

**REPORT TO THE AREA PLANNING COMMITTEE****Report No. 4**

<b>Date of Meeting</b>	21 <sup>st</sup> May 2014
<b>Application Number</b>	14/02361/FUL
<b>Site Address</b>	Garage site at Leslie Rise Westwood BA15 2BN
<b>Proposal</b>	Demolition of 6 garages and construction of 2 two-bed dwellings with associated roads and parking
<b>Applicant</b>	Mr Mick Latham
<b>Town/Parish Council</b>	WESTWOOD
<b>Ward</b>	WINSLEY AND WESTWOOD
<b>Grid Ref</b>	380861 159287
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Eileen Medlin

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

Councillor Trevor Carbin has requested the application to be called into committee to consider: -

- Visual Impact on the surrounding area
- Design, bulk, height, general appearance
- Environmental or highway impact

**1. Purpose of Report**

To consider the above application and to recommend that the application is approved by committee with conditions.

**2. Report Summary**

The main issues considered in the report are:

- Principle of the development
- Impact on housing need
- Impact on the character and appearance of the area
- Impact on the amenities of adjoining occupiers
- Impact on highway safety and parking
- Impact on a public right of way

**3. Site Description**

The application site is located within the Village Policy Limits of Westwood. The site forms part of an area of tarmac and garaging at the southern end of the Leslie Rise. There is currently a gated access from the site to the public right of way that runs along the east of the site. The site can also be accessed via a footpath to the rear of Lister Grove. The site includes the 6 garages to rear of the Westwood Social Club and land to the north of these garages. The site is bounded to the east by open country side, to the west by Leslie Rise and the remaining 6 garages, to the north by Leslie Rise and to the south by Westwood Social Club.

The surrounding residential properties have a uniform appearance in terms of design and materials. There are mixed property heights in the locality and the properties on Leslie Rise are single storey while the other nearest neighbouring properties on Lister Grove are two storey. The Westwood Social Club is a single storey building.

#### **4. Planning History**

The application was the subject of pre application discussions.

#### **5. The Proposal**

The application proposes the demolition of 6 garages and the erection of a pair of semi detached, two bed, two storey houses with two parking spaces each. The proposal includes a footpath to the rear of the site allowing for continued access from Leslie Rise to a Public Right of Way.

#### **6. Planning Policy**

##### ***West Wiltshire District Plan 1st Alteration 2004***

Policy H2 – Affordable Housing within Towns and Villages

Policy H17 – Village Policy Limits

Policy H24 – New Housing Design

Policy C31a – Design

Policy C32 – Landscaping

Policy C38 – Nuisance

Policy U2 – Surface Water Disposal

##### ***Leisure and Recreation DPD 2009***

Policy CR1 Footpaths and Rights of Way

##### ***National Planning Policy Framework (NPPF) 2012***

##### ***Draft Wiltshire Core Strategy 2013***

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure

Core Policy 7 – Spatial Strategy: Bradford on Avon Community Area

Core Policy 43 – Providing Affordable Housing

Core Policy 45 – Meeting Wiltshire's housing needs

Core Policy 57 – Ensuring high quality design and place shaping

Core Policy 61 – Transport and Development

##### ***Neighbourhood Plan***

Development of a neighbourhood plan for Westwood is in its infancy and does not currently carry any weight for the purposes of determining planning applications.

#### **7. Consultations**

**Westwood Parish Council:-** Object for the following summarised reasons:- Application in advance of adopted neighbourhood plan; Design out of character; Access to Right of Way; Strength of local opposition; Flawed consultation by applicant.

**Wiltshire Council Highway Officer:-** No objections received subject to conditions relation to parking, access and surface water.

**Wiltshire Council Housing Officer:-** Support the application as it is from a Registered Provider of affordable housing and will assist in meeting housing need in the area.

**Wiltshire Council Environmental Officer:-** No objection subject to condition requiring a noise survey and mitigation measures if found to be required following the survey.

**Wiltshire Council Rights of Way Officer:-** No objection to revised scheme.

**Wiltshire Council Ecology Officer:-** No Objection – advised that there is a low risk of bats roosting in the trees on site and suggested an informative to highlight this risk to the applicant.

**Wiltshire and Swindon Biological Records Centre:-** No objection - Advised that several bat species have been recorded nearby.

**Wiltshire Fire and Rescue Service:-** No objection - Provided advice in improving fire prevention in new domestic properties.

**Wessex Water:-** No objection – Information provided for applicant which is included as an informative.

## 8. Publicity

Site notice erected on the 18/03/2014 and letters sent to neighbouring occupiers at:-

- 1 to 9 Leslie Rise (odd)
- 1 to 13 Lister Grove (even and odd)
- 1 to 4 Orchard Close (even and odd)
- 5 The Laurels
- 12 and 49 Tynings Way
- Westwood Social Club

9 neighbouring occupiers responded raising the following summarised concerns:

- Restrict access for emergency services
- Loss of garages
- Garages are empty but have not been made available to residents
- Parking would be a better use of the site
- Blocks access to a public right of way (addressed in revised plans)
- Increased traffic a danger to pedestrians
- Design is out of character
- Development would tidy up the area but bungalows would be more in keeping
- Over development
- Loss of open space within the village
- Housing would result in noise and disturbance to the elderly residents of neighbouring bungalows
- Housing is located adjacent to Westwood Social Club which is an existing establishment which regularly holds functions which could give rise to noise and disturbance to the future occupiers of the proposed housing.
- Insufficient consultation carried out by Selwood Housing
- Increased surface water run off
- Effect on wildlife

## 9. Planning Considerations

Principle of the development

The proposed development site is previously developed land within the Village Policy Limits of Westwood and is therefore considered to be a sustainable location for future housing development in accordance with the NPPF, the West Wiltshire District Plan Policy H17 and emerging Core Strategy Policy 1.

