

**REPORT TO THE DEVELOPMENT CONTROL  
COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>14<sup>th</sup> May 2008</b>
<b>Application Number</b>	<b>08/00238/FUL</b>
<b>Site Address</b>	<b>Walnut Tree Gardens, Lydiard Millicent</b>
<b>Proposal</b>	<b>Erection of four detached dwellings and a terrace of three dwellings with associated parking/garaging and access</b>
<b>Applicant</b>	<b>TPG Developments Ltd</b>
<b>Town/Parish Council</b>	<b>Lydiard Millicent</b>
<b>Grid Ref</b>	<b>409816E 185584N</b>
<b>Type of applications</b>	<b>Full application</b>

**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 8<sup>th</sup> April 2002 because more than five letters of objection have been received.

**Summary of Report**

This application is for the erection of four detached dwellings and a terrace of three dwellings, with associated garages and access, to the rear of No 2, 3 and 4 Walnut Tree Gardens in Lydiard Millicent. In addition, a new detached garage is proposed for No 2 Walnut Tree Gardens.

The proposal has been revised following previous withdrawals/refusals for similar residential schemes and following extensive discussions with Council Officers.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3 (Residential Development within Framework Boundaries).
- Policy H6 (Affordable Housing in Rural Areas)
- Policy CF3 (Provision of Open Space).

**Officer Recommendation**

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) To ensure that 50% of the residential units to be provided are affordable units;
- (ii) To ensure that the affordable residential units are occupied in perpetuity by people who have a local housing need;
- (iii) To ensure that a financial contribution is made towards public open space provision.

Following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission.

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## Proposal and Site Description

This application is for the erection of four detached dwellings and a terrace of three dwellings, with associated garages and access, to the rear of No 2, 3 and 4 Walnut Tree Gardens in Lydiard Millicent. A new detached garage is also proposed for No 2 Walnut Tree Gardens as part of this application.

The site currently forms part of the residential curtilage of No 2, 3 and 4 Walnut Tree Gardens and is used as private amenity space. The development site falls within the framework boundary of Lydiard Millicent and is boarded by residential properties to the north, east and west, with open countryside to the south.

The proposed four detached dwellings will be referred to as Units 6, 7, 8 and 9, as outlined on the plans submitted, with the terrace of three properties referred to as Units 5a, 5b and 5c.

The plans submitted show that Units 6, 7, 8 and 9 are to be four-bed detached dwellings whilst Units 5a, 5b and 5c are to be two-bed affordable units.

Planning History		
Application number	Proposal	Decision
05/03010/FUL	Erection of five detached dwellings	Withdrawn
06/00154/FUL	Erection of five detached dwellings	Withdrawn
07/01227/FUL	Erection of four detached dwellings and two semi-detached dwellings	Withdrawn
07/02427/FUL	Erection of four detached dwellings and two semi-detached dwellings	Refused

## Consultations

**The Parish Council** objects to the proposal for the following reasons:

- Over-development
- Development out of character
- Impact on streetscene
- Drainage concerns
- Visibility onto The Street is poor
- Construction traffic and sewage connection works will affect traffic flow through village
- Walnut Tree Gardens is not wide enough to facilitate emergency vehicles
- Loss of privacy and open space
- Size of garage for No 2 lends itself to a 'granny annex'
- Is the walnut tree in garden of No 3 actually diseased

**County Highways** recommend that no highway objection be raised subject to a number of conditions being attached to any permission granted.

The **Regeneration Officer** has advised that this proposal would incur a fee of £44,500 to contribute towards public open space provision.

The **Housing Officer** has confirmed that there is a demonstrable need for affordable rented accommodation in Lydiard Millicent, with 9 households on the local housing needs register, stating Lydiard Millicent Parish as their first choice. Policy H6 of the North Wiltshire Local Plan (2011) therefore applies to this application and the affordable element should be secured in perpetuity by way of an agreement.

On the previous applications submitted, Thames Water raised no objections to the proposed development in terms of water and waste infrastructure.

