

REPORT TO THE (NORTHERN) AREA PLANNING COMMITTEE

Date of Meeting	6 th December 2023
Application Number	PL/2023/00424
Site Address	Land at Washpool, Swindon, SN5 3PN
Proposal	Demolition of various outbuildings and erection of a 3-bedroom detached dwelling and associated works (Revised resubmission)
Applicant	Mr E Keogh
Town/Parish Council	Lydiard Millicent Parish Council
Electoral Division	Royal Wootton Bassett East
Grid Ref	410849 186041
Type of application	Full planning permission
Case Officer	Olivia Tresise

Reasons for the application being considered by Northern Area Planning Committee:

Councillor Steve Bucknell considers the following key issues justify the call-in:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental / highway impact
- Car parking (use)

And the application has been called-in for the following reasons:

- The application does not satisfy the reasons for refusal for a similar application on the site reference 18/00086/FUL, the reasons for refusal set out in October 2018 cites the following policies: CP60 and NPPF para 34, CP1 & CP2 and NPPF para 79, Site is in Flood Zone 2 & 3 and is contrary to CP67 and NPPF paras 155, 157 & 158, CP57 & LMNP Section 10, CP52 & CP57 and NPPF127 & 170, CP50 & CP57 and NPPF 170, 174, 175 & 177. In addition, the Councillor has concerns that the development would render unusable the garages belonging to neighbouring properties, certainly during construction phase and almost certainly during occupation phase, which would lead to an increased risk of vehicles being parked on the public highway on a narrow bend with poor visibility. The proposed 3 bed property shows two parking spaces but no

driveway or other parking for visitors or delivery vehicles, again increasing the risk of parking on the highway. As such there would be an unacceptable impact on road safety and on the amenity of neighbouring properties. The Design and Access Statement accompanying the application neglects to comment on the impact the proposal would have on the use of adjoining garages.

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 recommendation that the application be approved.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle
- Highway Safety and Parking
- Arboriculture and Landscape
- Ecology
- Flood Risk and Drainage
- Design and Visual Amenity
- Environmental Protection
- Residential Amenity

3. Site Description

The site consists of a number of outbuildings siting on an area of hardstanding surrounded by trees on the eastern, western and southern boundaries, and there is an unnamed stream running along the western and southern boundaries. Beyond the site on the southern and western boundaries there are open fields. To the east, there is a group of residential properties, and a garage block is located to the north of the site.

In terms of constraints, the site is situated within Flood Zone 3. The existing outbuildings are not listed buildings, and there are no listed buildings in the immediate vicinity, and the site is not situated within a conservation area. A public right of way, LMII84, runs along the south of unnamed stream from the southwest and the northeast, and another public of way, LMIL 101, runs at the northeast corner of the adjacent garage block passing the western (rear) boundary of the 'Bungalow' to the north.

The application site is just situated within the Wiltshire Council's eastern boundary, which runs down the road namely 'Washpool' and the dwellings on the opposite side of the road fall within Swindon Borough Council's jurisdiction. The site is not located within the settlement of Lydiard Millicent and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

It is also noted that the available historic aerial photography show that at least two of outbuildings surrounded by hardstanding area already existed in 2009.

4. Planning History

The site is subject to a number of planning applications in the past, and the following applications are the most relevant to the determination of this application.

18/00086/FUL Demolition of various outbuildings and erection of a 3- bedroom detached dwelling, detached garage and associated works. Refused for the following reasons:

1) The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.

2) The site is located outside of any settlement and for the purposes of the Core Strategy is designated as being in open countryside where residential development is only supported should the dwelling be for an agricultural worker. The proposal therefore fails to comply with saved policy H4 of the North Wiltshire Local Plan 2011, policies CP1 and CP2 of the Core Strategy for Wiltshire and para 79 of the National Planning Policy Framework.

