

<b>Date of Meeting</b>	7 <sup>th</sup> October 2021
<b>Application Number</b>	PL/2021/04596
<b>Site Address</b>	West Winds, 72 Netherstreet, Bromham, Chippenham SN15 2DP
<b>Proposal</b>	Outline application for demolition of bungalow and replacement with 2 detached dwellings and associated works to include change of use of land to form extended residential curtilage.
<b>Applicant</b>	Mr & Mrs M Butler
<b>Parish Council</b>	Bromham Parish Council
<b>Electoral Division</b>	Bromham, Rowde & Roundway
<b>Type of application</b>	Outline Planning Permission
<b>Case Officer</b>	Nick Clark

### **Reason for the application being considered by Committee**

The application is before the Eastern Area Planning Committee at the request of Councillor Mayes for the committee to consider the scale of the development and car parking along with the change of use of agricultural land to provide adequate gardens and the precedent that it would set.

#### **1. Purpose of Report**

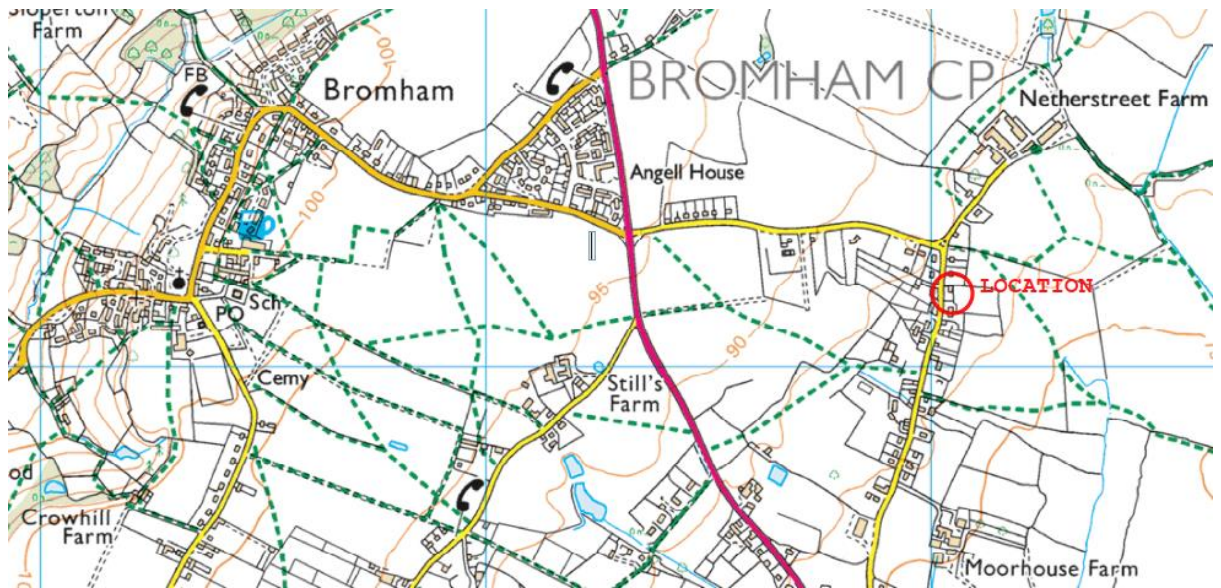
The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and the recommendation that the application be approved.

#### **2. Report Summary**

The development of an additional dwelling outside a defined settlement would be contrary to the development plan, and the key consideration is the overall 'planning balance' between the benefits of the development against its impacts within the built envelope of Netherstreet.

#### **3. Site Description**

Netherstreet is a linear settlement of dwellings set to the east of the village of Bromham.

