

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	10th October 2007
Application Number	07/01986/FUL and 07/01987/LBC
Site Address	54 Gloucester Street, Malmesbury, Wilts
Proposal	Erection of Dwelling in Garden of 54 Gloucester Street and re-instatement of Pedestrian Access and Alterations to Boundary Walls
Applicant	Mr & Mrs Stevens
Town/Parish Council	Malmesbury
Grid Ref	393202 187316
Type of application	Full application and Listed Building Consent

Reason for the applications being considered by Committee

These applications have 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

Planning Application

This application proposes the erection of a single detached house within the garden of number 54 Gloucester Street. The site lies within the framework boundary of the town and therefore the key points to consider are as follows:

- Principle of development
- Implications on DC Core Policy C3 Conservation and Listed Building Policies HE1 and HE2 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
- Density of development
- Impact on the Conservation Area
- Archaeology
- Drainage land stability and infrastructure
- POS and Education

Listed Building Consent Application

This application is for Listed Building Consent to reopen a previous pedestrian access from the site onto Burnivale; and alterations to boundaries, including removal of dwarf boundary walls within the site, which are curtilage-listed.

Key points to consider are:

- Implications on policies HE1 and HE2
- Impact on the Malmesbury Conservation Area
- Impact on adjacent Listed Buildings

Officer Recommendation

Planning Permission be GRANTED subject to the conditions

Listed Building Consent be GRANTED subject to conditions

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Proposal and Site Description

Planning Application no. 07/01986/FUL

The original proposal submitted was for a single residential unit sitting on the slope to the West of no. 54. The height of the dwelling is 8m but due to the levels on the site the dwelling was shown to sit 1.7m above the ridgeline of no. 10. However following negotiations with the applicants the scheme has been amended and the building has been set down into the site so that it is now 0.7m higher than no. 10.

Listed Building Application no. 07/01987/LBC

This application is for Listed Building Consent to reopen a previous pedestrian access from the site onto Burnivale; and alterations to boundaries, including removal of dwarf boundary walls within the site, which are curtilage-listed.

The site has an area of approx. 222m². The area surrounding the site forms part of the Malmesbury Conservation Area. To the North East of the site are the Old Bell Public House and the Abbey. To the South East of the site is a terrace of properties, many of which are listed. To the immediate North West of the site is a flight of steps which links Gloucester Street to Burnivale. Burnivale is characterised by predominantly residential properties, many of a cottage style. Burnivale is a relatively narrow road having residential properties, to the South West side and the North East side its characterised by many retaining walls of which the majority are natural stone.

Planning History - NONE

Consultations

Planning Application 07/01986/FUL

Malmesbury Town Council objects on the following grounds:

The scheme fails to comply with Policies C3 and HE1 of the Local Plan 2011.

The County Archaeologist has commented that a watching brief will be required in respect of any development to take place on this site.

Malmesbury Civic Society Objected to the proposal for the following reasons:

Views from the steps would be lost.

The CA appraisal endorsed this view.

The building is too tall

Materials should be slate on the roof reduced glazing panes on South Elevation.

Archaeological study required.

Malmesbury River Trust objection:

Contrary to Local Plan Policy HE1

Detract from the Conservation Area.

Loss of open space.

Traffic and access problems

Unnecessary development.

Detrimental impact on the valley and the environment

Previous applications on the site have been refused.

Wiltshire County Council Highways object on the following grounds:

Pre application discussions included the erection of a garage and a pull in area was created. This proposal does not provide any parking and therefore this application should be refused for this reason and the possible impact additional traffic may have on the safety of other road users.

The Environment Agency has no objections.

