erection of 5 x 3 bed terraced dwellings, associated hard and soft landscaping, car parking and new access		
Applicant	Weird Projects Ltd		
Town/Parish Council	AMESBURY		
Electoral Division	Amesbury West	Unitary Member	Cllr Fred Westmoreland
Grid Ref	415746 141384		
Type of application	Full Planning		
Case Officer	Tom Wippell		

Reason for the application being considered by Committee

The application has been called to committee by Councillor Fred Westmoreland in view of the design.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that planning permission be **GRANTED** subject to conditions.

2. Report Summary

The issues in this case are:

- The principle of residential development;
- Impact on visual amenity and character of the area;
- Impact on residential amenity;
- Highway safety;
- Impact on protected species;
- Archaeology;
- Trees;
- Affordable housing/public open space contributions.

Publicity of the application has resulted in an objection from the Town Council and 13 objection letters. There has been no letters of support.

3. Site Description

The application site is located on the north-east side of Earls Court Road within a predominantly residential area. The site presently supports a two storey house and a

bungalow sited on raised ground above the level of Earls Court Road.

Established development within the vicinity varies in age, size and style and includes bungalows, chalet bungalows and houses. Opposite the site is a listed thatched cottage. The surrounding area has been the subject of various new developments, including replacement dwellings and infills.

4. Planning History

S/2012/1290 – Outline application to replace bungalow with two-storey dwelling
APPROVED

S/2013/0133 – Demolition of existing dwellings and erection of 5 x 3 bed and 1 x 1 bed terraced dwellings, associated hard and soft landscaping, car parking and new access
REFUSED

The above application for 6 houses was refused for the following reasons:

- 1. The proposed development, by reason of its size, siting and design, would detract from the character and appearance of the locality. In particular, the height and massing of the building is considered to be at odds with the more modest buildings surrounding the site, and the terrace form of the building sited relatively close to the front boundary of the site is considered to be unduly dominant in the streetscene. Additionally the limited space around the building creates a cramped appearance which equally detract from the character of the immediate surroundings. This is contrary to Policies H16 and D2 of the Salisbury District Local Plan (which are saved policies of the adopted South Wiltshire Core Strategy).*
- 2. The proposed building, by reason of its siting relatively close to the front and rear boundaries of the site, would be un-neighbourly, allowing direct overlooking of the properties to the front and rear to the detriment of residential amenity. This is contrary to Policy D2 of the Salisbury District Local Plan (which are saved policies of the adopted South Wiltshire Core Strategy).*
- 3. The application does not make provision for the increase in pressure on recreational open space facilities and affordable housing stemming from the additional housing. This is contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.*

5. The Proposal

Planning permission is sought for the demolition of the existing dwellings and the erection of a pair of three-bedroom semi-detached houses and 3 three-bedroom terrace houses (five houses altogether). To accommodate the houses the existing raised ground would be cut so that the ground floor slabs would be at a level close to that of the road. The houses themselves would 'read' as two storey although with their second floor lofts utilised as third bedrooms, lit by front and rear facing rooflights. The houses would be positioned further forward on the site than the existing dwellings, this allowing terrace gardens to be provided at the rear.

An existing cob wall along the rear boundary would be retained and a new 'trellis privacy

fence' erected in front of it. Walls and railings would define the front boundary.

Parking spaces for the houses would be provided in a courtyard at the south-east end of the site, again cut into the sloping ground with retaining walls. It would provide 10 spaces in accordance with the parking standards.

6. Planning Policy

Local Plan Policies: G1, G2, D2, H16, R2, (as 'saved' within the adopted South Wiltshire Core Strategy)

South Wiltshire Core Strategy: Core Policy 3

NPPF

7. Consultations

Town Council: The Town Council objects to the development, for the following reasons:

- The design could be further improved, on the part of the main structures
- The cob wall should be retained
- An up-to-date ecology report needs to be given
- R2 funding is required for recreation and social housing
- Consideration should be given to issues raised by previous reports: highway safety - close proximity to retail outlets and educational facilities nearby and their impact on additional vehicles entering and leaving the site

WC Archaeology

The proposal does not propose a significant new footprint of impact. Therefore consider it unlikely on the evidence available that significant archaeological remains would be disturbed by the proposed development.

WC Highways

No objection.

WC Environmental Health

No objections, subject to conditions.