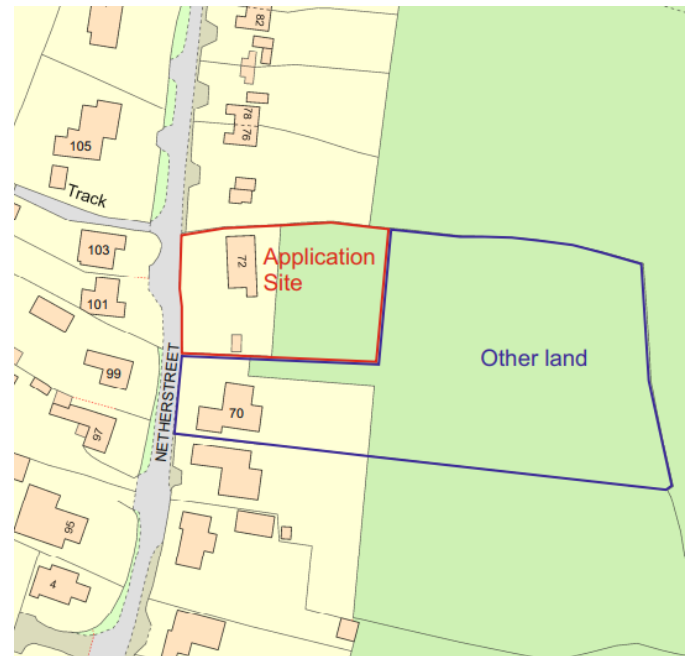


West Winds' (No. 72) lies within a ribbon of housing to the east side of the street and is a modest mid-20<sup>th</sup> century bungalow. It is set in a plot of 32 metres width, with very limited garden depth to the rear.



Parking and garden space are to the side of the bungalow.

To the rear is open farmland. No. 76 is the neighbouring property to the north, 70 to the south. On higher ground on the opposite side of the street are numbers 101 and 103, within a ribbon of housing on the west side of the street.



The application site also includes some additional land to the rear of West Winds as outlined in red:

The applicants also own neighbouring land (and the neighbouring property) to the south and east as outlined in blue. This is not part of the application site.

#### 4. Planning History

K/78/0874	Extension to bungalow	Refused
K/79/0046	Extension to bungalow	Approved

#### 5. The proposal

The application seeks outline consent for demolition of the bungalow and its replacement by 2 dwellings. Additionally a change of use of land (within the red line in the plan above) to the rear of the bungalow is sought (from agriculture to residential), to provide rear gardens for the 2 new properties.

Matters of access, appearance, landscaping, layout & scale are all reserved for later consideration by way of a 'reserved matters' application. The application nonetheless includes an 'indicative' site layout to demonstrate the feasibility of the proposal.

#### Drawings and details submitted:

Location Plan	LOC_1969-PLAN 1
Proposed site layout	LAYOUT_1969-PLAN 1
Protected Species Survey	
Planning Statement	
Application form	

#### 6. Local Planning Policy

##### [Wiltshire Core Strategy](#)

##### *SPATIAL VISION*

CP1	Settlement strategy
CP2	Delivery strategy

##### *AREA STRATEGIES*

CP12	Devizes Area Strategy
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##### *DELIVERING THE SPATIAL OBJECTIVES: CORE POLICIES*

CP50	Biodiversity and geodiversity
CP51	Landscape
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP61	Transport and development
CP64	Demand management
CP67	Flood risk

#### Other policies and guidance

Planning Practice Guidance (national)

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**7. Summary of consultation responses**

Bromham Parish Council:	No objection
Wiltshire Council Highways	No objection. Suggested conditions.
Wiltshire Council Ecologist:	No objection. Suggested condition.
County Archaeologist:	No objection
Other:	20 objections from members of the public, raising principally: <ul style="list-style-type: none"><li>• Loss of views from neighbouring properties</li><li>• Highway safety concerns</li><li>• Suburbanising impact &amp; 'overdevelopment'</li><li>• Landscape impact</li><li>• Impact on local services</li><li>• Loss of agricultural land</li><li>• Distance from village services</li><li>• Draft Neighbourhood Plan conflict</li><li>• Precedent for further development, eg to the rear</li><li>• Affordability</li><li>• Road flooding</li><li>• On-street parking concerns</li><li>• Neighbouring (opposite) privacy</li></ul>

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**8. Publicity**

The application was subject to direct consultation with immediate neighbours and statutory consultees.

**9. Planning Considerations**

Legislation requires that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

**9.1 The principle of development**

Netherstreet is not recognised as a settlement in the development plan. The village of Bromham, which does have a settlement boundary, lies to the north-west on the other side of the A342 Devizes-Chippenham road. The development would result in a net increase of one dwelling. The development plan supports the principle of one-for-one replacement of dwellings outside the settlements but any net increase in dwellings is contrary to the Spatial Vision for sustainable development within Wiltshire (Core Policy 1 and Core Policy 2), unless the housing is for one of a number of excepted purposes (eg farm worker dwellings etc). The housing is not for any of the excepted purposes. Permission should thus be refused unless material considerations warrant otherwise.

