

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** The Atrium, County Hall, Trowbridge, BA14 8JN  
**Date:** Wednesday 22 May 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Trevor Carbin  
Cllr Ernie Clark  
Cllr Andrew Davis  
Cllr Russell Hawker  
Cllr John Knight  
Cllr Magnus Macdonald

Cllr Christopher Newbury (Chairman)  
Cllr Horace Prickett  
Cllr Pip Ridout  
Cllr Jonathon Seed  
Cllr Roy While (Vice-Chair)

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### Substitutes:

Cllr Nicholas Blakemore  
Cllr Rosemary Brown  
Cllr Terry Chivers  
Cllr Linda Conley  
Cllr Dennis Drewett  
Cllr Keith Humphries

Cllr David Jenkins  
Cllr Gordon King  
Cllr Helen Osborn  
Cllr Jeff Osborn  
Cllr Graham Payne  
Cllr Fleur de Rhé-Philippe

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# AGENDA

## Part I

### Items to be considered when the meeting is open to the public

#### 1 **Committee Membership and Apologies for Absence**

- 1) To note the Membership of the Committee, as detailed on the front of the Agenda, as appointed at the meeting of Council on 14 May 2013, and,
- 2) To receive any apologies or substitutions for the meeting.

#### 2 **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To approve the minutes of the last meeting held on **17 April 2013**.

#### 3 **Chairman's Announcements**

To receive any announcements through the Chair.

#### 4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

#### 5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

##### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

##### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda **no later than 5pm on Wednesday 15 May 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

**6 Planning Applications (Pages 13 - 14)**

To consider and determine the following planning applications:

6a **W/12/02235/FUL: 19 St Mary's Lane, Dilton Marsh, BA13 4BL**  
(Pages 15 - 26)

6b **W/13/00152/FUL: Land North West of 6 Holmeleaze, Steeple Ashton** (Pages 27 - 38)

**7 Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

*Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

None

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## **WESTERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 APRIL 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

**Also Present:**

Cllr David Jenkins and Cllr Julie Swabey

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**22 Apologies for Absence**

An apology for absence was received from Councillor Mark Griffiths.

Councillor Pip Ridout gave apologies she would arrive late for the meeting.

**23 Minutes of the Previous Meeting**

The minutes of the meeting held on **13 February 2013** were presented. It was,

**Resolved:**

**To APPROVE as a correct record and sign the minutes.**

**24 Chairman's Announcements**

The Chairman thanked the Committee for their efforts and assistance during the last four years, and praised the work of the Planning, Legal, and Democratic Services officers who had facilitated the work of the Committee.

The Chairman also gave details of the exits to be used in the event of an emergency.

**25 Declarations of Interest**

Councillors Rod Eaton, Roy While and Ernie Clark declared a non-pecuniary interest in application W/12/02344/FUL - Rear of 4 Sandridge Road, Melksham - by virtue of being board directors of Selwood Housing.

26 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Committee noted the rules on public participation.

27 **Planning Appeals Update Report**

The Annual Planning Appeals Update Report for 2012 was presented. In a correction to the report it was stated that there had been one cost application against the Council, although it had been unsuccessful and no costs were awarded. An additional correction was the replacement of 'Hunterhull Road' with 'Hunterhull Lane' as listed in the report.

It was further clarified the list of decisions in the report included all those decisions the Committee had refused, not merely those that had been or were expected to be appealed.

In response to a query regarding appeals against delegated decisions on housing extensions, it was clarified that new procedures had been implemented, and as a result there had been no appeals on such extensions from delegated decisions, since the first half of 2012.

It was,

**Resolved:**

**To note the Planning Appeals Update Report for 2012.**

28 **Planning Applications**

The Committee considered the following applications:

29 **W/13/00074/FUL: Land Rear of Fire Station, Meadow Lane, Westbury**

Public Participation

Mr Jeff Martin, agent, spoke in support of the application.

The Area Development Manager introduced a report which recommended approval. The key issues were stated to include the principle of the development at the sites, access and parking provision and design.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor David Jenkins, then spoke in objection to the application.

A debate followed, where it was established that there was no legal requirement to provide affordable housing on such a small development, and the current unkempt state of the site and its attendant worth raised. The hours of development work in the event of approval was discussed, along with the impact on the character of the area and issues of highways congestion.

It was,

**Resolved:**

**That planning permission be GRANTED for the following reason:**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**Subject to 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.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.**

- 3 No development shall commence on site until details of the means of enclosure of boundaries have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary enclosure for it has been provided in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32**

- 4 No dwelling shall be first occupied until the off-street parking spaces shown on the approved plans for the dwelling have been provided. In addition, the dwelling on plot 1 shall not be first occupied until the 8 off-street parking spaces in front of the property have been provided in accordance with the approved plans. The parking spaces for the development shall be consolidated and surfaced (not loose stone or gravel) and shall be retained as parking spaces thereafter.

**REASON:** In the interests of highway safety.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; C38**

- 5 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.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2**

- 6 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:

3217-PL-001 received on 16 January 2013;  
3217-PL-002 REV A received on 14 March 2013.

**REASON:** To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

- 7 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**REASON:** To protect the amenity of occupiers of adjacent and nearby residential properties.

**Informative(s):**

- 1 The applicant is advised to contact Wessex Water with regard to matters of connections to water infrastructure.



30 **W/12/02235/FUL: 19 St Mary's Lane, Dilton Marsh, BA13 4BL**

Public Participation

Mr N Paine spoke in objection to the application.

Mrs Paula Carr spoke in objection to the application.

Mr Ken Reis spoke in objection to the application.

Mr Alan Verity, applicant, spoke in support of the application.

The Area Development Manager introduced the report which recommended approval. The key issues were stated to include the principle of development, impact on the character and appearance of the area, and flooding and drainage. It was noted that a Wiltshire Council Drainage Engineer was satisfied with the application should appropriate conditions be imposed as detailed in the report.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Julie Swabey, then spoke in objection to the application.

A debate followed, where the potential for and impact of flooding in the area that could be worsened by the application was discussed, and the opinion of the Drainage Engineer noted. It was raised that the application was within the limits of development, but the suitability and effectiveness of any scheme to mitigate flooding concerns was debated.

At the conclusion of debate, it was,

**Resolved:**

**That the application be DEFERRED to a future Committee meeting pending the completion of a full drainage report and the attendance of a Council Drainage Engineer.**

31 **W/12/02344/FUL: Land Rear of 4 Sandridge Road, Melksham**

Public Participation

Mr Anthony Brinkworth spoke in objection to the application.

