CASE OFFICER'S REPORT

Application Reference:	PL/2023/07515
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	05 October 2023
Case officer:	Ruaridh O'Donoghue

Site Address:	1 & 2 Cross Roads, London Road, Devizes, SN10 2HB
Proposal:	Two proposed dwellings
Recommendation:	Approve with Conditions

SITE DESCRIPTION AND CONSTRAINTS

The site is located within the Limits of Development of Devizes. The plot occupies a backland location that sits behind a small row of properties that are accessed via Cross Roads which branches off the A361 at the Horton Rd/London Rd Roundabout. The site sits within a small enclave of housing that is largely surrounded by the Hopton Park Industrial Estate. Eisting gardens and housing lie to the east, south and west of the site with a Fire Training Centre for Wiltshire Fire and Rescue to the north.

PROPOSAL

The application proposes the erection of a pair of semi-detached 3-bed dwellings. The proposal is exactly the same as that submitted under reference 20/06530/FUL. The purpose of this application is to seek a further 3 years in which to implement the planning permission. The scheme proposes the following:

The dwellings will have a footprint of approximately 55m2 each with a ridge height of 7.5m. They are to be constructed out of facing brickwork and concrete interlocking tiles. Each dwelling is to be served by 3 parking spaces accessed on a private road that junctions with the London Road. They will both have rear private amenity spaces in excess of 80m2.

POLICIES

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 12 – Devizes Community Area Strategy
- CP 50 - Biodiversity and geodiversity
- CP 51 – Landscape
- CP 57 – Ensuring High-Quality Design and Place Shaping
- CP 61 - Transport and new development
- CP 64 - Demand management
- CP 67 - Flood Risk

National Planning Policy Framework (NPPF)

Devizes Neighbourhood Plan

Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

MAIN ISSUES

- Principle of the development
- Design
- Visual impact
- Residential amenity
- Highways safety / parking

RELEVANT PLANNING HISTORY

- 20/06530/FUL **-** The erection of a pair of semi-detached 3-bed dwellings - Approved with conditions.

CONSULTEE COMMENTS

Wiltshire Council Highways

I am happy to offer no highway objection subject to the parking being provided as per the submitted information.

Wiltshire Council Archaeology

There are no archaeological issues that I would wish to raise in this instance.

Devizes Town Council

Devizes Town Council has no objection to this application

REPRESENTATIONS

The application was advertised by way of neighbour notification letters. No comments were received as part of this consultation exercise.

ASSESSMENT

This is a resubmission of a previously approved scheme. It is therefore only necessary to assess whether there has been any material change in circumstances since this application was approved that would now make this development unacceptable. The previous permission is a significant material consideration and one that has only just recently lapsed.

Principle of Development

The scheme still accords with the policies of the WCS and Devizes NP in so far as the principle is concerned. For reference purposes, the following was noted on the previous application.

The site lies within the Limits of Development of Devizes where under CP 1 and 2, development of this scale is acceptable in principle subject to conformity with other relevant policies of the development plan.

There are no policies in the Devizes Neighbourhood Plan that would preclude, in principle, this form of development from taking place.

Design / Visual Impact

Regarding the design of the scheme, this remains as per the previous proposal. As design and landscape policies in the WCS remain the same as when assessed in 2020, the scheme is still considered acceptable in that regard. For reference purposes, the following was noted on the previous application.

The site is considered large enough to accommodate 2 no. dwellings of this size and form. Contrary to the Parish Council's concerns, it is not considered to be an overdevelopment of the site. Each of the new properties is of sufficient size to meet with national technical standards and has sufficient amenity space and more than adequate parking. This is all achieved whilst ensuring the existing properties retain adequate private space and satisfactory separation distances between them and the new builds. With these points in mind, it would be difficult for the LPA to argue that this is an overdevelopment of the site.

Furthermore, it is noted this is a reduction in units from the 3 at pre-app to 2 which has been a result of officers concerns with 3 dwellings on the site – this was considered too much. At the time, reference was made to the 2 dwellings (No.'s 7 and 8) to the rear of No.'s 3, 4 and 5 Crossroads as an example of a more acceptable level of development. The current proposal is more in line with this form of development. In addition to this, No.'s 7 and 8 are clear examples of development that has taken place to the rear of the properties fronting the London Road. Although a form of backland development, it is made acceptable by the fact that they properties face onto the private road. The same relationship will occur with these dwellings thus removing and concerns over backland development.

