

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE			Report No. 8(b) 3
Date of Meeting	8 th April 2009		
Application Number	08/02698/FUL		
Site Address	Land Off Nettleton Road, Burton, Wilts. SN14 7LS		
Proposal	Erection of Seven Dwellings (Three of Which are Affordable)		
Applicant	Mr Clark and Ms Tutchter		
Town/Parish Council	Nettleton		
Grid Ref	381709 179395		
Type of application	Full application		
Case Officer	John Simmonds	01249 706643	jsimmonds@northwilts.gov.uk

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 County Councillor Jane Scott has requested that the application be considered by committee in order to consider the impact on the community and the conservation area.

1. Purpose of Report

To consider the above application and to recommend that the applicant be invited to enter an Agreement in respect of the following matters:

- (i) affordable housing

Following completion of which the Area Development Manager be authorised to GRANT Planning Permission.

2. Main Issues

The site is within the settlement boundary of Burton where residential development is acceptable in principle under policy H3 of the North Wiltshire Local Plan 2011.

The key issues are the design and layout of the houses and their relationship with adjoining houses, the suitability of the access and archaeology.

The application has been amended twice to address the first of these issues and is now considered acceptable.

3. Site Description

The site is roughly rectangular and falls from south to north towards an adjacent site where 7 houses are currently being erected following the grant of planning permission on appeal. Houses back onto the site from the west and a bungalow fronting Nettleton Road is to the north-east. Access is proposed to Church Hill on the southern boundary. A TPO'd Horse Chestnut tree is towards the south-east corner of the site and another diseased TPO'd tree previously removed needs to be replaced in the north-east corner.

A causeway of archaeological interest runs along part of the verge on the north side of Church Hill. There is a distinct drop in levels to the adjacent site to the north.

4. Planning History		
Application number	Proposal	Decision
08/00825/FUL	Seven Dwellings	Refused
	Including the adjoining site to the north	
06/00495/FUL	14 Dwellings	Disposed of
05/00474/FUL	17 Dwellings	Withdrawn
	Adjoining site to the north	
06/01286/REM	7 dwellings	Appeal allowed

5. Proposal

The proposal is for two unadopted accesses leading to a terrace of 3 houses, (affordable units) and 4 detached houses. The houses are designed in a traditional manner and with traditional materials.

6. Consultations

Nettleton Parish Council have the following comments on the original plans:

'The Council objects strongly to the application on two main counts. Firstly that the second access (over an archaeologically sensitive causeway) would be onto an already narrow lane at its narrowest point and should not be allowed. Secondly that the layout of plot positions is unattractive, with houses being planned around the edge of the site and up against the boundaries. It was felt that the line of 3 affordable houses could be positioned less obtrusively to neighbouring properties.'

No comments have been received on amended plans.

Wiltshire County Council Highways have no objections subject to conditions

County Archaeologist recommends conditions to ensure archaeological recording and investigation.

Housing Officer has the following summarised comments:

There is an identified need for affordable houses in Burton. Three units will need to be affordable plus a £26,000 contribution.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

5 letters of objection have been received on the following grounds:

- Poor bus service
- Damage to causeway
- Inadequate local services
- Traffic on Church Hill and surrounding roads – highway safety
- No details of heating
- Overshadowing by proposed tree
- Overpowering of bungalow by houses
- Overlooking, overbearing, loss of amenity
- Lack of need
- Too dense

Note: No specific responses have been received to the amended plans

8. Planning Considerations

This site and adjoining land have been the subject of a number of applications over the last few years. This latest application attempts to overcome previous objections and has been amended twice during the progress of the application to overcome outstanding issues.

Principle of development

The site is within the framework boundary where residential development is acceptable in principle subject to other policies of the local plan.

Design and Layout

The scheme will create a traditional form of development reflecting other development in the village and the current development on the adjoining land. Frontage development is a traditional form of development and is appropriate on this site.

The proposals have been amended in several respects to overcome objections.

1. The terrace of 3 dwellings has been moved further away from the rear of the house in Church Hill and the internal layout of the units has been rearranged to reduce potential impact from overlooking or proximity.
2. Detailed sections and levels have been submitted to demonstrate that the relationship between existing and proposed dwellings will be acceptable.
3. Access arrangements have been amended to avoid damage to the TPO'd tree
4. The proposed new tree has been resited and the adjacent dwellings resited to avoid overshadowing or overlooking of the existing bungalow.

As a result of these amendments the design and layout of the scheme is considered to adequately address the relationship with adjoining dwellings and to create a development appropriate to the site and its surroundings.

Access

It is proposed to create to private dwellings onto the upper part of Church Hill serving 3 and 4 units respectively. Highways are satisfied that the proposed accesses and surrounding road network can safely accommodate the traffic from this development. There are no feasible alternative points of access.

Archaeology

The remains of a causeway runs along part of the verge to the north of Church Hill.

This causeway has no statutory or other formal protection. The gap previously made through the causeway to provide access to the contractor's yard for the adjoining site was carried out lawfully. Whilst it is regrettable that part of the causeway has been lost this is not relevant to consideration of this application. The County Archaeologist has not objected and recommends conditions to ensuring recording of finds.

9. Conclusion

This proposal has overcome previous objections in relation to the development of this site and will create an attractive development which will protect the amenities of neighbouring development. The proposal complies with policies H3, C3, HE8, H6 and NE14 of the North Wiltshire Local Plan 2011.

10. Recommendation and Proposed Conditions/Informatives

The applicant be invited to enter an agreement in respect of the provision of affordable housing following completion of which the Area Development Manager be authorised to GRANT conditional permission subject to conditions to include the following:

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. 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.

4. No development shall commence and no equipment, machinery or materials shall be brought onto the site for the purposes of the development, until details of fencing to be erected for the protection of retained trees/hedges/shrubs have been submitted to and approved in writing by the local planning authority.

Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

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. 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) the means of surface water disposal;
- (4) the means of foul sewage disposal;
- (5) fuel storage containers.

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

Items 1 to 5 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

9. No excavation shall take place in the no dig zone indicated on the approved plans without the prior written approval of the local planning authority.

Reason: In the interests of tree protection.

10. 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.

11. The area allocated for parking 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 highway safety.

12. Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the local planning authority.

Reason: In the interests of highway safety.

13. Before the accesses hereby permitted are first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of each access and points on the carriageway edge 25m from and on both sides of the centre line of each access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

14. No development shall take place until the applicants, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that appropriate archaeological measures are taken in relation to the proposed development.

15. A specialist archaeological contractor, acceptable to the local planning authority, shall be employed by the developer/applicant and be present on site at all times during and works of earth moving and trenching and shall record any archaeological features and finds.

A report of the results shall be deposited with the Wiltshire County Archaeological Officer for inclusion within the County Sites and Monuments Record and with Planning Services at North Wiltshire District Council within 18 months of the completion of the archaeological investigation.

Reason: To record any features of architectural/historic/archaeological interests which might be exposed during the course of works.

Reason for Decision

The proposal is suitably designed for this site and complies with policies H3, HE8, C3, H6 and NE14 of the North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.07; 4.02; 4.03; 4.04; 4.07