

Date of Meeting	2 July 2014
Application Number	14/02362/FUL
Site Address	Garage site and vacant land at Tynings Way Westwood BA15 2BS
Proposal	Construction of a terrace of two 2 bed and two 3 bed dwellings with associated access and parking
Applicant	Selwood Housing Society
Town/Parish Council	WESTWOOD
Ward	WINSLEY AND WESTWOOD
Grid Ref	380840 159201
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The application has been called-in by Councillor Trevor Carbin who has been nominated by Councillor MacDonald to do so as he has declared a conflict of interest with this application submitted by Selwood Housing.

The reasons for the call-in have been stated to be due to the scale of development, the relationship to adjoining properties, design and highway impacts.

1. Purpose of Report

The purpose of this report is to explain and demonstrate why this application is being recommended for permission subject to conditions.

2. Report Summary

The proposals have been given very careful consideration and mindful of the localism agenda, the local objection has been given some weight. However, for the reasons detailed below it is considered that the proposals would accord with the adopted and emerging local planning policy and the National Planning Policy Framework. There would be no significant demonstrable harm to planning interests; and whilst highly regrettable, the loss of the open space would not be contrary to planning policy, and under such circumstances any residual concern is outweighed by the benefit of providing further needed housing. Whilst planning policy cannot currently require the proposed residential development to be for affordable units in perpetuity, this is an application by Selwood Housing, who are a registered social landlord.

3. Site Description

The application site is an irregular shaped area of open amenity land within a residential area. Part of the site is laid to hard standing with a complex of garages. The site is relatively flat, although there is a slope running from the north down to the south.

The site is within village policy limits and adjoins a designated Conservation Area to the east. The site has a public right of way running through it and along the northern edge.

4. Planning History

None.

5. The Proposal

This is a planning application for the erection of 4 terraced houses (2 x 3-beds and 2 x 2-beds) on a north-south axis stepped in the middle to address the topography of the site. Ancillary development details hard standing for access, turning and parking (9 spaces in total). Access to the public highway would be gained through an existing garage block (amounting to 11 garages) onto Peto Grove with a circa 4.2m wide road created. Furthermore a bin collection store is proposed and associated landscaping.

The application has been submitted following pre-application enquiry whereby officers advised that the site was not capable of accommodating 5 units (as was initially proposed); but that housing would be acceptable in principle based on local and national planning policy.

Furthermore, it is necessary to record that this application has been amended in light of highway comments and concerns over topography, neighbouring amenity and design.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (local plan)

C17 Conservation Areas; C31a Design; C32 Landscaping; C35 Light Pollution; C38 Nuisance

H17: Village Policy Limits; U1a Foul Water Disposal; U2 Surface Water Disposal

West Wiltshire Leisure and Recreation Development Plan Document 2009 (DPD)

Draft Wiltshire Core Strategy (dWCS)

CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP7: Bradford on Avon Community Area; CP43: Providing Affordable Homes; CP45: Meeting Wiltshire's Housing Needs; CP50: Biodiversity and Geodiversity; CP57: Ensuring high quality design and place shaping; CP58: Ensuring the conservation of the historic environment

National Planning Policy Framework (2012) (NPPF) and Planning Practice Guidance (PPG)

7. Consultations

Westwood Parish Council: Object on the grounds that:

Westwood Parish Council is committed to the development of a Neighbourhood Plan to accord with the provisions of the Localism Act 2011 and to accurately reflect the requirements of the National Planning Policy Framework (NPPF) and (emerging) Wiltshire Core Strategy. A Neighbourhood Plan is currently being developed with the assistance of Wiltshire Council.

Westwood Parish Council will support the (emerging) Wiltshire Core Strategy.

An effective and sustainable Neighbourhood Plan is evidence-based with relevant assessments informing the decision regarding future housing and other developments in the designated community area – in this case the Civil Parish of Westwood. Such assessments would include objectively identifying a need for such development (not a subjective assessment), the type, character and size of any properties required, disability access

requirements, sustainability, landscaping, means of providing unobstructed access and vehicle parking in relation to any residential development.

There have been no comprehensive assessments undertaken and no evidence produced, to support the proposed development detailed in planning application 14/02361/FUL. This proposed development should be refused until such evidence is produced to justify this development and until/or when the Neighbourhood Plan for Westwood has been endorsed and authorised.

