

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	25th February 2009
Application Number	08/02696/FUL
Site Address	Long Cottage, Silver Street, Minety, Malmesbury SN16 9QU
Proposal	Dwelling and access
Applicant	Mrs G Watson
Town/Parish Council	Minety Parish Council
Grid Ref	402742 190640
Type of application	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 5 letters of objection have been received

Summary of Report

This application proposes a detached dwelling with access to the south eastern side of a detached cottage. The proposal includes a turning area to the front of the proposed dwelling. The issues to consider are:

- Impact on the street scene.
- Impact on highway safety.

Officer Recommendation

The applicant be invited to enter an Agreement in respect of Public Open Space contributions following completion of which the Development Control Manager be authorised to GRANT Permission.

Contact Officer	Charmian Burkey	01249 706 667	cburkey@northwilts.gov.uk
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Proposal and Site Description

The proposal is to erect a single dwelling between two properties on Silver Street (Long Cottage and Foulk Lands). The proposal is a traditionally detailed and proportioned 3-bed, one and half storey cottage style dwelling. The site is situated to the east of Silver Street and is part of the side garden of Long Cottage. The site is level and bounded by a frontage garden hedge. A willow tree on the site is proposed to be felled.

Planning History

Application number	Proposal	Decision
No relevant history.		

Consultations

Parish Council object on the following grounds:

1. Flooding – The property has flooded several times recently and the increase in concrete will increase this risk and they oppose any development until the flooding issue has been resolved.
2. Out of Character – Although effort has been made to suggest that the appearance of the new dwelling would be similar to Long Cottage, this development would urbanise the area as it is so close to the adjacent properties, Contrary to H8 of the Local Plan as it does not maintain the open spaces and rural character of the area.
3. Amenities – This development would seriously effect the amenities of others. It is sited very close to the adjacent property, in fact the plans do not show space for the existing ditch which must be retained.
4. Parking – Whilst the plans show some parking, the limited space suggest there would be parking on Silver Street. Any parking here is always a safety hazard because of the proximity of Oaklease. An additional access onto Silver Street is hazard enough.

Wiltshire County Council Highways have no objections subject to conditions.

Principal Engineer has confirmed that this area of Minety suffers from a surface water problem and has suggested that the applicant provides an on-site attenuation feature to deal with the surface water from this development.

Representations

4 letters of objection that have been received.

Summary of key points raised:

- Another garden development destroying the character of the village.
- Cramped development.
- Flooding.
- Only space for one parked car shown leading to on street car parking.
- Bio diversity – presence of slow worms.
- Loss of willow tree effecting outlook.
- Infrastructure costs not included with the application.

Planning Considerations

Principle of development

The site lies within the framework boundary of Minety and therefore under policies C3 and H3 of the North Wiltshire Local Plan 2011, the principle of residential development is acceptable.

Impact on amenity

Minety does not have a distinct character and there has been considerable infill development in recent years. The plot is not dissimilar in width to the plot next door and it is not considered that its size is out of scale and harmony with much of the surrounding development.

The proposed dwelling has been designed to minimise overlooking by only placing one bedroom window in the rear elevation at a distance of approx 12m from the rear boundary.

It is considered that the effect on the amenity of the surrounding dwellings is acceptable.

Flooding

The Council's principal engineer has suggested that a condition to provide an on-site attenuation system would be acceptable and should deal with any on site flooding problems.

Design and Scale of Development

The design and scale of the development is considered to be appropriate to this location and is similar to the variety of surrounding properties.

Highways and Access

Despite the limited car parking proposed, County Highways have accepted the proposal and it is not considered that a refusal can be justified on this basis.

Section 106 Contribution

The applicant has agreed to pay the relevant monies for POS contributions and affordable housing through S106 agreements which are currently being prepared and are anticipated to be signed by the time of Committee.

Recommendation and Proposed Conditions/Informatives

The applicant be invited to enter an Agreement in respect of Public Open Space contributions following completion of which the Development Control Manager be authorised to GRANT 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. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been 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) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

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

Items 1 to 6 shall be completed prior to the use or occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

4. No development shall commence until details/samples of 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 materials approved.

Reason: In the interests of visual amenity.

5. 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.

6. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

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 amenity.

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.

Plan References

670/CAM/2008/5 and 670/CAM/2008/1 received by the local planning authority 01/12/08

Reason for Decision

With the relevant contributions via S106 agreements, the proposal is not considered to have an adverse impact on amenity and complies with policies C3, H3, CF3 and H6 of the North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	2.02, 4.02. 4.04.