

Date of Meeting	30 January 2020
Application Number	19/08155/FUL
Site Address	Glyndene, 8 Fiddington Hill, Market Lavington, Devizes, Wiltshire SN10 4BU
Proposal	Construction of one Detached House with Associated Siteworks with Access from The Paddock.
Applicant	Mrs C House, Berkswell Properties Limited
Town/Parish Council	MARKET LAVINGTON
Electoral Division	Councillor Richard Gamble – The Lavingtons & Erlestoke
Grid Ref	402158 154354
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Richard Gamble on the grounds of the 'scale of development', 'visual impact upon surrounding area', relationship to adjoining properties', 'design' and 'environmental or highway impact'.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to conditions.

2. Report Summary

The key issues for consideration are:-

- Principle of development;
- Layout, design and impact on residential amenity;
- Impact on highway & pedestrian safety;
- Impact on ecology;
- Surface water & drainage.

3. Site Description

The application site, as defined in red on the location plan shown below, comprises a narrow area of undeveloped land within the built-up area of Market Lavington. The northern boundary of the site adjoins the rear boundaries of residential properties within The Paddock, the east adjoins the rear boundary of no.8 Fiddington Hill, the southern boundary adjoins the side boundaries of residential properties within Ridgeway Close, and the west an area of undeveloped land.



Site Location Plan

The site has recently been cleared of all vegetation. The existing dwellings adjacent to the site are modern two storey dwellings finished in a mix of red brick and render walls with interlocking concrete tile roofs.

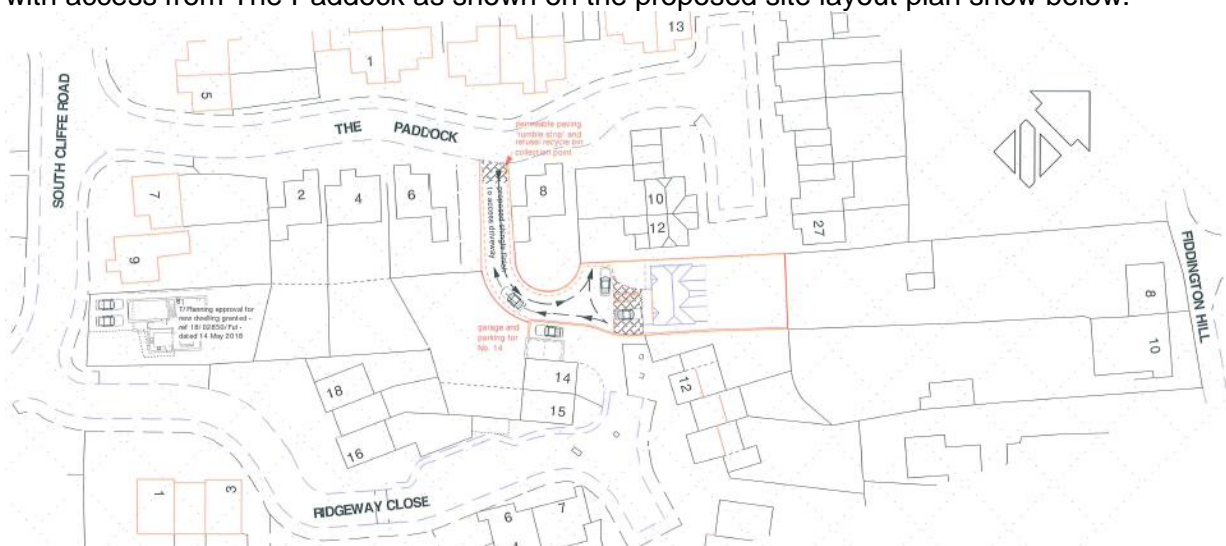
The following recent planning applications are relevant to the assessment of the current proposal:

- Application reference 19/00777/FUL - Construction of one bungalow and one pair of semi detached houses with associated siteworks with access from Ridgeway Close - Land to the rear of 8 Fiddington Hill – Withdrawn 20.03.19;
- Application reference 14/11986/FUL - Erection of two storey dwelling with integral garage and associated external works and provision of new access onto South Cliffe Road - Land adjacent 9 South Cliffe Road Market Lavington – approved 12.02.15;

The planning history reveals that the applicant has previously sought planning permission for three properties on the site and adjoining land but the application was withdrawn. Planning permission has been granted for the construction of one detached dwelling to the west of the current application site fronting onto South Cliffe Road. The proposal is shown on the site plan below but the planning permission has not been implemented to date.

