

Date of Meeting	16/03/2017
Application Number	16/11803/FUL
Site Address	Forest View, Clay Street, Whiteparish, SP5 2ST
Proposal	Demolition of existing bungalow and erection of two new chalet bungalows. Improved access for units will be created off Clay Street. Hard and soft landscaping and associated works (Resubmission of 16/07647/FUL).
Applicant	Mr Dan Roycroft
Town/Parish Council	WHITEPARISH
Electoral Division	ALDERBURY AND WHITEPARISH – (Richard Britton)
Grid Ref	424477 123083
Type of application	Full Planning
Case Officer	Matthew Legge

Reason for the application being considered by Committee

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 to consider the recommendation that the application be **approved**.

2. Report Summary

The principle of the creation of additional dwellings within the settlement boundary is established in local planning policy. The development will result in the reduction of ground levels and introduction of retaining walls together with the creation of two dwellings that are considered to be of an acceptable form so not to result in an incongruous development for this rural area. The use of the access track for the additional dwelling unit has not received an objection comment from Wiltshire Council Highways and drainage on the site can be controlled by planning condition. There is no material neighbouring harm to amenity as a result of this development and permitted development rights can be removed to secure future protection to neighbouring amenity.

3. Site Description

The application site is located within the large village of Whiteparish and accessed off a medieval trackway which is used as an un-adopted vehicular access track which serves a relatively large number of dwellings (approx 30). The site is located in a relatively elevated location on the southern side of Clay Street and has elevated views towards the north side of Clay Street and the countryside beyond. The application site itself is also set in a slope and with the rear garden land rising up to a band of established trees.

4. Planning History

- 16/07647/FUL Demolition of existing bungalow and erection of two new residential units. Improved access for units will be created off Clay Street. Hard and soft landscaping and associated works. WD
- S/2008/1745 O/L Demolish existing bungalow and construct three chalet type bungalows with associated garaging and parking. REF
- S/2004/2327 O/L New dwelling. REF

5. The Proposal

This application proposes to demolish an existing bungalow and to erect two five bedroom dwellings. The existing vehicular access will be ceased up and a new access created off Clay Street. The proposal involves the creation of hard and soft landscaping and associated works.

6. Local Planning Policy

The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20th January 2015:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP24 (Spatial Strategy for the South Wiltshire Community Area)

CP41 (Sustainable construction and low carbon energy)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring high Quality Design and Place Shaping)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance (NPPG)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

7. Publicity

Whiteparish Parish Council – Object

“Whiteparish Parish Council RESOLVED to recommend refusal to this application on massing, density and common ground which has been included in the curtilage. Even though the issue of the ridge height has been addressed it will involve significant movement of spoil on an unadopted road that exits opposite the village school. Additionally it creates an artificial landscape, not in its natural form, and out of keeping with other properties on that side of the road.”

WC Highways – No objection subject to condition

WC Trees – None received

WC Ecology – Support subject to conditions

WC Drainage – Conditions suggested. Questions over Southern Waters ability to take surface water in the foul sewage, a suitable SUD systems would then be required.

14 letters of objection:

- The proposal for two large dwellings in place of one smaller one is an over-development of the site and will appear overbearing. The new properties will be completely out of character with their surroundings and will have an adverse impact on the locality.
- Impact on neighbouring amenity (Pen-y-bryn), loss of western aspect from Westways.
- This is large bulk excavation which will cause massive disruption and damage to Clay Street, Hop Gardens and Common Road by the large number of vehicle movements which will be required to construct these properties in a short period of time. This will also impact on the safety of the pedestrians who use this track on a daily basis.
- Concern about the amount of construction vehicles using the track which will cause further damage to the poor surfacing and highway safety concerns. The Developer should cover the cost of any further damage to the surfacing not the residents. There is a limit to the amount of traffic an unmade track can sustain, and Clay Street has passed that limit already.
- Questions posed regarding the submitted Highway Report being misleading.
- Problems regarding the drainage and sewerage issues in the immediate area.
- The proposed properties will each have four bathrooms and one cloakroom creating a significant increase in demand for water.

8. Planning Considerations

9.1 Principle of development

The application site is located in the retained settlement boundary of Whiteparish (Large village) and as such the principle of new residential development here is supported by Core Policy 1 & 2 of the Wiltshire Core Strategy (Jan 2015).

9.2 Impact on the context and character of the surrounding area

This application has been submitted following the withdrawal of a similar application for two dwellings in 2016. This revised scheme has lowered the ground level over the site to reduce the ridge heights of the proposed dwelling units. Officers note the local opposition to the two units and have noted the above comment summary in relation to the design, massing and landscaping for the scheme. In assessing this application Officers have to consider the matters of concern and make a judgement as to whether the application justifies a defensible reason for refusal.

