

## 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>	