

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	14.11.2012		
Application Number	W/12/01649/FUL		
Site Address	Land Rear Of 12 And 12A Westbury Road Warminster Wiltshire		
Proposal	2 x detached houses (revised design to W/11/01243/FUL)		
Applicant	Mr R Denton		
Town/Parish Council	Warminster		
Electoral Division	Warminster West	Unitary Member:	Pip Ridout
Grid Ref	387443 145767		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance

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### 1. Purpose of Report

To consider the above application and to recommend that planning permission is granted subject to the completion of an amended S106 Agreement in relation to Affordable Housing.

Neighbourhood Responses - Five neighbours responded to advertising with objections, some making more than one submission.

Town Council Response - Warminster Town Council objects to the proposals for reasons as outlined in the "Consultations" section below.

### 2. Report Summary

The main issues to consider are:

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- the principle of development in this locality;
- highways and access;
- design and neighbouring amenity;
- affordable housing; and
- landscaping.

### 3. Site Description

The application site is a backland site to the rear of No 12a and 12 Westbury Road, rectangular in form and served by a newly constructed access recently named Tangier Close which will serve these two plots and the three other residential properties on adjacent land to the rear of 11 and 12 Westbury

Road . Tangier Close is protected by a security gate, so it is not possible without permission to access the site. These properties are at various stages of development, in accordance with separate planning permissions. At the time of writing two dwellings exist on the adjacent land to the east. The dwelling permitted to the rear of, No. 11 (accessed via the same shared driveway) remains vacant. Development is also occurring to the west, to the rear of No 12b, with a dwelling currently under construction. This dwelling is served by a separate access and stands as an isolated backland plot.

The rectangular portion of the site is some 1300m<sup>2</sup> in extent. The site falls within Warminster Town Policy limits, and forms part of a brownfield allocation site that encompasses land to the rear of the linear development comprising No's 3 to 12b of Westbury Road, to the north east of the railway line. It is not visible from Westbury Road due to the slope of the land, intervening houses and tree cover.

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

This site: W/11/01243/FUL: Two detached houses with detached garages : Permission : 29.11.2011

Recent approvals in the vicinity:

W/10/02406/FUL: Construction of access drive and two detached houses with detached double garages : Permission : 21.03.2011 (adjacent site to east to rear of 12 Westbury Road, served by separate access)

W/11/00755/FUL : Detached house and garage : Permission : 19.10.2011 (Site to rear of 11 Westbury Road, served by same private access)

W/12/00257/FUL : New dwelling : Permission : 21.03.2012 (adjacent site to west to rear of 12b Westbury Road served by separate access)

#### **5. Proposal**

The proposal is for a revision to the design and location of the two dwellings approved under Planning reference W/11/01243/FUL. The re-design is for two x two/three storey four bedroom dwellings of contemporary design replacing the previously proposed conventional gabled houses. The proposal is for a flat-roofed modular design using a mixture of pre-rusted Corten steel and render finishes.

The different elements to the dwellings would vary in height between 5.4m and 8m (integral carports 2.9m). This would be equivalent or below the height to the previously proposed scheme. An "open-plan" design is proposed at ground floor level, providing living room/dining room and kitchen accommodation, whilst the levels above would contain the bedrooms and associated private rooms.

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

West Wiltshire District Plan 1st alteration 2004

H1Town Policy Limit; H3 Urban Brownfield Allocation; H24 New Housing Design; C31aDesign; C38 Nuisance.

National Planning Policy Framework

Emerging Wiltshire Core Strategy

#### **7. Consultations**

##### Town Council

The Warminster Town Council objects to the proposal on the grounds that the design is completely alien to the surroundings and as such represents an unacceptable visual impact on neighbouring properties.

##### Highways

No objection subject to a condition in relation to parking space and turning area provision.

### Network Rail

No objection, but observations made in respect of activities on site that need to be addressed with due consideration for Network Rail property.

### Ecologist

No objection but informative recommended in relation to protected species.

### Environmental Health

No objections or conditions recommended

### Wiltshire Fire and Rescue Service

Invites attention to the importance of fire safety measures and water supplies.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. Expiry date: 17 October 2012

Summary of points raised:

Loss of homogeneity in Tangier Close;  
Not in keeping with the character of the area;  
The site is part of a uniform "street scene"  
Significant diversion from design to dwellings in Tangier Close  
Materials and design not in accordance with existing Westbury Road developments  
The turning area and parking area are questioned where there are inaccuracies on the plan;  
Neither the architect nor applicant took the pre-application advice to consult with neighbours;  
Overshadowing and overbearing on new dwelling being built to rear of 12b Westbury Road; and  
The new units would in fact form part of a single development sharing essential services and access.

