

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	10 th March 2016
Application Number	15/12652/FUL
Site Address	Woodlands Farm, Witcha, Ramsbury, Wiltshire SN8 2HQ
Proposal	Demolition of existing bungalow, and erection of replacement dwelling with associated garaging, turning, landscaping, private amenity space, and creation of a new vehicular access point.
Applicant	Mr & Mrs C Crofton-Atkins
Town/Parish Council	RAMSBURY
Electoral Division	ALDBOURNE AND RAMSBURY – Cllr Sheppard
Grid Ref	429525 172894
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Sheppard, for the committee to consider the scale of development, its visual impact upon the surrounding area and its design, bulk, height and general appearance.

1. Purpose of Report

To consider the detail of the application against the policies of the development plan and other material considerations, and the recommendation that the application be refused.

2. Report Summary

The main issues to be considered are the principle of a new dwelling in relation to saved Policy HC25, the size and impact of the dwelling proposed upon the rural character and landscape of the area, notably, the AONB and the ecological impacts of the proposal primarily in relation to the bat roost within the existing dwelling.

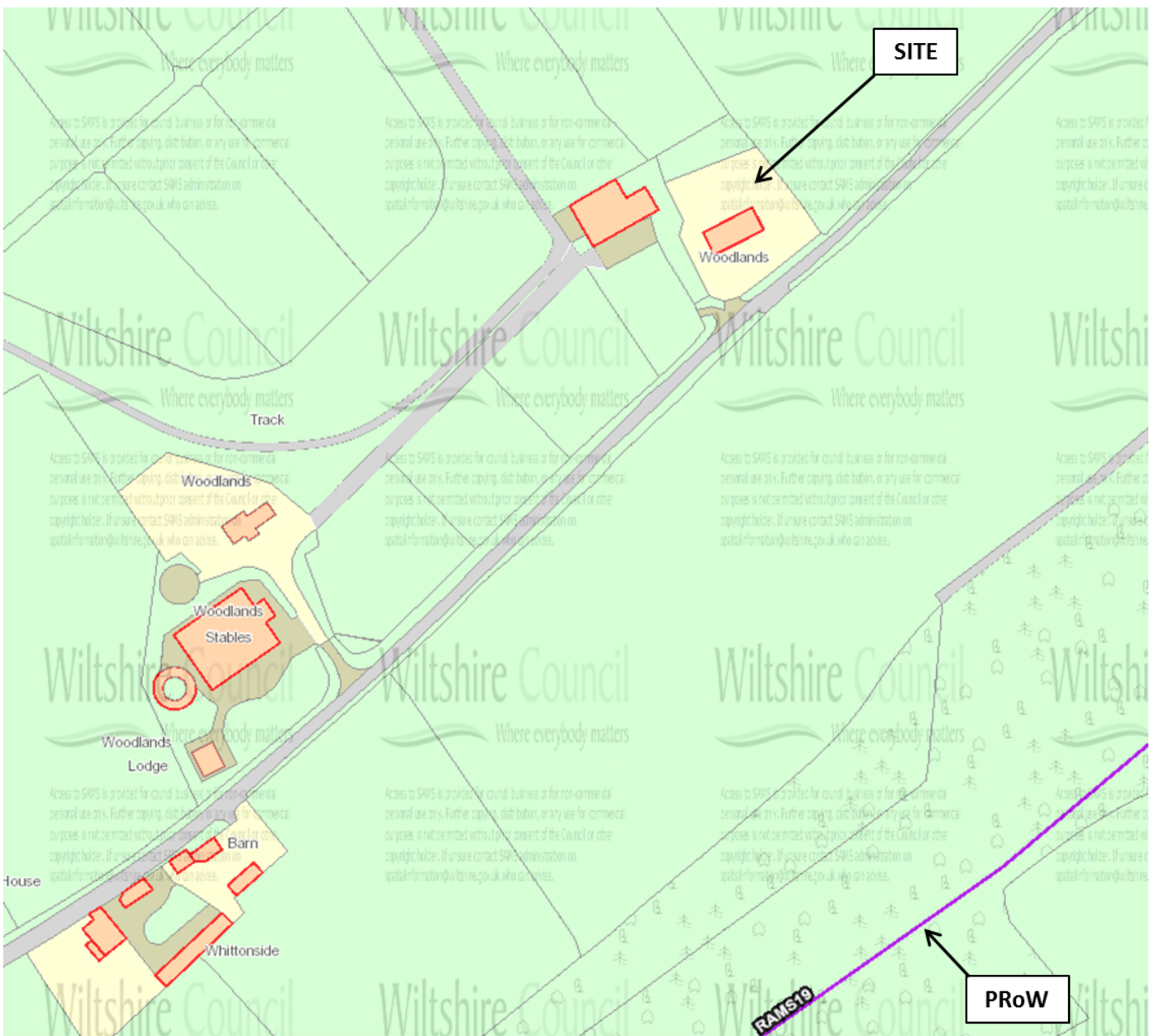
3. Site Description

The application site is approximately 0.26 hectares, the majority of which forms residential curtilage to Woodlands Farm; a modestly sized, detached bungalow with attached garage. The site is located within the open countryside well outside any Limits of Development of nearby settlements. It is surrounded by agricultural land on all sides with a barn located immediately to the north-west of the site.