## **Representations**

Six households in the vicinity of the development site have objected to the proposal and raised the following concerns:

- Impact on value of existing properties
- Overlooking, noise, loss of privacy and loss of light
- Strain on road system
- Development will affect existing drainage infrastructure
- Loss of mature trees, natural area and wildlife (bats)
- Danger to pedestrians, motorists and cyclists
- Disturbance caused by construction traffic
- Lydiard Millicent is already a congested village
- Lack of visibility out of Walnut Tree Gardens
- Highway safety concerns within Walnut Tree Gardens

## **Planning Considerations**

The application site lies within the defined framework boundary of Lydiard Millicent thus there is a principle in favour of development subject to the relevant criteria outlined in Policy C3 being satisfied.

Policy H6 of the North Wiltshire Local Plan requires that 50% of residential developments in rural areas be affordable units. In order to comply with this policy, the applicant is proposing to build a terrace of three two-bed dwellings as affordable units with an additional flat fee of £26,000 for the odd unit, in accordance with the Revised Affordable Housing SPD.

Local residents have raised a number of concerns which are not planning considerations and therefore have not been considered as part of this proposal.

### Traffic and Parking:

Residents noted that visibility out of Walnut Tree Gardens onto The Street is poor and having additional vehicles using this junction will be a danger to pedestrians, motorists and cyclists. However, the plans have been amended and now show the required visibility splays.

Concern has been raised regarding the fact that Walnut Tree Gardens may not be wide enough to facilitate emergency vehicles. This issue has been considered by County Highways who are satisfied that sufficient space has been provided. The plans submitted show that each of the existing dwellings has at least two off-street car parking spaces and that the proposed dwellings will also benefit from at least two off-street car parking spaces each.

Residents are also of the opinion that the proposed development will increase traffic congestion through the village of Lydiard Millicent and put additional strain on the road network. This issue has been taken into consideration when determining the application. However, the proposal is for a limited number of dwellings off an existing cul-de-sac. It is therefore considered that the additional car movements will not, on balance, lead to a significant increase in traffic through the village.

A number of highway conditions will be attached to any permission granted but generally, there is no reason to believe that the development will have an adverse effect on traffic flow through the village of Lydiard Millicent.

### Character and Appearance

The proposal is for the erection of four detached dwellings and a terrace of three properties. The

proposed detached dwellings, with each benefit from a detached or integral garage. The properties all have projecting two-storey front and rear gable extensions. The walls are to be faced in brickwork and coloured render whilst the roofing materials are to be concrete interlocking tiles.

Local residents are of the opinion that the proposal will lead to the over-development of the site. However, the development site is a large area of land which lies within the framework boundary for the village of Lydiard Millicent where residential development would generally be supported. The houses appear to sit comfortably on the land without leading to a cramped form of development.

A concern that has been raised is that of the development being out of character. The village is characterised by a mixture of dwelling styles and sizes, constructed in various designs and materials. This proposed development will therefore not be particularly out of keeping with existing development in the village of Lydiard Millicent. The walling and roofing materials will be conditioned and samples requested before work commences on site.

The impact of the development on the general streetscene will be very limited as it will not be visible from any public viewpoints being tucked away at the far end of a residential cul-de-sac. The properties will back onto open countryside to the rear or onto the rear gardens of surrounding properties.

The proposed dwellings, by virtue of their design, scale and siting, will sit conformably within the development site and will not be detrimental to the character and appearance of this part of Lydiard Millicent.

#### Amenity / Privacy

In terms of impact on amenities, the local residents are concerned that the development will affect light into their property, and will lead to loss of privacy and overlooking.

The loss of privacy and overlooking issues have been taken into consideration when determining this application. Window-to-window distances of 20m or more have been retained to ensure that the privacy of existing residents is safeguarded. It is therefore unlikely that the proposed development will lead to any detrimental overlooking or loss of privacy onto the dwellings adjoining the development site.

Local residents have raised concern that any kind of residential development on this site would lead to a loss of open space and will affect the mature trees and wildlife. On the basis that the development site currently forms part of the residential curtilage of No 2, 3 and 4 Walnut Tree Gardens any works to the trees/wildlife within this area would be difficult to resist. A landscaping condition will be attached to any permission granted therefore ensuring that existing mature trees are retained whilst additional trees are planted to screen the development. The Council's Tree Officer has been consulted, as part of the previous applications, and did not raise any objections to the proposal.