In addition Cllr Ridout has commented that this is a very traditional part of Warminster and development should be "tasteful and sympathetic". Experimentation with trendy twists should be avoided. It is not accepted that just because plots are owned by different developers that there should not be a uniformity of approach.

## **9. Planning Considerations**

### *9.1 Principle of Development*

The principle of the development is well established by virtue of previously granted permission for two dwellings on this site, which is within Warminster Town Policy Limits. The site also forms part of the Urban Brownfield Allocation under Policy H3 of the West Wiltshire District Plan 1st Alteration, 2004. This latter Policy is proposed to be "saved" under the emerging Core Strategy and residential development would also therefore be compliant with the emerging document. It would furthermore accord with the National Planning Policy Framework insofar as that document requires that housing applications should be considered in the context of the presumption in favour of sustainable development, and prioritises the use of brownfield land. In this instance the locality is by definition sustainable, being within Town Policy Limits. There is therefore no objection to the principle of development of two dwellings on this site.

### *9.2 Highways and Access*

The development proposes the use of the same access as approved under the previous proposals, i.e. a private shared drive off of Westbury Road that passes between No's 12 and 12a, Westbury Road. The access has already been constructed to serve the two dwellings on land to the rear of no. 12, but the turning head would be extended to serve the units now proposed.

The courtyard parking and manoeuvring area has been enlarged relative to that for the currently extant permission on the site that had a narrower separation distance between the dwellings, which

were set at an angle on the site. Detached garaging was also proposed within the area now allocated exclusively for turning and parking.

The Highway Officer initially requested the submission of a tracking diagram for a medium sized service vehicle. This was done, but led to queries by a neighbour in relation to manoeuvring overlapping onto the adjacent site. In considering the highway recommendation and these comments it must be noted that there is an extant planning permission, with a fall-back situation where more constrained courtyard space was permitted. The extent of control that the applicant has over works to a turning/parking area is furthermore confined to the land under his ownership as defined by the red line of the application site.

In addition the proposals provide for integral carports to each of the dwellings, plus two parking bays which provide for wholly adequate provision equivalent to that provided in the previous permission.

The highway officer has confirmed that there is no objection, and has recommended only a condition in relation to the provision of the parking spaces/turning area as per the submitted plan.

### *9.3 Design and Neighbouring amenity*

A common theme in the objections raised by neighbours and the Town Council is the design of the new dwellings, the view being that a departure from design characteristic of the "surrounding area" is not acceptable. The contemporary appearance and materials are considered by them to be inappropriate in this setting. It is the case that Policy H1 includes the criterion that requires consideration of siting, layout and design which should be satisfactory and in keeping with the character of the surrounding area.

Related to this, current national guidance in the form of the National Planning Policy Framework states that *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*

A key consideration therefore is whether or not there is "local distinctiveness" and resultant character that indicates that development in the Westbury Road backland allocation site should conform to an established norm.

The area carries no statutory designation for conservation of character or appearance.

In further considering the local context, it is clear that historically various arrangements of plots and housing have been permitted in the land between the dwellings fronting onto Westbury Road and the railway line. In the vicinity of this site, subdivisions providing for dwelling units of varying design have been permitted.

An example is the units to the east to the rear of No. 12, where substantial use of timber and large glazing areas to the primary elevations provide for a relatively striking contemporary appearance relative to the more conventional approach to design of the older housing that exists on the Westbury Road frontage. The following is an extract of the Design and Access Statement that was submitted in support of that development proposal:

*"It was felt that a more contemporary form of external appearance would look good, in this particularly visually isolated site, and (it was) decided on a mix of faced stone with vertical oak boarding and grey aluminium joinery with black fascia under a slate grey roof." and "The design of the proposed houses follows investigation into the various types and styles already approved and erected on similar sites in the area which revealed no particular theme."*

On the Westbury Road frontage itself the older dwellings have no standardised or repetitive form in terms of general appearance. It is considered that the one common factor to most dwellings in the area are that they are of fairly generous proportions on currently large plots. In the wider proximity, to the rear of 16 to 19, smaller and more randomly arranged subdivisions of land has occurred (Queens Chase). A more generous form of division then resumes behind the next four properties to the west,

beyond which higher densities apply towards the Town Policy boundary. There is therefore no regularity to the pattern of development or housing design within this approximately 600m length of backland, albeit that a more repetitive approach to design exists in the more modern estates to the west, but these do not sit in any way in the same visual context as the application site.

In summary: It is clear from Planning history that a uniform approach to the design and layout of the entire backland area will not emerge simply because owners are making individual decisions in terms of timing and design of applications. An ad-hoc approach has been accepted to date, a key constraint for further development being the provision of access to the area from Westbury Road. The form of residential development along Westbury Road and in the allocation site has in terms of design, size and type of dwelling been variable, albeit with a more conventional appearance to older units.

