

# AGENDA

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**Meeting:** Western Area Planning Committee

**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN

**Date:** Wednesday 21 August 2019

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

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## Membership:

Cllr Darren Henry	Cllr Peter Fuller
Cllr Christopher Newbury (Chairman)	Cllr Sarah Gibson
Cllr Jonathon Seed (Vice-Chairman)	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

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## Substitutes:

Cllr David Halik	Cllr Roy While
Cllr Russell Hawker	Cllr Graham Wright
Cllr George Jeans	Cllr Toby Sturgis
Cllr Gordon King	Cllr Philip Whitehead
Cllr Jim Lynch	Cllr Ian Thorn
Cllr Steve Oldrieve	

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 24 July 2019.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 14 August 2019 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 16 August 2019. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

#### 6 **Planning Appeals and Updates** *(Pages 9 - 10)*

To receive details of completed and pending appeals and other updates as appropriate.

#### 7 **Planning Applications**

To consider and determine the following planning applications.

7a **19/03732/FUL 93 Sand Street Longbridge Deveril** *(Pages 11 - 28)*

7b **19-06212-FUL High Sands, 5 Longlands Close, Edington, BA13 4QB** *(Pages 29 - 44)*

7c **19-03240 Homefield Farm, 4 West Ashton Road, Yarnbrook** *(Pages 45 - 56)*

#### 8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

### **Part II**

***Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed***

## **WESTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 JULY 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Darren Henry, Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr David Halik (Substitute)

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#### 27 **Apologies**

Apologies for absence were received from:

Cllr Pip Ridout

Cllr Peter Fuller who was substituted by Cllr David Halik.

#### 28 **Minutes of the Previous Meeting**

The minutes of the meeting held on 26 June 2019 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 26 June 2019.**

#### 29 **Declarations of Interest**

There were no declarations of interest.

#### 30 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

31 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

32 **The Wiltshire Council Parish of Westbury Path no. 15 (part) Diversion Order and Definitive Map and Statement Modification Order 2019**

Public Participation

Francis Morland spoke in objection to the application

Robert Roughan spoke in support of the application

Sally Madgwick, Definitive Map & Highways Records Manager, introduced the report for the making of Wiltshire Council Parish of Westbury Path No. 15 (part) Diversion Order and Definitive Map and Statement Order 2019 made under section 257 of the Town and Country Planning Act 1990 and Section 53 of the Wildlife and Countryside Act 1981, and recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination.

The Members had the opportunity to ask technical questions and the key issues were: If the outline permission stage of the application process indicated that a modification to the path would have been required; details on the current temporary closure of the path and whether the path would be identifiable once modified.

In response, it was noted that; it would not have been known at the outline permission stage whether the path would have needed to be modified; the temporary closure of the path was in place for public safety due to the location of the path and the current construction work, and that the path would be identifiable.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to move the officers recommendation was moved by Councillor Jonathon Seed and seconded by Councillor Stewart Palmen.

During the debate it was noted that; It would have been a better process to discuss any modifications to public footpaths at the permitted development stage of the planning process.

At the end of the debate it was;

**RESOLVED:**

**That “the Wiltshire Council Parish of Westbury Path No. 15 (part) Diversion Order and Definitive Map and Statement Modification Order” is forwarded to the Secretary of State for Environment, Food and Rural**

**Affairs for determination with the recommendation that it is confirmed without modification.**

33 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 3.35 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

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**Wiltshire Council**  
**Western Area Planning Committee**  
**21<sup>st</sup> August 2019**

Planning Appeals Received between 14/06/2019 and 09/08/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/08216/FUL	Land North of 146 Upper Westwood Wiltshire, BA15 2DE	WESTWOOD	Provision of one self-contained glamping pod with parking, change of use of land to leisure / tourism.(Resubmission of 17/02852/FUL).	WAPC	Written Representations	Approve with Conditions	20/06/2019	Yes
18/11196/FUL	Land South East of 1 Reeves Piece, Bratton Wiltshire, BA13 4TH	BRATTON	Erection of 1no. dwelling and creation of a new access and double garage	DEL	Written Representations	Refuse	16/07/2019	No
18/11490/FUL	6 St Marys Lane Dilton Marsh, BA13 4BL	DILTON MARSH	Single storey rear extension with side porch.	DEL	Written Representations	Refuse	30/07/2019	No
18/11763/LBC	6 St Marys Lane Dilton Marsh, BA13 4BL	DILTON MARSH	Single storey rear extension with side porch.	DEL	Written Representations	Refuse	30/07/2019	No
19/00874/FUL	Home Farm Whaddon Lane Hilpertton, BA14 6NR	HILPERTON	Change of Use of Agricultural Building to Uses under Class B8 Storage & B2 General Industrial in Association with Site-Based Fabrication Business (Resubmission of 18/06726/FUL)	DEL	Written Representations	Refuse	01/07/2019	No

Planning Appeals Decided between 14/06/2019 and 09/08/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/00565/ENF	Unit 2 Lansdowne Littleton, Semington Trowbridge, Wiltshire BA14 6JJ	SEMINGTON	Unauthorised stationing of mobile homes	DEL	Written Reps	-	Dismissed – Enf Notice Upheld	08/08/2019	None
18/04364/LBC	212 Pottle Street Horningsham, Wiltshire BA12 7LX	HORNINGSHAM	Internal alterations to include overlaying of stair treads and risers, covering over part stair 'panelling', removal of ceilings at first floor, replacement ceilings at ground floor.	DEL	Written Reps	Refuse	Dismissed	18/06/2019	Appellant Applied for Costs - <b>REFUSED</b>
18/07773/FUL	Bluebell Farm Eastleigh Wood Lane Bishopstrow, Warminster Wiltshire , BA12 7BE	BISHOPSTROW	Proposed tree top 2 bed holiday cabin	DEL	Written Reps	Refuse	Withdrawn	20/06/2019	None
18/07940/OUT	Land North of Brook Street and West of Playground, Brook Street Warminster, BA12 8DW	WARMINSTER	Outline application for the erection of nine 2-bedroom dwellings, associated parking and hard and soft landscaping.	-	Written Reps	Appeal against Non-Determination	Dismissed	21/06/2019	None
18/08346/FUL	Oxford House 12 The Butts, Bratton Wiltshire, BA13 4SW	BRATTON	Demolition of existing dwelling & erection of replacement dwelling & 3 new dwellings with associated landscaping	DEL	Written Reps	Refuse	Dismissed	21/06/2019	None

Agenda Item 6

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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	21.08.2019
<b>Application Number</b>	19/03732/FUL
<b>Site Address</b>	93 Sand Street, Longbridge Deverill Warminster BA12 7DS
<b>Proposal</b>	Demolition of existing outbuilding and erection of single dwelling and detached garage. (Re-submission of refused application 18/10459/FUL)
<b>Applicant</b>	Mr & Mrs Campbell
<b>Town/Parish Council</b>	LONGBRIDGE DEVERILL
<b>Electoral Division</b>	Warminster Without – Councillor Fleur de Rhé-Philippe
<b>Grid Ref</b>	386886 140899
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

### Reason for the application being considered by Committee

Cllr Fleur de Rhé-Philippe has requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to refuse the permission to allow members to fully appraise the following key matters:

- The Scale of Development
- The Visual impact upon the Surrounding Area
- The Relationship to Adjoining Properties

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be refused.