The application site is located along a registered public footpath (WHIT31) which is only used by users who have a right to a vehicle access over the track. However, in enforcement terms there are no physical restrictions or signage at the entrance of the track that can prevent or deter an unauthorised vehicle from using the footpath for vehicles. The site is located in a relatively elevated location on the southern side of Clay Street and has elevated views towards the north side of Clay Street and the countryside beyond. The application site itself is also set in a slope and with the rear garden land rising up to a band of established trees.

This application will result in the removal of a significant amount of soil from the garden area to flatten the site for the creation of two dwellings. The established trees to the rear of the site will be retained and the existing ground levels around the root zones are also to be maintained. Nevertheless, a large amount of soil is to be removed from the site to allow the dwellings to have a lower ridge height in the street scene. The full details of the site levels are shown on the proposed site plan but the exact landscaping details across the site are not given but could be requested by condition together with details of how the retained trees are to be protected during the construction phase.

The proposed removal of soil will flatten out a large portion of the site and the development will require the removal of one tree (along the access track) which the submitted Arboriculture statement notes as an unremarkable tree of limited merit. Officers note the local concerns over the artificial landscaping and unnatural form of the site from the resultant development. However the removal of soil on balance is considered unlikely to be unduly harmful to the character of the street scheme as the majority of the soil removal will be within the centre of the site. The road side hedge planting can be conditioned for reinstatement and a planning condition can be imposed to secure adequate landscaping details are secured across the whole site.

The proposed location of the dwelling are set back for the access track by a distance comparable to the existing bungalow and consistent with the set back distance of other properties located along this access track. The application site is noted by Officers to be large and the creation of an additional dwelling house within this plot is considered to be creating a consistent dwelling to plot ratio for the locality. Officers do not consider that a refusal reason based on the overdevelopment of the application site is a defensible reason to refuse planning permission in this instance.

The design of the dwellings has received a consistent theme of objection within the letters of concern. Officers acknowledge that there is expressed local opposition to the scheme with locals opposed to the urbanisation of the rural area and the introduction of effective two storey dwelling house. In assessing the application site Officers are aware of the varied design and massing of dwelling houses along this access track. A number of the dwelling houses have received relatively recent planning permission for extension up into the roof to create a form of chalets bungalow although in assessing the street scene there is some argument to suggest that a few of the dwellings could be considered tantamount to two storey in massing. It is clear that the dwellings along this track have developed over time and organic extensions have taken place. In this instance it is considered that the locality of the site could best be described as a mixture of dwelling types and designs. This application has purported that the design of the dwelling has borrowed from local precedent. Indeed the use of brick, timer cladding and render are all noted in the immediate locality. The roofing materials locally vary from tile, slate and what appear to be concrete tiles. The materials for use in this application are considered to now be consistent with the local palette of materials and Officers do not consider at the Council could robustly object to the use of materials that are evident in the immediate street scene.

The form of the two dwelling are however noted to have an increased eaves height and allude to the form of a chalet bungalow by the use of dormer windows but Officers note that the neighbouring letters have argued that the overall form and massing of the dwellings are tantamount to the two storey dwelling. However given the lower ground levels, the lower eaves height around the dormers, the set back distance of the dwellings of between 12m - 15m from the access track, the overall appearance from the access track is unlikely to be duly harmful to the rural character of the area to any point where a defensible refusal on those grounds could be defended. Officer on balance consider that the design and massing of the dwelling houses are unlikely to be incongruous in the street scene and unlikely to result in material harm to the rural character.

9.3 *Impact on neighbour amenity*

The neighbouring letters of objection have included some comment over amenity impact most notably from Westways and Pen-y-bryn. Westways is located to the east of the application site is located on higher ground than the application site. The lowering of the ground levels of the two dwelling has brought the ridge height of the dwellings around the eaves height of the Westways which given the close proximity of plot 1 is considered to be a significant reduction in vertical massing to Westways. This neighbour has concerns over the loss of western views; however the loss of views is not a material planning consideration that could prevent development. Plot 1 does include a first floor side window which faces

Westways and the window will serve an en-suite and will be obscure glazed this preventing overlooking.