Part of the development includes erecting a detached double garage for No 2 Walnut Tree Gardens as the creation of the access to the five proposed dwellings will mean demolishing No 2's existing garage. The proposed garage is to include a storage area above. Local residents are concerned that the size of the proposed garage for No 2 lends itself to a 'granny annex'. A condition will be attached to any permission granted to ensure that the proposed garage remains ancillary to the use of No 2 Walnut Tree Gardens.

The proposed development, by virtue of its siting in relation to existing properties, is not considered to be detrimental to the amenities currently enjoyed by the existing occupiers and will not lead to any significant overlooking or loss of privacy.

## **Conclusion**

It is considered that the proposed dwellings will not be harmful to the character and appearance of this part of Lydiard Millicent, and will not be detrimental to the amenities of the adjoining occupiers by virtue of the siting, scale and massing of the proposal. On this basis, the proposal accords with Policies C3, H3 and H6 of the North Wiltshire Local Plan (2011).

### Recommendations and Proposed Conditions / Informatives

Delegate to Development Control Manager to GRANT planning permission subject to a 106 Agreement in relation to open space and affordable housing and the following conditions:

#### **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 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.Notwithstanding the information shown on the plans/application forms, no development shall take place until details of materials to be used externally (walling and roofing) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and H3 of the North Wiltshire Local Plan 2011.

4.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.

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

Items 1 and 2 shall be completed prior to the occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

5.The development hereby approved shall not begin until a scheme for a contribution towards the creation of, or improvement and/or management of, existing public open space, in accordance with the North Wiltshire Open Space Study, has been submitted to and approved in writing by the Local Planning Authority. Such a contribution shall be made in accordance with the timing detailed within the

approved scheme.

Reason: In accordance with Policy CF3 of the North Wiltshire Local Plan (2011).

6. On first being glazed and at all times thereafter, the proposed bathroom windows shall be glazed with obscure glass only.

Reason: In order to safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C3 and H3 of the North Wiltshire Local Plan 2001.

7. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the garage hereby approved for No. 2 Walnut Tree Gardens shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason: To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Policy C3 of the North Wiltshire Local Plan 2011.

8. 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) the use of the garages hereby approved shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

Reason: In the interest of amenities and highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

9. 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 approved.

Reason: In the interest of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

10. The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that the development is served by an adequate means of access and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

11. No work shall commence on the development site until a scheme of arrangements for the future maintenance of the road has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

12. 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.

13. 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 further windows or other form of opening shall be introduced into the elevations of the dwellings/buildings hereby permitted.

Reason: In the interests of residential amenity and to comply with Policies C3 and H3 of the North

Wiltshire Local Plan 2011.

14. 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 residential amenity and to comply with Policies C3 and H3 of the North Wiltshire Local Plan 2011.

15. The development hereby permitted shall not be commenced until details of the landscaping of the site have been submitted to, and approved in writing by, the local planning authority. Details shall include:

- (a) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and proposals for their protection during and following construction works;
- (b) details of all proposed tree and shrub planting, including species, number, sizes and positions, together with seeded/turfed areas;
- (c) details of any hard-surfaced areas such as footpaths, pedestrian areas, steps, play-spaces etc.

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 the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

16. No tree within the site shall be cut down, up-rooted, topped or destroyed, nor any hedge within the site cut down or grubbed out, without the prior approval in writing by the Local Planning Authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

#### **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.

- Drawing number 01, 02, 03 and 04 date stamped 27<sup>th</sup> February 2008.
- Drawing number 08 date stamped 1<sup>st</sup> February 2008.
- Drawing number 05A, 06A and 07C date stamped 7<sup>th</sup> April 2008.

2. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3; H3; H6; CF3

## Reason for Decision

The proposal, by reason of its design, scale and siting, is considered to accord with Policies C3, H3, H6 and CF3 of the North Wiltshire Local Plan (2001).

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 2.24; 3.06; 4.02; 4.04; 4.07; 5.01</b>