4. The Proposal

The application seeks full planning permission for the construction of one detached dwelling with access from The Paddock as shown on the proposed site layout plan show below:-



Proposed Site Layout

The design and appearance of the proposed dwelling has been amended during the assessment of the application. The final proposal involves the construction of a three-bed detached property with the external walls finished in brickwork and render under an interlocking concrete tiled roof.



5. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 'Decision-Making', 5 'Delivering a Sufficient Supply of Homes', 9 'Promoting Sustainable Transport', 11 'Making Effective Use of Land', 12 'Achieving Well-Designed Places', and 15 'Conserving & Enhancing the Natural Environment'.

The adopted **Wiltshire Core Strategy**, in particular:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 12 Spatial Strategy: Devizes Community Area;
- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 67 Flood Risk.

The emerging **Market Lavington Neighbourhood Plan**.

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

6. Consultations

Wiltshire Council Highways – No objections, subject to conditions to secure the layout, parking, and access arrangement as shown.

Wiltshire Council Landscape and Design Officer – No observations.

Wiltshire Council Ecologist – No objection following the clearance of the site subject to a condition to ensure the ecological enhancement measures detailed in the Habitat Survey are carried out.

Wiltshire Council Drainage Engineer – No objection following the submission of an amended surface water drainage scheme.

Market Lavington Parish Council – Objection.

The Parish Council has objected to the original and amended proposals on the grounds of design and impact on highway safety. It is felt that the dwelling would appear out of character within the existing pattern of surrounding development. In terms of highway safety, it is questioned whether the new access from The Paddock is wide enough, safe and fit for purpose, and whether the property would be able to accommodate three parking spaces.

7. Publicity

The application has been publicised via site notices and letters sent to properties within close proximity of the site. As a result of the original consultation exercise, nine letters of objection were received objecting to the application on the following grounds:-

- Impact on highway and pedestrian safety as a result of the substandard new access, lack of parking spaces, and impact on parking within The Paddock;
- Impact on the ability of emergency and refuse vehicles to access The Paddock;
- Impact on ecology and the environment due to a loss of trees and vegetation;
- Impact on property prices and ability to sell;
- Impact on neighbour amenity as a result of a loss of light, loss of privacy, overbearing impact, and air and noise pollution from the parking area;
- Impact on the character of the built environment as a result of the inappropriate scale and appearance of the dwelling proposed;
- Impact on the rate of surface water run-off from the site due to the inadequate drainage scheme;
- The application plans do not correctly depict the dwelling at no.12 The Paddock.

A re-consultation exercise was carried out following the submission of the amended scheme which resulted in a further four letters of objection. The letters are from neighbours who commented on the original planning application and continue to object to the application on the grounds detailed above. One letter also questions the advice provided by the Council's Highway Development Control Engineer.

8. Planning Considerations

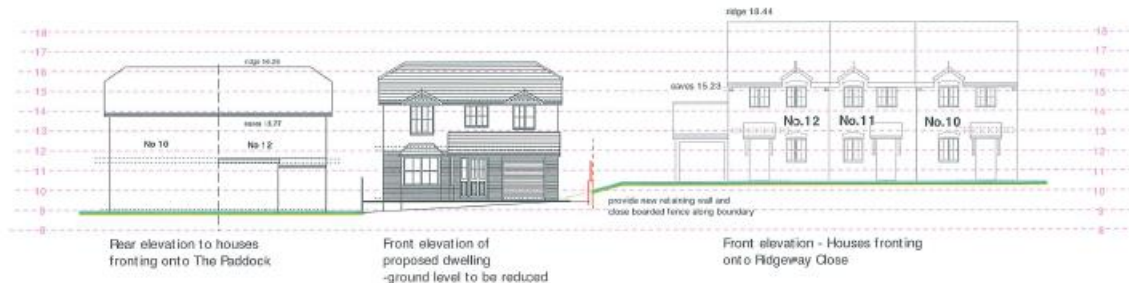
8.1 Principle of Development

The adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages. The WCS Settlement Strategy, as outlined within Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy', indicates that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances.