In the light of these factors it is considered that a highly contemporary approach to design using modern materials does not affect any "local distinctiveness". The application must be considered on its own merits. As outlined above the proposed dwellings sit in the context of the ad-hoc situation with regard to development in land to the rear of the Westbury Road frontage. The plots furthermore stand in isolation of any "standardised" street scene (and the wider public realm, being served by a private access). The W/11/01243/FUL permission did reflect a similar design approach to the completed neighbouring units but that in itself should not predetermine refusal of an alternative design on what are separate plots under separate ownership.

Insofar as neighbour amenity is concerned, in this instance the siting of the buildings would approximately aligned with the neighbouring units to the south east, with the unit on Plot 1 slightly forward of the dwelling to the north west, so as to simultaneously take account of the need to preserve and protect the larger trees (which have been subject to careful landscaping in all previous applications in this area) on the sites.

The existing permission would have sited the units so that they were set at an angle to the courtyard between them, with front facing windows orientated more towards the neighbouring units to the south east, producing a greater degree of intervisibility with rooms of the neighbouring dwellings.

The current proposals would revert to a situation with primary windows facing at 90 deg. to the neighbouring boundaries, together with no front-facing windows to habitable rooms. This produces an improved sense of privacy relative to that in the previous scheme, albeit that adequate separation distances existed in that case. The primary windows to habitable rooms in the proposed units face the rear of both dwellings, overlooking the private rear garden spaces to the new plots.

With regard to the neighbouring dwelling to the north east currently under construction, it is firstly noted that this sits on a plot wholly separated by a significant boundary hedge and trees under the control of the application site's owner, from the adjacent "Plot 1" on the application site. It is accessed via a separate driveway.

The trees and hedge are indicated for retention under the submitted drawings, which include proposals for their protection during construction. The dwelling being built on the neighbouring site has no windows to habitable rooms in the side facing elevation to the main body of the house (at first floor level there will be a bathroom with obscure glazing, and at ground floor level a garage, utility room and kitchen window all facing directly onto the hedge which varies in height but is substantially taller along the boundary than ground floor level).

A proposed garden room/conservatory to the dwelling being built would have "wrap-around" windows, with those facing north east orientated towards Plot 1 looking directly into the relatively dense hedge at a distance of  $\pm 3\text{m}$ . Other windows to the room would face south east and south west, into the generous garden area.

In considering the objections from the owner of the neighbouring site, the presence of the hedge and large trees to the southern aspect present separate and significant factors in terms of direct overshadowing and impact on light from the south. In terms of outlook from the front-facing windows to the dwelling under construction, the extant scheme W/11/01243/FUL would have placed a 5m high x 11m long garage block at 2m from the common boundary, all within the 45 deg "field of view from the front of the dwelling. This structure is removed from the revised proposals.

The new building on Plot 1 would furthermore not at any point fall within the 45 deg field of view "rule of thumb" guideline for loss of light or unacceptable visual intrusion from any front facing windows to the main body of the dwelling under construction. The dwelling to Plot 2 to the proposed scheme would be in excess of 30m distant, and would be obscured from view by one of the large trees to the boundary.

With regard to the relationship between the proposed units themselves it is considered that the scheme would be acceptable. The separation distance between the two dwellings would be 19m at minimum, with no windows to habitable rooms directly intervisible. No side-facing windows to habitable rooms are proposed to upper storey levels (bathroom and landing only). Substantial screening would be provided by trees and shrubbery in the wider area.

In view of the above, it is considered that, in the absence of any conservation status to the area and given the separation of the site from the more conventional Westbury Road street scene and the other estate developments in the proximity, refusal based on preserving local distinctive character would not be justified. The siting, design and orientation of the new units would furthermore not unacceptably harm neighbouring amenity. A requirement to impose a particular architectural style or meet a particular taste in this setting is not considered reasonable.

### *9.3 Affordable housing*

Where the site falls within a Policy H3 allocation area housing officers have confirmed that a commuted sum is acceptable. any permission will therefore require the completion of an amended S106 agreement to reflect the new permission.

### *9.4 Landscaping*

The drawings include proposals for landscaping and tree/hedge protection during development. This has been discussed with the Tree & Landscape Officer, who has recommended relevant conditions.

### *9.5 Conclusion*

The principle issue here is whether the contemporary design proposed is acceptable. Contemporary designs often provoke public debate, particularly given the normal 'traditional' route followed by most volume builders. However, national advice in the NPPF favours innovation and originality, and given that this site is located in a modern development outside of any protected area, and largely visually isolated from public view, it is difficult to justify a refusal on design grounds.

In the light of the above considerations, permission is recommended subject to the completion of a S106 Agreement in respect of a contribution to housing in accordance with Policy H3 of the WWDP, 1st Alteration 2004.