Vehicular access is onto the Membury Road to the south-east. The site benefits from a good degree of screening on the north-eastern side with the remainder of the site bordered by low hedging/sparsely planted shrubs/bushes.

The site slopes upwards away from the road, thus the existing dwelling sits in an elevated position in relation to Membury Road.

In planning policy terms, the site and its surroundings are located within the North Wessex Downs AONB. A public right of way (RAMS19) lies around 200m to the south-west of the site on the opposite side of the Membury Road, in an elevated position. There are no other landscape or heritage designations covering the site.



4. Planning History

K/13040	Extension to dwelling, demolition of existing garage and rebuild	Approve with Conditions
K/77/0290	Extension to dwelling	Approve with Conditions
E/2012/0434/FUL	Replace existing bungalow with traditional house and garage.	Withdrawn
E/2012/1117/FUL	Demolition of existing bungalow and replacement with two-storey house and detached garage	Approve with Conditions
15/07049/FUL	Demolition of existing bungalow and former agricultural barn, and the erection of a replacement dwelling; with associated garaging, turning, landscaping, private amenity space, and the creation of a new vehicular access point.	Withdrawn

The previous application (15/07049/FUL) was withdrawn due to officers' concerns with regard to the scale of the dwelling in the context of Policy HC25, the position of the garage forward of the dwelling in close proximity to the road and the landscape impact of the proposal as a whole.