Material considerations in this instance are the policies of the National Planning Policy Framework, the current housing land supply position, the developed nature of

Netherstreet with ribbons of housing along both sides of the street, and the long modern history of redevelopment and infill development along the street.

## **9.2 Housing land supply**

The Council's most recently published Housing Land Supply Statement identifies a 4.56-year deliverable housing land supply.

The National Planning Policy Framework (NPPF) advises that where the authority cannot demonstrate a 5 year supply of deliverable housing sites, the development plan policies of most importance for determining the application should be considered to be out of date and planning permission should be granted unless (so far as is relevant here) any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF is thus clear that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits of the development. This advice is a material consideration to be weighed alongside the policies of the development plan.

## **9.3 Benefits of the development**

The development would bring a benefit in terms of a net increase of one dwelling in the local housing stock. Both dwellings would also be constructed to modern standards of energy efficiency. This in turn would provide local economic benefits both during the development phase, and thereafter in supporting the occupation of the dwellings, the two of which could be considered to make a more efficient use of the land within the overall envelope of development along Netherstreet.

## **9.4 Impact on the character of Netherstreet**

Core Policy 57 requires a high standard of design that is complementary to the locality through responding to the local context in terms of (amongst other things) building layouts, built form, height, mass, scale, building line and plot size.

Netherstreet is a detached part of the settlement in the parish of Bromham with 56 residential addresses registered, along both sides of the street. It thus has the built form and character of a small linear enclave.

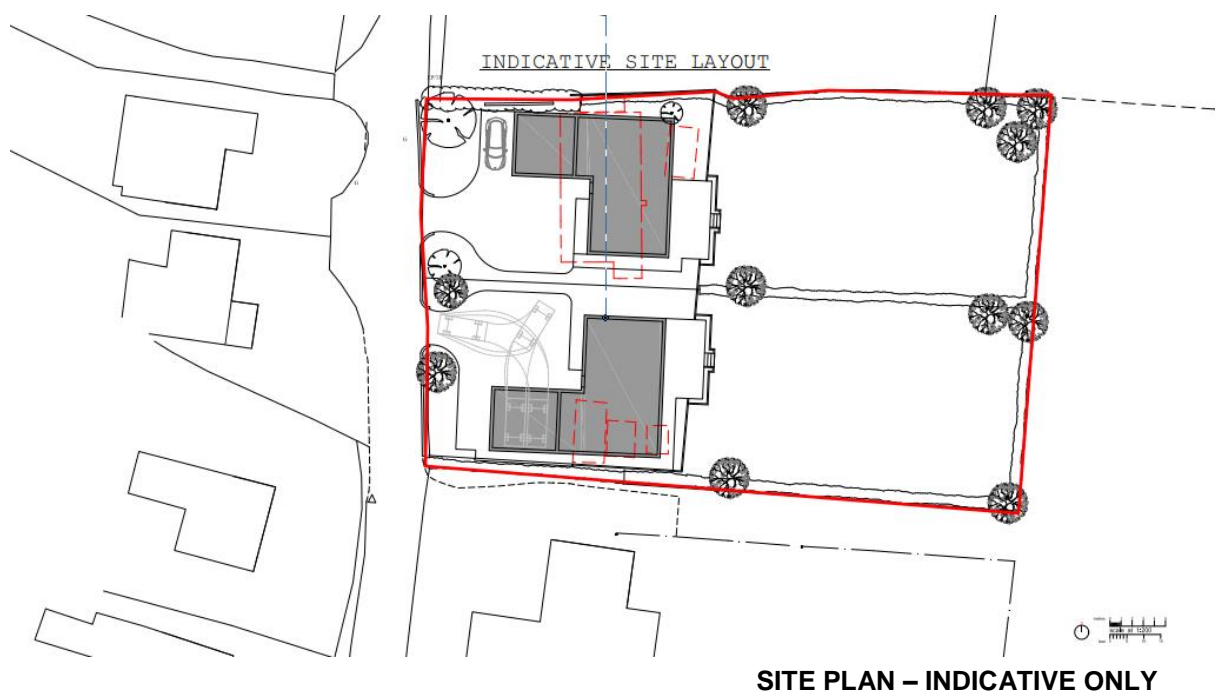
In 1976, two houses immediately to the south of the application site were allowed on appeal. The Inspector's decision then noted "The site is clearly within the envelope of the settlement of Netherstreet" and "two dwellings on this site would neither harm the character nor the appearance of the area to an unacceptable degree."