Representations

Planning Application 07/01986/FUL

38 letters of objection were received in respect of this application. Summary of key points raised

- Not in keeping with the Conservation Area.
- The building is too tall obstructing views both into and out of the Conservation Area i.e. from seating area above also Jubilee Gardens and beyond.
- Unacceptable impact on no. 10
- Inadequate access for residents services
- Traffic and parking issues
- Doesn't contribute to Housing need in the area.
- Not a sustainable form of development.
- Loss of light privacy and amenity to adjacent residents
- Impact on public services drainage and infrastructure
- Loss of open space
- Impact on land stability
- Set a precedent previous dwellings demolished in 1950s
- Access and location of no.10 incorrectly shown
- Contrary to policies HE11 HE1
- Levels appear wrong/misleading.
- Other applications refused.

25 letters of support were received in respect of this application. Reasons for support are as follows:

- The dwelling is well designed
- The building fits in well within the Conservation Area.
- Building within the Town and not on green field sites should be encouraged.
- Provides suitable accommodation for this town Centre location.
- Residents were given
- Many residents have objected to the proposal on the basis of misleading information, which was circulated by a third party.

2 letters purely of comment were received.

Listed Building Consent Application- 07/1987/LBC

No comments have been received regarding the effect of alterations to the character and appearance of the curtilage-listed walls.

Planning Considerations

Principle of development

In principle there is no policy objection to this site within the settlement boundary being developed for residential purposes. There are mainly traditional buildings around this site including no.54 Gloucester Street, which is grade II listed. The site is within the heart of the Malmesbury Conservation Area.

Accuracy of drawings

Two objectors raised concerns in respect of the accuracy of the drawings. The agent has confirmed that the site has been properly surveyed and all drawings are accurate. One supporter commented that interpreted information was shown to many residents and this information was not in line with the plans submitted, therefore it may have appeared to some objectors that there was a discrepancy between the information they saw. Your officers have no reason to question the accuracy of the plans as submitted. It is recognised that the agent has produced detailed sections through the site in order to accurately

portray the details of this scheme to officers, members and interested parties.

Density of the scheme.

The scheme for 1 unit on this site which has an area of 222m² is low density. In this instance its location within the Conservation Area, proximity to Listed Buildings and the topography of the site produce unusual circumstances which render this low development density acceptable. The density for development as set out in PPG3 is between 30-50 units per hectare.

Therefore, in the light of the specific characteristics of this site it is not considered that this scheme would warrant refusal on the basis of underdevelopment of this land.

Impact on the Malmesbury Conservation Area.

It is not felt that the proposal will detract from the character and appearance of the conservation area, or detract from the setting of the adjacent Grade II listed dwellings.

This site due to the topography of the area must be assessed in terms of its impact as seen both from within the Conservation Area and as seen from outside the conservation area.

Loss of open space

No. 54 has a large garden plot associated with it due to the fact that the plot used to have 3 no dwellings on it. Old plans and photographs show a terrace of cottages two storeys high with loft rooms. These appear to have been a similar size to the building currently proposed which has been designed to traditional dimensions, and is located in the approximate location of the terrace.

The removal of these units created a gap site within the Conservation Area and this has allowed views out from the Conservation Area out to the South. As viewed from outside the Conservation Area this garden forms a gap site, which is somewhat unusual. The general appearance of this slope, is one of development, tiered up the hillside as you look towards Abbey Row. It is not considered that the space that exists as a result of the demolition of this row of cottages results in the creation of space which is an intrinsic part of this Conservation Area. The proposed dwelling has a traditional appearance; and looking from the river it will read as part of the pattern of development already established on the hillside.

Whilst the proposed dwelling will have an impact on views from Gloucester Street the steepness of the site means that views of the river valley will still be obtained (particularly from within the public garden area). The reduction of the height of this building by a further 1m has resulted in the development's roof protruding only 2.0m above the existing wall – alongside the steps (measurement taken at Step 32) and therefore the impact or obstruction of the view as seen by pedestrians at the top of the slope is limited.

The view into the Conservation Area is improved by this development due to the reintroduction of well designed unit in a gap site, which at present is not the norm on this slope.

