

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	23 October 2013
Application Number	13/02605/FUL
Site Address	The Kingfisher Hungerdown Lane Chippenham SN14 0JL
Proposal	Erection of 3 x 3 Bed 3 Storey Detached Dwellings with Associated Parking and Reorganisation of Parking Spaces in Pub Car Park
Applicant	Mr Lloyd Stephens
Town/Parish Council	CHIPPENHAM
Grid Ref	390486 173764
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

To consider the impact of the development on the character and appearance of the area and the impact of the development on parking within the immediate area.

1. Purpose of Report

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

Chippenham Town Council has objected to the application. Numerous letters of objection and no letters of support were received from neighbouring properties.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area and immediate street scene
- Impact on the privacy and amenity of existing neighbours
- Highway safety & onsite/offsite parking provision

The application has generated an objection from Chippenham Town Council and 16 letters of objection from local residents.

3. Site Description

The application site relates to part of The Kingfisher Public House car park which is located within a predominantly residential area of Chippenham. The pub is a two storey building constructed mainly of brick, the application does not propose any alterations to this building. The site sits within a prominent location elevated above Hungerdown Lane and also fronts onto Barons Mead. This neighbourhood of Chippenham is characterised by semi detached and terraced properties constructed in the 1960s and 70's.

4. Planning History

No relevant planning history

5. The Proposal

The application seeks planning permission for the construction of three x three bed dwellings. Each dwelling will have a private rear garden, open front garden and two off street parking spaces which will be accessed off Barons Mead. As the proposed dwellings are to be constructed on land currently used for customer parking the scheme also seeks permission to reconfigure the existing public house car park. The proposal will see the reduction of patron parking from approximately 24 spaces to 17. The scheme also includes a cycle storage area.

6. Planning Policy

North Wiltshire Local Plan: policies C3, HE1, HE4, NE4 & H8

Central Government Planning Policy: National Planning Policy Framework

7. Consultations

Chippenham Town Council

The Town Council recommends refusal on the grounds of the design, bulk and height of the buildings, and the adverse impact the loss of car parking spaces on the surrounding residential streets at times of peak demand.

Highways

Based on the details provided and subject to those plans being conditioned I am happy to offer no highway objection.

Public Open Space

The proposed development will require an offsite public open space contribution of £17460.35p. This should be secured through a s106 agreement.

8. Publicity

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

A total of 18 letters of objection have been received. The objections relate to the original and amended plans.

Summary of key relevant points raised;

- Decrease in parking spaces
- Displacement of parking onto residential street
- Noise from people picking up their cars

- Proposed dwellings located on elevated position
- No 2.5/3 storey dwellings in the area
- Design is out of keeping with the area
- Loss of sunlight and daylight to adjoining residential properties
- Loss of privacy to adjoining properties
- Proposed dwelling will have an overbearing impact on immediate neighbours
- Density of development too high
- Noise from construction workers

9. Planning Considerations

Principle of development

The original plans were amended to overcome concerns raised by officers. These amended plans saw the removal of the accommodation within the roof, dormer window and a reduction in the building's ridge height. The amended plans also saw the introduction of attached garages with accommodation above. These changes are considered acceptable and in accordance with both local and national planning policies.

The site is situated within the urban area of Chippenham wherein the principle of the redevelopment of previously developed land for residential accommodation is acceptable.

The proposal is for the construction of three x three bed attached dwellings within a section of the existing pub car park. As such, any new residential development must be considered against Policies C3 (Development Control Policy), T3 (Parking) and H3 (Residential Development Within Framework Boundaries) of the adopted North Wiltshire Local Plan 2011 and Sections 1, 6 & 7 of the NPPF. These policies and guidance allow for residential development in principle.

Impact on the character and appearance of the property and street scene

The design of the new houses is considered to be appropriate. The proposed dwellings are of simple proportions with a rectangular footprint and a traditional roof form. However, it also has sufficient detailing to add interest to the design. In particular the lintel and sill details and the staggered roof form between the individual properties complements the overall design. It is considered that the design and appearance of the properties creates an attractive frontage that relates well with the street scene. As such the proposed design is considered to meet the requirements of Policy CS3 of the North Wilts Local Plan and the NPPF.

The immediate area consists of a mix of detached, semi detached and terraced housing from the 60's and 70's. The predominant housing type appears to be two-storey terraced and semi detached housing. All units within the immediate area directly front the road behind open front gardens with or without off-street parking provision. The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being intensified.