The proposed site for this development is a valuable, village, open recreational space designated as such since its creation in 1967 and it has been in use continually by residents (especially children) of Westwood since that time. It is the only protected, contained, safe play/recreational area in Lower Westwood. A footpath across the proposed site has also been in continuous use since 1967.

Policy R1 of the West Wiltshire District Plan 1st Alteration (2004) 'Recreational Space' states 'The maintenance and improvement of formal and informal outdoor recreational facilities in the Plan area will be sought and the sports and recreational needs of local communities will be kept under review. The effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified' and Policy R2 'Protection of Recreational Space' states 'Development will not be permitted where this would involve the loss of existing playing fields, play spaces and other recreational land, whether publicly or privately owned.'

The site for this proposed development is a recreational facility/play space and is the only one in Lower Westwood. To permit development of this site for housing would be contrary to Policies R1 and R2.

Policies LP1 and LP2 of the Leisure and Recreation DPD provide protection for open spaces and enhancement of existing open space for sport and recreation provision. The loss of this open space will significantly affect the character of this area and development of this site for housing would be contrary to these policies.

This proposed development is contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) 'Nuisance' in that there will be a significant loss of privacy and over shadowing of existing properties and it will exacerbate existing problems in respect to access, vehicle parking (the grass verges in that immediate area are already used for parking) and use by Emergency Services. The access to the proposed development site is narrow and already littered with parked cars.

The amended plans (dated 21 May 2014) significantly increase the loss of privacy and over shadowing of existing properties and will aggravate the 'Nuisance' that Policy C38 seeks to avoid. Policy C38 states that 'Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation...' The amended plans show a proposed development that is contrary to Policy C38.

The proposed development is contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration (2004) 'Design' in that the design of the properties is out of character with existing properties nearby in terms of form and size. If built, the properties will 'overcrowd' the area.

Westwood Parish Council noted the strength of local opposition to this proposed development at the exceptionally well-attended Parish Council meeting at which this application was examined and the parishioners were uniform in their opposition to the

proposed development – voiced during the Public Adjournment at the meeting held on 2 April 2014.

The original consultation process undertaken by the applicant was flawed in that many households/parishioners likely to be affected were not consulted.”

Wiltshire Council's Highways Authority: No objection to revised plans subject to conditions.
Wessex Water: No objection.

Wiltshire Council's Education Team: No objection.

Wiltshire Council's Housing Team: Supportive.

Under West Wiltshire District Plan, rural H2 policy - within defined Village Policy Limits - there would have been a policy requirement for a 50% at nil subsidy affordable housing contribution from this application. However, it is noted that a revised housing policy has been prepared for the Wiltshire Core Strategy which recommends that on sites of 1-4 dwellings no affordable housing contribution would be sought. Although this policy has not yet been adopted, it does define the Council's intended direction of travel on affordable housing based on up-to-date evidence.

It is recognised that the emerging Wiltshire Core Strategy has reached an advanced stage, and material weight is now applied to the emerging policy. As this application proposes 4 new dwellings we would, therefore, not be seeking a policy affordable housing contribution from this application. However, as this application is from a Registered Housing provider, these homes are likely to be for affordable housing in any case - although there is no policy requirement for them to be so.

To further support this case, the following data is provided to empirically illustrate current housing need.

Housing Register stats as at January 2014: Total number of households on Wiltshire Housing Register: 19,325 (of which 10,781 are in priority housing need)

Bradford on Avon Community Area: 522 (of which 253 are in priority housing need)

Westwood: 23 households with Local connection / 1st Preference criteria

The mix/size of the proposed units on this site reflects current affordable housing demonstrable need/requirements.

Wiltshire Council's Open Space Officer: No objection. Since this application is for less than 5 dwellings, there is no policy requirement for an Open Space contribution.

Wiltshire Fire & Rescue Service: No objection. The Wiltshire Fire & Rescue Service however make comments regarding building regulations and offers advise on fire safety.

Wiltshire & Swindon Biological Records Centre: Report there being several bat species recorded nearby.

8. Publicity

This application has been advertised by individual neighbour letters, a site notice, an advert in the Wiltshire Times and on the Council's website.