5. The Proposal

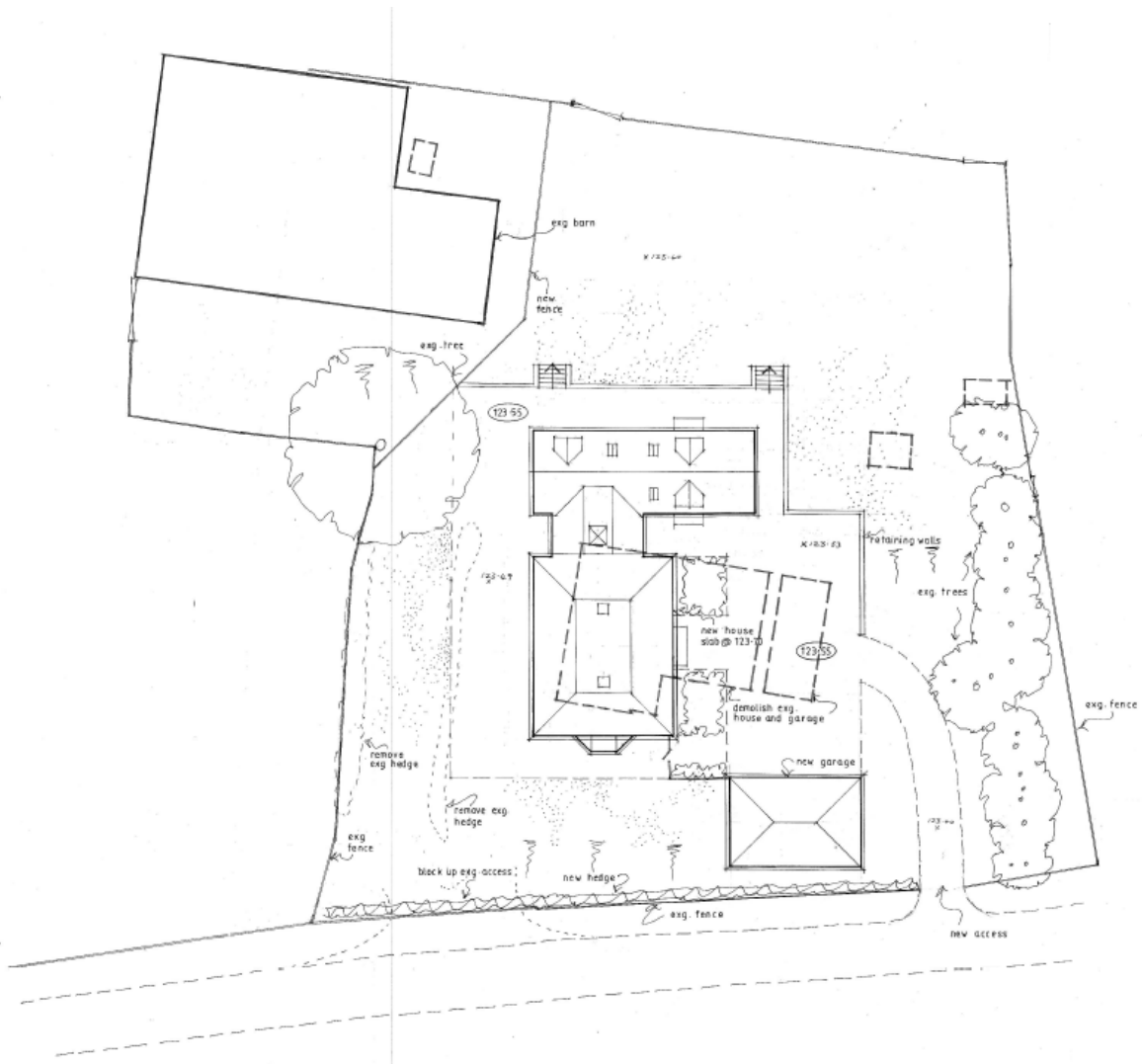
The application proposes the demolition of the existing bungalow and the erection of a replacement six bed dwelling with associated garaging, turning, landscaping, private amenity space; and creation of a new vehicular access point.

The dwelling would occupy a footprint of approximately 227.5m² with a ridge height of 9 metres. It is to be constructed out of facing brick work with plain clay tiles. Windows are to be white uPVC with stone cills.

The table below highlights the size of the proposed development in relation to the existing dwelling on the site and the previously approved scheme from 2012.

	Existing	E/2012/1117/FUL	15/12652/FUL
Height	5.2m	8m	9m
Floor Area	195.5m ²	227.5 m ²	506.5 m ²
Floor Area with Garage	n/a	274.3 m ²	568.8 m ²
% Increase in Floor Area	n/a	16%	159%
% Increase in Floor Area with Garage	n/a	70%	190%

Overleaf is a copy of the plans and elevations of the proposed scheme.



