

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	28th January 2009
Application Number	08/02207/FUL
Site Address	23 Common Hill, Cricklade
Proposal	Erection of Two Dwellings
Applicant	Mr L Robinson
Town/Parish Council	Cricklade
Grid Ref	409164 193533
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 the erection of two detached houses on an area of garden land to the side of 23 Common Hill. The site lies within the framework boundary of the village and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Affect of the residential amenity of existing properties
- Design and scale of the development
- Impact on traffic and parking in the local area
- Drainage issues
- Public Open Space contribution

Officer Recommendation

Subject to the further comments of the Councils Engineer the applicant be invited to enter an Agreement in respect of the following matters:

- (i) Contribution to Public Open Space

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 application proposes two detached properties on the site. The site is a rather underutilised garden area set behind a low, 'gappy' hedge. The site lies below the level of the road (as does most of the land and houses on this side of the road.) with land rising beyond the framework boundary. The site has a well and a drainage ditch on it, and residents have raised some concerns relating to flooding and drainage problems in the vicinity).

Common Hill is characterised on the northern side by red brick semi detached properties which have similar (if not uniform) characteristics and appearance. However, the southern side is characterised by a mix of properties of differing styles, size and orientation including traditional cottages, bungalows and more modern additions.

Planning History		
Application number	Proposal	Decision
07/01101/out	Erection of ne dwelling and Access (outline)	Permit
08/01244/ful	Erection of 2 dwellings	refused

Consultations

Cricklade Town Council objects on the following grounds:

Flooding and water management issues have not been addressed
Development encroaches beyond the development framework boundary
Two dwellings on the site represents an overdevelopment of the site and will overshadow the neighbouring cottage
Section 106 contribution should be sought.

Wiltshire County Council Highways have no objections, subject to conditions.

The Environment Agency has made no comment (letter dated 13th November).

District Council Engineer: Comments on revised proposals awaited

Representations

6 letters of objection (six separate addresses) have been received.

Summary of key points raised:

- Inadequate room for parking which will encourage cars to park on the road which will have an adverse impact upon highway safety.
- Two dwellings is too many for the site
- Dwellings out of character
- Will overburden services and add to surface water run-off
- Drainage and flooding is an issue, the site has a piped ditch to the rear.
- Soakaways will not work
- Access onto Common Hill is dangerous

Two letters of support have been received.

Planning Considerations

Principle of development

Planning permission has been granted for a single dwelling on a slightly smaller site in 2007.

In 2008 an application for two dwellings was refused permission on the following grounds:

1. The development extends beyond the framework boundary
2. The development in terms of its design and siting is considered incongruous in this location given the distance the dwellings are located back into the site. This siting has no relation to the general form of development within the locality. The design of these units is inappropriate for this semi rural location and would detract from the character and appearance of the area. The proposed units would create a cramped form of development with large side walls abutting the side boundaries of the plot thereby detracting from the amenity of the adjacent residents in terms of loss of light, outlook and privacy. The proposed development conflicts with policy C3 of the North Wiltshire Local Plan 2011.
3. The application failed to make a contribution towards public open space.

Therefore the principle of residential development on this site has been established but a previous proposal for two dwellings (albeit on a slightly smaller site) was refused.

Concern has been raised that the development encroaches on the countryside (i.e. is not wholly within the framework boundary). The proposed houses are within the area defined by the framework boundary, although the garden areas extend beyond it, as do most of the garden areas of existing properties.

Impact on amenity

The refused application for two dwellings proposed two relatively large properties that would have effectively filled the entire width of the site when viewed from Common Hill. The design was, to say the least, poor and would have had a significant adverse impact upon the appearance of the area and the amenity of adjoining properties.

This proposal seeks to address a number of those points by proposing slightly smaller properties on a slightly larger site. The properties allow for a gap between the existing properties and between the new properties. The design is more reflective of a traditional proportions that are evident in the vicinity.

The issues that are key to making a decision on this application relates to the character of the southern side of Common Hill and whether the properties proposed reflect that character in terms of their design/appearance and the 'density'(that is can the site accommodate two properties).

In terms of the adjacent bungalow (Two Elms) the closest dwelling is located 3.0m from the boundary with Two Elms being located about 5.0m away. There are no windows facing towards Two Elms and this relationship is not felt to be unacceptable. No 23 lies at right angles to Common Hill and its 'front' elevation faces over the application site. It is only 7.0m from this front elevation to the side elevation of one of the proposed properties. However, the properties private garden space is to the rear and again this relationship is not considered unacceptable.

Highways and Access

Despite concerns from local residents WCC highways have raised no objections subject to conditions. The application proposes no garages to reduce the amount of built form on the site and to avoid the integral garage approach that appeared incongruous in the previous proposal. However, parking space is adequate and there is no reason to assume that this will encourage parking on the roadside.

Section 106 Contribution

A contribution to public open space should be secured via a legal agreement.

Drainage

Local residents have raised concerns regarding flooding of the site and the impact of additional surface

water run-off generated by the site. The Councils engineer requested additional information and revisions to the proposals which have been received. Further comments from the Councils Engineer are awaited and will be reported via the additional information pages.

A public sewer crosses the site and will be built over should the permission be granted.

Recommendation and Proposed Conditions/Informatives

Subject to the further comments of the Councils Engineer the applicant be invited to enter an Agreement in respect of the following matters:

(i) Contribution to Public Open Space

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. 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. The development hereby permitted shall not be commenced until details of the landscaping of the site, including the replanting of a hedge along the road frontage of the site, 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.

5. 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.

6. 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.

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) no 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 the amenity of the area.

8. The two entrance points shall both have a minimum width of 3m and shall be constructed 4.5m back from the carriageway edge (full extent of the highway) and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge or have a suitable radius (3m). The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

9. The gradient of the access for the first 4.5m should not exceed 1 in 15.

Reason: In the interests of highway safety.

10. Before the dwelling hereby permitted is first brought into use the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

11. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

Reason: In the interests of highway safety.

12. The area allocated for parking (two spaces per dwelling) on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

13. The access shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved by the local planning authority.

Reason: In the interests of highway safety.

14. Any entrance gates erected shall be hung to open away from the highway only and shall be set

back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety.

15. 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 have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

16. The street lighting column if in very close proximity to the access shall be relocated to a position to be agreed by the local planning authority and to be fully implemented to the satisfaction of the local planning authority. The column may need to be re-located outside the 2.4m visibility splay.

Reason: In the interests of highway safety.

Informative:

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

Site location plan (Received by the local planning authority 20/05/08)

Drawing Nos: 11588/1; 11588/2 (Received by the local planning authority 29/12/08)

Reason for Decision

The proposed dwellings are considered to have an acceptable impact on the appearance and amenity of the area and will comply with Policies C3 and H3 of the North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1:20; 2:02; 2:25; 3:04; 4:02; 4:04; 4:07; 4:08; 5:01