Mrs Vera Parker spoke in objection to the application.

Prior to the introduction of the report, several members of the Committee requested advice on whether being Board Directors on Selwood Housing Association constituted a disclosable pecuniary interest and whether they should therefore not involve themselves in the debate or vote on the item as a result of Selwood involvement. The Legal Officer stated the connection probably did not constitute a disclosable pecuniary interest, but that councillors with an

interest should consider not involving themselves in the debate if they determined that the public, in viewing that connection, might reasonably perceive the presence of bias in their decision as a result.

The Area Development Manager then introduced the report, which recommended approval. Key issues were stated to include the principle and character of the development, impact on neighbour amenity, and highways issues.

The Committee then had the opportunity to ask technical questions of the officer. In response to queries, it was stated that the Council could not impose a condition requiring additional parking to be provided on land not within the application site, although informatives suggesting specific details would be appropriate was within the authority of the Committee.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Stephen Petty, then spoke in opposition to the application.

A debate followed, where the loss of public amenity was raised, along with the level of housing density in the area should the application be approved and whether it would constitute overdevelopment. Details of the access arrangements were also sought, in addition to a suggestion that in the event of an approval, that the case officer write to Selwood Housing to communicate the concerns of the Committee regarding the provision of replacement parking.

At the conclusion of debate, it was,

**Resolved:**

- 1) **To request that a letter be sent by the Case Officer to Selwood Housing to request Selwood Housing investigate the possibility of providing replacement parking on the adjacent land under their control;**
- 2) **That planning permission be GRANTED for the following reason:**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds. In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development which shall make a modest windfall residential contribution towards meeting a growing and diverse housing need within the Town and wider Wiltshire. In reaching its decision to grant permission, the Council took into account the relevant impacts upon neighbours, highway safety and other material considerations.**

**Subject to the following condition(s):**

- 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.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.**

- 3 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.**

**REASON:** In the interests of visual amenity.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - Policies C31a and C38

- 4 No development shall commence until a plan indicating the on-site provision of 2 car parking spaces and a turning area has been submitted to and approved by the local planning authority. The parking and turning space shall be provided before the dwelling is first occupied and shall thereafter be retained and remain available for such uses for the lifetime of the development.**

**REASON:** To ensure that adequate provision is made for parking within the site in the interests of highway safety.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10 and in accordance with Wiltshire Council's Car Parking Strategy.

- 5 The development hereby permitted shall not be occupied until the access to the site formed off Hampshire Place has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON:** In the interests of highway safety and to prevent the displacement of loose material along Hampshire Place.

- 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 and to prevent surface water spillage onto the adjacent land and road.

- 7 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western gable of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C38

- 8 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 those Orders with or without modification), no development within Part 1, Classes A-E and G shall take place on the dwellinghouse hereby permitted or within its curtilage (other than the erection of a shed with a size of 10 cubic metres or smaller).

**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.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C31a and C38

- 9 No development shall commence on site until details of the height, design, external appearance and decorative finish of the means of enclosing the new property boundary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C31a and C32

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

**LOCATION PLAN** - received on 18.02.2013

**BLOCK PLAN** – received on 18.02.2013

**SITE PLAN** – received on 18.02.2013

**ELEVATION AND FLOOR PLAN** - Drawing No. 2 of 2 received on 21.12.2012

**REASON:** To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative(s):**

- 1** The applicant should contact Wessex Water's Developer Service to agree points of connection to the public water and sewer networks. Wessex Water's new connections team can be contacted on the following telephone numbers: 01225 526222 for water supply and 01225 526333 for waste water disposal.
- 2** In view of the site's potential reptile and amphibian habitat, care should be taken when clearing the ground prior to development commencing, and if evidence of specially protected species is found, work should stop immediately and contact should be made with the Council's Ecology team led by Jon Taylor on 01225 718 276 or Natural England.

Grass snakes, smooth newts and various other species of reptile and amphibian are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species. If evidence of great crested newts is found during works, work should stop immediately and Natural England must be contacted on 0300 060 2065 for advice on the best way to proceed. Where they are present a license might be necessary to carry out the works.

It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees, and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside these dates if at all possible.

- 3** The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact Wiltshire Council's Ecology team on 01225 713303 or via email [louisa.kilgallen@wiltshire.gov.uk](mailto:louisa.kilgallen@wiltshire.gov.uk)

*Councillor Ernie Clark requested that his abstention from the debate and vote be recorded.*

Public Participation

Mrs S Bull spoke in objection to the application.

Mr T Bull spoke in objection to the application.

Mr R Robins, agent, spoke in support of the application.

The Area Development Manager introduced the report which recommended approval. Key issues were stated to include the visual impact and the impact on the amenity of neighbours.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Trevor Carbin, then spoke in objection to the application.

A debate followed, where the extent of overlooking from the proposed balcony was discussed, along with the scale of the balcony and its impact, and how to mitigate concerns without substantially altering development.

At the conclusion of debate, it was,

**Resolved:**

**That planning permission be GRANTED for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely C31a and C38.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic conditions of the area.**

**Subject to 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

**REASON:** To ensure that the development harmonises with its setting.

**POLICY:** West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A

- 3 The balcony shall not be brought into use until an opaque side panel 1.8 metres in height has been erected on the north side of the balcony and this shall thereafter be retained.

**REASON:**

To protect the privacy of the adjacent property.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location plan received on 11/2/2013

Plan 865-SO1 received on 11/2/2013

Plan 865-PO2 received on 13/3/2013

**REASON:** To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

### 33 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

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## WESTERN AREA PLANNING COMMITTEE

### INDEX OF APPLICATIONS ON 22/05/2013

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
6a	W/12/02235/FUL	19 St Marys Lane Dilton Marsh, BA13 4BL	Proposed one and a half storey dwelling on land to the rear of 19 St.Marys Lane, Dilton Marsh.	Approval
6b	W/13/00152/FUL	Land North West Of 6 Holmeleaze, Steeple Ashton	Erection of a detached 2-bed bungalow, formation of new vehicular access, provision of on-site parking spaces and boundary works.	Approval

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	22.05.2013		
<b>Application Number</b>	W/12/02235/FUL		
<b>Site Address</b>	19 St Marys Lane Dilton Marsh Wiltshire BA13 4BL		
<b>Proposal</b>	Proposed one and a half storey dwelling on land to the rear of 19 St.Marys Lane, Dilton Marsh.		
<b>Applicant</b>	Mr A Veritey		
<b>Town/Parish Council</b>	Dilton Marsh		
<b>Electoral Division</b>	Ethandune	<b>Unitary Member:</b>	Linda Conley
<b>Grid Ref</b>	384934 150035		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Steve Vellance	01225 770344 Ext 01225 770255 steven.vellance@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Those Members that were at the last meeting of this committee on April 17th may recall that this application was debated at that meeting. It was resolved to defer consideration of the application to a future meeting pending the completion of a drainage report and the attendance of a Council Drainage Engineer.