### 2. Report Summary

The main issues discussed in this report are as follows:

- The Principle of Development
- Impact on the Character of the Area/AONB
- Impact on the living conditions of neighbouring residents
- Impact on the character of adjacent listed building
- Parking/highways issues
- Flood risk issues
- Self-build issues

### 3. Site Description

The site forms an area of open land extending to approximately 0.69 ha located to the north of No. 93 Sand Street (which is known as The Old Post Office) and forms part of the property grounds. Access to the site would be off Church Street (A350) to the west. An existing outbuilding used as a tractor shed is located on site which would be demolished as part of the development proposals. The site is bordered by existing mature hedgerows and trees to the north and west. The river Wyle borders the site to the northeast. Residential development fronting Sand Street lies to the south and southwest of the site. To the west of the site and on the opposite side of the road is Old Church Farmhouse, Church Street, a grade II building. The site lies within the Cranborne Chase

& West Wiltshire Area of Outstanding Natural Beauty (AONB). The above site description is illustrated by the following insert.



General Site Parameters and Site Context

#### 4. Planning History

18/10459/FUL – Demolition of existing outbuilding and erection of a single dwelling and detached garage - Refused under delegated powers on 01/02/2019. This refusal is presently subject to an appeal (ref APP/Y3940/W/19/3227029). The Council completed its appeal statement at the beginning of June defending the grounds for refusal and awaits the decision of the planning inspector – which is expected imminently. The application was refused for the following reasons:

1. *Having regard to all the submissions and relevant policies, including the policies of the National Planning Policy Framework taken as a whole, this application is considered to be an inappropriate, unsustainable form of development which would significantly and demonstrably outweigh the benefit of providing one additional dwelling in a countryside location. As such the proposal, in the absence of suitable justification, is not considered to represent sustainable development being contrary to Core Policies 1, 2, 31, 60 and 61*

of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.

2. The erection of a new dwelling and garage, due to their height, bulk and siting, would result in a development that detracts from the rural character of the area. The development is therefore contrary to Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy.



The refused application sought detailed planning permission for the erection of a three bedroom property which illustrated by the above site plan. The refused dwelling would measure 7.85 metres in height and approximately 12.4 metres wide at its widest and have a maximum 11.2 metres depth and approx. 210 metres square. The refused detached garage would measure 6 metres in height 9 metres wide and 6 metres deep.



W/02/00139/FUL – Single storey extensions – Approved

W/01/00512/FUL – Extension to form office – Approved

W/98/01697/FUL – Change of use from shop to restaurant – Approved

W/98/00874/FUL - Change of use from A1 retail to sale of motor cycles - Approved

W/96/01256/FUL – Conversion of single storey old post office and stores to two storey residential – Approved

W/94/01327/FUL - Alterations and extension of existing shop and formation of second dwelling. – Refused. The refusal reasons were as follows:

1. *Policy H7 of the West Wiltshire District Plan (Draft Plan for Deposit) defines village policy limits for certain villages – Longbridge Deverill has no defined policy limits. Under the provisions of policy H7, new dwellings in the countryside outside village policy limits defined in Policy H7, including all other remaining rural settlements, will not normally be permitted unless clearly justified in connection with the essential needs of agriculture or forestry. The proposals are contrary to the provisions of Policy H7.*

2. *The site lies within the Cranborne and Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Under provisions of policy C3B (Western Wiltshire Structure Plan) and Policy C2 (West Wiltshire District Plan – Draft Plan for Deposit) priority will be given to the conservation of the character and scenic quality of the landscape by generally restricting development to that essential to the rural economy or for the enjoyment of its amenities. Other proposals will not normally be permitted unless proven to be in the national interest and incapable of being accommodated outside the AONB. The proposal is contrary to the provisions of policies C3B and C2 respectively.*



## 5. The Proposal

This is a full application seeking permission for the erection of a 4 bedroom 2-storey dwelling (which would be accommodated following the demolition of the existing outbuilding on site). The proposed dwelling would comprise 4 bedrooms, sitting room,

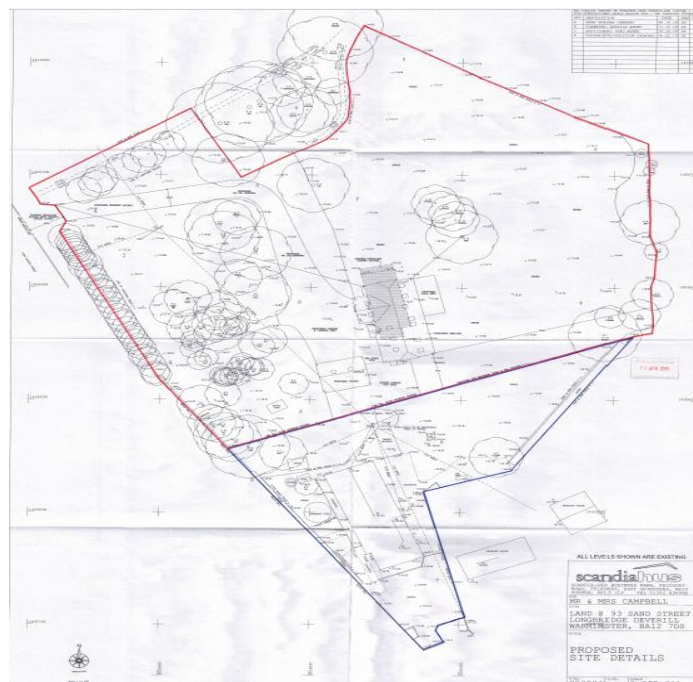


study, dining room/kitchen and utility room. The building would be timber clad with slate effect roof tiles. The proposed scheme also includes the provision of a double garage with a home office on the level which would also be constructed with timber with slate effect tiled roof. Vehicle access would be via Church Street (A350) to the northwest.

The proposed dwelling submitted under this revised application would measure approximately 6.76 metres in height and would be 17 metres long and 8 metres wide and have a floor area of approximately 234 square metres which is illustrated in the insert below.



The proposed detached garage would measure 5.72 metre high, 7.6 metres long and 6 metres wide. The new build development proposal is illustrated on the following site plan.



## **6. Local Planning Policy**

Wiltshire Core Strategy (WCS) - Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy: Warminster Community Area; Core Policy 41: Sustainable Construction and Low-Carbon Energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable Transport; and, Core Policy 61: Transport and Development.

Saved Policies contained within the West Wiltshire District Local Plan (1<sup>st</sup> Alteration) - U1a Foul Water Disposal

The Wiltshire Local Transport Plan 2011-2026

National Planning Policy Framework 2019 (The Framework) – especially section(s):

5. Delivering a sufficient supply of homes; 9. Promoting sustainable transport; 12. Achieving well-designed places; 15. Conserving and enhancing the natural environment; and, 16. Conserving and enhancing the historic environment

Other Relevant Considerations - Planning Practice Guidance (PPG); The AONB Management Plan 2014-19 (sections 'Planning and Transport' and 'Access and Wellbeing) and the Council's Landscape Area Character Assessment – Greensand Terrace.

## **7. Summary of consultation responses**

Longbridge Deverill Parish Council: No comments (no meeting was held)

Highways: No objections: The proposed development would not have a significant impact on highway safety.

