

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>19<sup>th</sup> May 2010</b>		
<b>Application Number</b>	<b>09/01300/REM</b>		
<b>Site Address</b>	<b>18-19 Dianmer Close, Hook, SN4 8EB</b>		
<b>Proposal</b>	<b>Erection of 3no. 4 Bedroom Houses and Garages with Associated Drive</b>		
<b>Applicant</b>	<b>Dr H Aslam</b>		
<b>Town/Parish Council</b>	<b>Lydiard Tregoz</b>		
<b>Electoral Division</b>	<b>Wootton Bassett East</b>	<b>Unitary Member</b>	<b>Mollie Groom</b>
<b>Grid Ref</b>	<b>407694 184462</b>		
<b>Type of application</b>	<b>Reserved Matters</b>		
<b>Case Officer</b>	<b>Simon T Smith</b>	<b>01249 706633</b>	<a href="mailto:simon.smith@wiltshire.gov.uk"><b>simon.smith@wiltshire.gov.uk</b></a>

### **Reason for the application being considered by Committee**

This application was originally to be considered by Northern Area Planning Committee at the meeting of 3<sup>rd</sup> February 2010. The application was deferred at that meeting to enable the submission and consideration of further details relating to drainage issues on the site. Such details have now been submitted and considered by the Council's Drainage Engineer and the application is therefore before Members of the Development Control Committee for determination.

The application was originally requested by Wiltshire County Councillor Groom to be considered by the Development Control Committee to enable the consideration of the scale of development, its visual impact upon the surrounding area, relationship to adjoining properties, its design and its environmental/highway impact.

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission be delegated to the Area Development Manager.

### **2. Main Issues**

This is the submission of reserved matters for the erection of 3 detached dwellings, pursuant to a 2003 outline permission for same. As such the main issues to consider are as follows:

1. Principle of development and meaning of outline permission
2. Scale, form and layout of development
3. Impact upon residential amenity
4. Drainage

### 3. Site Description

The 0.38Ha application site comprises the residential garden areas to No.18 and 19 Dianmer Close, which is a small grouping of detached, semi-detached and terraced properties largely dating from the mid – late C20th. The entire site is within the defined Settlement Framework Boundary to Hook.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
06/01488/OUT	Erection of 3 detached dwellings and associated works (outline) – means of access not reserved	Permission 02/05/06

### 5. Proposal

This is a proposal for the erection of 3 four-bedroom detached dwellings. The proposal is in the form of reserved matters submitted pursuant to the grant of outline planning permission. With the exception of means of access, all matters were reserved for consideration under this application, namely: appearance, landscaping, layout and scale.

### 6. Consultations

#### **Lydiard Tregoz Parish Council:**

Strong objection on the following grounds:

- “1. This application does not comply with NE21 North Wilts Local Plan 20011 or NE 22 22 6.59. Also C2 Environmental Protection and Enhancement is comprised.
2. Because of recent development in the village, (5 newly built detached houses and 5 proposed in Bollingbroke Close) extended properties, large areas of paving and climate change since the outline permission was granted there is now a great risk of flooding. The outline planning permission has expired.
3. Dianmer Close, as its name implies, is a cul-de-sac which ends at the M4 Motorway. Before the motorway was built it was the road from Purton to Wootton Bassett. Off Dianmer Close is another cul-de-sac, The Meadows which is between Dianmer Close and the embankment leading to the bridge over the M4, This area is the lowest part of the village and after heavy rain it is subject to flash flooding caused by surface water. The Meadows also suffer with foul water coming up through the ground floor toilets at these times. Danny Everett of Wiltshire Council is aware of these problems and investigation into them started in April but has come to an abrupt end with no conclusion as yet. Three extra houses with the large amount of block paving shown on the plan will only exacerbate the problem further. There are no details on the plans for foul water or surface water drainage.
4. A Four bedroom detached property seems rather grand for an “Affordable House” especially as we have affordable houses in the village which are difficult to sell.”

In respect of additional and revised plans: Objection on the same grounds as original application. We should point out the concern of the applicants from Bolingbroke Close who have been asked for contributions for extension of pumping station, affordable homes and community facilities, “would the same conditions apply to the Dianmer Close development”.