north east elevation



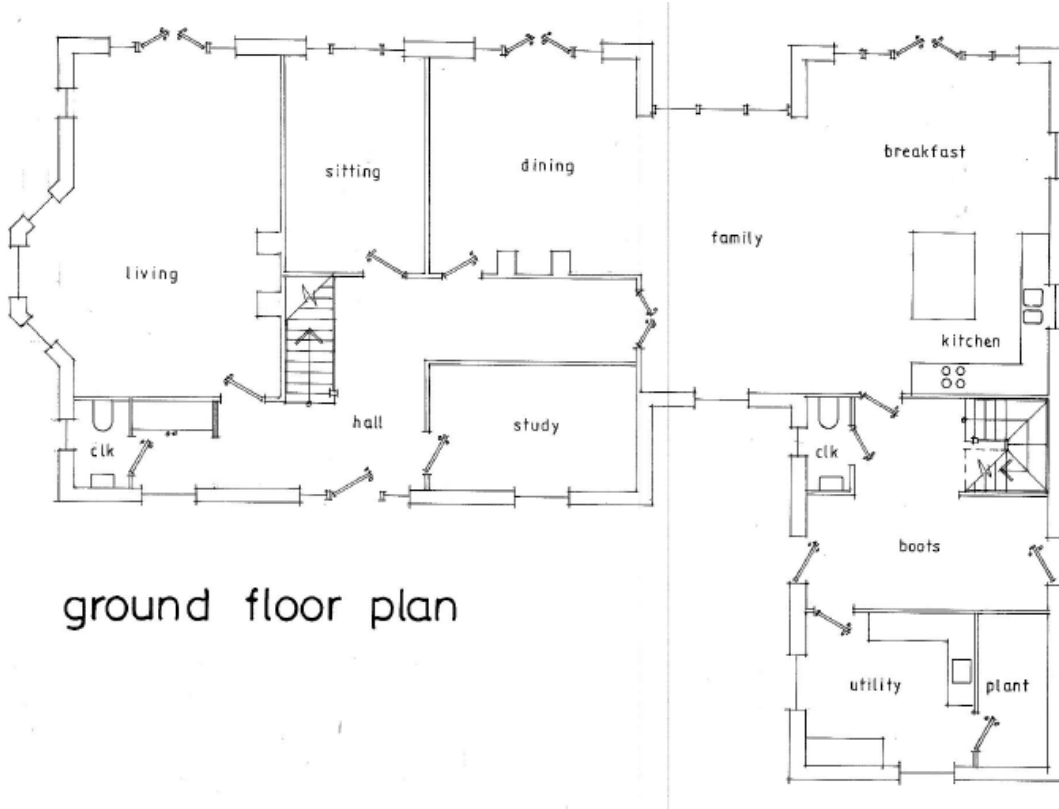
south east elevation



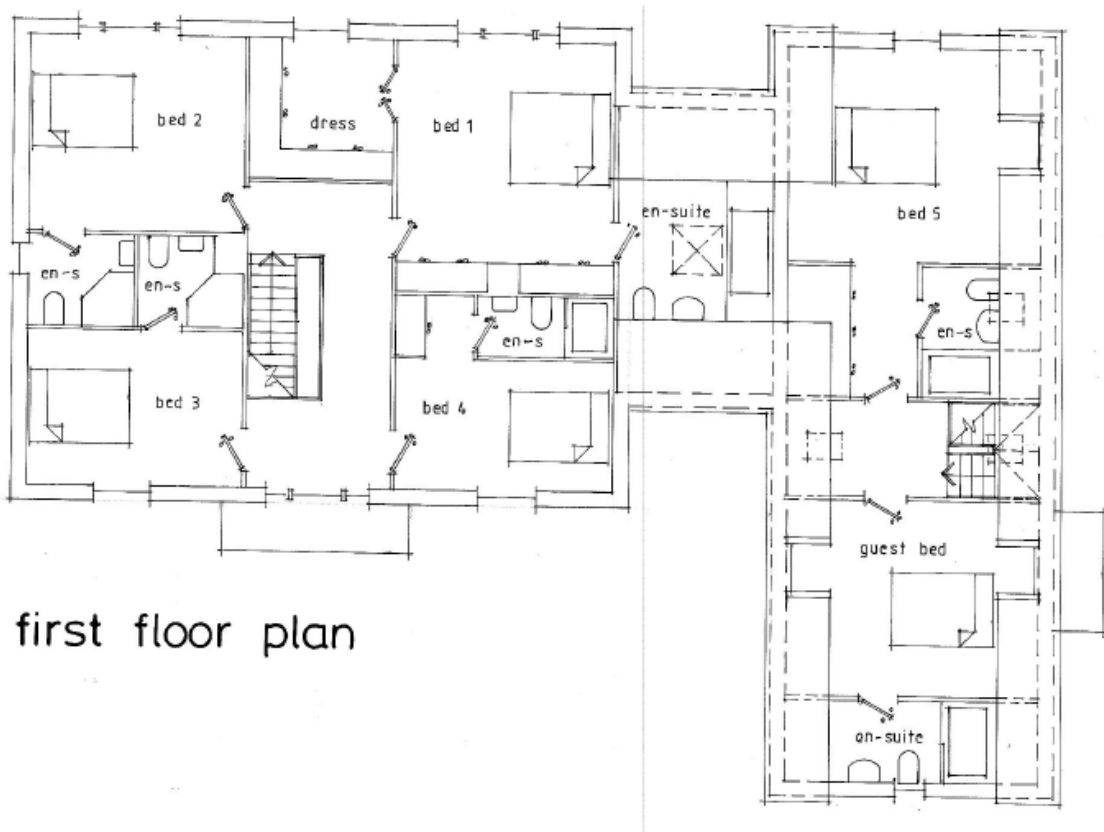
north west elevation



south west elevation



ground floor plan



first floor plan

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 14 – Marlborough Community Area Strategy
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 - Landscape
- Core Policy 57 – Ensuring high quality design and place shaping
- Core Policy 61 – Transport and Development
- Core Policy 64 – Demand Management
- Saved Policy HC25 – Replacement Dwellings – Kennet Local Plan 2011 (Annex D of WCS)

