

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	30 th July 2008
Application Number	08/01444/FUL
Site Address	13 Church Street, Wootton Bassett
Proposal	Erection of three dwellings
Applicant	Mr C. Kane
Town/Parish Council	Wootton Bassett
Grid Ref	406491E 182574N
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 three dwellings on land to the south of 13 Church Street in Wootton Bassett. The site lies within the settlement boundary of the town of Wootton Bassett and within the Conservation Area.

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)
- Policy CF3 (Provision of Open Space).

Officer Recommendation

Subject to receipt of further comments from Wiltshire County Council Highways, 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 to the south of 13 Church Street in Wootton Bassett and is bordered by residential properties to the south and east. The site fronts onto allotments and open countryside to the west. Currently, the site forms part of the residential curtilage of 13 Church Street but is set at a lower ground level due to the changes in land levels. The site is laid to lawn and contains a number of trees.

The application is for the erection of a terrace of three properties with a garage to the side of Plot 1.

The development site falls within the framework boundary of Wootton Bassett and its Conservation Area, and is located in a predominantly residential area of the town.

The elevation drawings submitted show a uniform terrace of three dwellings which will accommodate a kitchen and lounge/dining area at ground floor level, with two bedrooms and a bathroom above. The plans also show off-street car parking for four vehicles - one for each property and an additional visitor space.

Planning History		
Application number	Proposal	Decision
07/02502/FUL	Erection of two detached dwellings	Refused and dismissed at appeal.

Consultations

Parish Council – Comments are awaited.

County Highways – Final comments are still awaited.

The **Regeneration Officer** has advised that this proposal would incur a fee of £13,300 to contribute towards public open space provision. The applicant is in the process of signing a S106 agreement to secure these monies.

Representations

6 letters of objection have been received (the consultation period does not end until 17th July 2008)
The following concerns have been raised:

- Increase traffic/parking along Church Street
- Impact on character of area
- Lack of car parking
- Access to site is across a right of way and allotment land
- Loss of green space
- Loss of privacy
- Impact on drainage infrastructure
- Loss of trees

Planning Considerations

The proposal is for the erection of a terrace of three properties on land to the south of 13 Church Street in Wootton Bassett. The development is to be similar in scale to other properties along Church Street with off-street car parking spaces proposed to the front and side of the proposed dwellings.

The front, side and rear elevations of the properties are to incorporate a number of doors and windows, whilst the roof is to be gabled to match other properties in the vicinity of the application site.

The application site lies within the defined framework boundary and Conservation Area for Wootton Bassett thus there is a principal in favour of development subject to the relevant criteria outlined in Policies C3, HE1 and H3 being satisfied.

Local residents have raised a number of concerns which are not planning considerations and therefore have not been considered as part of this proposal.

Amenity:

In terms of impact on amenities, the revised application has addressed this concern which was one of the reasons for refusing the previous scheme and dismissing the appeal. The side wall of No. 7 Church Street forms part of the boundary of the site and has a window overlooking the development site. The applicant is proposing to site a garage in front on this window but some 3.8m away and set at a lower level. This means that there will be limited views from this window onto the private amenity space of the new dwellings.

The existing house has an access onto a part tarmac, part un-surfaced un-adopted track which links Church Street to a parking area and allotments. The proposed development involves the creation of an access onto this track which does not form part of the application site and which is not shown as being in the applicant's ownership. This issue was addressed by the Inspector when determining the appeal and he took the view that this was not a matter for him to address. This is a civil matter to be resolved between the applicant and the land owner of the track.

In terms of the increased pressure on the existing drainage infrastructure, this is a matter to be considered under Building Regulations.

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 dwelling and is therefore in accordance with Policies C3 of the North Wiltshire Local Plan (2011).

Scale of Development and Impact on the character of the Conservation Area:

The applicant engaged in pre-application discussions prior to submitting this revised scheme. The design of the dwellings was discussed and it was agreed that a small scale development to match that of other properties in Church Street would be more acceptable.

This revised application shows a row of three terraced properties, rather than two large detached dwellings. The scale of the development, despite the fact that an additional dwelling is proposed, has been reduced, in addition to the overall height of the development. The terrace will be set-back from the track and set at a lower ground level than the adjoining properties, and therefore the views of No. 13 Church Street will be retained.

The loss of the green space and existing trees is unfortunate but this area and the trees, which are predominantly ornamental and fruit trees, are not considered to contribute positively to the character and appearance of the Conservation Area due to the siting and appearance of the site.

Overall, it is considered that the design, size and scale of the proposed development is acceptable and will sit comfortably within the general streetscene and would be in keeping with the character and appearance of the Conservation Area.

Highways and Access

Residents are concerned that the development will affect the safety of drivers and pedestrians along Church Street and that the proposal will lead to increase traffic/congestion and to additional on-street car parking in an already congested area.

These concerns have been taken into consideration when determining the application. The development site includes the provision of one off-street car parking space for each dwelling with an additional visitor space. The development being sited close to Wootton Bassett's town centre, it is considered that the proposed developed as provided sufficient off-street car parking provision.

The Inspector, when determining the previous application for two detached dwellings, took the view that there would be no harmful effect on highway safety in the vicinity arising from the proposed access and parking arrangements. It is unlikely that an additional one dwelling on this site would significantly alter the risk to highway safety.

Comments are still awaited from County Highways but informal discussions have taken place indicating that Highway Officers will be supporting the proposal subject to a number of conditions being attached to any permission granted.

Conclusion

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 the Wootton Bassett Conservation Area, will have no significant impact on the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3, HE1 and H3 of the North Wiltshire Local Plan (2011).

Recommendations and Proposed Conditions / Informatives

Subject to receipt of further comments from Wiltshire County Council Highways, 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 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 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. Notwithstanding the information shown on the plans/application forms, no development shall take place until details of materials to be used externally (walling and roofing) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the 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.

4. Prior to the commencement of the development hereby permitted, 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 bin stores and sheds
- (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 and 2 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.

5. On first being glazed and at all times thereafter, the proposed bathroom windows (on Plots 1, 2 and 3) and landing windows (on Plots 1 and 3) 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.

6. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the garage hereby approved for Plot 1 shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason: To ensure that satisfactory provision is made for the parking of vehicles on site in accordance with Policy C3 of the North Wiltshire Local Plan 2011.

7. 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) the use of the garage hereby approved shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

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

8. 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.

9. 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) no further windows or other form of opening above ground floor level shall be introduced into the elevations of the dwellings hereby permitted.

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

10. 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) no further garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

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

11. The development hereby permitted shall not be commenced until details of the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. Details shall include:

- (a) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and proposals for their protection during and following construction works;
- (b) details of all proposed tree and shrub planting, including species, number, sizes and positions, together with seeded/turfed areas;
- (c) details of any hard-surfaced areas such as footpaths, pedestrian areas, steps, play-spaces etc.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan (2011)

12. No development shall commence 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.

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.

Drawing number DCD.08/05/01/A date stamped 11th June 2008.

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

North Wiltshire Local Plan 2011:- C3, H3 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.

4. 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:

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 the Wootton Bassett Conservation Area, will have no significant impact on the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3, HE1 and H3 of the North Wiltshire Local Plan (2011).

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 4.04, 4.07, 5.01, 5.04