

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	30 th July 2008
Application Number	08/01124/FUL
Site Address	4 Wood Street, Calne
Proposal	Erection of 10 one-bed residential units following the demolition of the existing buildings (Revision to 07/02307/FUL)
Applicant	Mr J. Taylor
Town/Parish Council	Calne
Grid Ref	399717 171197
Type of applications	Full application

Reason for the application being considered by Committee

This application has been submitted to the committee for decision under the scheme of delegation in force after the 8th April 2002 because more than five letters of objection have been received.

Summary of Report

This application is for the erection of 10 one-bed residential units following the demolition of the existing buildings. This is a revised proposal following a previous withdrawal and extensive pre-application negotiations. The site lies within the settlement boundary of the town of Calne and within the Conservation Area and secondary retail frontage.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3 (Residential Development within Framework Boundaries).
- Implications on Local Plan Policy HE1 (Development in Conservation Areas)
- Implications on Local Plan Policy R2 (Town Centre Secondary Frontage Areas)
- Policy CF3 (Provision of Open Space).

Officer Recommendation

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) To ensure that a financial contribution is made towards public open space provision.

Following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission.

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Proposal and Site Description

The site is located along Wood Street in Calne and is bordered by a mixture of residential and commercial properties to the north, south, east and west. Currently, the site accommodates a large retail shop which occupies the depth of the site.

The application is for the erection of 10 one-bed residential units following the demolition of the existing buildings.

The development site falls within the framework boundary of Calne and its Conservation Area, and is located in a secondary retail frontage.

This application has been the subject of lengthy discussions over a number of years.

Planning History		
Application number	Proposal	Decision
89/00961/FUL	Erection of 12 flats	Refused and dismissed at appeal.
07/02307/FUL	Erection of 9 One Bed and 1 Two Bed Residential Units and 2 Retail Units Following Demolition of Existing Buildings	Withdrawn
07/02308/CAC	Demolition of Existing Buildings	Withdrawn
08/01123/CAC	Demolition of Existing Buildings	Consent

Consultations

Parish Council has noted that attempts have been made to revise and improve on previous plans. Comments were still raised in relation to highway concerns and the fact that retail units would have been preferable to residential units.

County Highways – No objections subject to a number of conditions being attached to any permission granted. County Highways have also made a case for the developer to contribute towards a new bus shelter, raised kerb and flag close to the development site which would be the subject of a S106 agreement.

The **Regeneration Officer** has advised that this proposal would incur a fee of £27,800 to contribute towards public open space provision. The applicant is in the process of signing a S106 agreement to secure these monies.

Environmental Health Officers have advised that a number of conditions be attached to any permission granted.

The **Urban Design Officer** has commented on the application in terms of density/form/mix, refuse storage, security, parking and landscaping.

Representations

Four letters of objection have been received raising the following concerns:

- Loss of retail units which will have an impact on the viability and vitality of this part of Calne.
- No replacement retail proposed.
- Close to primary retail frontage.
- Overlooking
- Building close to boundary which will affect future development of adjoining site.
- Previous objections have been taken into consideration.
- Possible impact on foundations of adjoining buildings.
- Over-development.
- Impact on traffic.
- Insufficient car parking spaces provided.
- Impact on views.
- Choice of materials.
- Close to Listed Buildings.
- Impact on sewerage infrastructure.
- Development is a money-making proposal.

Planning Considerations

The proposal is for the erection of 10 one-bed residential units following the demolition of the existing buildings at 4 Wood Street in Calne. The land is currently occupied by Taylors Motorbikes.

The plans submitted show a residential development in the form of two two-storey blocks - Block 1 fronting onto Wood Street with four units and Block 2 sited behind Block 1 and at right angle to it with six units. Each unit is to have a kitchen/sitting room area, bedroom and ensuite bathroom.

The plans also show ten off-street car parking spaces, and cycle and bin storage facilities. The bin store is to be in the form of an enclosed building sited to the rear of No. 8 Wood Street, with the cycle store to be located to the rear of No. 16 Wood Street.

Small courtyard areas are proposed to the rear of Block 1 to be used as private amenity space for the residents of the ground floor flats.

The application site lies within the defined framework boundary and Conservation Area for Calne thus there is a principle in favour of development subject to the relevant criteria outlined in Policies C3, HE1 and H3 being satisfied. The site is also located in a secondary retail frontage and therefore Policy R2 is relevant to this application.

Amenity:

In terms of impact on amenities, local residents are concerned that the development will lead to overlooking. The proposal has been significantly altered to address this issue and is now considered to be acceptable. The overlooking to the rear of Block 2 has been taken into consideration but the proposed windows will be at an angle to the existing buildings and will overlook an area used as an informal car parking area.

With regards to the front elevation of Block 2, doors and windows have been strategically sited to avoid any direct overlooking.

In terms of the increased pressure on the existing drainage/sewerage infrastructure, this is a matter to be considered under Building Regulations. With regards to the impact of the development on the foundations of adjoining premises, this is a civil matter.

Overall, the proposed development is not considered to be detrimental to the amenities currently

enjoyed by the local residents by reason of the siting and scale of the proposed development and is therefore in accordance with Policies C3 of the North Wiltshire Local Plan (2011).

Scale of Development and Impact on Streetscene

Lengthy discussions about the design of the elevation fronting onto Wood Street have taken place with the agent in order for the development to be in keeping with the character and appearance of the existing streetscene and to address highway concerns.

The plans submitted show that the elevation fronting onto Wood Street is to be traditional and of a scale which matches that of the adjoining properties. The demolition of the existing 1960s building and its replacement with a more traditional building is considered to be acceptable and can only have a positive impact on the character and appearance of the Conservation Area and streetscene in general.