Pen-y-bryn is a bungalow located on the opposite side of the access track whose front elevation faces the application site. The distance from the front elevation of Pen-y-bryn and the front elevations of the proposed dwellings is about 30m – 35m which is considered to be a significant distance to prevent undue direct overlooking. Any perception of overlooking from the upper floor windows for the application site will be from bedrooms which by their nature are empty in the day time. Front elevations allow a degree of accepted overlooking due to their open relationship with the street and private amenity spaces are on a whole located at the rear of a dwelling house. The loss of amenity space for a front garden is unlikely to be supported at appeal where the application site has a rear garden space available.

In considering the developments impact upon these neighbouring dwellings, Officers conclude that the massing levels and distances from boundaries is acceptable so not to result in demonstrable harm to neighbouring amenity.

9.4 Parking / Highways

The application site has planning history which sets out objection comments from Wiltshire Council Highways in relation to further development of dwellings along this unmade access road/track. This application has submitted a Highway Report by JMP Consultants which has not been submitted with the previous applications on the site. Wiltshire Council Highways in considering the report and the application has commented:

“I refer to the above planning application which is a resubmission of 16/07647/FUL. The scheme is as per the previous submission from a highways perspective and I therefore wish to adhere to my previous observations, as given below. I acknowledge the objections submitted online and in particular the pedestrian safety concerns. The access road is generally of sufficient width and it is considered that vehicle speeds are low due to the nature of the road and the poor surface condition.

I am aware of the history of development served by Clay Street and I note that the Highway Authority have objected to proposals in the past. The proposed redevelopment of Forest View was considered at pre-application stage where initial highway concerns were raised. Further discussions took place with the planning agent and a compelling case was presented which persuaded the Highways Officer to amend the highway observations to a position of no objection.

The report submitted concluded that the very slight increase in traffic movements should not be considered sufficient to warrant a refusal on highways grounds, and certainly should not be considered ‘severe’. Particularly in the light of the NPPF, which states that development should not be refused on transport grounds unless “cumulative residual impacts” are “severe” and implies that transport objections should not be allowed to obstruct the delivery of housing.

Whilst there is little doubt about the sub-standard nature of Clay Street, it is considered that on balance a highway refusal could not be justified or easily defended should the decision be appealed.

The proposed access, turning and parking arrangement is acceptable to serve the two proposed dwellings.

In view of the concerns regarding the construction vehicles, I suggest that the following condition is applied, should permission be granted, requiring the submission of a construction method statement.”

Given the no objection comments from Wiltshire Council Highway, Officers do not consider that it is now reasonable to continue to impose a highway refusal reason as previously imposed on previous applications for the site. Officers note the local concern and as such it is considered reasonable to impose a condition upon any approval to secure the submission of a construction management plan which can detail the delivery of plant, parking of vehicles during construction.

9.5 ROW

Officers note the strong local opposition to the scheme and raised concerns over the maintained condition of the access track following the construction period for the dwellings. The access track is an unadopted track which is formally identified as a ROW footpath (WHIT31). The ROW have identified that the Applicant needs to be aware that the site will need to have a right to provide vehicle right of way along the track to the application site. This vehicle right of way is not a matter for consideration during this planning application but is matter of legal clarification and or certainty for the Applicant to secure.

9.6 Ecology / Trees

A Wiltshire Council Ecologist has reviewed the submitted Bat Survey Report and has commented: *“Regularly used bat roost present, probably serotine which is a rarer bat species, but nature of the roost is uncertain therefore further survey required. NE licence will be required. Mitigation plans demonstrate that NE licence should be forthcoming as three tests of the Habs Regs likely to be met. Recommend condition.”*

Given the concerns from WC Ecology, Officers consider that the recommended condition can be imposed which would mitigate the concerns from WC Ecology.

This application has submitted a Tree Survey and Arboricultural Impact Assessment. The assessment has identified that one tree will be removed along the road side and that this tree is *“unremarkable of limited merit and its loss will have a minimal impact on the visual amenity of the local area or the wider landscape”*. All other trees will be retained and the report has not suggested that the retained trees will result in undue pressure to be pruned and felled. The report does suggest that further arboricultural method statement with associated tree protection plan to ensure that the retained trees received the required protection during the development phase. This application has not received any comments from the Council's Tree Officer but given the submission of the tree survey report, Officers are able to make an informed judgement on impact to trees and impose conditions as required to secure the desired protection of trees on the site.

9.7 Drainage

Some of the submitted letters of representation have raised concerns over the drainage of the site and concerns have been raised over localised water runoff down the access track and into dwelling houses. Given the local concern over the drainage of the site is it considered necessary to impose conditions upon any approval which will require a details scheme for drainage for both surface water and foul waste water drainage. Concerns of drainage outside of the application site i.e. water running down the access track are not considered to be site specific nor controllable via any conditions that could be imposed to mitigate harm from this applications.