Arboricultural Officer: No objections

Cranborne and Chase AONB: The proposed design contradicts the AONB's policies on dark night skies. The AONB therefore object to this application and provide the following comments.

1. The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area which straddles three County, one Unitary and five District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage.

2. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital.

3. This AONB's Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' policies for the management of this nationally important area and the carrying out of their functions in relation to it, as required by section 89 of the CRoW Act. The national Planning Practice Guidance [Natural Environment paragraph 004] confirms that



the AONB and its Management Plan are material considerations in planning. Cranborne Chase Area of Outstanding Natural Beauty 2

4. The National Planning Policy Framework (2018) states (paragraph 170) that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, which include AONBs, commensurate with their statutory status. Furthermore it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 and footnote 6, due to other policies relating to AONBs elsewhere within the Framework.

5. Paragraph 11 explains that for plan making being in an AONB provides 'a strong reason for restricting the overall scale, type or distribution of development in the plan area'. Furthermore, for decision making the application of NPPF policies that protect an AONB 'provides a clear reason for refusing development proposals'.

6. It also states (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. This paragraph is also clear that the scale and extent of development within AONBs and National Parks should be limited.

7. Local government (including planning authorities), Ministers of the Crown, individual councillors, any public body, statutory undertakers and holders of public office also have a statutory duty in section 85 of the CRoW Act to have regard to the purposes of AONB designation, namely conserving and enhancing natural beauty, in exercising or performing any functions relating to, or so as to affect, land in an AONB.

8. More detailed information in connection with AONB matters can be found on the AONB web site where there is not only the adopted AONB Management Plan but also Position Statements and Good Practice Notes (Planning Related Publications). In particular when considering construction within the AONB I would draw attention to our Good Practice Note on Colour in the Countryside

9. This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.

10. The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings.

11. The site is in the Kilmington Greensand Terrace landscape character area of the Greensand Terrace landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in FULL on our web site.

12. I note that in connection with the submitted Design, Access and Planning Statement the reference to Core Strategy Policy 51 omits the requirement to demonstrate how 3 a proposal complies with the AONB Management Plan. I also note that in connection with NPPF there is no mention whatsoever of the relevant AONB paragraphs and countryside paragraphs 170 to 172. Clearly the Design, Access and Planning Statement omits significant relevant matters.

13. Turning to the design of the proposed building I see that not only are there two sets of floor to ceiling ground floor glazing but also a ground floor to gables extended area of

glazing. Clearly these glazed areas have a significant potential to contribute to light pollution and hence adversely impact on the dark night skies of this AONB. The design exacerbates this light pollution potential by including twelve roof lights in the design. Unlike the earlier design, which included dormer windows rather than roof lights, this design, if approved, could not only adversely impact on the dark night skies of this AONB but also this AONB's relationship with the International Dark-Skies Association.

14. The proposed garage includes an office in the roof space and that also has two roof lights.

15. Whatever the policy situation regarding the proposed development the design clearly contradicts this AONB's policies on dark night skies. This AONB, therefore, objects to the design as submitted.

16. If the committee is minded to approve the proposal despite the conflict with the AONB policies and potential prejudice to the AONB dark night skies, then the AONB strongly recommends that planning conditions are imposed that require the fitting and operation of louvres or blinds to all roof lights to ensure that they are closed at night and do not allow the upwards or sideways emission of light which could cause light pollution.

17. Furthermore there should be a condition on the floor to ceiling glazed areas and the floor to gable glazed areas requiring blinds to be fitted and operated to prevent the sideways and upwards emission of light that could prejudice the dark night skies of this AONB.'

Wessex Water: No objection

Ecology: No comments received.

## **8. Publicity**

The application was publicised by the display of site notices and individually posted notification letters sent to neighbouring/properties within close proximity of the site. As a result of this publicity, **7 letters of support** were received which are summarised as set out below:-

- The proposed house is of good design
- The house is located within a sustainable location
- The house would replace an existing structure
- The house would provide much needed family accommodation
- There would be no adverse impact on neighbours
- The house construction would stimulate the local economy

## **9. Planning Considerations**

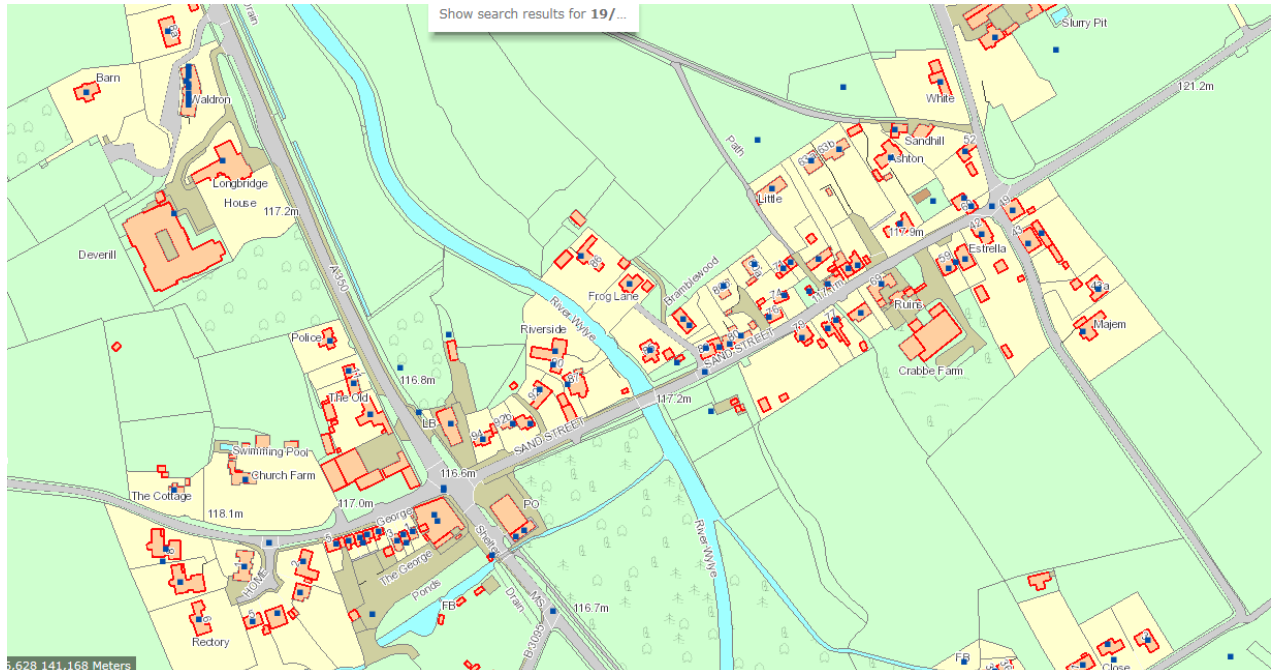
### 9.1 The Principle of Development

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

9.1.2 Adopted WCS Core Policy 2 sets out the Council's delivery strategy for new development and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The Policy furthermore sets out that at small villages (like Longbridge Deverill); new residential

development **will be limited to infill within the existing built area**. WCS Paragraph 4.34 of the WCS defines infill as:

‘The filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling’.