The new building is to have a smaller footprint than the existing building and is to be brought forward to follow existing building lines. Access to the proposed car parking spaces is to follow the existing access, albeit narrower.

Highways and Access

Residents are concerned that the development will affect the safety of drivers and pedestrians along Wood Street and will lead to highway congestion.

These concerns have been taken into consideration when determining the application. The development site includes the provision of one off-street car parking space per unit which meets the Council's car parking standards in a town centre location.

The plans also show sufficient turning space and adequate visibility splays to allow vehicles to enter and leave the site safely and in forward gear.

On this basis, County Highways support the proposal subject to a number of conditions being attached to any permission granted.

Loss of Retail

The loss of the existing retail floorspace in this secondary retail frontage has been taken into consideration when determining this application. However, it is considered that to have a shop in this particular location is not ideal in terms of the impact on the streetscene and in protecting the amenities of adjoining residents.

The existing premises do not lend themselves to easy conversion or to another retail use based on the large footprint of the premises and the limited car parking space. The incorporation of retail units on the ground floor of Block One was considered but due to the lack of space for delivery vehicles and the fact that the development would only create two very small units, it was considered that, on balance, a residential use would be more appropriate on this site.

The development site adjoins a number of retail uses to the south and east and it is considered that the loss of the existing retail use will have a limited impact on the vitality and viability of Calne town centre.

Conclusion

It is considered that the proposed residential development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of this part of Calne Conservation Area, will have no significant impact on the amenities of adjoining occupiers and is acceptable in terms of loss of retail provision and highway safety. On this basis, the proposal accords with Policies C3, H3, HE1 and R2 of the North Wiltshire Local Plan (2011).

Recommendations and Proposed Conditions / Informatives

Delegate to PERMIT subject to conditions and the completion of a S106 Agreement.

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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the Local Planning Authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. A bus shelter, raised kerb and bus flag shall be provided to the south of the development site prior to the first occupation of the development. Details relating to the location and specification of the bus shelter, raised kerb and bus flag shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: To enhance the provision of public transport facilities.

4. Before the dwellings hereby permitted are first brought into use, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and the extremities of the site frontage to the rear of the footway (1 Wood Street and 8 Wood Street) shall be cleared of obstruction to visibility at and above a height of 1m above the nearside carriageway level and thereafter maintained free of obstruction at all times. Visibility shall be provided as demonstrated on Drawing No. PRT/C/01/08.A date stamped 8th July 2008.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

5. Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) and parking and turning area shall be constructed, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

6. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

7. The entrance shall remain un-gated at all times.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local

Plan (2011).

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

9. The dwellings hereby approved shall not be occupied until cycle parking for 10 cycles has been provided, details of specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

10. Details of the means of access to the site shall be submitted to and approved in writing prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

11. The dwellings hereby approved shall not be occupied until the refuse storage area has been erected in accordance with details shown on Drawing No. PRT/C/01/08.A date stamped 8th July 2008.

Reason: In the interests of residential amenity and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

12. No development shall commence on site until the applicant has secured the implementation of an archaeological study of the proposed development site in accordance with a written brief approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological material and evidence of significance is examined in order to protect the character of the site.

13. No development shall commence on site until studies addressing the following issues has been submitted to and approved in writing by the Local Planning Authority:

- a) Site investigation and risk assessment works for chemical contamination.
- b) Works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment works.
- c) Remediation validation works.

Site investigation works shall be carried out in line with the main procedural requirements of BS 10175::2001 – Investigation of Potentially Contaminated Site – Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 “Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources” protocol shall be utilised.

Reason: To ensure that the site is decontaminated in an appropriate manner and to comply with Policy NE17 of the North Wiltshire Local Plan (2011).

14. No development shall commence on site until details of sound attenuation measures to be incorporated within the new residential buildings shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed to incorporate all measures approved and such measures shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenities of future occupiers and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

15. No development shall commence on site until details of all new external joinery have been submitted to, and approved in writing by, the Local Planning Authority. These details shall

include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan 2011.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the Local Planning Authority to consider individually whether planning permission should be granted for extensions and external alterations.

17. Notwithstanding the information shown on the plans/application forms, no development shall take place until details of roofing materials to be used externally have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the roofing materials approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan 2011.

18. Notwithstanding the information shown on the plans/application forms, no development shall take place until details of external wall materials to be used have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the external wall materials approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan 2011.

19. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) elevations and floor plans of the proposed cycle storage;
- (4) finished floor levels of all buildings;
- (5) finished levels across the site;
- (6) the means of surface water disposal;
- (7) the means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved.

Items 1, 2 and 3 shall be completed prior to the occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan 2011.

20. On first being glazed and at all times thereafter, the proposed bathroom windows shall be glazed with obscure glass only.

Reason: In order to safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

Informatives:

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

structures and may also lead to prosecution.

- Site location plan date stamped 7th May 2008.
- Drawing number PRT/C/05/08 date stamped 7th May 2008.
- Drawing number PRT/C/01/08.A, PRT/C/02/08.A and PRT/C/03/08.A date stamped 8th July 2008.

2. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:-

C3, H3, HE1, R2 and CF3

3. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take your own independent advice with regard to the requirements of the Party Wall Act, 1996.

Reason for Decision:

It is considered that the proposed residential development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of this part of Calne Conservation Area, will have no significant impact on the amenities of adjoining occupiers and is acceptable in terms of loss of retail provision and highway safety. On this basis, the proposal accords with Policies C3, H3, HE1 and R2 of the North Wiltshire Local Plan (2011).

Appendices:	<ul style="list-style-type: none">• None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 2.02• 2.07• 3.03• 3.04• 4.02• 4.04• 4.07• 5.01• 5.04