19 objections have been received which may be summarised as follows:

- * Impact on residential amenity – loss of light and overlooking
- * Highway safety/parking
- * Loss of recreation space and children’s play area – only one in Lower Westwood – used for decades for village and family gatherings
- * Inaccuracy in submissions / misleading comments
- * Design out of keeping and overcrowded – gross over development
- * Loss of view to White Horse
- * Pollution and noise from extra vehicles
- * Bin collection from other side of boundary
- * Large number of residents attended parish meeting to object
- * concerned by potential use of social club access and car park
- * paths would become unusable
- * will limit emergency vehicle access
- * allocated green belt
- * raises Human Rights Act
- * concern over cumulative impacts
- * evening and weekend site inspection required to understand parking issues
- * bully developer
- * neighbourhood plan is being worked on
- * Lack of evidence regarding need
- * drainage concern
- * planning history of refusals on other strips of amenity land / precedents

9. Planning Considerations

9.1 Principle of Development

The site lies within the identified village policy limits of Westwood as identified in the current local plan. As such, the principle of development is acceptable subject to compliance with the detailed criteria of Local Plan Policy H17 and any other material considerations such as neighbouring amenity.

9.1.1 In addition the national planning policy framework (NPPF) is a material planning consideration. This is supportive of sustainable development and it is considered that this application would represent a sustainable form of development.

9.1.2 Whilst this is the current policy context, it is important to record that the local plan is to be superseded by the emerging Wiltshire Core Strategy. This is still not an adopted plan and so cannot be afforded full weight. Further, as it is yet to be adopted, it is still open to alteration and change. However it does provide an indication of a potential policy framework in the foreseeable future and the emerging policy in regard to this application is not considered contentious, meaning that it can be afforded significant weight.

9.1.3 It is important to stress that the eWCS proposes to retain the development boundary and classifies Westwood as a ‘Large Village’ under policy CP7. CP2 identifies that there is a presumption in favour of sustainable development within the boundaries of large villages. Policy CP7 also identifies that up to 2026, approximately 185 new homes would need to be realised in the Bradford on Avon Community Area outside of the main town. There are 3 large villages which may need to accommodate the majority on such need – namely Holt, Westwood and Winsley. As reported above, housing officers have identified that in Westwood there are 23 households with Local connection / 1st Preference criteria in need.

9.2 Recreation Land

Although the site is clearly an area of amenity grassland within a residential estate it has no formal play equipment and is not subject to any recreation designations under the local plan or the more recent and strategic Leisure and Recreation Document which was published in 2009. As such, officers submit that there can be no in principle opposition regarding the loss

of recreation amenity space – rather this is a detailed consideration that needs to be weighed in the mix of other detailed planning considerations.

9.2.1 The Parish Council refer to policies R1 and R2 of the local plan, but these are not saved, extant policies since they have been superseded by the more strategic Leisure and Recreation DPD. This document, like the local plan, does not list the site as recreation land or offer specific policy protections to the land. The site is not listed within the DPD under the appendices of recreation sites i.e. high quality/value and low value sites.

9.2.2 Westwood Park is situated in Upper Westwood and is the main recreation provision for the village and is classed as a high quality and high value site and as such is afforded protection. Westwood Park is as accessible, albeit further away for those residing in Lower Westwood as the application site. The presence of this facility needs to be given weight when considering the loss of the amenity land off Tynings Way.

9.2.3 Furthermore there are other comparable examples of open amenity space in the immediate vicinity that offer the same level of recreation opportunity as the application site, namely the attractively landscaped car free area at Peto Grove.

9.2.4 It is recognised that the proposal would remove an area of open space from the village which is generally laid to grass, but it does not significantly contribute to the character of the area and is void of significant landscaping save for the peripheries and boundaries. It is true to say that the sense of openness would be significantly reduced, but landscaping would be added. As a recreational space, it currently offers limited potential for local residents to congregate and for children to have informal play and it should be taken on board that there are other comparable spaces in the immediate vicinity. Officers advise that the site has no formal status and on-site inspections have indicated that no significant recreation use could be detected with the grass being long, save for a desire line created by/for pedestrians crossing the site, where the grass was trodden down. Furthermore, Members are advised that the site is now in private ownership and there is no planning reason why access for recreation should be retained.

9.2.5 The local objection contradicts this conclusion and suggests that it is a site of significance for recreation. Within the Council, the public open space team have commented on the scheme and raised no issue with the loss and stated that no contributions can be sought given that the proposed development is below policy trigger thresholds..