A drainage report has since been completed by one of the Council's Drainage Engineers and is attached as an appendix to this agenda. It demonstrates that the drainage proposals within the application are satisfactory and that the development will not increase the flood risk to adjacent properties in St Mary's Lane.

The report set out below is the one considered by members at the earlier meeting. The recommendation to grant planning permission remains unchanged.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

#### Neighbourhood Responses

Six letters/emails of objection received. Detailed comments set out in the report, but mainly focused on surface water drainage issues and whether the proposal represents overdevelopment of the area.:

Dilton Marsh Parish Council Response: - Object to the planning application. Grounds of objection set out in report, but focused on water drainage and flooding issues.

### 2. Report Summary

The main issues to consider are:

- Principle of development within the area.
- Impact on the character/appearance of the area.
- Flood prevention measures.

### **3. Site Description**

The application site is an area of land that currently forms part of the rear garden of number 19 St. Mary's Lane, Dilton Marsh, but that also fronts onto the modern estate road at The Dutts, an estate that consists of a cul de sac of two storey and single storey dwellings which parallels St. Mary's Lane. The site is generally level and grassed with mature hedging around the boundaries.

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

None.

### **5. Proposal**

The proposal is for the construction of a one and a half storey detached three bedroom dwelling. This would front onto The Dutts and take access from it. Off street parking is provided for within the curtilage of the new dwelling. Adequate provision has been made for the parking of three vehicles.

### **6. Planning Policy**

West Wiltshire District Plan 1st alteration - relevant policies are H17; H24; C31; C38; U1a; U2.

National Guidance is found in the National Planning Policy Framework (NPPF). This promotes sustainable development.

### **7. Consultations**

#### Dilton Marsh Parish Council

Objects to the proposal for the following reasons:

- The area and development site prone to flooding.
- Presence of new build will exacerbate problems as has 2A The Dutts.
- Overlap of 2A and application site is overdevelopment of the area.
- Water drainage scheme and flood prevention scheme of 2A is either ineffective or not been implemented.
- In the event of planning permission being granted, developer to demonstrate effective flood prevention measures have been undertaken.

#### Wiltshire Fire and Rescue

Requests a financial contribution.

#### Highways

No objections and state that the proposal would not have any adverse effect on the highway.

#### Environment Agency

No objections.

#### Wessex Water

Comments that the developer will need to agree a point of connection to the Wessex infrastructure for the disposal of foul flows and water supply and that a separate system for drainage will be required. The developer to check with Wessex to ascertain whether there may be uncharted sewers or water mains within the site.

## Council's Land Drainage Engineer

Makes the following comments:

- Clay layer below the ground surface, therefore if a soakaway system were to be utilised, it should comply with and be in accordance with BRE digest 365 (Soakaway Design) to ensure that it is sized in accordance with the ground's ability to receive the extra water. (BRE 365 appended).
- Rainwater harvesting good green idea but should not be solely relied on for surface water attenuation.
- Rainwater harvesting system be properly designed and have its volume calculation based on the predicted actual usage of water to avoid excess water becoming stagnant in the system.
- Rainwater harvesting system should incorporate an overflow to an existing surface water drainage system for when the tank becomes full.
- The tank may become inundated as it would be at a low point of The Dutts where water could collect and which may cause flooding.
- Application site is within 20m of a watercourse, existing drainage system may not have sufficient capacity, therefore drainage needs to be attenuated to minimise the impact of any extra water into it.
- Existing ground levels should not be raised which would serve to trap flood water within the rear gardens of properties in St Mary's Lane.

### **8. Publicity**

The application was advertised by site notice and neighbour notification. Expiry date: 08 January 2013. Representations received from six parties.

Summary of points raised:

- Issues relating to a recent localised flooding incident.
- Inadequate drainage
- Numbers 15 and 17 experienced flooding to their gardens
- Overdevelopment of the area
- Proposal should conform to designs of existing buildings within the estate.
- Planning conditions relating to 2A The Dutts and their water drainage measures have not been discharged.

### **9. Planning Considerations**

#### 9.1 The principle of development.

The principle of a development of one single dwelling on this site is acceptable. This is because the site is located within the village boundary limit for Dilton Marsh where new housing will be permitted subject to it being in keeping with the character and appearance of the area. As it has its own access and fronts onto The Dutts it does not comprise backland development. The design of the dwelling minimises its impact on its surroundings, but provides adequate amenity land for the occupants and off-street parking. It does not result in the loss of an important open space or visual gap, nor does it give rise to highway problems. The location of the site within the limits of development, close to services, means that it is a sustainable development, as sought by the NPPF.

#### 9.2 Design Considerations.

The proposed development is for a three bedroom one and a half storey dwelling with a single garage, occupying approximately half the width of the site. The design has deliberately been kept modest whilst offering a reasonable area of land for amenity for the residents of the property.

When determining the application, the planning considerations are whether the development would be contrary to policy or give rise to some form of acknowledged harm. Within this context, the following points are of relevance:

- The footprint of the proposed development occupies approximately half of the available plot, which is not an unreasonable pattern of development.

-The ridge height of the proposed development is 7.2 metres, which is an acceptable height, not overbearing on its neighbours or surroundings.

-The south facing rear elevation of the proposal does not have any overlooking fenestration and instead has four roof lights incorporated within the sloping roof plane. This safeguards amenity by not allowing any direct overlooking of the garden space of numbers 19 and 17 St. Mar's Lane.

-The properties at this location are both single and two storey, therefore in terms of massing within the street scene, the proposal would have limited and acceptable visual impact.

-Against this background, it is considered that there is no design reason for refusing the application.

### 9.3 Highway and Access Considerations.

The Highways Officer has no objection to the proposal. Access is from an adopted estate road and adequate off-street parking is provided.