National Planning Policy Framework 2012 (NPPF)

The Planning Practice Guidance provides guidance on the policies contained within the NPPF.

Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.
- Wiltshire Landscape Character Assessment (2005)

Material Considerations

- Conservation of Habitats and Species Regulations 2010
- North Wessex Downs AONB Position Statement – Housing (Oct 2012)

7. Summary of consultation responses

Ramsbury and Axford Parish Council

The house design is 'grand' and we would have liked to see something more sympathetic to the countryside. A landscaping scheme should be put in place to ensure the building does not dominate the landscape.

Wiltshire Council Highways Officer

I am minded to adhere to those comments in particular the recommendation to amending the position of the access, however I realise that this will have implications on the proposed site layout and as such I am minded to pursue the request to the applicant to demonstrate the available visibility.

The applicant will need to demonstrate that the visibility at the new access is the same or better than at the current access, unless this can be adequately demonstrated I shall be looking to raise an objection on inadequate visibility at the new access.

Ecology

A license from natural England would be required. However, it is unlikely one would be forthcoming as adequate mitigation and enhancement has not been demonstrated nor

has sufficient information been submitted for the 3 tests to be met. Recommends further work is undertaken and a greater level of information supplied.

CPRE

The proposal is contrary to Core Policies 57 and 48 of the WCS. Dwelling does not reflect the character of the area. There is also confusion in the D&A Statement where there is reference to the demolition of the barn. However, this does not form part of the application.

8. Publicity

The application has been publicised by way of a site notice posted outside the site, with letters sent to neighbouring properties and to statutory and other consultees.

Two letters of objection have been received. A summary of the concerns are listed below:

- Significantly larger than the existing dwelling
- The proposal does not conform to the requirement of the North Wessex Downs AONB Position Statement on Housing
- The removal of the barn would have little relevance to the visual impact of the development
- Large residential building would not meet the requirement of Wiltshire Core Strategy policy CP57 to be "complementary to the locality
- Contrary to CP51 of the WCS.
- Landscaping needs to be robust
- Demolition of barn may lead to an ecological loss for the site.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of development

The principle of the proposal needs to be assessed against the replacement of existing dwellings policy of the development plan ie. saved policy HC25 of the Kennet Local Plan. This permits in principle the replacement of an existing dwelling, but subject to the following criteria:

- a) the siting of the new dwelling is closely related to that which it replaces; and
- b) the scale of the replacement dwelling is not significantly larger than the original structure

With reference to the table in section 5 of this report, the proposed dwelling with garage represents a 190% increase in floor area over the existing dwelling on the site. This is far beyond what would normally be considered to be 'not significantly larger.' It is therefore difficult to see how this proposal can be considered to comply with the requirements of saved Policy HC25. This judgement would be consistent with the planning history of the site. The original scheme (E/2012/0434/FUL) was withdrawn due to concerns over scale with the approved scheme

(E/2012/1117/FUL) being a marked reduction in size such that it was considered to be policy compliant. The current proposal is significantly larger in scale than the original structure such that it does not comply with part b of Policy HC25.

9.2 Visual impact

Core Policy CP57 seeks, amongst other things, to ensure that development responds positively to its setting in terms of layout, built form, height, massing and scale and policy CP51 seeks the protection and where possible enhancement of Wiltshire's distinctive landscape. National planning policy recognises the importance of the countryside in its core planning principles where at paragraph 17 it states the planning system should recognise *“the intrinsic character and beauty of the countryside.”* It expands upon this point in Section 11 – Conserving and Enhancing the Natural Environment. It goes on to state at Paragraph 115 that when considering proposals within an AONB *“Great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”*