#### **Recommendation:**

**Planning Permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of an amended legal agreement to secure a commuted sum towards affordable housing in accordance with policy.**

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

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

- 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, roofs and fenestration frames 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 part of the development hereby approved shall be first occupied until the parking area and turning spaces shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 4 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 5 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:  
Site Location Plan received on 30.08.2012  
D841 D01 received on 30.08.2012  
D841 D02 received on 30.08.2012  
D841 D03 REV A received on 30.08.2012

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.

- 7 This permission shall be alternative to planning permission W/11/01243/FUL given on 29.11.2011 and shall not be exercised in addition thereto or in combination therewith.

REASON: To ensure that two alternative permissions are not both implemented.

**Informative(s):**

- 1 The applicant is advised that reptiles are protected from injury/ killing under the Wildlife & Countryside Act (1981, as amended). Therefore prior to the commencement of construction work, the site must be cleared with due care and attention for reptiles: any significant debris (logs, large stones, piles of garden waste) should be checked by hand for the presence of reptiles sheltering beneath; vegetation should be cut down to 10cm, and left as such for several days before cutting further and removing the topsoil. All cuttings should be removed from the site. Vegetation clearance should take place outside the breeding bird season (March - August inclusive) unless checked beforehand by a suitably qualified ecologist for the presence of nesting birds.
- 2 The applicant is advised to contact Wessex Water (01225 526000) with regard to connections to water infrastructure and to check for the possible existence of uncharted sewers or water mains on, or near to, the site.. Wessex Water furthermore advises that the site is within a source protection zone and any discharge of surface water will need to be within Environment Agency guidelines.
- 3 The applicant should note that under current circumstances "wheely bins" will need to be set out on collection days at least within 25m of the access to the private road serving this complex and that future occupants should be made aware of this.
- 4 Network Rail invites the applicant's attention to matters to be considered in relation to adjoining railway land, where relevant:

**FENCING**

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

**DRAINAGE**

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary.

**SAFETY**

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close



proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

#### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Permitted:

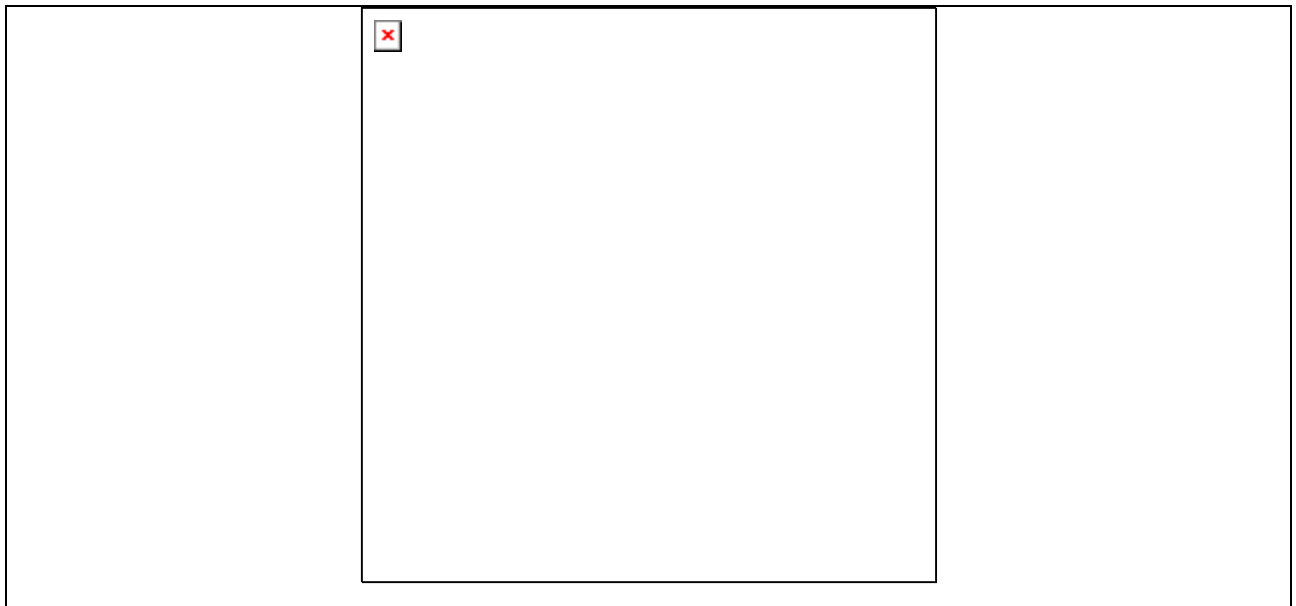
Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

- 5 The applicant is advised to contact the Wiltshire Fire and Rescue Service (01225 756500) if any advice is required in respect of fire protection measures. Attention is invited to the information provided in the correspondence dated 07 September 2012 from that Authority.

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



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[www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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