### 9.4 Drainage and other considerations.

The main concern from several residents, and the parish council, has been in relation to surface water drainage issues and a recent localised flooding incident, with claims that the drainage system within the area is inadequate. Wessex Water have no objection to the proposal on sewer capacity grounds.

The North West corner of the application site, adjacent to The Dutts, would be garden land, and is shown as falling within shallow surface water flooding, in a 1 in 200 year event. The Environment Agency was consulted with regard to this application and has raised no objection, although requiring any surface water drainage not to connect to the foul system.

The Council's Drainage Officer has been involved in examining this issue in relation to the recent flooding incident. His comments are set out above. In essence, he has no objection to the proposal, provided that provision is made for properly designed surface water drainage provision. The applicant understands and acknowledges the importance of such issues, which will need to be controlled by planning conditions that require the approval of a drainage scheme prior to work commencing and its implementation prior to occupation.

The Parish Council have noted that whilst comparing site location plans for this proposal and that of the new neighbouring property at 2A, there appears to be an overlap of the land, between the two application sites. In response to this, the applicant has confirmed that he purchased an additional small section of land, which is contained within the red lined area of this planning application. The Land Registry's plan clearly shows this area as falling into the applicant's ownership.

It is noted that Fire and Rescue have requested a financial contribution for this development. The Council does not have an adopted policy with regard to such matters and therefore cannot be considered.

## **Conclusion**

Concerns raised with regard to land drainage issues are noted and are proposed to be covered by planning conditions. The submitted scheme conforms to policy and is recommended for approval, subject to the attached conditions.

**Recommendation:        Permission**

**For the following reason(s):**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and**

**proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C31A, C38, H1A, H17, H24, U2 and U1A.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant to secure this development to ensure that there would be no harm to the character and appearance of the area and no harm to neighbouring amenity.**

Subject to 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.  
  
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.
- 3 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.  
  
West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2
- 4 The development hereby permitted shall not be occupied until the access and parking area have been implemented in a consolidated porous surface (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The areas shall be maintained as such thereafter.  
  
REASON: In the interests of highway safety.  
  
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31
- 5 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted above ground floor level in the rear (south) elevation of the development hereby permitted.  
  
REASON: In the interests of residential amenity and privacy.  
  
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38
- 6 No development shall commence on site until plans showing the proposed finished floor levels of the building and any associated decking in relation to the existing land levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASON: To minimise any flood risk and protect the amenity of neighbouring properties.

- 7 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:-
- location and current canopy spread of all existing trees and hedgerows on the land;
  - full details of any to be retained, together with measures for their protection in the course of development;
  - a detailed planting specification showing plant species, planting sizes and planting densities;
  - means of enclosure;

REASON: To ensure a satisfactory landscaped setting for the development.

- 8 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

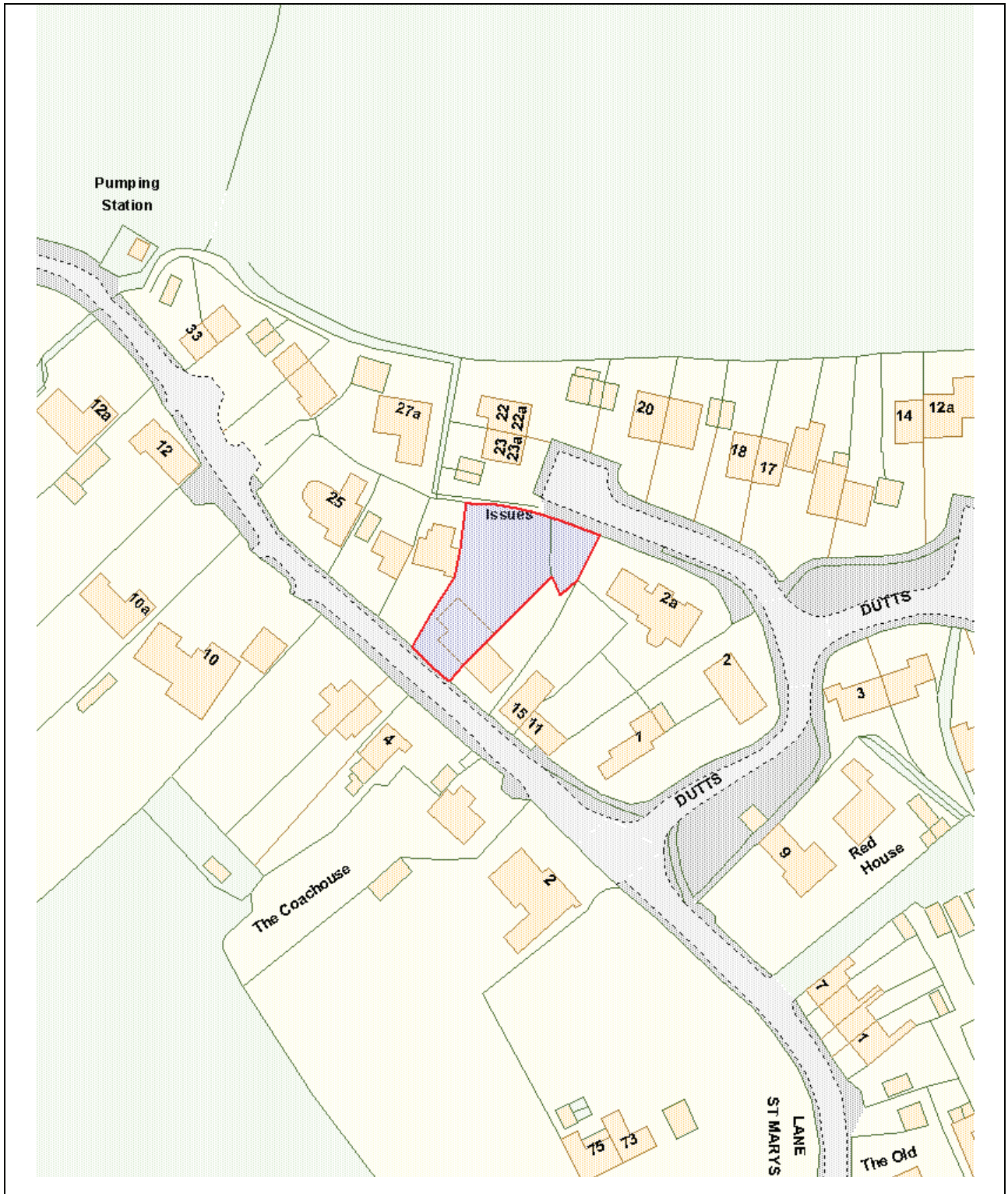
- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

Site Location Plan received on 05 December 2012  
Drawing number 776/1 received on 05 December 2012  
Drawing number 776/2 received on 05 December 2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

<b>Appendices:</b>	Appendix 1 – Drainage Report
<b>Background Documents Used in the Preparation of this Report:</b>	





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MSA: 100022961

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22 May 2013

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**Drainage Report: W/12/02235/FUL - Proposed Dwelling at 19, St Mary's Lane, Dilton Marsh**

The proposed development at 19, St Mary's Lane, Dilton Marsh discharges both foul and surface water but as the foul discharges will be piped directly to an existing foul sewer which is in turn part of a Wessex Water sewer; Wessex Water will provide the applicant with the criteria necessary for his connection to their network.