3) The development is located in Flood Zone 2/3 and the application fails to meet the sequential and exception tests set out for new development as detailed in Planning Policy Guidance, Flood risk and coastal change and paras 155, 157 and 158 of the National Planning Policy Framework and Core Policy 67 of the Core Strategy for Wiltshire.

4) The proposed dwelling, by virtue of its mass and bulk positioned adjacent to the highway would be out of keeping with the street scene where properties are either small cottages or larger detached buildings set well back within the plots. The proposal would therefore be out of character with the prevailing pattern of development appearing incongruous in the street-scene contrary to Core Policy 57 of the Core Strategy for Wiltshire paras i), ii), and vi) and Section 10 of the draft Lydiard Millicent Neighbourhood Plan

5) Insufficient information has been provided to demonstrate that the site can be appropriately landscaped and will not result in the loss of the poplar trees which together with a nearby watercourse form a significant connection in the green infrastructure between the urban parts of Swindon and the rural margins. The proposal is therefore contrary to policies CP52 and CP57 and Paras 127, 170 of the National Planning Policy Framework.

6) Insufficient information has been provided to establish the impact of development on the watercourse, trees and protected species. The proposal is therefore contrary

to policies CP50, CP57 of the Core Strategy for Wiltshire and Paras 170, 174, 175 and 177 of the National Planning Policy Framework.

N/88/01264/FUL Change of use for industrial purposes in connection with coopering business. Approved 27 June 1988. *(The historic officer report stated that the applicant already operates the business on the site from a site timber shed with open storage... Notwithstanding that the site is located within the West Swindon Rural Buffer, this is a single person enterprise located on a limited site formerly used for parking storage. It is considered that planning permission can be reasonably granted subject to appropriate conditions.)*

N/88/01395/FUL (site address 15 - garage block opposite - Washpool Cottage) Extension to existing garage block to provide additional garage. Approved 20 June 1988

5. The Proposal

The proposal is to demolish the existing outbuildings and to erect a 3-bedroom detached dwelling and associated works on Land at Washpool, Swindon. It is a resubmission application, the previous planning application for a similar residential scheme was refused for a number of reasons, which were listed in Section 4 of this report.

In order to address the previous refusal reasons, the applicant submitted the following documents:

- Flood Risk Assessment
- Sequential and Exception Test Assessment
- Arboricultural Method Statement
- Ecological Impact Assessment Update
- Certificate B
- Technical Note- Accessibility & Sustainability Appraisal

During the course of the application, a revised proposal and a revised Arboricultural Method Statement were also submitted to change the design of the proposed dwelling to address the officers' concerns about the design and appearance of the proposed dwelling and the potential impact upon amenity of the future residents due to the proximity to the existing poplar trees. In addition, the applicant submitted a revised site plan and Certificate B to exclude the forecourt in front of the garage block, in order to address the residents' concerns.

6. Planning Policy

National Planning Policy Framework (September 2023)

Section 2 - Achieving Sustainable Development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting Sustainable Transport

Section 12 - Achieving well designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Planning Policy Practice Guidance

Wiltshire Core Strategy (WCS) (2015)

Core Policy 01: Settlement Strategy

Core Policy 02: Delivery Strategy

Core Policy 03: Infrastructure Requirements

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 67: Flood risk

North Wiltshire Local Plan 2011

Saved Policy H4 – Residential development in the countryside

Housing Land Supply Statement – Published May 2023 (Base date: April 2022) which indicates 4.6 years deliverable supply.

7. Consultations

Lydiard Millicent Parish Council - Objection. Previous application Oct 2018 (18/00086/FUL) refused because of bulk in the street scene and danger at Washpool Bridge. Access to this property would disrupt amenities of current local residents, and be very close to Washpool Bridge, a very narrow bridge on a bend, so would constitute a hazard for anyone entering or leaving the proposed property and existing residents. No room is allowed for any visitors to park and would constitute a hazard outside the proposed property. This application would also contravene Neighbourhood Plan regarding Street Scene and cannot be regarded as infill as it is not between other properties but adjacent to fields on two sides.

