

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>04.09.2013</b>		
<b>Application Number</b>	<b>W/13/00711/FUL</b>		
<b>Site Address</b>	<b>Land South East Of 3 To 7 Savernake Close Warminster Wiltshire</b>		
<b>Proposal</b>	<b>Development comprising of the construction of 3 new terrace dwelling houses and 3 new bungalows with associated works</b>		
<b>Applicant</b>	<b>Selwood Housing</b>		
<b>Town/Parish Council</b>	<b>Warminster</b>		
<b>Electoral Division</b>	<b>Warminster West</b>	<b>Unitary Member:</b>	<b>Pip Ridout</b>
<b>Grid Ref</b>	<b>387195 145722</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mr Matthew Perks</b>	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- Relationship to adjoining properties
- Environmental/highway impact
- Other: Drainage and highways - should be considered together with application W/13/00451/FUL

### 1. Purpose of Report

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

Neighbour Responses - No objections received.

Warminster Town Council Response - Objection for reasons outlined in "Consultations" section below.

### 2. Report Summary

The main issues to consider are:

- \* Principle of development;
- \* Siting, layout and design;
- \* Loss of Open Space
- \* Accessibility including highway safety and parking;
- \* Drainage; and
- \* Any other material considerations such as neighbouring amenity.

### **3. Site Description**

The application site of some 1750m<sup>2</sup> in extent is open amenity space lying to the north east of the block of flats comprising Nos. 34 to 47 Portway Lane. The site is surrounded on all sides by mixed residential development, with pedestrian walkways serving these properties adjacent to the northern, eastern and southern boundaries of the site. The land fall within Warminster Town policy limits.

Access to Portway would be via a "panhandle" that would pass to the south east of 34 to 47 Portway Lane and to the rear of Nos. 1 to 9 Epping Close.

The site is relatively level and is currently laid to grass.

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

No previous applications on this site.

### **5. Proposal**

This is an application for the erection of a terrace of 3 double storey dwellings facing south-east onto the access road, and another terrace of 3 single storey units in the north eastern portion of the site. The double storey terrace would be set at 90 deg. to the flats to the south west, whilst the single storey terrace would be parallel to the existing similar building to the north east, at a separation distance of some 17m (including, the public pathway to be retained). 2 Parking spaces per unit are proposed.

One of the three single storey dwellings would be "a dedicated mobility dwelling", incorporating features to assist mobility-impaired occupants.

The proposal includes private gardens with small sheds to serve the 6 proposed dwellings.

The external materials proposed would be brick (with contrasting colours to the double storey units at ground and upper floor levels) with tiles to the roofs. A limited amount of timber detailing is also proposed.

### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004) - C31a Design; C32 Landscaping; C38 Nuisance; H1 Further Development Within Towns.

National Planning Policy Framework  
National Planning Policy Framework's technical guidance.

### **7. Consultations**

#### Warminster Town Council

Objection on the following grounds:

- a) there are concerns about the situation of the overflowing sewage;
- b) the area floods;
- c) the narrow access point for the new road which could cause obstruction and present a danger for children;
- d) the loss of a designated recreation area which was understood to be in perpetuity when the houses were built.

## Highways

Following negotiations on the access to the site, no objection subject to conditions requiring details of road, pathway layout and the provision of turning/parking areas.

## Wessex Water

No objections. Note that new connections would be required. It is also noted that a water main may be affected and that this would have to be addressed.

Further, in the light of Town Council comments the agents entered into discussions on drainage and foul water services. A new storm and foul water drainage design plan was prepared and Wessex Water has confirmed that a plan that has been submitted for drainage to the site has been accepted.

## Wiltshire Fire and Rescue

Seek a developer contribution, advises in regard to building regulations and recommendations relating to improving safety.

## Environmental Services

The proposal would result in the loss of an open space - by way of mitigation and in accordance with Policy, a contribution of £ 9725 would be required.

## Building Control

No comments other than location of bin store to plot 5.

## Archaeology

The site is of archaeological interest as the development site is less than 200m of the Saxon/medieval settlement remains at Church fields around St Deny's church. There is therefore the possibility that remains associated with this settlement are present within the development site. A survey was recommended prior to a decision being made. This was carried out and the Archaeologist is satisfied that no conditions are required.

## **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification. Expiry date: 19.06.2013.

No comments were received.

## **9. Planning Considerations**

### *Principle of development.*

The application site is located within the town policy limits of Warminster where the principle of further housing development is established by policy H1 of the West Wiltshire District Plan 1st Alteration (2004) . This permits new housing subject to meeting detailed criteria on siting, layout, and design.

