

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	11 July 2018
<b>Application Number</b>	18/03185/FUL
<b>Site Address</b>	The Barns at Mays Farm 25 The Street Hullavington Wiltshire SN14 6DP
<b>Proposal</b>	Erection of 2 No new dwellings
<b>Applicant</b>	Evil Panda Ltd
<b>Town/Parish Council</b>	HULLAVINGTON
<b>Electoral Division</b>	BY BROOK – Councillor Scott
<b>Grid Ref</b>	389581 182050
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Kate Clark

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

The Application was called in for Committee determination by Councillor Scott to consider the impact of the proposed dwellings on the adjacent properties and to consider the adequacy of the access and highway safety.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be GRANTED

**2. Report Summary**

The main issues in consideration of this planning application are as follows;

- Principle of development
- Impact on the scale and character of the existing site/buildings
- Impact on the context and character of the surrounding area heritage assets
- Impact on neighbour amenity
- Parking/highways
- Neighbourhood Plan

**3. Site Description**

The application site relates to land at Mays Farm, Hullavington, a former farm complex set within the built envelope of the historic village centre and now subdivided into separate ownership parcels comprising the farmhouse and outbuildings together with the former cattle byres and large threshing

barn now converted into residential accommodation. All are Grade II-listed although the closest Conservation Area is found at Hullavington airfield, further east. The site lies to the rear of the adjacent Lawn Farm development of 14 new dwellings, and to the south east lies agricultural land and Hullavington airbase. The current development framework boundary for the village (which is defined as a 'Large Village' for the purposes of the development plan) runs directly behind the Mays Farmhouse curtilage, stepping out to encompass agricultural land to the rear of the barns and Lawn Farm to include part of a private track which continues northeast behind the rear edge of neighbouring Chapel Corner.

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

None immediately relating to the application site itself

#### **5. The Proposal**

Permission is sought for the erection of 2 No dwellings with access gained from 'The Street'. Plans show the 4 dwellings to be of natural stone with slate roofs. Between the dwellings a garage will serve both properties.

#### **6. Planning Policy**

##### Relevant Planning Policies:

Core Policies 1 (Settlement strategy),  
2 (Delivery strategy),  
48 (Supporting rural life),  
50 (Biodiversity and geodiversity),  
51 (Landscape),  
57 (Ensuring high quality design and place shaping),  
58 (Ensuring the conservation of the historic environment),  
60 (Sustainable transport),  
61 (Transport and development) and  
64 (Demand management) of the adopted Wiltshire Core Strategy.

National Planning Policy Framework.

Sections 4 (Promoting sustainable transport),  
6 (Delivering a wide choice of high quality homes),  
7 (Requiring good design),  
11 (Conserving and enhancing the natural environment) and  
12 (Conserving and enhancing the historic environment)

#### **7. Consultations**

##### Hullavington Parish Council – Object

- Ingress and egress of vehicles to and from The Street and safety of pedestrians
- Access for emergency vehicles
- Proximity to listed buildings and walls
- Part of the proposed access road would appear to be outside the settlement boundary and on agricultural land.

Highways - No objection subject to conditions.

Ecology - The Council's Ecologist has no objection to the scheme however has suggested informatives relating to the disturbance of reptiles.

#### **8. Publicity**

The application was advertised by neighbour letter and site notice.

5 letters of representation have been received including one on behalf of occupiers of 5, 6 and 7 Old Farm Close – comments are summarised below;

- Inadequate, dangerous access
- Inadequate access for fire trucks
- Overlooking
- Overbearing impact
- Overshadowing
- Noise and disturbance
- Impact on listed buildings
- Loss of views
- Changes to framework boundary in Neighbourhood plan
- Access track lays outside framework boundary
- Houses orientation unlike surrounding dwellings
- Design, scale and design objectionable

## **9. Planning Considerations**

### Principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Policies CP1, CP2 and CP10 of the Wiltshire Core Strategy confirm that Hullavington is a Large Village and the application site is substantively within the boundaries of the defined settlement boundary

CP1 of the WCS confirms that: 'Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.' This position is clarified in paragraph 4.15, which explains that *'At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries.'*

The defined settlement boundaries are to be reviewed as part of the Wiltshire Housing Site Allocations DPD. A draft DPD is in existence and proposes an amendment to the Hullavington settlement boundary which *excludes* the whole of the application site from being within the built-up area of the village. However, the DPD is still at a draft stage, prior to examination and has been subject to objections. In such a context, the draft DPD may only be afforded limited weight in decision making.