Environment Agency - No objection subject to conditions

Highway Officer (Wiltshire Council) - No objection in terms of access and parking arrangement, however the officer advised that the proposal is not situated at sustainable location due to its open countryside location.

Highway Officer (Swindon Borough Council) - No objection

Highway Structure (Wiltshire Council) - No comments.

Highway Structure (Swindon Borough Council) - The wall is aprox. 1m tall and likely serves as scour protection to the land behind. As part of the 12-13 bridge works a concrete apron was installed in front of the wall. The wall is historic and was likely never “designed”. It appears to be in good condition and is not presenting any signs distress. The Engineer advised that the actual increase in loading would be negligible as the ground slopes up +650mm above the wall.

Drainage Engineer - No comment. The development does not trigger consultation with the drainage team due to its modest scale of the proposal.

Ecology Officer - No objection subject to conditions.

Arboricultural Officer - No objection

Public Protection - No objection subject to conditions

Thames Water - No objection

8. Publicity

Seven letters of objection have been received, and residents' comments are summarised as below:

- Owners of garages have right of access to garages
- The proposed property is via the hard standing at the front of the garages. This would lead to considerable congestion, disruption and inconvenience to all users of the garages, those working and delivering to the site and the general flow of traffic at all times, especially peak times through Washpool.
- No mention where visitors would park. There is no other parking available in the area for the current residents of this part of Washpool other than the road which is dangerous, would cause a major traffic hazard and would be extremely inconvenient as previously described
- Any restriction to free access to the garage would be in direct breach to the provisions of the Deeds. If this application is granted in its current form it is highly likely that the residents of Washpool Cottages may well be forced to park their vehicles on the street which would cause severe disruption to the flow of traffic along Washpool especially over the single track bridge immediately in front of the proposed site.
- The disruption would commence from day one of the build with the extra vehicles belonging to the numerous contractors, suppliers and plant required for such a project all being parked on the street.
- The proposed plans for this development show the boundary of the new property encompassing a piece of land in front of the garages, which does not belong to the proposer and is in fact part of my Title Deed. I also wish to highlight the provisions contained in this Title Deed that must be maintained, in particular unimpeded access to all the garages at all times, which will not be possible with the proposed house being built so close to the boundary, as scaffold and construction machinery, vehicles etc will require access onto my land and prevent this happening.
- I would not have space to manoeuvre my vehicle to park within my garage and have unimpeded access as stated within the deeds.
- I would have no alternative but to park multiple vehicles on the narrow main road and create a traffic hazard.
- Parking in the area is a real issue, as it is not safe to park on the road due to width of the road and the volume of traffic.
- If this house is built there is insufficient safe parking in the area, meaning visitors and deliveries will park on land that is private property or alternatively park unsafely on the road.
- the loss of trees, which has a number of species of birds using for roosting.
- the water table is high.
- exit from the site for vehicles is difficult due to amount of traffic.

A resident attached a letter of objection on the previously refused scheme, and the concerns were summarised as follows: out of character

- insufficient to meet housing target given the [historic] circumstances on adjoining fields.
- the proposal cannot be contained within the available ground quoted of 536 square metres.
- the existing mature trees are used by different bird species.
- cottages sewerage pipe runs through the middle of the building plot.
- access onto the C70 is very problematic.
- inconvenience due to construction

9. Planning Considerations

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”. This is the starting point from a policy point of view. 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). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. Lydiard Millicent Neighbourhood Area Plan (2018-2036) was made in 2021.

The site is not located within the settlement of Lydiard Millicent and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

Paragraph 80 of the NPPF sets out the national policy on isolated houses in the countryside. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling;
- or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The Settlement Strategy (Core Policy 1) identifies the different tiers of settlements based on an understanding of the role and function of Wiltshire's settlements and how they interact with immediate communities and their wider hinterland. In doing so the Settlement Strategy, together with the Delivery Strategy (Core Policy 2), seeks to define where development will be the most sustainable across Wiltshire's settlements.