The means of surface water disposal is another matter however and it is intended to discharge excess surface water to an existing open watercourse shown above. The open watercourse is coloured blue and runs from the hammerhead at the western end of Dutts to the Wessex Water pumping station and out across the fields in a larger open watercourse. This receiving watercourse fronts the proposed property and is shown in the photograph below.



My calculations indicate that the open watercourse has a capacity of 2.3 cubic metres per second (2,300 litres per second). I measured a fall of 3.5% by placing my iPhone on the kerb line because the watercourse slope is similar to the road slope but physically measured the other dimensions.

The calculated output from the site using the Wallingford procedure is about 3.34 litres per second or roughly 0.15% of the watercourse capacity. If the property is draining to the open watercourse at the end of the hammerhead, where is all the water coming from to generate all the objections?

I have spoken to residents who tell me that the road itself acts as a conduit, feeding surface water towards the hammerhead which appears to be the source of the trouble.

Access to the watercourse is blocked by private fences but I went to the lower end of the watercourse at the pumping station and traced the watercourse back upstream towards Dutts.

There has been encroachment over the watercourse at some properties but where the watercourse is open, it retains its original profile and hence its capacity. I could not measure its slope here but believed it to be somewhere between 1 in 100 and 1 in 200 which indicates a capacity of between 6000 litres per second and 3800 litres per second with the larger dimensions accounted for in the calculations.

So in a nutshell the existing system should be capable of conveying several cubic metres per second, to a point close to the pumping station and out in the fields to the north of all the properties where it can do no harm.

If the proposed site uses 100 mm diameter pipe work from the storage tank into the open watercourse then the maximum pipe capacity is in the order of 5 litres per second, well within the expected maximum run off value of 3.34 litres per second.

So the upper end of the receiving water course is shown pictorially above and the lower end is pictured below, now if there is a problem, which I sure there is, then it occurs in the middle.



The open watercourse disappears behind new private fences at the side of the flats numbered 22, 22A, 23 and 23A and I suspect that the open watercourse has been illegally piped somewhere between 27, 27A and 29. Access is a problem making the watercourse that is shown as an open feature on the ordnance survey drawings different from the watercourse that exists on site.

Having pointed to the problem being the possible illegal alteration of the open watercourse and the “fencing in” of the places where the open watercourse still exists. I can appreciate the worries of the neighbouring properties but it could be a case of a self inflicted condition which is outside the scope of planning permission. I understand that planning permissions are assessed by referring to items within the applicant’s control and thus determination should not consider off site problems.

My supposition would be the riparian owners downstream having no idea that they are responsible for the wider increased flood risk problem and regard themselves as not having any responsibility for the hidden watercourse at all. Establishing exactly who owns what along that route will be a considerable challenge but would be necessary in order to address any flooding issues in the area.

The highway drainage problem will continue to exist as this watercourse is the only outward water route through the already constructed mass of rear gardens but careful development should not exacerbate the problem further.

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**Report Author:** Steve Scothern (Land Drainage Engineer), 01249 706312

08 May 2013

Appendices: None

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	22.05.2013		
<b>Application Number</b>	W/13/00152/FUL		
<b>Site Address</b>	Land North West Of 6 Holmeleaze Steeple Ashton Wiltshire		
<b>Proposal</b>	Erection of a detached 2-bed bungalow, formation of new vehicular access, provision of on-site parking spaces and boundary works.		
<b>Applicant</b>	Mr Eugene Niemira		
<b>Town/Parish Council</b>	Steeple Ashton		
<b>Electoral Division</b>	Summerham And Seend	<b>Unitary Member:</b>	Jonathon Seed
<b>Grid Ref</b>	390239 157411		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Jonathon Seed has requested that this item be determined by Committee due to:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental/Highway Impact

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses to the Original proposal to erect a 1.5 storey dwelling - (8) objection letters received including one from the Friends of Steeple Ashton.  
Neighbourhood Responses to the revised scheme to erect a single storey house - (5) objection letters received including one from the Friends of Steeple Ashton.

Parish/Town Council Response - Object for the reasons given within Section 7 below.

### 2. Report Summary

The main issues to consider are:

- The Principle of Development
- Impact on the Surroundings - Design and Detailing
- Living Conditions and Impact on Neighbours
- Highways Safety Interests
- Environmental Considerations
- Developer Contributions

### **3. Site Description**

The application site comprises a parcel of land currently forming part of the garden associated to No. 6 Holmeleaze within the defined Village Policy Limits of Steeple Ashton. It is roughly rectangular in shape and measures approximately 0.23 ha. The surrounding area is predominantly residential. To the immediate south and west of the site, existing neighbouring gardens adjoin the site (including the property owned by the applicant). Further residential properties and garden ground are located to the west and north beyond a densely landscaped northern boundary and public footpath. Common Hill is located to the east of the site - which would provide the site with a dedicated means of vehicular and pedestrian access.

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

There is no relevant planning history applicable to this application site.

### **5. Proposal**

This revised application seeks to obtain detailed planning permission to erect a modest single-storey 2-bed bungalow to be sited on an east-west axis, with the main outlook of the house looking across its own plot in a northerly direction. The house would have a footprint of about 89 square metres and would be about 5.2 metres high, with a shallow 30 degree pitched roof.

The proposed construction materials are facing brickwork for the walls; upvc fenestration and interlocking concrete roof tiles.

The site would have its own private access and on-site parking/turning space provision. Following receiving advice from the Council's highways authority, 90 metre achievable visibility splays have been calculated and are indicated on the submitted plans.