## **Highway Engineer:**

In response to the application as initially submitted:

*“...there are drainage issues both up and downhill of the site. Our authority has had the Hook highway drainage system jetted, repaired where necessary and CCTV'd. There has been a half hearted attempt by certain downstream residents to re-cut the watercourses into which the highway system discharges. At the head of this system is the proposed site with a poor discharge area as it meets Dianmer Close. If all this system were clear (and we really mean the open watercourses) then the site would have a better chance of draining. The parish council were chasing the responsible landowners as recently as mid December but it is looking like an official nudge will be necessary and Danny Everett is in contact with Lydiard Tregoz PC to assist them in this enforcement respect.*

*In addition, the site itself will suffer from surface water run-off from the fields at the rear. There is no evidence on my drawing that these flows will be intercepted and dealt with. Some months ago I spoke to an upstream farmer who is keen to clear out his watercourses which will only increase the flood risk on this downstream development. I would be happier if there was some form of surface water cut off arrangement on the site boundary, which in turn was attenuated so that when it discharges somewhere (this would most likely be Dianmer Close), it didn't overstress the existing drainage system.”*

In response to the amended drainage scheme now submitted, the Council's Drainage Engineer raises no objections. His comment repeated in full:

*“I apologise for the delay in responding to your engineers proposed drainage solution to the likely un attenuated storm water run off problems at 18 – 19 Dianmer Close, Hook. I was able to run off a copy of the DG Surface Water Assessment report this morning and have just completed reading it. It is always difficult for me to explain to others that there can be an improvement to the flood risk by careful design and I the DG Engineering report supplies the proof of this.*

*We are somewhat tied by the existing receiving drainage system and therefore your proposal to create 17m<sup>3</sup> of on site storage prevents the creation of a peak in the flows which would create flooding down stream. The traditional green field run off rate is maintained and its traditional point of entry is also maintained so the traditional drainage system is convinced that there is no alteration to the drainage regime. Of course this lower flow will flow for longer but the overall flood risk will be less and therefore I am prepared to recommend this proposal to our planners.”*

## **Wessex Water:**

There are issues with storm water run-off from fields and flooding road, this surface water flow enters our sewers illegally. Under normal operation conditions in dry weather the addition of foul flow only from 3 new properties should not be an issue. Storm flows from the properties will not be allowed to be connected to the foul sewer as there are already issues with land/road flooding this could be an issue for the highways and land drainage authority as they will need to comment further.

## **Housing Officer:**

Comments that the scheme should deliver a financial contribution towards affordable housing in lieu of the provision of an affordable dwelling unit on site itself. Note: the outline planning permission requires the submission and implementation of a scheme for the provision of affordable housing, and therefore no further action or consideration is required at this stage under this Reserved Matters application.

## 7. Publicity

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

Five (5) letters of objection received. Summary of key relevant points raised:

- Development will encroach into countryside
- Impact upon neighbours amenity from scale of development – particularly upon No.20
- Access to the site is unsuitable and dangerous
- Destruction of hedgerows and ecological value of site
- Increased risk of surface water flooding from increased built development
- Old sewer pumping station in Dianmer Close cannot cope with additional houses

## 8. Planning Considerations

### Principle of development and meaning of outline permission

The application site is wholly contained within the Settlement Framework Boundary to Hook, where new residential development is generally considered to be appropriate. Furthermore, it is also the subject of an extant outline planning permission for three new dwellings to the rear of the two existing dwellings on the site (ie. Nos. 18 and 19). Therefore, the principle of building 3 new dwellings is established. Further debate as to whether new development is suitable is neither possible or relevant to the consideration of this application.

This application therefore takes the form of the submission of the details of development pertaining to the appearance of development, its landscaping, layout and scale. Access to the site is to be via a new point of access, central to the site frontage. This arrangement was determined under the previous outline permission and requires no further debate.

The outline permission includes a planning condition relating to the preparation, submission and implementation of a scheme for the provision of affordable housing as a result of development. The condition does not make it clear as to whether the scheme should take the form of a financial contribution or the transfer of one or more of the new dwellings over to, for example, a RSL (registered Social Landlord). The condition requires such a scheme to be prepared and submitted for approval prior to the commencement of development and therefore does not directly affect the consideration of the Reserved Matters application.