The adopted Wiltshire Core Strategy sets out four tiers of settlements, namely

- Principal Settlements
- Market Towns
- Local Service Centres
- Large and Small Villages.

Core Policy 2 (Delivery Strategy) states that other than in circumstances as permitted by other policies within the Wiltshire Core Strategy, (as identified in paragraph 4.25 - summary below), new housing/residential development will not be permitted outside the limits of development, as defined on the policies maps. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhoods plans.

Paragraph 4.25 exceptions criteria comprise:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

Core Policy 44 allows for the allocation of, or granting of planning permission for, small sites comprising affordable housing only as an exception to normal policies, and Core Policy 48 states that outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside.

In this instance, the proposal is not for an agricultural worker dwelling nor an affordable housing, it does not relate to a heritage asset, would not re-use redundant or disused buildings nor it is for the subdivision of an existing residential unit. In consideration of point e) of the NPPF, while the design is acceptable (which to be discussed later at this report), it is not considered to be truly outstanding or innovative. Whilst the proposal is to remove the existing outbuildings, which are single storey in height and well screened from public vantage point, the proposal is not considered to significantly enhance its immediate setting nor be sensitive to the prevailing character of surrounding dwellings.

Officers noted the previously refusal proposal regarding issues of sustainable transport. The site is located outside of the settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors. There is a lack of pedestrian facilities/safe cycling provision connecting to the proposal site. The proposal is, therefore, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 of the National Planning Policy Framework 2023, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternative in order to promote a sustainable pattern of development. Having said that, it is worth to note that there is a bus stop in the

adjacent residential area (near Bishopdale Close) within reasonable walking distance from the site. In addition, the proposal is situated on a previously developed land, and it is located to the proximity of the established residential area. In this instance, it is not considered the proposal would create an isolated home.

The proposal would not comply with CP1 and CP2 of the Core Strategy for Wiltshire, saved policy H4 of the North Wiltshire Local Plan 2011. It should be noted that the Council currently unable to demonstrate 5-year housing land supply, whilst the Council was able to demonstrate 6.25 years for North and West Wiltshire HMA in 2018. In this instance, a titled balance is applied to the current planning application and it is discussed later in this report.

Highway Safety and Parking

In terms of parking provision and access arrangement, there is sufficient space for parking and turning within the red line indicated and provided no permanent obstruction is placed within the visibility splay in order to meet the required standards of visibility for a design speed of 30 mph, there would be no highway objection.

The application is immediately adjacent to Swindon Borough Council, therefore, it would be important to access the highway impact upon neighbouring authority. As shown in the Location Plan (drawing no. WP-LP-01), the application site is situated immediately to the east of Washpool, a road that skirts established residential development but is rural in character. The carriageway narrows in the vicinity of the site. Given that the site is already developed and given the spatial relationship to established residential development, the neighbouring authority have no in-principle objection to the application. In addition, given the scale of the proposals, there is no concern for the impact on the surrounding highway network of vehicle traffic arising from the proposed residential scheme.

The issues of concern would therefore limited to (a) the safety of the means of access, by all modes of transport and (b) the layout of the development and the potential for associated impacts on the operation of the adjacent highway.

As shown in the Existing Site Plan (drawing no. WP-EX-01), the application site currently accommodates three buildings and sufficient space to park and turn motor vehicles. Indeed, aerial photography verifies that the site, in its existing use, already attracts vehicle movement. The site has a gated access, which leads to the track that also serves the neighbouring garages, forming a priority junction onto Washpool.

The application scheme is shown in the Proposed Site Plan (drawing no. WP-PR-01). The three existing buildings will be demolished to facilitate a single new dwelling. Two car parking spaces will be provided, taking access from the track in the same way that the site now does, albeit at a somewhat different location. The function of the track, as an access to the garages, is unaffected, as is the interface between the track and the carriageway of Washpool.