County Ecologist: Would not normally ask for an ecology survey for dwellings of this type in the middle of an urban area such as Amesbury. However the house and bungalow appear to have been derelict for some time, likewise the garden has been abandoned. If bats are present in the buildings, they will probably be species of crevices dwelling bats such as pipistrelles. These species can readily be accommodated in the design of new buildings by incorporating bat tiles, bat boxes etc. Of the other protected species, slow worms and breeding birds are the most likely to be present. Few individuals of either species can be expected at the site due to its relatively small size and poor condition of the habitats.

So, suggest that in this rare situation, it is not essential to obtain a bat survey before the application is determined since it is likely that a development licence would be issued by

Natural England if a bat roost was discovered. The presence of other protected species can be brought to the developer's attention through an informative.

Recommend a condition that no works, including demolition works, will commence until a report providing the results of a bat survey undertaken by an independent ecologist has been submitted for local planning authority approval.

WC Conservation

No comments.

WC Housing

An affordable housing financial contribution is required.

8. Publicity

The application has been advertised by way of site notice, newspaper advert and letters to near neighbours.

The publicity has generated thirteen letters of objection and no letters of support.

The letters of objection are summarised as follows:

- Overdevelopment of the site
- Overbearing impact within streetscene
- Too close to road
- Too high and bulky
- Inappropriate design for this area
- Little difference in design terms between this application and the last one
- Overlooking to the front
- Overlooking to the rear
- Overshadowing/overbearing impacts to the sides and rear
- Increase in traffic will be detrimental to highway safety, especially so close to the school
- Increased traffic will cause noise and disturbance to neighbouring properties
- Vehicles entering/leaving the site will affect pedestrian safety
- Construction traffic/ workers will cause noise and disturbance
- Impact on ecology
- Impact on trees
- Impact on archaeology
- Impact on cob-wall towards the rear
- The site could be used for alternative community uses

9. Planning Considerations

9.1 Background

An earlier application for a single dwelling to replace the bungalow was approved in 2012 (S/2012/1290), and an application for a terrace of 6 houses was refused at this site in 2013 (13/00133/FUL).

9.2 Principle

The site is located within the Amesbury Housing Policy Boundary where the principle of new residential development is acceptable, subject to the criteria as set out in 'saved' Policy H16 of the South Wiltshire Core Strategy. Of particular importance is that the proposal should not result in the loss of an open space which contributes to the character of the area and should not conflict with other design policies of the development plan.

Policy D2 relates to street and infill development, and requires that proposals should respect or enhance the character and appearance of the area including building lines, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Having regard to this policy background, a proposal for additional new dwellings at the site is not considered unacceptable in principle provided it is appropriate in terms of its scale and design to its context, and provided other interests including residential amenity and highway safety are addressed.

9.3 Scale, design and siting

The current proposal is considered acceptable in terms of its scale, design and siting. The previously refused scheme envisaged a single block of six terrace houses. In the current proposal there is a pair of semi-detached houses and three terrace houses, with a gap in-between to break up the bulk. Additionally to address the bulk, the overall height has been reduced so that the ridgeline is now close to that of the adjoining house at no. 2. Architectural features such as porches, chimneys, railings, window-heads, quoins and staggered footprints have also been incorporated into the design to reflect the variety of housing in the locality.

Whilst it is acknowledged that the openness of the existing site would be reduced by increasing the built form and siting the buildings closer to the road, it is considered that the reduced scheme now presented is, in fact, in-keeping with the varied character of the area, and as such, an objection based on inappropriate scale and design could not be sustained.

There would be no harm to the setting of the Grade II listed thatched cottage opposite the site, and there would be no adverse impact on the cob-wall towards the rear of the site, which will have a trellis added. Subject to materials being agreed by condition, it is not considered that an objection based on impact could now be sustained.

9.4 Impact on residential amenity

The previous application for six dwellings was refused due to the close proximity of the dwellings to the front and rear boundaries of the site, which would be un-neighbourly allowing direct overlooking from windows of the properties to the front and rear.

The current scheme again sees windows facing towards the thatched cottage opposite. However, the amount of glazing at the front has been reduced over the previous application (with the first-floor full length windows and dormer windows omitted or replaced with smaller windows), and on balance it is considered that the impact from overlooking across the road would not now be significant enough to warrant refusal,

given that overlooking 'front to front' is not unusual or usually unacceptable in a suburban street such as this.

At the rear of the site, the proposal is also considered to represent an improvement in terms of privacy, with 5 dormer windows now omitted from the rear roof slopes (replaced by roof lights) and changes in levels providing a better relationship with the existing properties to the rear and sides. Whilst it is accepted that at least some of the higher level rear-facing windows will be visible from neighbouring gardens, in the context of Earls Court Road, which is a typical suburban road where to a certain extent mutual 'back to back' and 'back to side' overlooking is inevitable, the limited overlooking which would now occur is considered to be acceptable. A trellis is proposed on the rear boundary wall, which would help to prevent any overlooking into the neighbouring gardens from the ground and first floor windows in the rear elevations of the new dwellings.