9.8 Common Land

Some of the neighbouring letters and the Parish Council letter have raised concern that the development is affecting Common Land. A Wiltshire Council Rights of Way Officers has commented on this matter as follows:

My previous comments given in response to application number 16/07647/FUL still apply. I would also like to add that the applicant does not appear to have acknowledged that part of the proposed development is located on land registered as common land under the Commons Registration Act 1965. Common Land is protected from development and any person wishing to carry out certain works on such land must apply to the Planning Inspectorate for permission. The works proposed in the application would require such consent. I have attached DEFRA's Common land consents policy for information.

In response to comments in relation to the Common Land issue the Agent has commented:

“My understanding is that a very small portion of the land at the front of the plot is registered as ‘Common Land’ (see map attached – sourced from your Rights of Way Officer) – as is the front garden of many other dwellings along this part of the road, as you’ll see.

We’re not proposing any development on this ‘Common Land’ other than our driveway across it (like all the other neighbours do), and our solicitor assures us that this is acceptable. I am assured that I have served the correct Notices as our client does own the land, the ‘Common Land’ is just a right of way or easement granted across it.”

As planning permission does not usurp required compliance with other statutory regulations, it is considered that any grant of planning permission would not result in any conflict with the applications requirement (as commented by WC ROW) to secure a consent from the Planning Inspectorate for any development on land registered as Common Land. Thus Officers do not consider any objection to this application on the grounds of encroachment or development on Common Ground to be reasonable.

9.9 CIL

This development is subject to the Community Infrastructure Levy. Wiltshire Council has adopted a Community Infrastructure Levy (CIL) charging schedule on 18th May 2015. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth. Whoever has assumed liability for the development would be liable to make payment to Wiltshire Council for this type of development subject to the compliance with the exemption criteria.

10. Conclusion

This application proposes the demolition of a bungalow and the creation of two dwelling units within the settlement boundary of Whiteparish. The principle of the creation of additional dwellings within the settlement boundary is established in local planning policy. The development will result in the reduction of ground levels and introduction of retaining walls together with the creation of two dwellings that are considered to be of an acceptable form so not to result in an incongruous development for this rural area. The use of the access track for the additional dwelling unit has not received an objection comment from Wiltshire Council Highways and drainage on the site can be controlled by planning condition. There is no material neighbouring harm to amenity as a result of this development and permitted development rights can be removed to secure future protection to neighbouring amenity.

RECOMMENDATION

Approve subject to 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 above ground level until the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

3. 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:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

4. 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.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the exact position of each tree/s protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

8. No part of the development hereby permitted shall be occupied 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

11. Before the development hereby permitted is first occupied the side windows in the east elevation of plot 1 and the east elevation of plot 2 shall be glazed with obscure glass only [to an obscurity level of no less than level 5] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

12. 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 first brought first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

13. No development shall commence on site until details of the works for the disposal of sewerage including any point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

14. The works will be undertaken in accordance with the Bat Survey Report (Davidson-Watts Ecology dated 1 December 2016 and bat roosts will be incorporated into the dwellings in accordance with drawings 150-D-04 Plot 1 and 150-D-07 Plot 2, OB Architecture 17.11.16 or as otherwise specified in a Natural England licence superseding the permission. The bat roosts and access points will be available for bat use before first occupation of each dwelling and the deeds of each plot will identify that they will be maintained in perpetuity.

REASON: In the interest of preserving protected species

15. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures for the protection of the natural environment.
- f) hours of construction, including deliveries; (with particular consideration to the proximity of the school);
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and measures for the protection of the natural environment.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

16. The development hereby permitted shall be carried out in accordance with the following approved plans:

DRG No. 150-D-00 (location Plan) 15/12/2016

DRG No. 150-D-02 (Proposed Site Plan) 15/12/2016

DRG No. 150-D-03 (Plot 1 – Floor Plans) 15/12/2016

DRG No. 150-D-04 (Plot 1 – Roof Plan) 15/12/2016

DRG No. 150-D-05 (Plot 1 - Elevations) 15/12/2016

DRG No. 150-D-06 (Plot 2 – Floor Plans) 15/12/2016

DRG No. 150-D-07 (Plot 2 – Roof Plan) 15/12/201

DRG No. 150-D-08 (Plot 2 - Elevations) 15/12/2016

DRG No. 150-D-09 (Site Sections) 15/12/2016

REASON: For the avoidance of doubt and in the interests of proper planning.