Apart from creating an opening within the existing hedgerow fronting onto Common Hill, the applicant proposes to retain the majority of the well established landscaped boundaries of the site.

### **6. Planning Policy**

West Wiltshire District Plan Policies - C31a - Design; C32 - Landscaping; C38 - Nuisance; C40 - Tree Planting; H17 - Village Policy Limits; H24 - New Housing Design; T10 - Car Parking; U1a - Foul Water Disposal; and, U2 - Surface Water Disposal

Supplementary Planning Guidance - Affordable Housing / Residential Design and Design Guidance SPG and Steeple Ashton's Village Design Statement

Government Guidance - The NPPF

The Emerging Wiltshire Core Strategy

Strategic Objectives - Delivering a thriving economy; Addressing climate change; Providing everyone with access to decent, affordable housing; Helping to build resilient communities; Protecting and enhancing the natural, historic and built environment; and Ensuring that adequate infrastructure is in place to support our communities.

Core Policies - Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development



## 7. Consultations

Steeple Ashton Parish Council - Objects. Steeple Ashton Parish Council still has concerns regarding this Application and as such is unable to endorse it.

The Councillors are principally concerned, from their local knowledge, as to the access to the proposed dwelling from Common Hill (see 4. below) and the visual impact that this proposal will have.

The proposal does not comply with several points of H17 Village Policy Limits of the West Wiltshire District Plan 1st Alteration 2004 which states:

### **1) The development would be in keeping with the character, appearance and distinctive spatial form of the settlement**

It is the opinion of the Councillors that this proposal is not in keeping with the bungalows and houses in Holmeleaze and would change the character of the area. This is inappropriate over development in this situation.

### **2) It would not create inappropriate backland or tandem development**

It is the opinion of the Councillors that this proposal would create tandem development.

### **3) It would not result in the loss of an important open space or visual gap**

The gap between no 6 and 7 Holmeleaze would be lost. Development is very close to the boundary of both properties and the original build was designed not to mar views from either 6 or 7. The plans themselves show the new house is only about 2.5 metres from the boundary to No.7 Holmeleaze.

### **4) It can be satisfactorily serviced, there is adequate infrastructure, including water supplies and sewage treatment and it does not create highway problems**

There is no direct sewage access and it is considered that it would create highway problems.

High Street leading to Common Hill at this point is reasonably straight, although in a 30mph area, has a reputation for speeding problems. The police and the speed gun users are constantly targeting this area. The Councillors are most concerned about the access from Common Hill onto the site, which is close to the junction with Hinton Lane and also adjacent to a public footpath. As the site is several feet above the road and footpath, which would make the entrance difficult and being a small site not sufficiently large to take more than two vehicles, parking for any visitors would be on Common Hill, creating a hazard to the passing traffic. The Parish Council presumes that the officers are satisfied that there is enough room to turn in the driveway, and a further hazard would not be created by cars backing onto the road.

The dwellings of Holmeleaze were deliberately built with only the one access to the main road.

The Councillors wish that the views of the neighbours are taken into account.

The application as presented is contrary to policy for development within the Village Policy Limit and is not supported by Steeple Ashton Parish Council.

The Highways Authority - No objection. An achievable visibility splay of 2.4m by 90m in both directions is illustrated and therefore the principle of creating a new vehicular access off Common Hill - which is a "C" classed road, is acceptable. No highway objections are raised subject to conditions being attached to any planning permission being granted.

Wessex Water - No objection, subject to an informative covering future connections being made to the public water supply and waste water infrastructure.

Council's Tree and Landscape Officer - No objection. There is no justified reason to refuse this application in arboricultural or landscape terms. None of the trees within the site are worthy of a Tree Preservation Order and the hedgerows fall outside of the protection of current hedgerow regulations.

It is important that all hedgerows bounding the site are retained and protected to help retain the general character of the local area, with the exception of the proposed access. Planning conditions are therefore recommended.

Council's Ecologist - No ecology based concerns are raised. An informative should be appended to any grant of permission.

Wiltshire Fire & Rescue Service - Request that any permission be subject to a s.106 legal agreement to obtain a financial contribution from the developer / owner of the site the sum of £76.13 (seventy six pounds thirteen pence) to be used to mitigate the risk posed by new developments and to provide enhanced fire fighting infrastructure in the form of hydrants and water supply. An informative is considered necessary to capture the Fire & Rescue Service's recommendations on installing a domestic sprinkler protection system.

## **8. Publicity**

The application was advertised by site notice and neighbour notification.

Expiry date: 06.03.2013 and 26.04.2013

Summary of points raised: 8 third party representations were received following the first round of public notifications, following the receipt of revised plans and a second round of neighbour notifications, 5 third party representations were received, including comments from the Friends of Steeple Ashton which included the following concerns/objections:-

### **Conformity with Planning Policy and Steeple Ashton's Village Design Statement**

The development runs contrary to the Village Design Statement.

The structure overwhelms the site which would leave the plot unbalanced.

The use of materials would be out of keeping with both Holmeleaze and Newleaze.

Inappropriate garden grabbing.

The site cannot accommodate the proposed building and services.

### **Highway Safety**

Notwithstanding the fact that the highways authority does not oppose the application, Holmeleaze was built with one access to the high street (main road) for obvious reasons. Over the past 40 years no property has been allowed a new access direct to the main road as it would result in highway safety hazards. Concern raised about potential precedent being created.

All the properties in Holmeleaze have been built in a similar design and complement each other. The proposed house would be out of keeping with the surrounding properties and detrimental to the overall character of Holmeleaze.

Creating the new access would disrupt the visual symmetry of Holmeleaze as viewed from the road.

The proposed access would be formed off a busy road close to a road junction. The access requires the destruction of a bank and established hedge with access over a pavement. The development would inevitably lead to parking along the High Street.

### **Impact on neighbours**

Neighbouring/existing dwellings were purchased to enjoy a rural tranquillity and privacy of having a rear garden - this development would compromise this.

The house is too close to the adjoining property - and the top of the windows and the roof of the house would be visible

Noisy neighbours and dust and noise from construction processes would compromise existing residential amenity.

### **Other Matters Raised - which cannot be treated as material considerations:-**

The development would devalue existing neighbouring dwellings.

If this application is allowed, will other properties be able to build within their gardens?

It is understood that the applicant- who lives 100 miles away, intends on renting the existing house and this proposed house - we have enough rented properties in this area. The application is solely for monetary gain.