### Scale, layout, appearance and landscaping of development

In a similar manner to that illustrative scheme submitted at the time of the outline application, the proposed development takes the form of three detached dwellings, each with their own garage, positioned to the rear of the two existing units on the site. Again, as before, there is a new single point of access to all five units.

The five units are evenly spaced across the site on alternate sides of the central access road, though No.18 and 19 do retain a significant proportion of the garden space. The site area is considered to be sufficient to accommodate development in the layout proposed.

The three new units are of homogeneous design, being of four-bedrooms and conventional “gable-at-either-end” arrangement. Design features such as short-stack external chimney, brick headers and quoins, and simple porch canopy are welcomed and do add some quality to an otherwise typical modern house design. Materials of brick, render, concrete tiles and uPVC windows are considered to be appropriate to the context of surrounding modern development.

At 8.8m and 5.0m to ridge and eaves respectively, the proposed dwellings are on the taller side, but cannot be described as excessive and would not be out of character with the locality.

Proposed landscaping is, as would be expected for domestic gardens, minimal. The majority of boundary treatments are to be left unaltered with judicious additional native planting at the rear to replace existing hedging.

### Impact upon residential amenity

The western boundary of the site is to open field, with the neighbouring No.17 being positioned some way forward toward the highway. The truncated curtilage to No.17 means that the garage to the closest new dwelling (unit 1) would be some 25.0m distant from the boundary.

The positioning close to the common boundary of the neighbouring property to the east (No.20 Dianmer Close) does allow for a much closer relationship between existing and new dwellings. Although it is evident that existing properties No.19 and No.20 are currently much closer than that now proposed, this is an existing situation and it is important to ensure that new development does not infringe upon living conditions to any greater extent.

In this particular instance unit 2 is set away from the common boundary by some 6.0m (the detached garage by some 5.5m), which whilst some oblique views of the development would be possible from No.20, such a distance would be sufficient to mitigate against a perception of "oppressiveness" or a "crowding" of the occupiers amenity. Similarly, windows in the side gable of unit 2 is limited to a first floor shower room, which can be fitted with obscure glazing, so as to avoid overlooking.

Although clearly as the applicants, the occupiers of Nos.18 and 19 will have recognised and accepted the reduction in garden space as a result of development, the planning system must also ensure the absolute level of future resident's amenity is suitably secured. In this particular instance distances between properties and intervening position of garages are considered sufficient to mitigate against any unacceptable impact.

### Drainage

A revised drainage layout scheme and accompanying report has been submitted with the application, which demonstrates a connection with mains sewer at Dianmer Close. Wessex Water have raised no immediate objection to the proposal, although they do acknowledge historic drainage issues in the locality.

Because of the local concern regarding surface and foul water drainage matters, the Council's Drainage Engineer has been asked to comment upon the proposed scheme. These comments are now reported in full above. It will be noted that although recognising historic problems with drainage in the locality, the Council's Drainage Engineer has concluded that the overall flood risk to the locality will be lower, provided the scheme now submitted is implemented. There is no reason to disagree with this conclusion.

Unfortunately, whilst it is acknowledged that other recent planning permissions in the locality have provided a contribution towards the upgrading of the local pumping station, it will not be possible to request such a contribution as part of a Reserved Matters proposal. The appropriate time would have been to address such an issue under the Outline approval.

## **9. Conclusion**

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dianmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers.

## 10. Recommendation

### RESERVED MATTERS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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.

2. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing 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 prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

3. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

4. Before the development hereby permitted is first occupied all first floor bathroom, toilet and shower room windows shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

5. No development shall commence on site until details of the materials to be used on the development 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.

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. The development hereby permitted shall not be occupied until the drainage works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

POLICY-C3

**Informatives:**

1. This approval of matters reserved discharges condition 01 of outline planning permission 06/01488/OUT dated 02/08/2006, but does not by itself constitute a planning permission.

**Reason for Decision**

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dianmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers. Accordingly, the proposal is considered to comply with the provision of Policy C3 and H3 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 4.03; 4.04; 5.02</b>