Core Policy 12 'Spatial Strategy: Devizes Community Area' identifies Market Lavington as a 'Local Service Centre'. As such, the change of use and erection of a dwelling on the site for a residential development scheme would be consistent with the settlement strategy of the WCS. The principle of residential development at the site in terms of land use is therefore supported by the local development plan; however, there are a number of key material planning considerations which will have to be taken into account to determine the appropriateness of the proposed scheme, as discussed within the following sections.

8.2 Layout, Design & Impact on Neighbour Amenity

The proposed development, as amended, involves the erection of a single detached three-bedroom dwelling which would be accessible via a new access from The Paddock. The dwelling is positioned next to the south side elevation of nos.10 & 12 The Paddock and has been designed to tie in with the general scale and design of the pair of semi-detached properties as shown on the section plan below.



Proposed Front Elevation and Section Plan

The principal elevation of the dwelling would face west onto the parking area and access road serving the new property. A private garden area would be located to the rear of the dwelling. The south side elevation of the dwelling would be adjacent to the north side elevation of the No.12 Ridgeway Close, an end of terrace property at a higher land level as shown on the section plan above.

The neighbouring semi-detached and terraced properties within the immediate proximity of the site are made up of individually smaller dwellings. However, whilst the proposal involves the provision of a single dwelling, the overall form and scale of the building, along with the proposed external materials (brick, render and concrete roof tiles), would not be out of keeping with the existing buildings within the immediate context of the site as shown on the plan above. The development in terms of its plot ratio and proximity to existing dwellings would also respect the established pattern of the built environment.

The impact on the amenities of the residents of neighbouring properties is a key material planning consideration due to the proximity of the proposed dwelling to neighbouring properties. The orientation of the property will however ensure no direct overlooking of neighbouring properties. The front and rear elevations will face the proposed parking and garden area and there would be a sufficient separation distance between neighbouring gardens and dwellings to the east and west. The side elevations will be in close proximity to the side elevations of no.12 The Paddock and no.12 Ridgeway Close although the only first floor window on the south side elevation can be conditioned to contain obscured glazing to prevent any direct overlooking.

The erection of the proposed dwelling would result in a loss of direct sunlight to the ground floor windows within the south side elevation of no.12 The Paddock. However, it is considered that the impact on the amenity of the residents of the property and their enjoyment of the property as a whole would not be affected to an unacceptable level from a planning perspective. No.12 The Paddock has a ground floor extension (via planning permission K/34797) on the front and rear elevations which provide light to the rooms which would be affected by the proposal (lounge & dining room). The existing close board timber fence along the site boundary also currently restrict light to these windows. The dwelling also has a two-storey front extension (via planning permission 14/03164/FUL) and permission for a two-storey rear extension which could be erected under the extent permission. The proposed development would be sited directly adjacent the side elevation of no.12 but would not extend beyond the front or rear elevations of the dwelling. As such, whilst the new dwelling would result in a noticeable change to the immediate environment surrounding the

property it would not appear unduly overbearing, overlook or overshadow the property to an unacceptable level. It is however considered appropriate to remove permitted development rights for future extensions or modifications to the dwelling, should planning permission be granted, to enable the Local Planning Authority to ensure no future impact as a result of any proposed alterations.

8.3 Impact on Highway & Pedestrian Safety

The proposed development will be served via a single vehicular point of access to the site from The Paddock. A new access road would be created on land within the applicant's ownership between nos.6 & 8 The Paddock. The access would be 4m wide and would lead towards a parking and turning area in front of the new dwelling.

The Council's Highway Development Control Officer advised that The Paddock is a 20mph unclassified cul-de-sac with unrestricted parking on the street, albeit the majority of properties have off street parking and garages. The 4m width of the driveway allows for an area to be used for refuse collection occasionally, which would reduce the access width to 3m, as this would only be on the occasions of refuse collection this would be deemed acceptable.