## 9. Planning Considerations

### The Principle of Development

The NPPF places an importance on the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice. Making efficient and sustainable use of land is still an over-arching planning requirement; and, it is recognised that the form and density of a site's surroundings are material considerations.

Paragraph 49 of the NPPF makes it explicitly clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". Indeed, the NPPF stresses that **"great weight"** should be attached to proposals which are sustainable. The NPPF recognises the primacy of any saved Development Plan, and it provides up-to-date Government Guidance on promoting sustainable forms of development. Within the County's defined Towns and Villages, the sustainability benefits of residential windfall opportunities such as the development hereby proposed should be recognised and such proposals should only be refused where there would be demonstrable harm caused. In the absence of such harm being created, Central Government expects Local Planning Authorities to approve such applications without delay.

There is no doubt that the proposal involves development on garden ground and the local concerns raised about "garden grabbing" are recorded. However, it is important to stress that established development plan policies and the NPPF does not preclude infill residential development within gardens. The key test is whether or not there would be significant harm caused.

It is accepted that this infill proposal breaks away from the established cul-de-sac built form. However, within the local context, the proposed bungalow would have a similar level of amenity space to that of several nearby properties. The proposal is not considered to be overdevelopment of the plot. The proposal constitutes as being a 3:1 plot-house ratio, which is not considered inappropriate or particularly out of keeping with the local built form. Furthermore, rather than accede to the view that the development proposal is inappropriate backland development, officers submit that the development would not appear fundamentally at odds with the established slightly staggered building line loosely formed by No's 1- 6 Holmeleaze.

In this particular case, the site is located within the established Village Policy Limits of Steeple Ashton and can access all the village's amenities and services in a sustainable manner, including making use of the public transport links. Under Adopted District Plan Policy H17, proposals for new housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

The application site forms part of an existing residential plot within a residential area. The plot can accommodate the modestly scaled "starter" home whilst at the same time, provide a degree of external amenity space; and still leave the host dwelling with adequate amenity ground. It is further asserted that the modest 2-bed bungalow hereby proposed, would make a positive contribution to the local housing stock and would support the construction industry and jobs.

## Impact on the Surroundings - Design and Detailing

Initially, the applicant proposed to erect a dormer bungalow on the site as part of a proposal which had several failings. After negotiations, a revised scheme was put forward comprising the single-storey form re-sited within the plot to orientate it on an east-west axis. By virtue of its single-storey form and modest height without any gable ended windows facing the adjoining property, the proposal would not demonstrably result in significant neighbouring nuisance.

Firstly, it is important to stress that the plot is already garden ground which can be used by any occupier of No. 6. In land use terms, the ground would still be used for residential purposes and have the same level of activity within the garden, so on the basis of the above, it would be difficult to sustain a reasoned objection.

Through negotiations, the applicant accepts that a single-storey property is necessary to ensure that any new building does not significantly disrupt the character and amenities of the area. Once built, the proposed single-storey house would have minimum visual impact on the street scene - as viewed from Holmeleaze cul-de-sac and Common Hill (on the proviso that the road side hedgerow is retained, as proposed). Officers submit that the single-storey development proposal would not be visually obtrusive. In plan form, the development would bring about a change to the spatial relationships between the existing properties, but in this particular case, it would not be detrimental; and the proposed change is not considered robust grounds to substantiate a refusal.

The surrounding area comprises a mix of house types, styles and designs. The mix of detached, semi detached and some terracing proves that there is no unified form of development; and there is a mix of materials used in the locality - including the use of render, having random stone ground floor facades as well as some brickwork.

By virtue of the site being set back from the Holmeleaze cul-de-sac and in recognition that a single-storey house is being proposed, officers assert that the rhythm and spatial relationships / gaps between existing buildings would not be significantly harmed. The proposed facing brickwork for the walls under a tiled roof would not appear demonstrably out of keeping with the rest of Holmeleaze.

## Living Conditions and Impact on Neighbours

The proposal would provide sufficient amenity ground for what would most likely be a "starter" home or retirement property. Given that No. 6 Holmeleaze (the host property) has a much larger residential curtilage/garden than most, if not all the surrounding/neighbouring properties, an opportunity does exist for a limited small scale residential infill - which would not be out of keeping with existing/neighbouring plot and garden sizes.

It is important to appreciate that through negotiations, the applicant proposes having a blank western gable facing No. 7 Holmeleaze to reduce/prevent any future loss of amenity or privacy concerns. Notwithstanding this fact, concern has been raised about the 2.5 metre separation between the new bungalow and the common boundary shared with No. 7. Whilst, the development would be seen from the neighbour's upper floor window, this in itself, is not grounds to warrant a refusal. Whilst the bungalow would be built closer to the neighbouring house than the existing host dwelling, there would be no dominating effect and the development would not demonstrably reduce neighbours' enjoyment of their own rear gardens.

The revised proposals would not result in causing demonstrable harm to residential amenities or privacy levels.

## Highways Safety Interests

As reported above, the Council's highways authority subject to conditions, raise no objection to this proposal; and consequently, officers assert that the site and new house could be serviced with an adequately designed new vehicular access without causing highway safety conflicts.

Whilst the concerns of the Parish Council and local residents are duly noted, the proposed access off Common Hill would not be a tandem development as described by those objecting to the scheme. Tandem development is a form of backland development whereby a new house is proposed to be built behind an existing dwelling and behind the defined site frontage and served off the same vehicular access. In this particular case, the proposed house would be constructed to the side of the host building and would have direct frontage onto Common Hill. Rather than be classed as tandem development, officers submit that this proposal is better categorised as an infill proposal/opportunity.

### Environmental Considerations

There are no environmental constraints affecting this site which cannot be addressed through careful construction practices and robust planning conditions; and after a full consultation exercise, no environmental based objection is raised. Officers do however recommend that if permission is to be granted, conditions are necessary so that the road side hedgerow is retained and protected during construction processes; and that the works on site do not take place during bird nesting season.

### Developer Contributions

At the pre-application stage, it was confirmed that this 1-house proposal would not trigger any s.106 contributions for public open space or affordable housing provision. During the consultation process, Wiltshire Fire & Rescue Service requested a financial contribution which is considered by officers as unjustified and unreasonable and would not satisfy the relevant Planning Obligation Test of reasonableness. The requested contributions being sought to pay for hydrants and other infrastructure, is something which would need to be enshrined within a future, formally adopted Council CIL charging policy.