9.1.3 Appendix F of the WCS establishes that Longbridge Deverill is a Small Village with no settlement boundary. Officers argue that the previous insert helpfully illustrates the dispersed nature of the village; and it is important to appreciate that by not having defined policy limits, it falls to the decision maker to make an informed judgement on whether a residential development can be considered to be an infill development or whether it would constitute as an encroachment into the countryside.

9.1.4 With the aid of the previous insert and the case officer’s site visit inspection, it is argued that Longbridge Deverill is characterised by its dispersed linear form with most properties positioned along Sand Street and Church Street and around their junctions. The application site is located to the east of the A350 and is not considered to be a policy compliant infill plot as it would not satisfy the terms set out by paragraph 4.34 of the adopted Wiltshire Core Strategy. The identified plot of land which is the subject of this application does not have residential development to the north and the plot of land would not ‘infill’ land between existing residential forms of development. It would instead encroach further into the countryside and if the principle for one dwelling is accepted, a precedent could well be set for allowing additional houses extending further northwards into the open countryside. The previous illustrated inserts clearly show that the identified plot of land is capable of accommodating more than one dwelling. It is accepted that it may not be the intention of the present applicant, but should permission be granted under this submission, it may be difficult to subsequently argue against the principle of additional housing within the site parameters.

9.1.5 Within the applicant’s submitted Design and Access Statement it is argued that the existing timber outbuilding located on site forms the boundary of the built up area of the

village. Officers disagree. The single storey timber outbuilding is used as an ancillary garden store and is located approximately 29 metres to the north of the main dwelling. As the site photo below illustrates, the structure and its setting has a rural setting characteristic rather than that of plot surrounded by built forms of development within a settlement. The policy test requires the decision maker (in this case, the elected members of the western area planning committee) to reach a judgement on whether the 0.69 hectares constitutes a small infill gap in the village of Longbridge Deverill. Officers do not.

9.1.6 Officers moreover argue that the applicant's residential property and the blue line site parameters (which is illustrated on the site plan submission and is reproduced within section 5 of this report) sets the limits of the village envelope on the eastern side of the A350. The land located to the north of No. 93 comprises a wooded area as well as an area of grassland – used as a garden (see photo below), however it is not considered an appropriate infill plot for residential development.

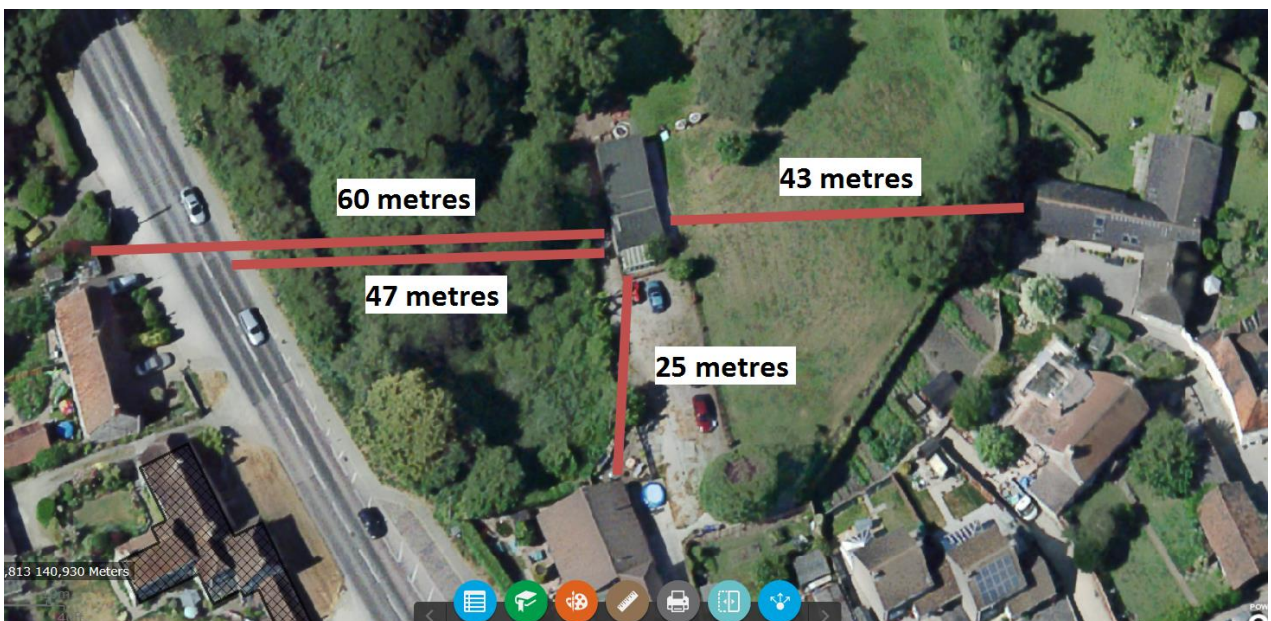


9.1.7 To assist with the decision making process, the case officer has produced the following insert which reveals what officers would argue to be the rough line of residential property and the interface with the open countryside – and in so doing, officers submit that there are no policy compliant infill opportunities at N0.93 Sand Street or on immediate adjoining land.





9.1.8 Paragraph 4.34 of the WCS defines infill as ‘the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling’. The proposed dwelling would be located on the approximate site of an existing outbuilding and the southern elevation of the dwelling would be located approx. 25 metres to the north of the northern elevation of No. 93 Sand Street. The nearest development to the east (Riverside) would be approximately 43 metres distant. Whilst the development located to the west (at No.11 and 12 Church Street) would be 60 metres distant and on the opposite side of the A350. If the principle of accepted for this application, there would be sufficient residual land to construct additional dwellings to the north and west and possibly even to the south of the proposed dwelling on land between the proposed dwelling, the A350 and agricultural land to the north and on land to the rear garden of Riverside. Officers do not consider this plot to be a policy compliant 'infill' opportunity pursuant to ‘a small gap’ because the gap as illustrated above and below could accommodate several new dwellings (assuming no other constraints); and in the absence of any built form of development to the north of the application site, this development fails the policy test for infilling within small village.



9.1.9 In policy terms the site is considered to be within ‘the open countryside’; and in such locations, new housing development is only supported in principle where it can be demonstrated that it is essential for agricultural or forestry purposes or where supported by special justification or in accordance with the WCS exception policies and paragraph criterion as set out within 4.25. None of these policies are relevant to this application proposed and the site has not been identified for development through either the emerging Wiltshire Housing Sites Allocation Plan or a Neighbourhood Plan. The proposal is therefore in clear conflict with the development plan and is recommended for refusal.

9.1.10 In addition to the above, WCS Core Policy 2 states that:

*‘Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*

- i) Respects the existing character and form of the settlement*
- ii) Does not elongate the village or impose development in sensitive landscape areas*
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.’*

No evidence has been submitted to indicate that the proposed development would satisfy an identified housing need or would result in any material improvement to employment opportunities, services or facilities, and as highlighted within the objection consultation response submitted by the AONB officer (contained within section 7 ‘Summary of consultation responses’ and as further detailed within section 9.2.5 of this report) the proposed development would harm the sensitive landscape area of the AONB – which is a second reason for recommending the application for refusal in accordance with the WCS and NPPF.