The impact that this dwelling will have on the street scene from Burnivale is that it will be visible in part at the top of the retaining wall. The sense of enclosure that the retaining walls create along Burnivale is considered to be an important character of the Conservation Area. The loss of this sense of enclosure would be seen to detract from the Character and Appearance of the Conservation area.

The new dwelling will sit back some 5.5m from the road frontage and therefore it is not considered that the unit will have an overbearing impact on the street scene itself or the amenity of the residential properties situated on the other side of this narrow road.

Impact on the amenity of neighbours

There are windows in the side elevations of this dwelling. On the West elevation there is a ground floor lounge window. The first floor secondary bedroom window has been deleted and therefore it is not considered that the dwellings to the West would suffer a loss of privacy as a result of this development. On the east elevation there is a kitchen window at ground floor level and a bathroom and secondary bedroom window at first floor level. Due to the topography of the site it is not considered that the adjacent property and garden would suffer a loss of privacy that would warrant refusal of this application as the windows would be at approximately ground level.

The new dwelling will sit on the East side of no. 10 but given the existing positioning of boundary walls and the fact that the new dwelling will be set down from no. 10 it is not considered that the loss of light to this property would be such that refusal of the application would be justified.

Impact on the adjacent Listed Buildings

The design mass and bulk of this proposed dwelling are considered acceptable for this Conservation Area location. The new dwelling will sit in the approximately the same location as the old cottages and therefore the dwelling reinstates a historic relationship between the adjacent Listed buildings and a built form. It is not considered that this development would detract from the setting of the adjacent Listed Buildings in particular no. 54 Gloucester Street.

Design of the proposal

The scheme proposes a modest two/three bedroomed unit. The scale and design of the building has been carefully considered and reflects the mass and bulk of many of the houses in the vicinity. The site is quite large having previously accommodated 3 no units. Old photographs and plans indicate that these units were located in a similar position to the building now proposed.

The detailing of the development is considered sympathetic and in keeping with the character and appearance of the context in which it will be located. The fenestration of the building and the treatments of the elevations all reflect the traditional detailing of buildings within the immediate locality.

The general design of the building in terms of indicated materials used and boundary treatments are considered sympathetic and in keeping with the character of this locality. However it would be considered appropriate for a condition to be added which ensures the details of these matters are approved prior to the commencement of development. The dwelling is considered to be well designed and detailed and therefore, appropriates for this locality thereby complying with the relevant parts of policies C3 and H3 of the Local Plan 2011.

Highways and Access

The scheme has been assessed by County Highways who are of the opinion that the scheme is unacceptable due to the lack of provision of any parking.

Due to the topography of the site the provision of any associated parking would have to be accessed from Burnivale. The provision of such parking would necessitate the removal of some of the existing retaining wall. As stated, the retaining walls along Burnivale and the sense of enclosure that they create is seen as an important element in terms of their contribution to the character and appearance of the CA. Therefore in principle the loss of any of this walling would be seen to have a detrimental impact on the Conservation Area.

Parking

The omission of any parking associated with this dwelling is in line with the district council's maximum standards as stipulated within the Local Plan 2011.

Given the locality of this site to the Town Centre and the amenities it offers there is no justification to refuse this application on the basis that car parking has not been provided. It is recognised WCC have recommended refusal of this application due to the lack of any parking provision. In this instance

consideration has been given to the importance of retaining the character of the Conservation Area and in this instance the retaining wall and the sense of enclosure it creates against the possibility of providing parking spaces. On balance, and in line with the Council's policies, it is considered that the lack of parking should not render this application unacceptable.

Sustainability

The site is within the framework boundary of Malmesbury and therefore residents will have ready access to the services this town provides, this scheme is considered to be sited within a sustainable location.

Drainage

The mains drainage within the Locality is combined and is recognised to be potentially under stress. Therefore it is considered acceptable for a condition to be attached which requires details of a surface water attenuation scheme to be submitted.

It is also considered appropriate for an informative in respect of drainage to be added to any permission granted.