Since 1976, a number of further new dwellings have also been approved along the street, as well as significant extensions and larger replacement of existing dwellings; thereby further reinforcing the settlement character of the street.

Housing along the street remains varied, with little characterisation of the area in terms of the period, design and layout development, and with varying plot widths and depths and spacing between neighbouring dwellings.

The application site has a street frontage of 32.5 metres. The frontage of the two opposite properties combined (No's 101 & 103) is marginally less than that, at 31 metres. No's 101 & 103 were themselves approved in 1969 to replace a previous single dwelling on the site, first through an outline application and then a reserved matters application.

Access, appearance, layout & scale of the currently proposed dwellings is not for consideration at this stage, and considering the plot width, there is nothing in principle to suggest that the site could not be redeveloped to provide 2 dwellings that would be in keeping with the varied character and appearance of Netherstreet.



There would be some loss of the current 'openness' of the site and some localised increase in density, but the development would maintain good physical and visual separation from neighbouring dwellings and in the context of the form and layout of neighbouring and opposite 2-storey dwellings this would not materially impact on the character of Netherstreet.

The development however is largely dependent on incorporating agricultural land to the rear to increase the depth of the residential plot to provide rear garden space. The minimal depth of the existing residential plot however is atypical to the area, and the additional garden depth would largely align with the depth of neighbouring gardens.

It is noted that the immediately neighbouring garden to the south (No. 70) has only recently been extended in depth to incorporate agricultural land. This does not have the benefit of planning permission and should thus be ignored. It is noted however that a

number of permissions in the locality have been granted for garden depths to be extended to incorporate agricultural land, for example No. 68 next-door-but-one to the south and No. 95 near-opposite. Considering the prevailing rear garden line in the vicinity of the application site, the rearward extension of the site as shown by the red line would not have any material adverse impact on the character and appearance of the area.

Some respondents highlight that the applicant's Planning Statement identifies that the dwellings proposed would be 4-bedroomed. The Planning Statement is misleading in this respect however as the size of the dwellings can only be determined at reserved matters stage. The number of bedrooms is not proposed in this application. All that is proposed is the principle of two dwellings on the site instead of one, with the number of bedrooms, scale, appearance etc all to be decided in a later 'reserved matters' application.

From the above it is concluded that in principle, the redevelopment and extension of the site to provide two dwellings would not materially harm the varied character of Netherstreet. The detail of the development would fall to be considered in a subsequent application for the approval of reserved matters.

### **9.5 Impacts on rural and landscape character**

Some respondents suggest that the development would adversely impact on the rural and landscape character of the area, particularly in views towards Netherstreet from higher ground and public rights of way to the east. Any such impacts would be largely as a result of the scale and appearance of the development, which are not for consideration at this stage. In any event however the development would be viewed in the context of the existing development along Netherstreet and there is nothing to suggest any significant adverse impact would occur to the rural and landscape character of the area that would justify refusal of the application.

### **9.6 Residential amenities**

As an aspect of design quality, Core Policy 57 requires proposals to have regard to the impacts on the amenities of existing residents.

The bungalow on the site currently allows properties opposite long views across and over the site towards Beacon Hill and Oliver's Castle to the east. A number of objections to loss of these views have been received. It is well established however that the loss of a view from a property is not a valid planning consideration.

Opposite properties also raise concern at loss of privacy in terms of being overlooked by having housing opposite, which is likely to be more than single storey. The opposite housing is set back at least 15m from the site frontage however, from which they are separated from the application site by the public street. Whilst the design of the proposed dwellings is not known there is no cause to consider that the development would impact on the privacy of or daylight to opposite properties to an extent that would support refusal of the application.

The neighbouring dwelling to the north of the application site (No. 76) is c. 20 metres from the application site. No. 70 to the south is c. 8 metres. Any potential impacts on these neighbours would only arise from the details of access, appearance, landscaping, layout & scale, which are not to be considered at this stage.