9.1.11 It is also necessary to record that WCS Core Policy 60 states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car and encourage the sustainable, safe and efficient movement of people and this would be achieved by directing and approving new residential development in sustainable, accessible locations that have good sustainable transport alternatives to the use of the private car. Core Policy 61 states that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. It is important therefore to avoid unsustainable patterns of development outside the limits of development. It is recognised that the site is located adjacent the A350 and there are some local facilities such as a public house, garage and small shop within the village, and consequently, the future occupiers of the dwelling would not be solely reliant on the private car. However there is a conflict with Core Policy 60 and Core Policy 61, and this conflict weighs against the scheme in the overall planning balance.

## 9.2 Impact on the Character of the Area/AONB

9.2.1 Core Policy 51 of the Wiltshire Core Strategy states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. In addition the policy states proposals for development within or affecting the AONBs, must demonstrate that they have taken

account of the objectives, policies and actions set out in the relevant Management Plans for these areas and great weight will be afforded to conserving and enhancing landscapes and scenic beauty. Core Policy 57 requires a high standard of design in all new developments and that development respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape. Paragraph 172 of the Framework states that 'great weight' should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues and the scale and extent of development within these designated areas should be limited.

9.2.2 The application site is located within the Greensand Terrace landscape character area of the Cranborne Chase AONB. The landscape character area is characterised by a predominantly agricultural land use, mixed woodland and a sparse settlement of scattered farmsteads and a few villages. Traditional materials used in development include chert, greensand and red brick with clay tiles and thatch characterising the roofs. One of the forces for change listed in the character assessment is described as 'infill and expansion of towns and villages' whilst the overall management strategy seeks to conserve the open agricultural character of the area.

9.2.3 Longridge Deverill is considered a small village with limited infill opportunities. In addition to the in principle objection officers report (as set out above) officers are concerned that the development would not respect the existing character and form of the settlement and would elongate the village and impose a development within a sensitive landscape area that is protected for its national importance. The character of the area is one of a mixed variety of dwellings comprising detached, semi-detached and terraced properties built form a mixed material palette and varying garden/plot sizes. Dwellings are however mainly set along Sand Street and Church Street in a linear form with a large group of dwellings located in the eastern part of the village. The application site is enclosed by well-established group of trees and hedgerows to the west adjacent to the A350 and to a lesser degree to the north where the site borders farmland. Residential development lies to the south and southwest fronting Sand Street. The application site is not enclosed by other built forms of development and is instead bordered by farmland and gardens to the north and east and the A350 to the west. It is not considered an infill plot and the development would result in encroaching into countryside that would harm the landscape character. The erection of a new dwelling and garage, due to its proposed height, bulk and siting, would result in a development that detracts from the rural character of the area which would include harm to the AONB – which is a landscape which is considered 'so precious' that it is protected for the nation. The criteria for designating an AONB include valuable wildlife, habitats, geology and heritage, as well as scenic views. The development is therefore contrary to Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and conflict with the NPPF.

9.2.4 The proposed dwelling would be stand at just under 6.8 metres in height and would occupy a larger footprint than the existing outbuilding – which is identified for demolition (which measures 15 metres long, 6 metres wide and single storey in height). The proposed dwelling would also be considerably larger in terms of height and bulk. In addition a double garage is proposed to the southwest of the proposed dwelling which would add to the overall bulk of the development and encroachment into the countryside. The erection of a new two storey dwelling and garage at this location would result in the

significant erosion of the rural character of the area. It would harm the landscape character and the character of the AONB resulting in a development that is contrary to local and government policy.

9.2.5 The AONB liaison officer's concerns are duly noted in terms of appreciating the impacts the proposed development would have on the character and setting of the Cranborne and Chase AONB with added light pollution. The Cranborne and Chase AONB is one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a highly prized attribute of this AONB. The proposed development includes two sets of 'floor to ceiling' windows/door opening as well as a 'ground to roof' glazed extended gable feature as well as twelve roof lights. The proposed garage includes an office in the roof space and that also includes two additional roof lights. These glazed areas have significant potential to contribute to light pollution and adversely impact on the dark night skies of the AONB. The proposed development would conflict with the AONB's policies on dark night skies and is considered contrary to Core Policy 51 of the WCS and paragraph 172 of the Framework.

### 9.3 Impact on the living conditions of neighbouring residents

9.3.1 Core Policy 57 of the Wiltshire Core Strategy requires development to have regard to the compatibility of adjoining buildings and uses and the amenities of existing occupants including the consideration of noise and light pollution. Due to the separation distances involved (over 45 metres from the rear of the proposed development to the rear of dwellings fronting Sand Street) it is considered that the proposed development would have no adverse impact on the living conditions of neighbouring residents in terms of overlooking, loss of privacy or overshadowing.

### 9.4 Impact on the character of adjacent listed building

9.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Core Policy 58 of the Wiltshire Core Strategy states development should protect, conserve and where possible enhance historic development.

9.4.2 To the west of the site on the opposite side of the road is Old Church Farmhouse, Church Street, a grade II building. Due to the separation distance and screening provision that would be afforded by trees and hedgerows on the western side of the site, the proposed development would have no adverse impact on the setting of the adjacent listed building or harm the heritage asset.

### 9.5 Flood risk issues

9.5.1 The northeast corner of the application site is located within flood zone 2 and 3 however the proposed dwelling, garage and access would all be located within flood zone 1. The development would not therefore be susceptible to flooding and officers report no objection on drainage/flood risk grounds.



## 9.6 Self-Build Issues

9.6.1 In terms of the issue of self-build, the Wiltshire Core Strategy predates the Government's policy on encouraging self-build, which explains why there are no specific policies pertaining self-build. However, a self-build development at this location would not over-ride the in principle objection and concerns and policy conflicts set out above.

9.6.2 Core Policy 1 and 2 enshrined within the WCS sets out the local planning authority's overarching policies with respect to our settlement and delivery strategy. These policies refer to the term 'sustainable development.' The term sustainable development in this policy makes no attempt to differentiate between non self-build or self-build or for that matter, any other form of development. Officers duly argue that self-build development proposals must be tested against the same policies just like volume house builders. Officers also contends that the parameters of these policies are quite clear in terms of enabling a developer to understand where new housing should be directed across Wiltshire – whether it be self-build or otherwise.

## **10. Conclusion (The Planning Balance)**

10.1 The application site is not considered to a policy compliant infill opportunity and would result in residential development encroaching into the open countryside. The proposal would not comply with the development plan policies relating to residential development conflicting with Core Policies 1, 2 and 31 of the WCS. These policies must be afforded full weight. In addition the proposed development would have an adverse impact on the rural landscape and AONB and by virtue of the house and garage design substantive concern is raised about the application contributing to light pollution and adversely impacting the dark night skies status of the AONB. This should be given significant weight as part of the planning judgement and decision making process. The site is located in the countryside where the occupiers of the development would most likely be reliant upon the private car. As such the need to travel would not be minimised and the use of sustainable transport modes not maximised. The proposed development is therefore found to be contrary to Core Policies 60 and 61 of the WCS and this should be given moderate weight in the planning determination. In addition the scheme has not evidenced how the development would deliver net biodiversity gains as required by Core Policy 50 and the NPPF (paragraph 170).

10.2 In terms of neutral impacts, the supporting information demonstrates that the proposed development would be a sufficient distance from neighbouring residential properties without adversely affecting the living conditions and amenities of the occupants. The scheme would also not harm the setting of the adjacent listed building. The scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could also be secured and drainage issues can be adequately dealt with.