Land stability

This site is located on a steep slope and therefore it would be appropriate for a condition to be attached to any permission granted which requires a stability report to be submitted in respect of development on this land.

Archaeology

A condition should be attached to any permission approved to ensure a watching brief is carried out during the construction period.

Affordable Housing

A scheme of this scale within Malmesbury framework boundary is not required to provide a level of affordable housing, in line with Policy H5 of the Local Plan 2011.

Public Open Space

A scheme of this nature would be required to pay a commuted sum of £6130.37p towards the provision of Public Open Space it is considered acceptable for a suitably worded condition to be attached to any permission granted.

Education

The level of educational contribution to be paid is still in discussion and will be reported to Committee members at the Committee meeting.

Information submitted by the applicants in support of their application.

The applicants have submitted supporting evidence to try to indicate their commitment to minimising the stresses and concerns that residents may have in respect of their development particularly during the construction period.

Historic Information Copies of plans from both 1900 and 1921 have been provided which clearly show the footprint of the terrace of 3 no. cottages.

Ariel photos taken 1948 shows terrace of cottages and give an indication of their mass and bulk. Also photos from 1952 show the terrace of cottages.

Information provided in respect of the levels of car parking in the area.

The applicant has surveyed the area and has concluded that at present there is in excess of 2 spaces per unit in the locality. This is a crude measure and recognises that not all residents will have access to a parking space but does show that for such an area the availability of off street parking is higher than may be expected.

Recommendation and Proposed Conditions/Informatives

Planning Application number 07/01986/FUL

Planning Permission be GRANTED 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 the development is implemented in accordance with this decision in the interests of public amenity.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be 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.

4. Prior to the commencement of the development hereby permitted, a sample panel of the external stonework shall be made available on site to be inspected and approved in writing by the local planning authority. The development shall not commence until such approval has been given in writing. The external stonework shall be in accordance with the approved plans and shall match the approved sample in respect of type, colour, size and bedding of the stone, type of pointing and mortar mix.

Reason: In the interests of visual amenity.

5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and/or re-enacting that Order) there shall be no extensions and or alterations to these premises without planning consent from the Local Planning Authority.

Reason: Extensions and/or alterations to these properties would require the detailed consideration of the Local Planning Authority.

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.

7. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be 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.

8. Prior to the commencement of the development hereby permitted, details of all new external joinery shall be 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.

9. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be 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;
- (7) large-scale details of eaves and verge (1:5 section);
- (8) full details of external decoration;
- (9) Pedestrian access to Burnivale.

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

Items 1 to 9 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

10. Prior to the commencement of the development hereby approved a land stability report shall be submitted to and approved by the local planning authority. Thereafter the development shall be carried out strictly in accordance with the recommendations made in the report.

Reason: In the interests of ensuring stability of the site.

11. Prior to the commencement of the development hereby approved a surface water attenuation/disposal scheme shall be submitted to and approved by the Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of ensuring the site is adequately drained.

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

1177/06/03/08/04/05/01/02/07/09/10 all received by the local planning authority 20/07/07
Design and access statement.

Listed Building Application number 07/01987LBC

Listed Building Consent be GRANTED subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Prior to the commencement of the works the subject of this consent, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

1. Large scale details of proposed gate (1:10 elevation, 1:2 section) ;
2. Full details of proposed steps and associated walls; and of fences and any other means of enclosure

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

Items 1 and 2 shall be completed prior to the use or occupation of the works.

Reason: In the interests of the listed building.

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

1177/01, 04 and 11, all received by the local planning authority on 28.7.2007

Reason for Decision

This is considered to be a suitable form of development in terms of its mass scale and design. The proposal is seen to contribute positively to the character and appearance of the Malmesbury Conservation Area and thereby complies with policies H3 HE1 HE2 C3 of the Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 2.04, 2.07, 2.25, 4.02, 4.04, 4.05, 4.07, 5.02