### Conclusion

Subject to conditions, this negotiated proposal is recommended for permission.

**Recommendation:        Permission**

### **For the following reason(s):**

The proposed windfall development is located within the defined Village Policy Limits of Steeple Ashton and as a consequence is considered a sustainable development proposal with good access to village amenities and services, including public transport links. The proposal would not demonstrably cause any harm to the street scene, character of the area and nor would it detrimentally harm third party amenities or privacy levels. The one-house development would make a modest contribution to meeting local housing need.

### **Subject to the following condition(s):**

- 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 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:-

Location and current canopy spread of all existing trees and hedgerows on the land;

Full details of all trees and hedgerows to be retained;

Where the existing hedgerows are to be retained and where there are gaps requiring infill planting, these areas must be clearly identified on a detailed plan including a hedgerow planting specification, together with measures for their protection in the course of development;

A detailed planting specification showing all new plant species, the supply and planting sizes and planting densities;

Finished levels and contours;

All hard and soft surfacing materials;

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 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.

- 6 No part of the development hereby permitted shall be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 8 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - policies C31a and C38

- 9 No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C31a and C32

- 10 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 11 During the construction stages, no site deliveries shall take place and no plant machinery or equipment shall be operated or repaired (so as to be audible at the site boundaries) outside the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays; and with no works audible at the site boundary to take place on Sundays or Public Holidays.

REASON: In order to safeguard the amenities of the area in terms of noise disturbance, nuisance and congestion caused by construction traffic and plant equipment.

POLICY: West Wiltshire District Plan - 1st Alteration Policy C38.

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

LOCATION PLAN – received 29.01.2013

VISIBILITY PLAN – Drawing No 1300 1-2 – received 14.03.2013

SITE PLAN, FLOOR PLAN AND ELEVATIONS – Drawing No 13001 Rev A – received 14.03.2013

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

#### **Informative(s):**

- 1 Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may be taken on board during the formal Building Regulations consultation process and are made without prejudice to that process.

A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties throughout the County.

There are several good reasons to install residential sprinkler systems:

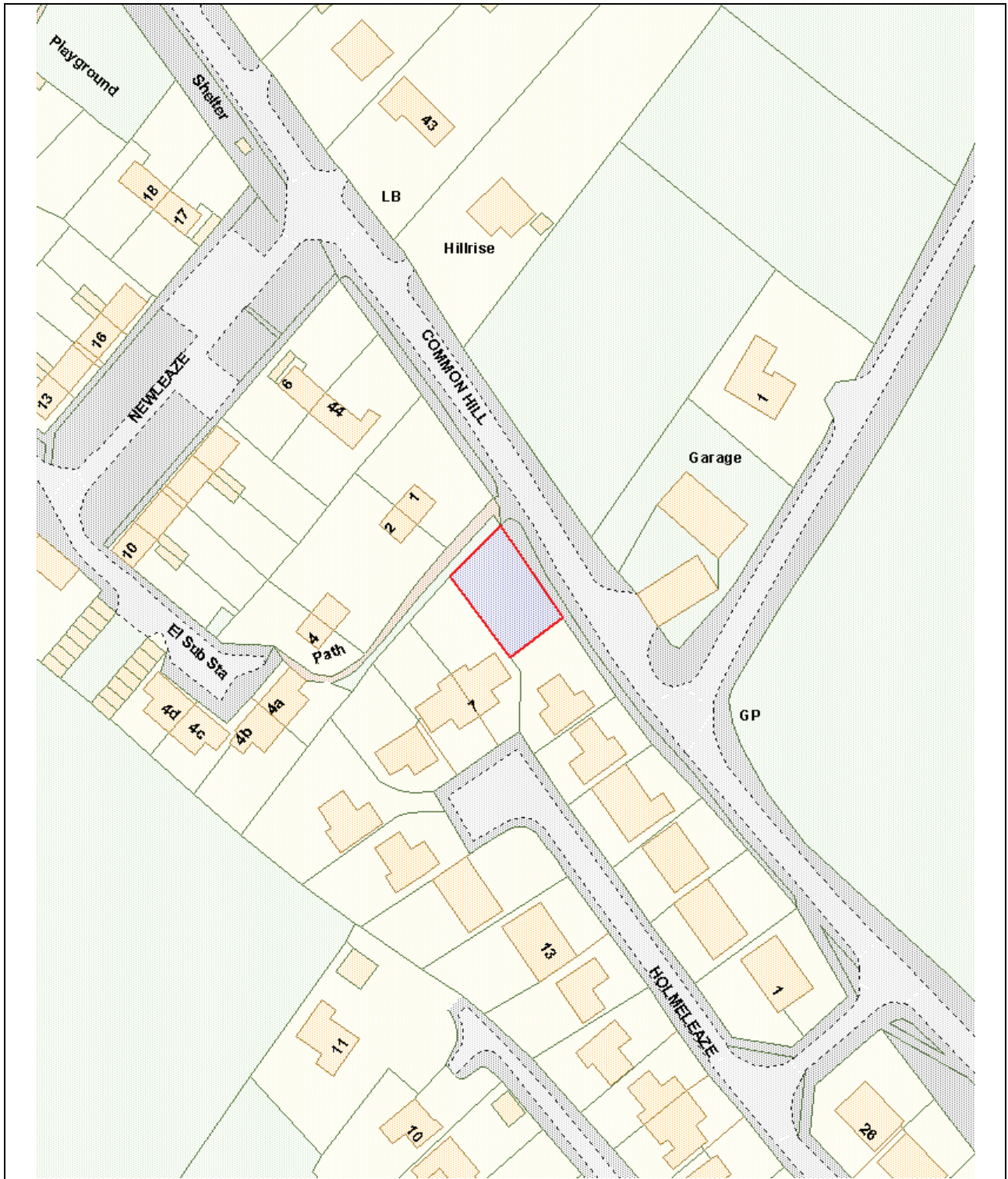
1. Sprinklers work from a standard main, although a 32mm connection is required;

2. They are inexpensive to install, particularly in new buildings;
3. They do not activate by accident – causing unwanted damage;
4. They only operate through individually activated heads, not the whole system;
5. They can be fitted flush into ceilings behind a flat cover;
6. They cause less water damage in a fire event than normal fire fighting apparatus; and
7. They significantly reduce fire and smoke damage.

2 The applicant is advised that the application site holds potential for protected species. Under the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	





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