10.3 In terms of positive benefits, there would be some short terms economic benefits gained during the construction phase of the development through direct and indirect job creation which can be given some weight as part of the planning balance. The proposal would also contribute 1 dwelling to the supply of housing which can be given limited weight. The applicants also state the proposed development would be a self-build project however this can only be given limited weight as part of the wider planning balance.

10.4 On the basis of the above, officers argue that the benefits of the development would not outweigh the negative aspects and the policy conflicts and as such, the application is recommended for refusal for the following reasons:

**RECOMMENDATION:** REFUSE for the following reasons:

1. Having regard to all the submissions and relevant policies, including the policies of the National Planning Policy Framework taken as a whole, this application is considered to be an inappropriate, unsustainable form of development which would significantly and demonstrably outweigh the benefit of providing one additional dwelling in a countryside location. The proposed development, in the absence of suitable justification, is not considered to represent a sustainable development being contrary to Core Policies 1, 2, 31, 60 and 61 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.

2. The new dwelling and garage, due to its design, height, bulk and siting, would result in a development that detracts from the rural character of the area - which is a landscape which is considered 'so precious' that it is protected for the nation; and, that the development would contribute towards light pollution that would adversely impact on the dark night skies status of the AONB – being one of its much valued and key attributes. The development is therefore contrary to Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and paragraph 172 of the Framework.

3. The applicant has failed to demonstrate how the development would deliver net gains for biodiversity contrary to paragraph 170 of the Framework and Core Policy 50 of the Wiltshire Core Strategy.



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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	21 August 2019
<b>Application Number</b>	19/06212/FUL
<b>Site Address</b>	High Sands, 5 Longlands Close, Edington, BA13 4QB
<b>Proposal</b>	Replacement 2 storey dwelling following demolition of existing dormer bungalow
<b>Applicant</b>	Mr and Mrs Parmley
<b>Town/Parish Council</b>	EDINGTON
<b>Electoral Division</b>	ETHANDUNE
<b>Grid Ref</b>	392252 152861
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Verity Giles-Franklin

**Reason for the application being considered by Committee:** Cllr Richard Gamble requested that this application be called-in for the elected members to determine should officers be minded to grant permission, due to the Parish Council's concerns over the bulk of the replacement dwelling and its impact on the landscape.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

### 2. Report Summary:

This report appraises the principle of development, and the impact the development would have on the character of the area and special landscape area as well as the impacts on neighbouring amenity, archaeology and highway safety.

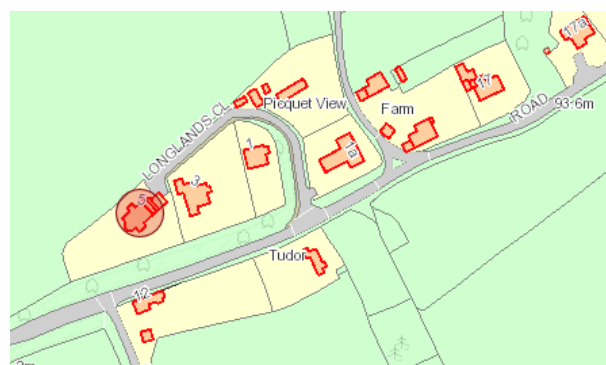
Edington Parish Council objects to the application for the reasons cited in section 7 of this report. It is noted that the Parish Council received three third party representations and included these as part of their consultation response. The local resident observations are summarised within section 8 which includes the third party objection letter Wiltshire Council received. Taken as a whole, 4 third party submissions were made.

### 3. Site Description

The application site, which is illustrated in the insert plan below, relates to an existing detached chalet style bungalow, which is located at the western end of a residential cul-de-sac that consists of five bungalows.



Site Location Plan



The site, access road and its immediate surroundings

The application site is bounded by a banked, elevated verge and established tree belt along its southern and western boundaries (which are illustrated in the following site photos). The

land beyond the sites garden boundary is open countryside to the west and north. The application site is located within a Special Landscape Area covering areas close to Salisbury Plain and outside the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). The subject dwelling is unlisted and falls outside the designated Edington Conservation Area.



A public right of way footpath (reference EDIN7) is routed near to the site's western and northern boundary, and connects to EDIN6 to the north, as depicted by the purple line illustrated on the insert map provided below:





#### 4. Planning History

18/09186/FUL - Demolition of part of the existing dormer bungalow and garage. Alterations and extensions to existing to provide 2 storey dwelling with integral garage – Refused under delegated powers for the following reason on 22 November 2018:

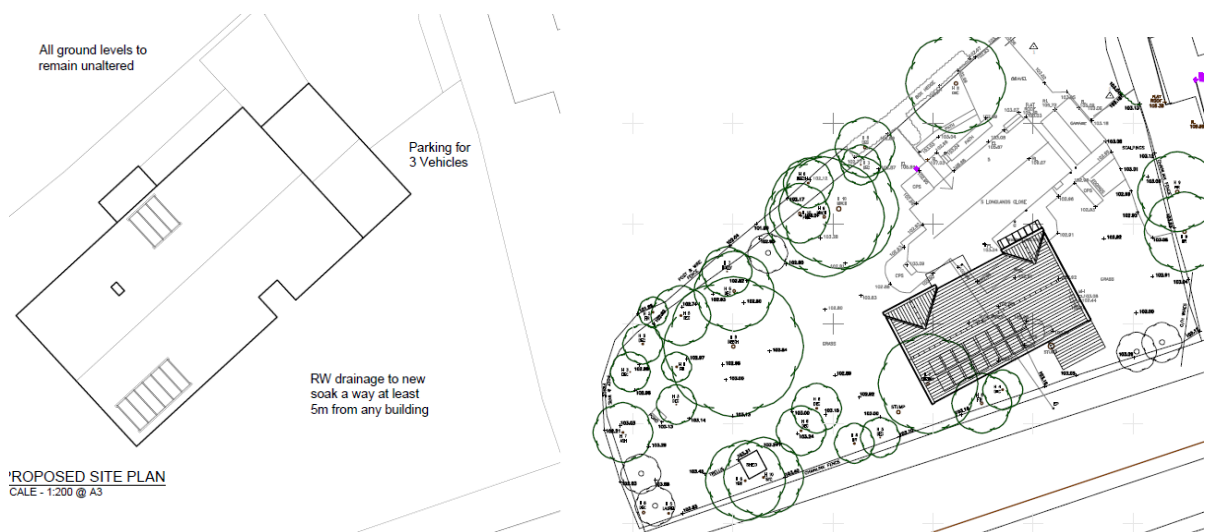
*The proposed development, by reason of its size, scale, bulk, form and location would be visually intrusive and incongruous in the surrounding landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to Core Policies 51 & 57 of the adopted Core Strategy 2015 and retained Policy C3 of the West Wiltshire District Plan 1st Alteration 2004 and Paragraph 170 of the NPPF.*

The following plan drawings relate to the above refusal.