It is acknowledged that a section of the proposed access track leading from the rear of the farm complex to the proposed dwellings is currently outside of the defined settlement boundary. However, given the short length and positioning of the proposed access immediately adjacent to the settlement boundary, this form of development is not considered to conflict with the intentions of the settlement strategy and NPPF which look to restrict development in unsustainable locations.

### Impact on the visual amenity of the locality and the historic character, appearance and setting of the heritage assets

WCS Core Policy 57 states that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on local context and being complimentary to the locality. Proposals must also respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate any proposal scheme into its setting. Development must also demonstrate how proposals will enhance local distinctiveness by responding to the value of the natural and historic environment whilst being sympathetic to and conserving historic buildings and landscapes.

WCS Core Policy 58 specifies that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved and where appropriate enhanced in a manner appropriate to their significance including buildings and structures of special architectural or historic interest.

The site is located within the defined development framework boundary, where new residential development is considered acceptable in principle. The units are of a substantial size however they appear reasonably consistent in their proportion and density with the larger units at the far southeast end of the Lawn Farm site, which benefits from a less concentrated layout than other parts of the site.

As this site forms the outer edge of the village, visible over the adjoining fields and fronting toward the Conservation Area a high standard of design is expected. Plans demonstrated 2no. relatively substantial 4 bedroom dwellings, orientated to face the open countryside to the south-east. Parking is provided between the two houses in a bank of 4no. garages with provision for further parking to the front,

It is not considered that the proposal would have any greater impact than the recent development at Lawn Farm upon the setting of the listed buildings, the closest of which – the threshing barn – has itself undergone a radical transformation with conversion to residential use, removal of a large steel extension and addition of a modern domestic extension. As the proposals maintain the sense of space around the listed buildings and their open aspect and connection to the countryside to the southeast, it is considered that their significance would be preserved. The associated increased use of the main access track has been considered in these terms. On balance with the existing demands, however, it is considered that the limited increase in traffic (taking into account the below) would not be unduly deleterious to the tranquil character of this element, which is firmly bounded from the listed buildings to either side by stone walls.

Due to its design, scale and siting the development is considered to relate positively to the built form of the locality and would conserve and enhance the historic character, appearance and setting of the surrounding listed buildings in accordance with WCS Core Policies 57 (i, iii, iv, vi) and 58, paragraphs 131, 132, 134, 135 and 137 of the NPPF, S16(2) and 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

The proposal would be visible from the listed building and would impact to a certain extent on its setting due to this reason. The recent housing development at Lawn Farm however is in closer proximity to the heritage assets. The additional 2No dwellings would not encroach on the retained amenity space which maintains the sense of openness to the north east of the barn and for these reasons would result in less than substantial harm. That harm is at the lower end of the scale

In accordance with paragraph 134 of the NPPF it is necessary that a balancing exercise is undertaken in order to determine if any discernible public benefit outweighs the identified less than substantial harm, including securing the optimum viable use of the heritage asset. Any public benefit must clearly and demonstrably outweigh any identified harm.

There is considered to be some public benefit associated with the erection of 2 dwellings within the settlement boundary (ie. increasing local housing supply). The proposal would also create some short term local economic benefit as a result of employment work during the construction phase. This is considered sufficient to outweigh the very limited harm identified in this instance.

### Residential amenity

WCS Core Policy 57 states that all development must have regard to the compatibility of adjoining buildings and uses, the impacts on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (eg. light intrusion, noise, smoke, fumes, effluent waste or litter).