*Siting, layout and design, relationship to neighbouring properties and loss of open space*

The proposal is to erect six dwellings on vacant open space within the existing Portway development. The plot sizes accord reasonably with those in the proximity, and are of a standard design that would be in keeping with the wider local estate spatial character, albeit that there would be a loss of this portion of open space. By way of mitigation, the agents have confirmed a willingness to make an off-site contribution to open space facilities in accordance with Officer requests. It should also be noted that there is a significantly large area of dedicated open space between Portway and the brook to the south and west that serves Portway and environs. This space is within 50m south of the site.

The proposal would provide a mix of two- and three bedroomed units, and has the support of housing officers, who were involved in the discussions to include the specialised "Dedicated wheelchair unit" providing for three bedrooms.

It is considered that arrangement of the two terraces on site provides for wholly adequate separation distances (the double storey unit rear elevations have habitable rooms to the upper storey, separated by just over 21m from the front elevations to the neighbouring existing units to the north west). The frontages to the double storey dwellings provide for surveillance over the parking area that serves them. The single storey terrace is separated from the existing dwellings to the north east by their own garden spaces, a proposed grass verge, the public pathway, and the front garden areas to the existing properties. The existing front garden areas tend to have low fencing, limiting privacy to the walkway, but the new dwellings would have 1.8m boundary fencing providing screening and avoiding intervisibility between facing windows.

The proposed garden spaces are wholly adequate in the neighbourhood context, and in terms of serving the relatively modest dwellings. No unacceptable overshadowing or overlooking would arise.

#### *Loss of Open Space*

The proposal would result in the loss of an area of open space. However this should be seen in the context of the proximity of the large open public area some 50m south of the site on the opposite side of Portway which is readily accessible and is classified as high value recreational space in the Leisure and Recreation DPD.. There would be an impact on views from the surrounding dwellings, but view is not a planning consideration and, as noted above, proposed separation distances between the proposed and existing dwellings is acceptable. Further, the applicants have agreed to the contribution requested by County Environmental Services by way of mitigation for the loss of the open space. This can be secured by way of a S106 Agreement.

#### *Drainage*

Drainage was raised as a potential issue by the Town Council. The applicants entered into discussions with Wessex Water and a storm and drainage plan was prepared, which Wessex Water has confirmed has been accepted.

#### *Accessibility including highway safety and parking*

The highway officer made recommendations at pre-application stage, and these were addressed in the final submission. The officer is satisfied with parking arrangements, as well as the proposed access. The new road would pass to the east of the existing block of flats, and to the west of the rear gardens to the terrace in "Epping Close". Boundary treatments to these gardens vary, but tend to be a minimum of 1.8m in height, providing privacy from the

existing pathway, which would be retained. Traffic generated by the proposed six units would be limited and slow speed, with no unacceptable nuisance being anticipated.

### *Other considerations*

Wiltshire Fire and Rescue request a financial contribution. However, there are no relevant policies in place at this point which addresses this issue.

Two storage enclosures are proposed to the front elevation to Plot 5, one of which would accommodate a grey household waste bin. As noted by the Building Inspector, there are windows in close proximity which could lead to odour issues. These enclosures however add interest to the front elevation of the bungalow terrace and would be useful to future occupants. It is considered that a condition specific to the location of the household waste bin away from windows would solve the potential problem, whilst retaining the features themselves.

## **10. Summary and conclusion.**

In summary, the proposal relates to suitable development in a sustainable location that, it is considered, meets relevant criteria of the development plan and the NPPF goals of delivering a wide choice of high quality homes and boosting the supply of affordable housing. Planning permission is recommended, subject to a S106 agreement for funding to mitigate the loss of the open space.

**Recommendation:** That planning permission be granted at a future date in the event of the Area Development Manager being satisfied upon the completion of a legal agreement to secure an Open Space contribution to the sum of £9,725.24.

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

**The proposed development is in conformity with the adopted 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 positively engaged and worked proactively with the applicant, the agents and the Parish Council to secure negotiated revisions which are acceptable in planning terms. The proposed development has been assessed against adopted policies as well having due cognisance to the Emerging Wiltshire Core Strategy and the NPPF along with those key, material planning considerations which are highlighted within this report.**

### **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 estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; T10

- 4 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; T10

- 5 All soft landscaping comprised in the approved details of landscaping on Plan 110736 L(0)01 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

- 6 Details of a storage area for the household waste bin to plot 5, located so as to minimise the impact on occupant amenity shall be submitted to and approved in writing by the

Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the amenity of future occupants to Plot 5.

7 The development shall be completed in accordance with the hereby approved plans:

110736 L(0)01 received on 18 April 2013;  
110736 L(0)02 received on 18 April 2013;  
110736 L(0)03 received on 18 April 2013;  
110736 L(0)04 received on 18 April 2013;  
110736 L(0)05 received on 18 April 2013;  
110736 L(0)06 received on 18 April 2013;  
2531.02B received on 18 April 2013; and  
120901 101c Drainage (1) (2) on 8 August 2013.

REASON: In order to define the terms of this permission.

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