Officers have some concern that the access from the track onto Washpool offers substandard visibility, to the right, for drivers exiting the track into the highway. However, given that the proposals are likely to involve a less intensive use of the already developed site, it is considered that a highway objection to the proposals would not be sustained on those grounds. Similarly, it is noted that the lack of safe

pedestrian infrastructure and the development site is thereby effectively car-dependent. This would normally be a reason to recommend that the application is refused but Officers are mindful of the proximity of other residential dwellings and it would not sustain an objection to the proposals on the grounds of pedestrian accessibility, particularly given the previously developed status of the site. As such, there is no highway objection from Swindon Borough Council.

In conclusion from highway perspective, there is no objection in this regard.

Arboriculture and Landscape

The site benefits from mature trees and vegetation to the boundaries and along the water course which screen the existing outbuildings from view. Officers have concerns about the existing Poplar trees on site with regard to their close proximity to the proposed dwelling, and this species has a short life span and they are also a high water demand tree. Looking at the Tree Schedule which forms part of the Arboricultural Method Statement, the Poplar trees have been given a B/C1 category. All 'C' category trees should not be considered a constraint on site. Based on the submitted details, and due to the visual amenity, the Council Arboricultural Officer has agreed the existing trees should be reduced by 30%, provided that new substantial size planting to replace the Poplar trees that will be lost. It is noted a large proportion of the established trees on site are Poplars, therefore their loss will have an impact on the surrounding area for a period of time until the new planting has established.

From landscape perspective, the site lies in countryside outside any defined settlement framework boundary on the eastern extent of the Wiltshire Unitary Authority boundary bordering with the built-up area of Nine Elms, Swindon. The site is identified as previously developed land, requiring the demolition of various existing outbuildings to implement this development proposal for a single new dwelling. The site is not subject to any special local or national landscape designations, which would suggest an increased landscape value. Whilst the site does lie within the 'Great Western Community Forest' directly referenced within WCS, CP52-Green Infrastructure, this does not preclude new built development.

A number of rural public rights of way in the locality which include LMIL84 (Footpath) to the south of the site, LMIL101 (Bridleway) to the north & LMIL123 (Footpath) to the west. The proposed development would not physically impact these, but upper levels of the new dwelling may be partially glimpsed over existing garage blocks and through gaps in retained trees and riparian vegetation. Officers consider that the proposed development would not result in any unacceptably adverse visual effects viewed from these rural rights of way or result in any adverse effects to adjoining countryside character under the policy requirements of Core Policy 51 of the Wiltshire Core Strategy.

While the limited frontage space, in combination with tree root protection areas (construction exclusion zones) and the proximity of the adjoining watercourse may present some serious space constraints during the build itself, requiring careful management and planning controls in order to prevent pollution of the watercourse and damage to retained trees etc. However, there would not be any substantiate a landscape or visual reason to object to the proposed development at this site subject to the final submission of a hard and soft landscaping scheme for local planning authority approval, and its subsequent implementation and maintenance. As such,

subject to planning conditions, there are no objection from the arboriculture or landscape perspective.

Ecology

The ecology report (Ecological Impact Assessment Update, Ref: WWE22188 EclA Rev C, Date: 28/11/2022 by Wildwood Ecology Limited) was submitted to this application. The report details a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the area for biodiversity. The ecology report confirms that in the absence of suitable mitigation, the proposed development could result in impacts on wildlife and habitats, affecting the following protected species:

- Amphibians, [including Great crested newt (GCN)].
- Bats [commuting and foraging].
- Badger.
- Nesting birds; and
- West European hedgehog.

As such, it is considered that it would be necessary to impose a number of planning conditions to seek a Construction Environment Management Plan (CEMP), lighting details along with conditions to ensure compliance with the proposed mitigation and enhancement measures.