In addition to this, the North Wessex Downs AONB Position Statement on Housing states at Paragraph .323 xiv that *“Replacement dwellings should be of a scale and location that does not result in the new dwelling being particularly larger or higher or in a different location compared to the existing, unless exceptional justification and other landscape and ecological benefits can be provided. Proposals for replacement dwellings should demonstrate how the quality of the landscape is conserved and enhanced.”*

Whilst the site is currently well-screened to the north-east by mature hedging, it is open and visible from the surrounding countryside and Membury Road itself. The Landscape Character Assessment for the area (taken from the Wiltshire Landscape Character Assessment) identifies the key features of this landscape as being:

- *Open, smoothly rolling downland, dissected by a network of dry valleys and long sinuous steep scarps.*
- *An expansive and simple rural landscape, with strong sweeping skylines with a strong sense of exposure and remoteness.*
- *Very sparsely populated, generally restricted to scattered farms and equestrian establishments contributing to strong sense of isolation.*

The Landscape Character Assessment for the area states that to preserve this landscape one should *“Conserve the sense of remoteness and isolation, with sparse settlement and road network and limited visible development.”*

The existing dwelling, whilst of no particular architectural merit, is single storey and modestly sized; it could therefore be classed as 'limited visible development.' The dwelling proposed is not. It is considered to be neither small-scale or sensitively designed and within the sensitive and exposed open rolling arable landscape setting, would be detrimental to the rural character and landscape of the area. The positioning of a single storey garage forward of the dwelling and in close proximity to the road would

further exacerbate this visual harm. This is consistent with the concerns raised under the withdrawn application 15/07049/FUL with regard to the siting of a garage. Furthermore, significant planting is likely to impact upon the strong sense of exposure and openness that the Marlborough Downs is so characterised by.

No exceptional circumstances have been demonstrated nor have any landscape or ecological benefits been identified that would warrant a departure from this view. The proposal is considered to be contrary to Core Policies 51 and 57 of the WCS as well as central government policy contained within the NPPF (notably Para 116). Furthermore, given that the NPPF attaches great weight to the conservation of the AONB, the respective management plans and the associated documents should form a material consideration in the planning balance. As highlighted above the proposal would be contrary to guidance on housing proposals within the AONB as set out by the North Wessex Downs AONB Organisation.

It should also be highlighted that the approach of simply containing development using additional planting to increase the enclosure is not a responsible approach to the conservation and enhancement of the AONB (in reference to the additional planting proposed by the applicant to be planted in and around the site). Simple screening or hiding of development does not reduce or mitigate harm. The harm has still occurred, the loss of amenity and to the open character of this part of the AONB has still taken place and the character of the AONB as a result has been altered, regardless of whether it can be seen or not. With this in mind, officers do not consider that further planting should be the sole means of mitigating the impact of a development as it does not result in the sensible management of the AONB. If significant additional planting is required in an attempt to mitigate visual harm, then surely then the question must arise as to whether this is appropriate development in the first place.

9.3 Ecology

A bat report was submitted with the application which has identified the presence of bats at the site within the roof void of the existing dwelling. The subsequent report suggests that since a roost will be destroyed the works will require a licence from Natural England. The report also gives some recommendations for bat mitigation designed to remove or significantly reduce adverse impacts to bats as a result of the development.

The application for a development licence from Natural England will need to satisfy the following three tests:

1. The development is in the interests of public health and safety or is required for other imperative reasons of overriding public interest.
2. There is no satisfactory alternative to the development.
3. The development will not be detrimental to the maintenance of the bat populations concerned at a favourable conservation status in their natural range.

Insufficient information has been submitted by the applicants to demonstrate how the proposal would satisfy tests 1 and 2. As the competent authority, the local planning authority should only be granting planning permission for developments that have a reasonable prospect of obtaining a licence from Natural England. It is unclear how a

replacement dwelling proposal is in the interests of public health and safety or that it is required for other imperative reasons of overriding public interest. Officers consider the satisfactory alternative would be to retain the existing dwelling.