The dwellings themselves take reference from No.'s 1 and 2 Crossroads and the other properties in the area; this includes materials, scale, height, form and fenestration. As such, they will not sit out of character with the area and will blend in to the existing streetscene. As stated above, they meet minimum technical standards for the size of 3-bed dwellings and have sufficient amenity space and parking. Accordingly, the design of the dwellings is considered to be in broad accordance with the requirements of Core Policy 57 of the WCS (points on neighbour amenity under this policy are to be covered separately).

As the sites sits within the built-up area of Devizes, there will be no wider visual impacts associated within this small development such that considerations under Core Policy 51 of the WCS would be breached. In terms of general views and visual amenity that are likely to be impacted upon by this development, this is not considered harmful in light of the acceptability of the design and the fact that it will fit into the character of the streetscene.

Highways Safety / Parking

The LHA are happy to stick with their previous response to the application and therefore have no objections to the current proposal. For reference purposes, the following was noted on the previous application.

The site contains more than the minimum standards for parking i.e. 3 spaces whereas policy requirement is for 2. Whilst no turning space is provided and thus vehicles could be reversing onto or off the road, this is a private no through-road and is therefore, not heavily trafficked and ultimately on which the LHA does not have control over. Such movements would not be considered to cause detrimental harm to the safety of users of this road. Furthermore, given the conditions of the road and the proximity to the junction, vehicles will not be travelling at speed along this small stretch of road and there is good visibility.

The increase in vehicles using the road caused by 2 extra dwellings will not be of detriment to the safety of this private road and the surrounding road network can cater safely for this additional traffic volume. The LHA have confirmed that the junction onto the roundabout can accommodate the likely vehicle movements of this development.

Parking on the road is not a right, and any disruption or loss caused to this by the creation of 2 new dwellings is not something the LPA could refuse an application on under normal circumstances. This is however a private road and not Highway and thus the policing of it comes from those whose properties use it rather than the LHA. In any event, it would appear that each property that is served by this private track has off-street parking available to them. As such, it is not considered that this scheme would cause any displacement or push vehicles onto this or others roads.

It is however noted that this road serves a small number of properties which could be affected during the course of construction. Accordingly, the submission of a construction management statement (recommended by the LHA) can be conditioned to ensure that the road remains accessible for residents at all times during the course of construction and that there are no safety issues arising. This could also include a condition survey of the road to ensure that any damage to the road caused by construction works is made good.

Neighbour Amenity

The principle policy for assessing amenities remains the same (i.e., CP 57). The site surroundings have not changed either. As such, this issue remains as previously assessed. For reference purposes, the following was noted on the previous application.

No neighbours stand to be affected by the development.

Views from windows at ground floor level can be adequately screened by the proposed boundary treatments.

At first floor level, windows in the in the front and rear elevations are a sufficient distance away from the neighbouring properties to the east and west such that they will not result in any undue harm to privacy. Views will be oblique from these windows to the retained amenity spaces for No.'s 1 and 2 and therefore, will not cause overlooking concerns. Windows in the side elevations of the dwellings are to serve bathrooms and will therefore be obscurely glazed, thus maintaining privacy with No.'s 1 and 2. This can be conditioned.

Given the separation distances between the proposed dwellings and any of the neighbours (c. 16m at the closest), and their orientation in relation to them, no significant loss of light or overbearing impacts would occur to the dwellings / occupants or their amenity spaces.

Archaeology
The County Archaeologist raises no concerns against the proposal. Accordingly, there are no issues to consider under this issue.

Planning Balance / Conclusion
There has been no material change in circumstances both in local and national policy that would now warrant this form of development to be unacceptable. It still accords with the provisions of the development plan. In any event, the lack of a 5YRHLS means that the Council would have to find significant and demonstrably harm to outweigh the benefits were it to consider refusing the proposal. Whilst the Local Plan Review is underway, it is still at a stage where no weight can be given to any of the draft policies.

With no objections raised to the scheme and with clear benefits (the provision of 2 market dwellings and the economic expenditure from these both during and after construction), it is recommended that the application should be approved, subject to the same conditions as previously applied to the earlier consent.

RECOMMENDATION:
Approve with conditions

- Time limit
- Approved plans
- Access and parking prior to occupation
- CMS submitted prior to commencement
- Obscure glazing of side elevation windows at first floor

Conditions: (5)

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

- Application Form
- Drg No. 3624-01 Rev C - Location Plan, Block Plan and Photographs
- Drg No. 3624-02 Rev D - Proposed Block / Site Plan and Street Scene Elevations
- Drg No. 3624-03 - Proposed Floor Plans and Elevations

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

3 The window at first floor in the southern elevation serving the bathroom shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

4 No part of the development hereby permitted shall be brought into use 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.

5 No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: The application contained insufficient information and the matter is required to be agreed upon before development commences to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.