Although the houses would be sited quite close to the north-west boundary of the site and forward of the building line of the existing house here (no. 2), due to the orientation of the houses and the layout of the garden at no. 2, it is not considered that there would be an overbearing impact sufficient to justify refusal for this reason.

9.5 Highway Safety

Initial concerns raised by the WC Highways officer about visibility at the entrance to the parking courtyard have been addressed by a reduction in the height of the front boundary wall. As a consequence there are no highway objections.

9.6 Impact on Protected Species/ Archaeology/Trees

The County Ecologist has been consulted and considers that it is not essential to obtain a bat survey

before the application is determined since it is likely that a development licence would be issued by Natural England if a bat roost was discovered. The presence of other protected species can be brought to the developer's attention through an informative. Therefore, a condition should be added to any approval to ensure that no works, including demolition works, shall commence until a report providing the results of a bat survey is undertaken by an independent ecologist and has been submitted for Local Planning Authority approval.

The County Archaeologist has been consulted and raises no objections to the scheme, as no significant archaeology will be affected by this development.

There are no significant trees within the site worthy of Tree Preservation Orders.

9.7 Affordable Housing/ Public Open Space Contributions

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 and Core Policy 3 of the South Wiltshire Core Strategy, applicants are required to enter into a legal agreement and provide a commuted financial payment. The applicant has indicated a willingness to enter into such an agreement (subject to a viability appraisal) and therefore no objections are raised, subject to a financial contribution being received as part of any approval.

RECOMMENDATION

To delegate to the Area Development Manager to APPROVE, Subject to the applicant entering into a Section 106 agreement requiring financial contributions towards affordable housing and recreation provision, 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 section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the local planning authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the building is appropriately detailed

3. Prior to commencement of the development hereby approved full details of the “new trellis privacy fence between 1.8m and 2.4m high” and the “new retaining wall” shown on drawing no. 0776/02A dated 09/2013 shall be submitted to the local planning authority for approval in writing. The details shall include plans of the design and appearance of the fence and wall and, in the case of the fence, its method of fixing. The fence and wall shall be erected/constructed prior to first occupation of any of the houses, and both shall be retained and maintained in place thereafter.

REASON: The application contains insufficient detail to enable assessment of the fence and wall at this time. The fence is necessary to ensure the privacy of neighbouring properties is safeguarded.

4. Prior to erection of the sheds shown on drawing no. 0776/02A dated 09/2013 details of their design and appearance shall be submitted to the local planning authority for approval in writing. The sheds shall then be erected in accordance with the approved details.

REASON: The application contains insufficient detail to enable assessment of the sheds at this time. Assessment is necessary to ensure the design of the sheds would not have a detrimental impact on amenity.

5. No works, including demolition works, shall commence until a report providing the results of a bat survey undertaken by an independent ecologist has been submitted for local planning authority approval. The report will include the findings of a phase 1 bat survey and any subsequent phase 2 surveys deemed necessary by the ecologist, provide details of any necessary mitigation measures and recommend whether a Natural England licence is required for works to proceed. The works will be undertaken in accordance with the recommendations of the approved report.

REASON: To safeguard protected wildlife species.

6. 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 to, or extensions or enlargements of any buildings forming part of the development hereby permitted.

REASON: In the interests of the amenities of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

7. 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the side elevations or roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

8. 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.

9. No construction works or deliveries shall take place on Sundays or public holidays or outside the hours of 8.00am and 6.00pm weekdays or 8.am to 1.00pm on Saturdays.

REASON: In the interests of neighbouring amenities- Policy G2

10. No burning of waste shall take place on the site during the demolition or construction phase of the development.

REASON: In the interests of residential amenity.

11. This development shall be in accordance with the submitted drawings:

- 0766/01 rev D, dated September 2013 and received to this office on 07/11/13
- 0766/02 rev A, dated September 2013 and received to this office on 09/10/13
- 0766/03 rev A, dated September 2013 and received to this office on 09/10/13
- 0766/04 rev A, dated September 2013 and received to this office on 09/10/13

REASON: For the avoidance of doubt.

12. INFORMATIVE:

There is a risk that reptiles such as slow worms or grass snakes could occupy the application site. These species are protected by the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution under this Act. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation by hand. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding and planning permission does not provide a defence against prosecution under this Act. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.