The Council's Ecologist raises an objection to the proposal due to the absence of clear mitigation which is required by test 3. The following has been suggested as a more robust enhancement and mitigation strategy:

- An increase from one to **four** bat boxes on trees in various orientations, in order to provide different environmental conditions for bats to use during the demolition/construction period
- Clarification as to whether the barn is in the same ownership as the house and is/will remain available for use by bats both during the demolition/construction process and in the future (for a suitable period of time for the permanent mitigation to become effective)
- The replacement roost within the roof void of the replacement dwelling should be shown on a scaled drawing, showing the internal dimensions and proposed access points

This information has not been illustrated on the submitted drawings and therefore clear mitigation has not been demonstrated. In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the requirements of the NPPF and Core Policy 50 of the WCS. The lack of detailed information as discussed above means that this judgement cannot be made, therefore, officers recommend that the application be refused on the basis of lack of information. It must also be highlighted that, whilst mitigation and enhancement may be possible, tests 1 and 2 of the Habitat Regulations still need to be satisfied and it is the opinion of officers that this is unlikely to be demonstrated.

9.4 Access and parking

The dwelling proposes to make use of a new access into the site. The Council's Highways Officer has advised that the new access should achieve a visibility standard of better or equal to the existing access. If this can be satisfactorily demonstrated, then no objection would be raised on highway safety grounds.

A revised plan has been submitted by the agent to demonstrate that a visibility splay of 120m in each direction is achievable within land owned by either the applicant or by the highway authority. If the application was being recommended for approval, a condition to ensure visibility splays are provided in accordance with this drawing could be imposed. With the potential for such a condition available, no highways objection is raised to the new access.

The site is capable of accommodating the required turning space to ensure vehicles can enter and exit in a forward gear. Minimum parking standards can also be achieved within the site.

9.5 Precedent

Whilst applications should be determined based upon their own individual merits, officers have concerns that by allowing this development it would be more difficult to resist further planning applications for similar developments elsewhere, thus exacerbating the likely harm. This would undermine the spatial strategy, spatial objectives and core policies of the WCS and erode the character and quality of the open countryside.

9.6 Other Considerations

Given the relative isolation of the dwelling there would be no neighbour amenity impacts.

10. Community Infrastructure Levy

The development would fall within the scope of the Council's Community Infrastructure Levy Charging Schedule. That said, if the development is a self-build it would be exempted from paying CIL.

11. Conclusion (The Planning Balance)

Officers consider the replacement dwelling and garage to be significantly larger than the existing dwelling on the site (190% increase in floor area). The proposal is therefore not considered to comply with saved Policy HC25 of the Kennet Local Plan 2011.

Furthermore, the dwelling by reason of its height, size and positioning in the open landscape would have a detrimental impact upon the landscape character and scenic quality of the area and the AONB, such that there are no material circumstances sufficient to justify approval and outweigh the conflict with Core Policies 51 and 57 of the WCS and with central government policy contained within the NPPF. The scheme is also considered to conflict with documents produced by the North Wessex Downs AONB Organisation and supplementary planning guidance contained within the Wiltshire Landscape Character Assessment, which are a material consideration.

In addition to the above, officers consider that insufficient information has been submitted to adequately assess the likely impact to bats on site and whether or not this can be adequately mitigated against in respect of the requirements of Section 11 of the NPPF, Core Policy 50 of the WCS and the Conservation of Habitats and Species Regulations 2010. Officers are of the opinion that a licence from natural England would not be forthcoming due to this lack of information.

Officers have reviewed the scheme and conclude that there are no benefits being brought forward by the scheme that would outweigh the significant harm identified in this report and the fact that, as a result, the proposal would manifestly conflict with the development plan.

RECOMMENDATION

That the application be refused planning permission for the following reasons:

- 1) The scale of the replacement dwelling and garage is significantly larger than the original structure. As such, it does not comply with the terms of saved Policy HC25 of the Kennet Local Plan listed in Annex D of the Wiltshire Core Strategy 2015.
- 2) By reason of its height, size, scale and positioning in the open landscape the proposed dwelling would have a detrimental impact upon the landscape character and scenic quality of the area and the North Wessex Downs AONB. There are no material circumstances sufficient to justify approval and outweigh the conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy 2015, to Supplementary Planning Guidance contained within the Wiltshire Landscape Character Assessment (2005) and with central government policy contained within Section 11 of the NPPF.
- 3) The applicant has submitted insufficient information to adequately assess the impact on bats at the site and whether or not this impact can be adequately mitigated against in line with the requirements of Section 11 of the NPPF, Core Policy 50 of the Wiltshire Core Strategy 2015 and the tests set out in the Conservation of Habitats and Species Regulations 2010.