Flood Risk and Drainage

The site is located within Flood Zones 2 (medium risk) and 3a (high risk). Environment Agency, Thames Water and the Council's Drainage Engineer were consulted on this application. The previous planning application for a similar scheme was refused on the drainage and flood risk perspective. To address the refusal reason, the application submitted the following documents and Environment Agency have reviewed the submitted details:

- Flood Risk Assessment (FRA), by Cole Easdon, December 2022, [Issue 3]
- Existing site plan WP-EX-01 dated 29/09/22
- Proposed site plan WP-PR-01 dated 29/09/22

Section 3.7 of the FRA states a flood level of 96.28mAOD. The topography data suggests that the ground levels on site are higher than predicted flood levels. Proposed finished floor levels within the dwelling will be set 300mm above existing ground level at 97.00mAOD, as previously agreed by the Environment Agency. In addition, removal of the existing buildings will reduce the building footprint on site from 130m² to 78m². In this stance, planning conditions are imposed to secure the finished floor levels, seek a scheme of water efficiency.

The 'main river' begins in the culverted section as it flows beneath the road. Some works within 8 metres of the main river may require an Environmental Permit from the Environment Agency. The garden is close to an 'ordinary watercourse'. Permission may be required from the Lead Local Flood Authority (Wiltshire Council drainage team) for any works within this part of the channel. Informatives can be attached to planning permission to make the applicant aware of these requirements.

In terms of drainage, Thames Water offered the following comments:

With regard to surface water drainage, there is no objection in this regard if the developer follows the sequential approach to the disposal of surface water. In terms of management of surface water from the proposal, the applicant is expected to follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to the proposal, an informative will be attached to the decision notice to advise the applicant to contact Thames Water for further guidance. Thames Water would advise that with regard to wastewater network and sewage treatment works infrastructure capacity, no objection is raised to the above planning application, based on the information provided.

On the basis of information provided, there is no objection subject to planning conditions seeking further details of the proposed surface water drainage and foul disposal method. Thames Water recommends an informative to be attached to advise the applicant that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. In addition, the applicant is also advised to contact Thames Water directly in advance if the applicant is planning on using mains water for construction purposes.

Design and Visual Amenity

Core Policy 57 of the adopted Wiltshire Core Strategy expects high standard quality of design. During the course of the application, a revised proposal was submitted to alter the design of the proposal, in order to help the new dwelling to be more integrated with surrounding properties in the area. The proposed dwelling would be two-storey in height with a gable on the front elevation. The building would be finished with a combination of reconstituted stone and light cream colour render, under concrete tiles. Officers consider that the design and materials are acceptable at this location. The building would be fronting on the main road, Washpool. As it would be located at the centre of the plot with 2 car parking space to the front. The building would be approximately 8.1 metres in height with a maximum of 8.3 metres deep. Officers consider the scale is acceptable and would not result in an alien feature in the locality. Whilst the removal of the existing mature planting would make the new dwelling to be more visible from public domain, the proposed dwelling, in terms of scale, design and material, would be acceptable in principle. A planning condition is imposed to seek further details on the materials to be used for the construction of the new dwelling.

Environmental Protection

Policy 57 of the adopted Core Strategy seeks to protect amenity of the neighbouring and future residents, and the Council's Environmental Health Officer has reviewed the submitted details.

Noise - The site is surrounded by a group of residential properties, to minimise the noise and nuisance, a planning condition is imposed to restrict the construction and demolition hours.

Contamination land - the land is subject to potentially contamination (unknown filled ground). In light of construction workers and end receptors, a planning condition is

imposed to ensure necessary steps will be followed, including seek an investigation of the history and current condition of the site, identify any potential contamination and necessary remedial works.

Odour - The available information indicated that the area near the site was historically used as a sheep washing pool, and the Environmental Health Officer therefore has no further concerns or objections to the proposed dwelling.

Light - Given the proximity to neighbouring properties, a planning condition is imposed to seek a detailed lighting scheme with any significant external lighting proposed. Any proposed lighting is expected not to adversely impact nearby residential properties and it has to be to conform to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20.