### **9.7 Accessibility and highway safety**

A number of respondents raise concern at the access and parking arrangements as suggested in an 'indicative' layout plan. The access detail is a reserved matter however, and similarly the parking provision. The scheme to be put forward at reserved matters stage need not resemble the indicative details.

In terms of additional vehicle movements, the Highway Officer is satisfied that there would not be an unacceptable impact on the adjacent road network. The Officer is also satisfied that suitable access and parking provision for the dwellings can be provided and recommends a number of planning conditions to ensure a suitable standard of access visibility, drainage and construction.

The details of the access and parking are reserved matters. In respect of this outline application, it is concluded that in terms of the principle of 2 dwellings there would not be any material impact on highway safety so as to warrant refusal of the application.

### **9.8 Sustainability of the location**

Core Policy 61 requires that new development should be located so as to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

Netherstreet is poorly located in this respect, being isolated from facilities within the village and elsewhere, such that residents are likely to be heavily reliant on the use of private cars for the majority of day-to-day trips.

The NPPF emphasises however that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making". The Framework also acknowledges that "development in one village may support services in a village nearby", and this principle can be applied to residents of Netherstreet supporting facilities and services within the centre of Bromham.

The proposal for an additional dwelling in this location nonetheless introduces some conflict with Core Policy 61. This is diluted to some extent by the advice of the Framework but there would nonetheless be an impact that needs to be considered in the overall planning balance.

### **9.9 Drainage and flood risk**

A number of respondents refer to regular flooding along Netherstreet. It is understood that this is further south along the lane where it would not directly impact on the development.



Subject to appropriate surface water drainage, the development in turn would not add to the flood risk.

The application identifies that surface water drainage would use sustainable drainage measures, including the use of soakaways. A condition is recommended accordingly to require approval and implementation of drainage measures prior to occupation of the development.

### **9.10 Ecology**

The Council's ecologist is satisfied with the methodology and findings of the submitted ecological report, which concludes that the development, and particularly the demolition, would not have an adverse impact on protected habitats and species, particularly bats. The ecologist recommends a condition to ensure that the development incorporates bat roosting and bird nesting facilities as recommended in the report, and this would be in accordance with Core Policy 50.

### **9.11 Archaeology**

The Council's archaeologist is satisfied that groundworks associated with the development is unlikely to expose any unrecorded archaeological features on the site and thus raises no objection to the proposal and does not consider that any conditions in respect of archaeology are required.

### **9.12 Infrastructure/ utilities**

A number of respondents point to Netherstreet being poorly supported by infrastructure, with no mains gas, poor broadband and low water pressure. Whilst there is no cause to doubt the objections in this respect, there is equally nothing to substantiate or quantify any shortcomings. In any event however there is nothing to suggest that the addition of a further dwelling to the existing 56 dwellings along the street, as well as additional businesses, would have any significant adverse impact on the existing or proposed properties sufficient to warrant refusal in this respect.

### **9.13 Precedent for future backland development**

Some objections refer to the possibility of further applications to develop agricultural land to the rear of the application site for residential purposes. The application does not suggest any likelihood of such a proposal coming forward. The current proposal is simply for infill development within the existing ribbon of development. Its approval would not set any precedent for later development to the rear. Concerns in this respect are thus unfounded and would not support refusal of the application. Any future proposal would require planning permission and would be assessed against the development plan policies in place at that time.

### **9.14 Draft Bromham Neighbourhood Plan**

The Bromham Neighbourhood Plan is at a very early stage of preparation and cannot be afforded any weight in planning decisions at present.

## **10. Conclusion (The Planning Balance)**

The development of an additional dwelling outside a recognised settlement would be contrary to the development plan. Material considerations in favour of the development are the developed character of Netherstreet as a small linear village, and the long modern history of redevelopment and infill along the street. The current situation with regard to the shortfall in housing land supply is also a material consideration weighing in favour of the development. Whilst the development is likely to be noticeable within the street its final form has yet to be determined but in terms of density and plot sizes (and the additional garden depths) it would be similar to other development within the immediate vicinity and the development would not materially adversely impact on the character of Netherstreet as a whole.