The Highways Officer further advised that "The Paddock will be able to accommodate the minor increase in vehicle movements associated with a single 4-bed dwelling (*amended scheme is a 3-bed dwelling*). It is considered that there would be no significant impact on the local highway network in relation to vehicular movements brought about by the proposals, which would be in the order of 6-8 two-way movements per day. The proposals include provisions for 3 off-street parking spaces, within a single garage and to the front of the proposed dwelling with an area for turning. The provisions are in accordance with Wiltshire Councils minimum residential parking standards and will not place additional pressure on on-street parking within the area."

The concerns of the local community in relation to the adequacy of the new access and parking arrangements have been carefully considered however in light of the comments and recommendation of the Highway Officer a refusal of planning permission on highway safety grounds is not considered to be necessary or reasonable. The Highways Officer recommends approval subject to a condition to secure the access and parking arrangements and an informative to inform the applicant of the need to apply for a licence to carry out work on the adopted highway.

8.4 Impact on Ecology

The application is supported by an Extended Phase 1 Habitat Survey by 4 Acre Ecology Ltd because the site is undeveloped and has been overgrown. The Council's Ecologist highlighted that whilst the Council has no control over how gardens are managed, it is reasonable to expect the site, due to its scale, may contribute to biodiversity in a greater way than several separate plots of the same area. The Ecologist recommended that 4 Acre Ecology Ltd review the Habitat Survey in light of some technical concerns raised by a local resident, however it subsequently came to light that the site has been cleared of all vegetation. The applicant mentioned that the site was cleared in accordance with the recommendations of the Habitat Survey and that measure to enhancement biodiversity could be incorporated into the proposed development.

The Council's Ecologist recommended that in light of the site having been cleared and given the small scale of development, the application be approved subject to a condition to ensure the works will be undertaken in accordance with the recommendations and enhancements detailed in section 7 of the Habitat Survey for lighting, nesting birds and hedgehogs. The

enhancement measures can be secured via a condition should planning permission be granted.

8.5 Surface Water & Drainage

The proposal involves the disposal of surface water via an on-site Sustainable Drainage System which is supported by the Council's Drainage Engineer. The Drainage Engineer advised that the submitted infiltration test results are poor and it was questioned whether the use of soakaways would work. The applicant therefore amended the surface water drainage scheme to include the use of a surface water holding tank and rainwater harvesting system. The proposal is supported by the Council's Drainage Engineer. The access road will have a shingle surface and the parking areas will be of permeable paving.

9. Conclusion

The application seeks full planning permission for the construction of single detached dwelling with a new access from The Paddock, Market Lavington. The Settlement Strategy of the Wiltshire Core Strategy supports, in principle, the provision of new residential development within the built-up area of the settlement.

It is considered that the layout of the proposal and the scale and appearance of the dwelling would not be out of keeping with the established character of the built environment and the development would not have an unacceptable impact on the amenities of the occupiers of neighbouring properties. The new access and parking arrangements have been approved by the Highway Authority and there would be no significant impact on the local highway network.

The concerns of the Parish Council and local residents have been carefully considered, however the scheme is considered to be in accordance with both national and local planning policies and with suitably worded conditions, it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following 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:

- Drawing no.1 Rev,B. Title. Location and Site Plan, received 07.11.19;
- Drawing no.2 Rev.B. Title. Elevations and Floor Plans - as Proposed, received 07.11.19;
- Drawing no.3 Rev.B. Title. Site Elevations and Sections, received 07.11.19;
- Drawing no.101. Title. Rainwater Harvesting Proposal / Layout, received 03.12.19;
- Document, RainWater Harvesting Product Specification and Information sheets, received 03.12.19.

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

- 3 No above ground 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. The dwelling shall not be 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 and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, 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.

- 4 No above ground development shall commence on site 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 matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 5 No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish 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 The recommendations and enhancements measures detailed in section 7 of the Extended Phase 1 Habitat Survey by 4 Acre Ecology Limited (dated 30/07/19) for lighting, nesting birds and hedgehogs shall be carried out in full prior to the occupation of the development hereby approved.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 7 The development hereby permitted shall not be 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.

- 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), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 10 Before the development hereby permitted is first occupied the first floor window in the south side elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the window shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 11 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.

- 12 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 roof slopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 13 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.

- 14 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.

15 **INFORMATIVE TO APPLICANT:**

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

16 **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.