

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	14/05122/FUL
Site Address	The Kingfisher Hungerdown Lane Chippenham Wiltshire SN14 0JL
Proposal	Erection of 3 Residential Dwellings (Resubmission of 13/02605/FUL)
Applicant	Wadworth & Co Ltd
Town/Parish Council	CHIPPENHAM
Ward	CHIPPENHAM CEPEN PARK AND DERRIADS
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.

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 1 letter 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

13/02605/FUL Erection of 3 x 3 Bed 3 Storey Detached Dwellings with Associated Parking and Reorganisation of Parking Spaces in Pub Car Park (Refused)

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, small, 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 to 20 spaces.

6. Planning Policy

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

Central Government Planning Policy: National Planning Policy Framework & Planning Practice Guidance

7. Consultations

Chippenham Town Council- Recommend refusal. The proposed site is at a raised level from Hungerdown Lane and the proposed development would have a detrimental effect on the street scene which should be preserved. There would be over development of the site due to density and massing and would have an impact on the existing local community by removing car parking spaces for the licensed premises.

Highways- The parking arrangement has been changed from the previous application (which raised no highway objection).

I am willing to accept vehicles reversing at this location and note that for the proposed dwellings the parking has been changed to tandem parking (rather than end on) which is beneficial.

Amended plans have been submitted overcoming my previous concerns relating to visibility. I offer no highway objection.

Public Open Space- This development generates a need for £17,460 in offsite Open Space Contribution to be used to upgrade facilities at Little Battens Recreation Ground.

Wiltshire Fire and Rescue- Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice of this Authority on the location of fire hydrants.

8. Publicity

The application was advertised by site notice and neighbour consultation.

The original planning application generated a total of 16 letters of objection, the revised planning application has generated 1 letter of objection.

Summary of points raised;

- Design is out of keeping with the area
- Loss of privacy into the rear gardens of adjoining properties
- The development will cause extreme disruption and noise
- Decrease in parking spaces within the pub
- Displacement of parking onto residential street
- Restricted access for larger vehicles such as rubbish trucks & ambulances
- There are better locations around Chippenham for housing

9. Planning Considerations

Principle of development

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), 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.

Previously refused application

The planning application under consideration is a resubmission of a previously refused application. The planning application proposed the construction of three dwellings and was refused at committee for the following reasons:

Policy C3(i) of the North Wiltshire Local Plan 2011 states that new development should respect the local character and distinctiveness of the area. It is considered that the proposed development, by reason of its siting, scale, mass, design, and density would represent an overdevelopment of the site, to the detriment of the character and appearance of the local area. Furthermore, the design of the proposed development and its relationship with Hungerdown Lane is out of keeping with the character and appearance of the street scene to the detriment of the area. As such the proposal fails to accord with Policy C3 (i) of the adopted North Wiltshire Local Plan 2011 and section 7 of the NPPF.

The revised application still seeks permission for three dwellings and alterations to parking for the existing public house.

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

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. At the request of members the orientation of the development has been altered and dwellings now front Hungerdown Lane.

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 but have sufficient detailing to add interest to their design. In particular the lintel and sill details and the rotation of unit 3 90 degrees are considered to complement 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 C3 of the North Wilts Local Plan and the NPPF.

Furthermore, 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, terraced form that is not out of keeping with the immediate area. When viewed from Hungerdown lane and Barons Mead the dwellings appear to be a similar height to the properties within the immediate street. It is accepted that bungalows are located towards the southern edge of the site, it is considered that the proposed two storey dwellings are sympathetic to the setting of these properties and in no way detrimental to the character of the 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 proper 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 gardens of existing properties 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. Furthermore, it is important to note that local and national planning policies do not stipulate minimum standards for outdoor amenity space.

Bearing in mind the size of the proposed dwellings it is considered that the outdoor space provided satisfies the above. 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. This will allow the Council to control any future extensions and ensure that adequate amenity space is retained.

Density

As set out above- The properties are 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

Neighbours and members of the development control committee raised concerns relating to loss of sunlight, daylight, privacy and its overbearing nature. As a result of concerns raised at committee the property no longer fronts Barons Mead and now fronts Hungerdown Lane. It is considered that the proposed layout will not result in any loss of sunlight, daylight, privacy or perceived overlooking for local residents. It is considered that the privacy implications arising from the proposed development are 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.

The previous planning application generated objections 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 and working hours within the site. 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. 'Wiltshire Local Transport Plan 2011- 2026 Car Parking Strategy' sets out the Council's approach to parking provision.

Assessing the proposed parking provision against the local transport plan concludes that the public house would require a maximum of 30 parking spaces. It is accepted that there is a slight reduction in the level of parking on site and this may lead to an increase in on street parking at peak times. However, with the site being in close proximity to an established housing estate and public transport links the level of parking is considered acceptable.

At the request of the highways officer, parking and landscaping within the site has been altered to ensure that cars exiting and entering the public house and residential properties can do so safely. These alterations result in the Public house having a total of 21 parking spaces. No objection to the proposed parking is raised as the proposal meets the Council's parking standards.

10. Conclusion

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 considered to accord with Policies C3 (Development Control Policy), 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.

The development will have no significant adverse impact on the amenity of the area or amenity of local residents. It is therefore concluded that the application should be granted permission in accordance with the recommendation below.

RECOMMENDATION

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement with the following heads of terms:

- £17,460 in offsite Open Space Contribution to be used to upgrade facilities at Little Battens Recreation Ground

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.
- d) means of enclosure

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 any dwelling 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, 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 building 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.

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

Drg No: 1011 Revision E
Drg No: 3010 Revision C
Drg No: 3011 Revision B
Drg No: 5010 Revision B
Drg No: 5011 Revision B
Drg No: 5012 Revision B

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

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size,

depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.