9.2.6 On the basis of the above commentary, whilst the loss of this space would be regrettable, such a loss would not result in significant harm in planning terms. There is an alternative high quality and high value formally designated recreation space within Westwood which is considered accessible for local residents. The Tynings Way site has limited recreational use potential given that there is no formal play equipment, is a relatively small and irregular shaped site and the thrust of the DPD is to be more strategic regarding amenity land protection. Moreover, there would be no harm to the character of the settlement or to nature conservation interests. As such, officers advise that when applying policy LP2 of the DPD any conflict with this is limited and the harm would not be significant.

9.3 Layout and Design

The proposals show the retention of the existing garaging on site with minor adjustments made to define the access road through the garage area, which is currently a manoeuvring area only. Beyond the garaging and over the public right of way, it is proposed to create an area of hard standing for parking, turning and bin storage to serve the 4 houses. Whilst this would result in changing in the character of the area and reducing the sense of openness, there would be no significant harm caused.

9.3.1 The scheme has been amended so that the topography of the site is acknowledged – i.e. a stepped terrace has been created requiring only modest earthworks. This is a design trait that occurs on terraced housing nearby along Peto Grove. The building has also been altered so that the design is more akin to the local vernacular in terms of its massing and proportions.

9.3.2 This proposal however employs a hipped roof form to minimise amenity impacts. Officers recognise that there are some very limited examples of hipped roof forms in the vicinity. Typically housing at this point is characterised by gable ends. The preference here would be for a gable end. However, this would impact on either residential amenity or the number of units which could be accommodated. The area is not subject to any special designations and although adjacent to a Conservation Area the hipped roof form would not cause demonstrable harm.

9.3.3 Overall, the elevations would be in keeping with the character of the area, which is mixed. The indicative construction materials would also be in keeping with the area which is for 'buff' coloured wall materials and tiled roofs. The layout makes a highly efficient use of land without demonstrable harm to existing residential amenity and generating a generally acceptable degree of amenity for future occupiers. The proposals include adequate bin storage, parking and turning to avoid any harm. The right of way would generally be unaffected. Landscaping would soften the built form and generate a sense of maturity to the development.

9.3.4 Whilst close to a designated Conservation Area boundary, the site and proposal does not have a strong relationship to it. Instead, it relates more strongly to the circa 1960s housing located to the north and is indeed an extension to this. As such whilst the modern built form would be brought closer to the conservation area, this would not cause substantive harm to heritage assets.

9.3.5 The applicant has had regard to the pre-application advice and has developed, after further negotiation, a scheme which makes the most efficient use of the site with a design and layout that is satisfactory in planning terms.

9.4 Residential amenity

The Old Chapel to the east is known to be in residential use and there is a window on the east elevation faces directly onto land illustrated for future garden space. Whilst the inter-visibility with the rear elevation of the proposals and the Old Chapel is sufficient to avoid any significant harm, the Old Chapel would – save for the existing landscaping – be able to look into the rear gardens of the proposal from only circa 7 metres. This is not ideal for future occupiers of the development; however no harm to existing amenity would occur. Future occupiers would need to be aware of the degree of overlooking before moving. This issue has been acknowledged by the developer, who has argued that there is sufficient existing landscaping to mitigate against any future concern.

9.4.1 No.13 Lister Grove has a first floor window on its south elevation and a single storey extension on its south elevation – with its property boundary defined by a fence – not a large hedge as indicated by the applicant/architect. Directly south of the Lister Grove property is the proposed side of the terrace, set back approximately 8 metres. The side elevation would be 8 metres wide and 4.8 metres to eaves. It would have a hipped roof form so that at its highest point it would be 7.4 metres high and set away from the neighbour's single storey extension by circa 12 metres. It is also important to stress that the proposed development would be constructed on slightly lower ground by virtue of the local topography - around 500mm. The lower level and hipped roof form would mitigate the impact of the building so that when applying the 25 degree test in accordance with BRE guidance, no substantive harm can be demonstrated. It is assessed that there would clearly be an impact; the outlook

would be changed – although this in itself would not be significant. There would also be some loss of ambient light – although not to a significant degree to detrimentally affect neighbouring amenity to warrant a refusal.

9.4.2 The proposals would be sited to the immediate north of several other properties; however due to the orientation and the separation distances involved, there would be no significant harm caused, despite the site being raised above the neighbours to the south.