#### 5. The Proposal

Under this revised application submission, the applicant seeks planning permission to demolish the existing chalet bungalow and construct a replacement two storey dwelling further back within the site (c.12m) towards the southern boundary and further away for the neighbour at No. 3 as illustrated by the following site plan insert. A copy of the site plan submitted with the previous application under reference 18/09186/FUL has also been reproduced below (left) for comparison purposes:



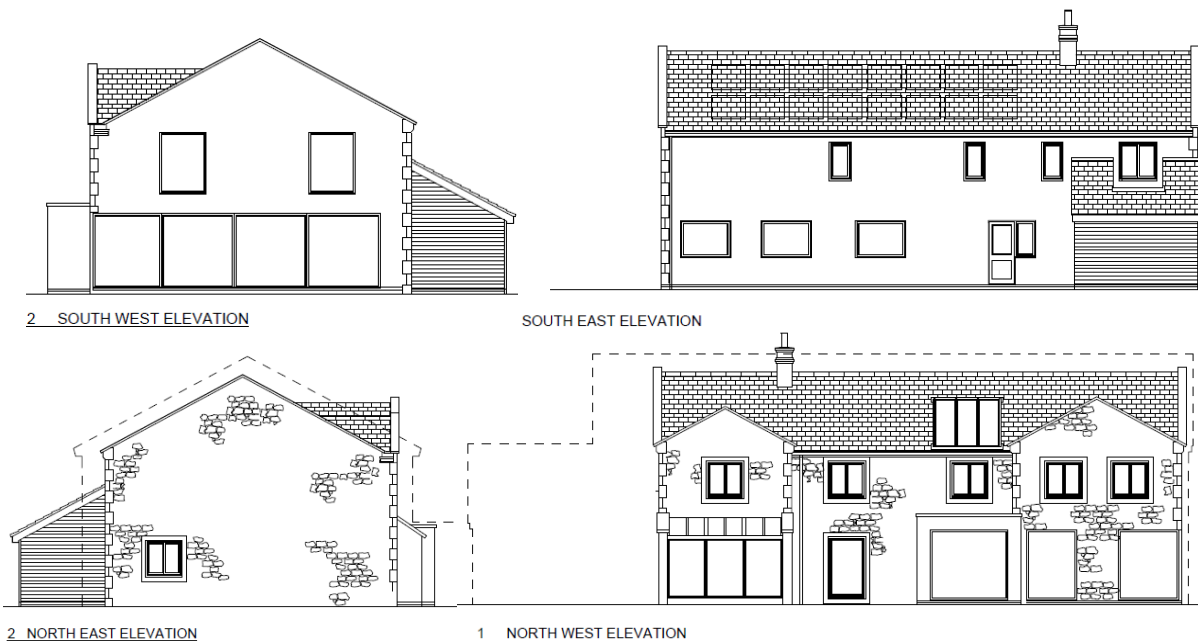
*Proposed Site Plan for refused 18/09186/FUL*

*Proposed Site Plan for 19/06212/FUL*

The proposed replacement dwelling would occupy a smaller footprint compared to the refused

proposals (including a reduction in the height and length) from that previously proposed under reference 18/09186/FUL. The refused house submitted under application 18/09186/FUL would have had a footprint of 284 sq.m compared to the existing dormer bungalow (of c.108 sq.m) – equating to a 163% increase (in terms of footprint).

The application that is before the committee has been subject to material revisions and is supported by elevation drawings and a cross section (which are reproduced below). The proposed dwelling would extend to 207 sq.m (which would be 92% larger than the existing chalet bungalow) and would have a height of approximately 8m, which would be 2m greater than the existing property. The dwelling would be completed in natural stone on the front and side (east) elevation, with a painted render finish to the rear and side (west) under a slate roof.

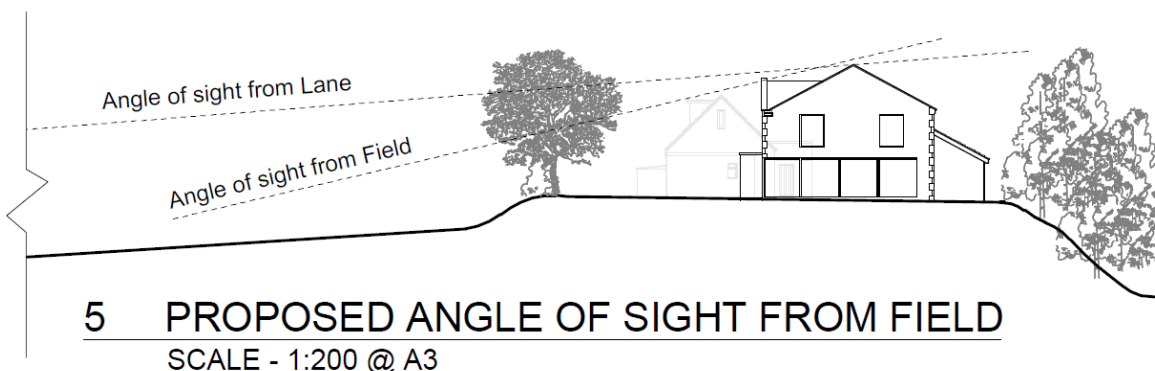


2 SOUTH WEST ELEVATION

SOUTH EAST ELEVATION

2 NORTH EAST ELEVATION

1 NORTH WEST ELEVATION



5 PROPOSED ANGLE OF SIGHT FROM FIELD  
SCALE - 1:200 @ A3

## 6. Planning Policy

Wiltshire Core Strategy (WCS) - Core policies: CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP32 - Spatial Strategy for the Westbury Community Area; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP61 - Transport and New Development; and, CP64 - Demand Management

The following saved policies from the West Wiltshire District Plan 1<sup>st</sup> Alteration are also relevant: C3 - Special Landscape Areas; H20 – Replacement Dwellings; U1a - Foul Water Disposal

The Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy is also relevant



Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD); Charging Schedule (Charging Schedule); and Regulation 123 List (123 List)

National Planning Policy: National Planning Policy Framework (NPPF); and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

Planning (Listed Buildings and Conservation Areas) Act 1990.

## **7. Summary of Consultation Responses**

Edington Parish Council: The Parish Council objects to this application for the same reasons as per application 18/09186/FUL. Whilst the Parish Council notes the applicants' observations, the proposed replacement dwelling would be a very large building at the end of an established cul-de-sac of bungalows all of which, it was understood, had been built in accordance with an intention that only bungalows or chalet bungalows would be built, and for which presumably planning permission at the time had been granted on that basis. Not only would it be an extremely large building at a prominent and elevated position, it would also dominate its nearest neighbours to the east and south and be visually intrusive from the western quadrant.

The Parish Council agreed that its previous objections should be repeated together with the present observations and the Council took the view that the points raised by the planning officer in rejecting the previous application should still apply.

Three third party representations were appended to the above consultation response from the Parish Council, which are summarised in the section 8.

Wiltshire Council's Highways Authority: No objections. To satisfy the Council's parking standards for a 4 bed dwelling, 3 off street parking spaces are required. The design and access statement that supports the application sets out that the site can accommodate parking space for 3 vehicles as well as turning provision.

Wiltshire Council's Archaeologist: Supportive subject to conditions: The Wiltshire and Swindon Historic Environment Record confirms that Romano-British and medieval pottery fragments were found within the property boundary back in 1981 which went to The Wiltshire Museum in Devizes. The proposed development site is situated in an area with a high proportion of archaeological finds. The present settlement of Edington dates from at least 1086, referred to as 'Edendone'.