Air Quality - In order to protect public health, environmental quality and amenity. and to tackle climate change, a planning condition is imposed to seek a scheme of Ultra Low Energy Vehicle infrastructure.

Residential Amenity

The nearest residential properties to the proposed dwelling would be the 'Bungalow' to the north, No. 15, 16 and 18 Washpool lying opposite of the road. In terms of overlooking and overbearing, there is sufficient separation distance between buildings (approximately 28 metres from No. 15, 29 metres from No. 16, 17 metres from No. 18, approximately 50 metres from the Bungalow). As such, it is considered that the proposal would not result in unreasonable adverse impact to be detrimental to the amenity of the neighbouring residents.

Other matters

Residents' concerns regarding the right of access over the forecourt in front of the block of garages are noted. The site is accessed over a forecourt which is partially in the applicants' ownership however owners of the block of six garages have a right to pass over it. Concerns have been raised regarding the ability of occupiers of garages to use them should this development be permitted and that the granting of this development would likely require garage owners to park on the road. Considering an adequate access has been demonstrated within the redline site, there is no highway objection in this respect. Notwithstanding the above, the applicant has submitted a Certificate B and served notices to the owners of the land. In addition, matters pertaining to covenants and rights of access are however civil matters, outside of the remit of consideration within this application.

Planning Balance

The site is located outside the settlement boundary defined by the adopted Wiltshire Local Plan Core Strategy, as such, it is situated in the open countryside. The Development Plan indicates that residential development should be resisted in this location. However, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The benefit of the proposal is considered to be the provision of a single dwelling in the context of the housing land supply shortfall and the stated objective of the NPPF to significantly boost the supply of housing. As the Council's housing land supply shortfall is relatively modest, and the lack of supply is not persistent, consequently, moderate weight is afforded to this benefit.

There would also be some economic benefits through construction jobs in the short-term and potential support for local shops, services and facilities in the long-term. The construction of one dwelling is a relatively small development and therefore, will not generate a substantial number of construction jobs over a long period of time. Limited weight is therefore given to this benefit.

The proposal would make use of an existing access to the public highway, with potential less traffic movement given the current use of the site. Any potential adverse impact upon the natural environment would be mitigated or remediated by planning conditions. The proposal would not cause harm to the amenities, in terms of overbearing or overlooking, enjoyed by the occupiers of neighbouring residential properties. Such matters weigh neither in favour nor against the proposal as they would be required to be addressed in any scheme. Nonetheless, they can assist the decision-maker in reaching a conclusion where cases are more finely balanced.

It is in this case that the proposed dwelling would be situated in the open countryside, however, the proposed dwelling is situated on a parcel of previously developed land, adjacent to the established residential area. It is also noted that there is a walking distance of less than 500 metres (approximately 6 mins walking distance) to the nearest bus stop at Bishopdale Close. Hence, it is not considered that the proposal would not necessarily create an isolated home. In this instance, it is considered that the benefits of the proposal would significantly and demonstrably outweigh the harm of the proposal when assessed against the policies in the Framework and the development plan taken as a whole. Accordingly, the application is recommended for approval subject to conditions.

10 CONCLUSION

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and Lydiard Millicent Neighbourhood Area Plan (2018-2036) was made in 2021, and to all the relevant material considerations set out in the report

11. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 Time Limit for Implementation

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 List of Approved Plans and Drawings

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

Revised Site location plan, Drawing No.: WP-LP-01 Revision A, received by the Council on 15 March 2023,

Revised Site plan, Drawing No.: WP-PR-01 Revision A,
Revised Proposed Elevations and Floor Plan, Drawing No.: WP-HT-01 Revision A,
and
Revised Proposed Street Scene, Drawing No.: WP-SS-01 Revision A
received by the Council on 2 October 2023

Sections 5.33 - 5.36 of the Report: Ecological Impact Assessment Update, Ref: WWE22188 EcIA Rev C, Date: 28/11/2022 by Wildwood Ecology Limited
Arboricultural Method Statement, Date: October 2023 by Mark Sharples

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

3 Details of surface water drainage disposal methods (Pre-commencement condition)

Notwithstanding the submitted details, 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: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

4 Details of foul sewage disposal methods (Pre-commencement condition)

Notwithstanding the submitted details, 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 details.