The dwellings are positioned towards the south of the plots and as such distances of 21m between first floor windows are maintained. It is noted that at ground floor these distance reduce to approximately 16m due to the single storey element housing the kitchens. Concerns have been raised in respect of the potential for overlooking from occupiers of the new properties towards those in the lawn farm development. However given the windows proposed are at ground floor only such an impact is considered negligible and can be further ameliorated by either the erection of a higher fence, raising the height of the wall or through a landscape scheme. Concerns have been raised regarding the potential for overshadowing and the development having an overbearing impact on occupiers at Old Farm Close however the plot sizes and distances involved would not warrant a refusal on this basis being of fairly standard level of separation.

Due to their scale, orientation and distance from the nearest properties, it is therefore considered that these units will not result in any significantly harmful or adverse impact on the existing level of amenity currently awarded to local residents in terms of overlooking, overshadowing or loss of privacy. In addition it is considered that the dwellings as proposed will provide an adequate level of amenity and living conditions to any future occupants. Comments are noted regarding the dwellings and garages presenting a solid 'block' of development across the whole plot however given the small gaps between the buildings and the significantly lower height of the garage building, this again, is not considered exceptionable.

Concerns have been raised relating to the potential noise and disturbance of the traffic movements to occupiers of Old Farm Close however given the garage buildings will effectively block direct views of the cars entering the site there is not considered to be a harmful effect on residential amenity in this respect and the proposal therefore accords with WCS Core Policy 57 (viii).

### Parking and Highway safety

Concerns have been raised relating to the safety of the proposed access. WCS Core Policy 61 states that proposals must be served by safe access to the highways network. The Council's Highways Officer has raised no objections to the proposal. The parking and garage arrangements as shown in the plans demonstrate parking is to be achieved according to current parking standards. The Highways Officer has considered the scheme and confirmed that the access itself has adequate visibility and is to the rear of a footway that is approx. 5.5 m in width. Should there be occasion where conflicting vehicular movements occur at the access to the private track there is sufficient space for a vehicle to pull completely clear of the running carriageway and thus not be an impediment to traffic. The movements for an additional two dwellings through this access will not meet the criteria for severe or significant impact on the public highway. There is no reported accident data for The Street in Hullavington within the last eight years of accident data. As such the proposal is in accordance with CP61 in this respect.

## **10. Conclusion**

The proposal is considered to be a sustainable form of development as it is located within the existing Hullavington settlement boundary, with the exception of the proposed access track to the rear of the site. However, given the small scale of the access track and its location immediately adjacent to the settlement boundary it is not considered to result in any significant conflict with the requirements of the settlement strategy. The development therefore meets the requirements contained within WCS Core Policies 1, 2 and 10 relating to small scale residential development within Large Villages.

The proposed design, layout and siting of the proposed dwellings and vehicle access are considered to respond positively to the adjacent listed buildings and would provide an increase in the supply of

housing. The proposed development is therefore in accordance with WCS Core Policies 57 and 58; Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Only limited harm to the setting to the listed buildings has been identified, which is considered to be outweighed by the public benefits associated with the grant of planning permission.

Due to their scale, orientation and distance from the nearest properties, it is considered that these units will not result in any unacceptable impacts on the existing level of amenity currently awarded to local residents in terms of overlooking, overshadowing or loss of privacy. In addition it is considered that the dwellings as proposed will provide an adequate level of amenity and living conditions to any future occupants. The proposal thus accords with CP57 of the Core Strategy for Wiltshire.

## **RECOMMENDATION - Permission subject to conditions**

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

Planning Statement SWLC.LPC4338

Topographical Survey

LPC/4338/SD2/5A

OS Site location plan

LPC/4338/SD2/2

LPC/4338/SD2/4A

LPC/4338/SD2/3A

LPC/4338/SD2/1B

Received 06.04.18

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

- 3 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of three vehicles together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 4 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme;
  - iv. Site working hours and a named person for residents to contact;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. Details regarding dust mitigation;
  - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
  - ix. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

REASON: To protect the local amenity from any adverse effects of noise, dust, smoke and odour.

- 5 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the proposed buildings and the section of boundary wall to be infilled 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.

- 6 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 7 No development shall commence on site until details of the works for the disposal of sewerage including the 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: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

8 The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to 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 external alterations.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

13 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) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

b) means of enclosure;

c) all hard and soft surfacing materials;



REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

14 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

15 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

16 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

17 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

18      INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.