#### Impact on housing need

The West Wiltshire District Plan Policy H2 requires affordable housing on site of two or more within Village Policy Limits. However, the emerging Core Strategy Policy 43 requires affordable housing on sites of 5 or more. As the Core Strategy is at an advanced stage and this particular policy is not the subject of any debate it is considered appropriate to apply this policy to developments of housing within villages. As such under the current policy approach we would not require an element of affordable housing on this site. Notwithstanding the above, Housing colleagues have responded in support of the application as it is made by a Registered Provider and likely to benefit affordable housing provision in the area.

#### Impact on the character and appearance of the area

The proposed pair of semi detached houses would stand alone on their site and are not in close proximity to neighbouring residential properties. It is considered that the layout of the site with the proposed dwellings fronting Leslie Rise would be in keeping with the existing pattern of development. Approaching the site from Leslie Rise would afford views of both the front and side elevation. The properties would be set back from the rear boundary of the social club by approximately 4m and would be separated by a 2m high stone wall on the boundary. The houses would be visible from the adjoining field. A number of houses in the village of Westwood are visible from this field and have similar distances to the boundary. The materials to be used are in keeping with surrounding residential properties. Officers consider that the proposed dwellings, by virtue of their siting, design and layout, would not have an adverse impact on the street scene or on the character and appearance of the area in accordance with West Wiltshire District Plan Policies H24 and C31a and Core Strategy Policy 57.

#### Impact on the amenities of existing and future occupiers

The nearest neighbouring residential properties are located on Leslie Rise, Lister Grove and Orchard Close. Properties on Leslie Rise would not have direct views of the application site from their properties and neither would the proposed dwelling have direct views over the properties on Leslie Rise. Officers consider that the relationship between the properties does not give rise to any concerns in relation to residential amenity in terms of loss of light, outlook or privacy. Similarly properties on Lister Grove and Orchard Close do not have direct views over the application site and Officers consider it to be sufficiently distant so as not to give rise to any amenity concerns. Therefore Officers consider that the proposals would not conflict with West Wiltshire District Plan Policy C38.

The application site is located adjacent to an existing noise generating use. Officers consider that a condition requiring the applicant to carry out a noise survey and implement mitigation measures to minimise the impacts of the noise generating use would ensure satisfactory levels of amenity for future occupiers.

#### Impact on highway safety and parking

The application involves the loss of 6 garages. The applicant has submitted supporting information detailing where the existing occupiers of these garages are to be relocated and demonstrating that the proposal would not result in a loss of parking in the area. Parking has been provided for the new houses in line with the council's minimum parking standards.

#### Impact on a public right of way

There is a public right of way that runs along the eastern boundary of Leslie Rise, the application site and the social club. Walkers can currently access the right of way from a

point adjacent the garages in Leslie Rise. The applicants submitted revised plans on the 07/04/2014 to include a footpath along the rear of the proposed houses which maintains access to the right of way from Leslie Rise.

Officers consider that the proposals are in accordance with Policy CR1 - Footpaths and Rights of Way of the Leisure and Recreation DPD 2009

## 10. Conclusion

**The proposed development would provide two units of housing within the village policy limits and would not have an adverse impact on the amenities of adjoining occupiers or the character and appearance of the area. Officers therefore consider that the proposal is considered to be in accordance with the Development Plan and recommend that planning permission is granted subject to conditions.**

## RECOMMENDATION

**Approve with 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) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft surfacing materials;
- i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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 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.

- 5 No part of the development hereby permitted shall be occupied until the access, turning area 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 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 7 No development shall commence on site until a noise assessment with regard to noise from the club, including any suitable noise mitigation measures has been submitted to and approved by the local planning authority. Any works which form part of the approved scheme shall be completed prior to the dwellings being first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of residential amenity.

- 8 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and

Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:-  
3742/01 Rev E received 07/04/2014

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

#### Informative 1

There is a low risk that bats may roost at the development site, potentially in trees and hedgerows. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on **0845 1300 228**, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bats Conservation Trust website [www.bats.org.uk](http://www.bats.org.uk).

#### Informative 2

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

#### Informative 3

A public water main is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water for further advice on this matter.

Building over or within 3 metres of an existing water mains sewers will not be

permitted (without agreement) from Wessex Water under Building Regulations.

**Informative 4**

Separate systems of drainage will be required to serve the proposed development.  
No surface water connections will be permitted to the foul sewer system

**Appendices:**

**Background Documents Used in the Preparation of this Report:**