REASON: This is a pre-commencement condition 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.

5 Construction Environment Management Plan - Ecology matters (Pre-commencement condition)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds, amphibians, badger, water vole and reptiles.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including the avoidance of nighttime works or artificial light at night and details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

REASON: This is a pre-commencement condition to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

6 Hard and Soft Landscaping scheme (Pre-commencement condition)

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:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: This is a pre-commencement condition. 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 a satisfactory landscaped setting for the development and the protection of existing landscape features.

7 A scheme of water efficiency (Pre-commencement condition)

No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details. For the avoidance of doubt, the development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum).

Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

REASON: This is a pre-commencement condition to ensure the elements to be considered at design stage, and in the interests of sustainable development and climate change adaptation.

8 Construction Management Statement - Highway matters (Pre-commencement condition)

No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment
9. hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: This is a pre-commencement condition to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9 Contamination Investigation and Remedial Strategy (Pre-commencement condition)

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Provision of Electric Vehicles Charging Points (Pre-commencement condition)

No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented to accord with the approved details prior

to the first occupation of the dwelling hereby approved and thereafter be permanently retained.

REASON: This is a pre-commencement condition to ensure the infrastructure has been considered at final design stage. Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

11 Removal of demolition materials

No part of the development shall be occupied until all of the demolition materials and debris resulting from the demolition of the existing buildings have been removed from the site.

REASON: In the interests of the character and appearance of the area.

12 Removal of PD Rights – additions and extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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.

13 No fires around the canopy of trees

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land.

REASON: To ensure the safe retention of existing trees on the site.

14 Tree Root Protection Area

Any excavation required within the Root Protection Area (RPA) of any retained tree shall be carried out by hand and under the supervision of a qualified arboriculturist. Tree roots are normally located in the first 600mm of soil. Roots that are exposed shall be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm shall be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).

REASON: To ensure the safe retention of existing trees on and adjoining the site.

15 Details and samples of building materials

Notwithstanding the submitted elevations, Drawing no.: WP-HT-01 Revision A, no above ground development shall commence on site until the details and samples of the external materials have been submitted to and approved in writing by the Local Planning Authority.

- (i) Details and a sample panel of external stonework, including type, dressing coursing and bedding of natural stone, type of pointing and mortal mix;
- (ii) Details of render, including texture, finish and colour
- (iii) Details of the roof tiles,
- (iv) Details of materials of the rainwater goods, and
- (vi) Detailed design and materials of the stone chimney

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 locality.

16 Lighting Scheme

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority. Lighting schemes are to be submitted with any significant external lighting proposed. For the avoidance of doubt, the proposal needs to conform to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20.

REASON: In the interests of conserving biodiversity and the amenity of the neighbouring properties.

17 Biodiversity mitigation and enhancement measures

The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

Sections 5.33 - 5.36 of the Report: Ecological Impact Assessment Update, Ref: WWE22188 EclA Rev C, Date: 28/11/2022 by Wildwood Ecology Limited

For the avoidance of doubt, the installation of these features will be supervised by a professional ecologist. This part of the condition can be discharged when photographic evidence of installed features has been submitted to and approved in writing by the local planning authority.

These measures shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such for the lifetime of the development.

REASON: To mitigate for impacts to biodiversity arising from the development.

18 Finished Floor Levels

The development shall be carried out in accordance with the submitted flood risk assessment by Cole Easdon, December 2022, Issue 3 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 97.00 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants

19 Hours for Demolition and Construction

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure high design and place shaping such that appropriate levels of amenity are achievable.

20 Landscape implementation and maintained

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 dwelling 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.