9.5 Highways

As recorded above, there is no highways based objection raised by the highways team. The proposal provides parking provision to meet the minimum standards and allows adequate manoeuvring space. Access would be through an existing garage block and over a right of way – which currently experiences no vehicular movements across it. However this is not objectionable. The parking has been observed on Peto Grove and the photographs of the parking on Peto Grove and the garage block have been considered. These have also been passed to highway officers. However it is not considered that this development would cause any substantive harm in terms of highways.

9.5.1 Highway officers have also advised that the junction of the access road with Tynings Ways is adequate. The access carriageway itself is of sufficient width for two cars to pass (or for a moving car to pass a parked car). The vehicles parked in the photographs submitted are in connection with existing properties; and, it is asserted that the development proposed would not alter the garage or parking provision that currently exists. Overall, the development itself meets current car parking standards and is acceptable.

9.5.2 Notwithstanding the commentary above, should Members feel concerned about highway matters, it is important to stress that the Government has made it explicitly clear within paragraph 32 of the NPPF asserting that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. For the avoidance of any doubt, officers submit that there would be no such “*severe*” impacts in this particular case.

9.6 Ecology

Whilst it is noted that there are bat records in the vicinity, the site is assessed as having no potential for bats. The Council’s ecologist was consulted on earlier pre-application plans and raised no issue.

9.7 Drainage

Wessex Water raise no objection to the proposals and it has been detailed that mains sewers would be used for foul waste and a sustainable drainage system used for surface water. The proposal would impact on surface waters - however no details have been provided with the submission. However the site has sufficient space to provide a solution and so details can be approved via a planning condition.

9.8 Other Comments

Currently a development proposal such as this would be subject to up to a 50% affordable housing contribution request based on local plan policy H2. However under the emerging policy no requirement can be imposed. In such circumstances the current practice is to apply the preferential position for the developer and as such no affordable housing needs to be secured.

9.8.1 However it is noted and appreciated that the applicant is a registered social housing provider and whilst it cannot be secured by policy, the development is likely to be for much needed affordable housing. The Council’s housing team support the proposals and have

identified that a need exists in this location and that the housing proposed is of a type that would help to meet the identified need.

9.8.2 Other consultation responses have revealed that the proposal is below the thresholds to trigger any other planning obligations.

9.8.3 Whilst it is noted that the Parish are working towards a neighbourhood plan, it is not at a stage where it can be afforded any weight in planning decisions. Whilst it is noted that Parish Council are considering making an application for a village green – this is would be captured under separate legislation. Members should however duly note that no village green application can be registered now as there is a pending application on the site. So this can be afforded no weight.

9.8.4 Officers advise that the NPPF sets out an unashamedly pro-growth agenda supporting sustainable development and identifies the need for planning to address the housing needs. This needs to be afforded weight in the determination of this application.

9.8.5 The local objection to the proposals has been given very careful consideration. However officers submit that no significant planning concern has been identified and demonstrated. So whilst local objection on demonstrable planning grounds should be afforded great weight in the planning process given the localism agenda, in this case the objection raised cannot sustain reasonable reasons for refusal.

9.8.6 The Parish Council has complained that the original consultation by the developer in their community engagement was flawed. Whilst the Government and planning authorities encourage developers to engage closely and widely with local communities, before submitting a formal application, there is no statutory obligation for them to do so. Notwithstanding this, the Council's statutory consultation with the local community has been carried out as part of the application. This included individual neighbouring notifications, a consultation with the parish council and a site notice being displayed at the site which will have informed anyone of the application when using the right of way and/or the amenity area.

9.8.7 Whilst the application has not been submitted with any detailed assessments of need, the evidence from the Council's consultees is relevant and points to an established need for affordable housing within the village.

9.8.8 Reference has been made to planning histories that referred to planning policies that are no longer extant and as such are not relevant.

10. Conclusion

On balance the proposals are considered to be acceptable. The site represents a sustainable location where there is an identified housing need. The proposals are of an acceptable design with a layout that makes the most efficient use of land whilst providing all the parking, turning and services required in addition to landscaping to help the proposals harmonise into their setting. There would be no significant harm to neighbouring amenity and no significant harm in terms of the loss of the open amenity area. Any residual concerns on these factors are outweighed by the benefit of providing needed housing within a sustainable location.

RECOMMENDATION: Permission subject to 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);

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, the vehicle crossover of the public footpath and the 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 and amenity.

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

3723/01 Revision F received on 1 May 2014.

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