The proposal has adopted a two storey design and terraced form that is not out of keeping with the area. The utilisation of the roof space above the garage rather than an additional storey has been adopted, when viewed from street level the building appears to be a similar height to the properties within the immediate street. It is also important to note that alterations have been made to the proposed development to overcome previous concerns raised by the case officer, and local residents. The units would positively front onto the adjoining road replicating a formal build line which is a consistent feature within the immediate area.

Overall, the proposal is considered to complement the existing 'traditional' character of the area. The proposed units are of an acceptable design to the surrounding context and it would be difficult to justify and substantiate a refusal on architectural grounds. However, the proposal contains limited information relating to the proposed hard and soft landscaping scheme and materials to be

used in the development; including bricks and tiles. It is therefore necessary to require these details by way of condition. Ensuring that appropriate plants are selected and planted in their optimal growing location, outdoor living spaces are functional and aesthetically pleasing, and appropriate materials are used for buildings, driveways etc is essential to any high quality development. It is therefore deemed reasonable and necessary to condition these details to be submitted and approved prior to the commencement of development.

Garden Size

The gardens of the proposed dwellings are smaller than the majority of gardens within the street scene. When considering the size of gardens required for new properties, local and national policies indicate that a range of garden sizes should be provided to cater for different needs and interests. Bearing in mind the size of the proposed dwellings it is considered that the outdoor space provided satisfies this. The amenity space provided would allow for some outdoor amenity space, sitting out, bin storage and the hanging out of washing. However, to ensure that adequate amenity space is retained it is deemed necessary to remove permitted development rights for rear extensions and outbuildings to the proposed properties. This will allow the Council to control any future extensions and ensure that adequate amenity space is retained.

Density

As set out above- The property is located within an established residential area. The density of development within the immediate area is about 35 dwellings per hectare and the proposed scheme, when taken in isolation will be approximately 61 dwellings per hectare. It would appear that the density of the proposed development is far greater than the existing character, however, the development must be considered in the context of the area.

Including the proposed development in the cumulative density of the area will result in no significant change to its overall density. Furthermore, the density of numbers 22-24 Lords Mead is 58 dwellings per ha and the density of 18-20 Lords Mead is 65 dwellings per ha. Taking into consideration the varying densities within the street scene it is considered that the proposed density is acceptable and not detrimental to the character of the area.

Impact on the privacy and amenity of existing neighbours

As acknowledged above, there have been numerous objections to the scheme relating to loss of sunlight, daylight, privacy and overbearing impact. As a result of initial concerns raised by officers and objections by local residents the accommodation and dormer window at second floor level was removed. It is considered that the removal of this accommodation has overcome the privacy and perceived overlooking concerns. It is considered that the privacy implications arising from the proposed development are now no worse than the overlooking already experienced from existing properties within the street scene.

Having taken into consideration the size, design, scale and the location of the proposed dwellings in relation to existing residential properties within the street scene it is considered that the development will not result in any significant loss of sunlight or daylight to properties. Indeed, the proposed dwellings are located to the North of the nearest residential units, it is therefore unlikely to block any significant volume of direct sunlight to the nearest residential properties.

An objection has also been received in relation to noise disturbance during construction of the development. If permission is granted for development there must be an expectation that an element of noise disturbance will occur. However, legislation outside of the planning system would adequately control noise on site and the hours that work on site can take place. It would be difficult to sustain a reason for refusal based on noise disturbance.

Highways and Parking

The concerns raised by local residents in relation to the proposed parking arrangements at the pub are noted. However, planning applications must be determined in accordance with both local and national planning policies. Policy T3 of the local plan relates to parking provision on site and requires applications to provide levels of car, cycle and disabled parking in accordance with the

Countywide standards.

The Countywide standard sets out maximum levels of parking required for each type of development. The public house would require a maximum of 30 spaces. It is accepted that a reduction in the level of parking on site may lead to an increase in on street parking and associated problems. However, with the site being in close proximity to an established housing estate, public transport links and the provision of cycle storage facilities the level of parking is considered acceptable.

RECOMMENDATION

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement; and 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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) all hard and soft surfacing materials, including refuse and other storage units.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any dwelling forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy of adjoining properties.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

1002- Site Plan (Proposed Arrangement) Revision D
3000- Plan (Ground Floor) Revision C
3001- Plan (First Floor & Roof Plan) Revision E
5000- Elevations (Front Elevations) Revision C
5001- Elevations (Rear Elevations) Revision C
5002- Elevations (Side Elevations) Revision B

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

- 1 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 2 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 3 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