There would be a negative impact in terms of an additional dwelling being poorly located for local services and facilities.

The development would bring an albeit limited benefit in terms of a net increase of one dwelling to the local housing stock. Both dwellings would also be constructed to modern standards of energy efficiency. There would also be local economic benefits both during the development phase, and thereafter in supporting the occupation of the dwellings, which would make a more efficient use of the land contained within the overall envelope of development along Netherstreet.

Weighing the particular circumstances of this site and the factors above it is concluded on balance that the circumstances are sufficient to warrant approval of the development as there are no adverse impacts that significantly and demonstrably outweigh the benefits in this case.

## **RECOMMENDATION: CONDITIONAL APPROVAL**

### **Conditions**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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2. i) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:
    - (a) The scale of the development;
    - (b) The layout of the development;
    - (c) The external appearance of the development;
    - (d) The landscaping of the site;
    - (e) The means of access to the site.
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ii) The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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3. The details of the reserved matters, and the development hereby permitted shall be carried out in accordance with the following approved drawings and details:
- Location Plan LOC\_1969-PLAN 1
  - Protected Species Survey report

The submission of the reserved matters application for the layout of the dwellings shall provide for both dwellings to front the highway at Netherstreet.

REASON: For the avoidance of doubt and to secure a development that is in keeping with the existing form of development in this part of Netherstreet.

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4. i) No development (including works of demolition) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

ii) The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development.

iii) It shall include details of the following:

- a) arrangements for lorries delivering to and collecting from the site,
- b) hours of working (including deliveries and collection of demolition waste),
- c) the loading and unloading of equipment and materials, and
- d) provision on the site for storage of materials and parking of construction staff and contractor vehicles.

iv) The demolition and construction work will be carried out fully in accordance with the so-approved Construction Management Plan at all times.

REASON: In the interests of neighbouring amenities and highway safety.

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5. Car and cycle parking provision to be detailed in the reserved matters application/ s shall be in accordance with the required standards set out in the Wiltshire LTP3 Car Parking Strategy.

REASON: Considering the limited road width along Netherstreet, in order to ensure off-street parking provision for the development in the interests of highway safety and convenience.

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6. i) Prior to the first occupation of the development or the substantial completion of the development (whichever is the sooner) there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include:-
- a) all hard and soft surfacing materials,
  - b) means of enclosure, (including details of any existing fencing to be retained),
  - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- ii) All so-approved planting shall be carried out in the first planting and seeding season following the first occupation of either building or the substantial completion of the development whichever is the sooner.
- iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- iv) 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.
- v) All hard landscaping shall also be carried out in accordance with the approved details prior to the first 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.

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7. i) Demolition works shall be carried out in full accordance with recommendations of Section 5 of the approved Protected Species Survey report (21 Apr 2021).
- ii) The dwellings shall not be first occupied until bat roosting and bird nesting facilities have been incorporated in the development in accordance with details first to have been submitted to and approved in writing by the local planning authority; such details to be in accordance with the recommendations of the approved Protected Species Survey report (21 Apr 2021).

REASON

In the interests of biodiversity.

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8. i) Prior to commencement of construction of the new dwellings there shall have been submitted to and approved in writing by the local planning authority full details of a surface water drainage scheme and maintenance requirements to be implemented on the site in respect of all buildings and new or replacement areas of hard standing.
- ii) There shall be no occupation of the development until the so-approved drainage scheme has been implemented in full.
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iii) The drainage scheme shall thereafter be maintained in accordance with approved details.

**REASON**

In the interests of controlling flood risk and highway safety.

**INFORMATIVE**

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For the suggested soakaways, the information to be submitted under this condition must include:

- Ground investigations and infiltration testing in line with the requirements of the BRE Digest 365 and undertaken by a competent contractor are required to assess the feasibility of the proposed surface water drainage strategy.
- Sizing calculations, construction details and a maintenance plan.

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9. i) The development hereby permitted shall not be first brought into use until the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

ii) The above frontage visibility margin shall be maintained as such at all times thereafter.

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

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10. i) The development hereby permitted shall not be first occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel).

ii) The access shall be maintained as such thereafter.

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

**INFORMATIVE**

The surfacing of the access must be in accordance with the details of hard landscaping and surface water drainage to be approved under the conditions above.

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