Due to the potential for archaeological remains to be impacted by the proposed development it is recommended that archaeological monitoring is carried out and subject to a planning condition for any below ground construction works in line with the National Planning Policy Framework.

## **8. Publicity**

The application was advertised by neighbour notification and by the display of a site notice. The following summarised concerns have been raised within the representation submitted by the occupier of No. 12 Westbury Road direct to Wiltshire Council and the following summary picks up on the three submissions raised by local residents that were submitted to and referenced and shared by the Parish Council:

- The position and size of the proposed dwelling would result in overbearing and would overlook No. 12 Westbury Road;
- The development would be intrusively dominant and adversely affect the street scene and the adjoining property at No.3;

- Impact on amenity and enjoyment of neighbouring properties;
- Impact of the construction works and additional traffic impacts;
- The development would be an overdevelopment contravening CP51 and CP57;
- The new house would be prominent and visible from the surrounding area;
- There is limited turning space in front of No. 5 for other vehicles;
- There is a lack of garaging and the existing turning area must be protected for the future;
- There is a covenant on dwelling so that it remains as a bungalow;

## 9. Planning Considerations

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

9.1 **Principle of Development** – Adopted WCS Core Policy 2 sets out the Council's delivery strategy for new development and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The Policy furthermore sets out that at small villages (like Edington); new residential development **will be limited to infill within the existing built area**. WCS Paragraph 4.34 of the WCS defines infill as:

*'The filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling'.*

9.1.1 Appendix F of the adopted WCS establishes that Edington is a Small Village with no settlement boundary. Officers argue that given the existence of a dwelling on the plot, the replacement proposal is in conformity with WCS Core Policies 1 and 2. In addition, the adopted Wiltshire Core Strategy contains 'saved' policies from the previous District Council local plans; and, in this particular case, saved policy H20 of the West Wiltshire District Plan relates to 'replacement dwellings' on a caveated basis as the following insert of the policy reveals:

### Replacement Dwellings

**H20 Replacement of existing dwellings in the countryside and in settlements without Village Policy Limits will be permitted provided the new dwelling is not materially larger than the dwellings to be replaced and such a replacement does not perpetuate a serious traffic hazard, form an isolated development away from public services or adversely affect the rural scene. Replacement proposals that involve substantial alteration or other types of change will be treated as new dwellings under Policy H19. This policy does not apply to the replacement of non-residential buildings in the countryside.**

9.1.2 The saved policy clearly states that a materially larger replacement dwelling proposal should not be tested by Policy H20, but instead it should be tested by H19 – a policy that covered new housing in the open countryside and is not saved by the Wiltshire Core Strategy. Officers submit that saved WWDP Policy H20 is not relevant to this application determination on the basis that the proposed replacement new dwelling would be materially larger than the existing host dwelling in terms of its height and bulk. For the avoidance of any doubt, former WWDP Policy H19 is replaced by CP2 (which introduced different criterion and provisions for small scale residential development opportunities within small villages).

9.1.3 The application site forms part of the small village of Edington and the proposed development would not constitute as an unwarranted, sporadic development in the open

countryside.

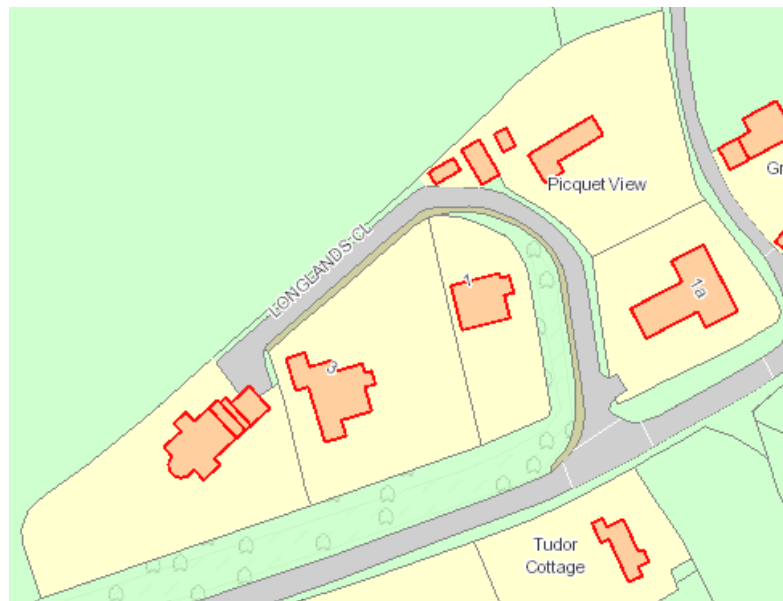
9.1.4 CP2 sets out the delivery strategy and advises that at small villages (without limits of development boundaries) “development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) *Respects the existing character and form of the settlement*
- ii) *Does not elongate the village or impose development in sensitive landscape areas*
- iii) *Does not consolidate an existing sporadic loose knit areas of development related to the settlement.”*

9.1.5 In assessing this application against the requirements of CP2, officers have appraised the proposed development against each part of the Policy, as set out below:

i) *Respects the existing character and form of the settlement*

The proposed dwelling, whilst positioned closer to the southern boundary, would not conflict with the above Policy criteria. The plot would continue to be occupied by one dwelling and given the mixed arrangement/orientation of housing along the cul-de-sac, as illustrated by the plan below, officers raise no objection to the proposed siting and revised house design.



ii) *Does not elongate the village or impose development in sensitive landscape areas*

The application would not elongate the village as the proposed dwelling would be located within an existing residential plot and would replace the existing dwelling. There would be no increase in the number of residential units and the above Policy criteria would be satisfied.

iii) *Does not consolidate an existing sporadic loose knit areas of development related to the settlement*

The proposed dwelling would be accommodated on an existing residential plot and would not result in a sporadic form of development. Therefore, the above Policy requirement would be satisfied.

9.1.6 On the basis of the above, the proposed scheme is considered to be acceptable in policy terms (set by the adopted WCS and specifically by CP1 and 2); and, therefore the principle of development is supported.

9.1.7 In response to the representation raised by third parties through the Parish Council, officers have seen proof from the HM Land Registry that in May 2019 the applicant legally removed the private restrictive covenant that was imposed on the property which restricted any more than “one bungalow or semi-bungalow” (i.e. one bungalow or a pair of semi-detached bungalows). The applicant’s solicitor confirmed that the covenant was removed and the HM Land Registry held title has been amended accordingly for 5 Longlands Close, deleting the aforementioned clause and restriction. There is therefore no covenant that would prevent the proposed development from being implemented, should the LPA approve planning permission.

**9.2 Visual Impact/Impact on the Appearance of the Area:** The Longlands Close cul-de-sac is characterised predominately by a mix of bungalows and chalet styled bungalows; with the wider area containing a mixture of building types, designs, sizes and of various ages. It is worthwhile reporting that the property at No. 2 Longlands Close known as Picquet View - situated to the north-east of the application, is a two storey detached dwelling, finished in a white render. It is not therefore correct to argue that the cul-de-sac is restricted to bungalows. Instead, it contains a variety of building types, forms and materials. The following photos taken by the case officer reveal the mixed housing character of this western part of Edington – as the selection of photos below illustrate.

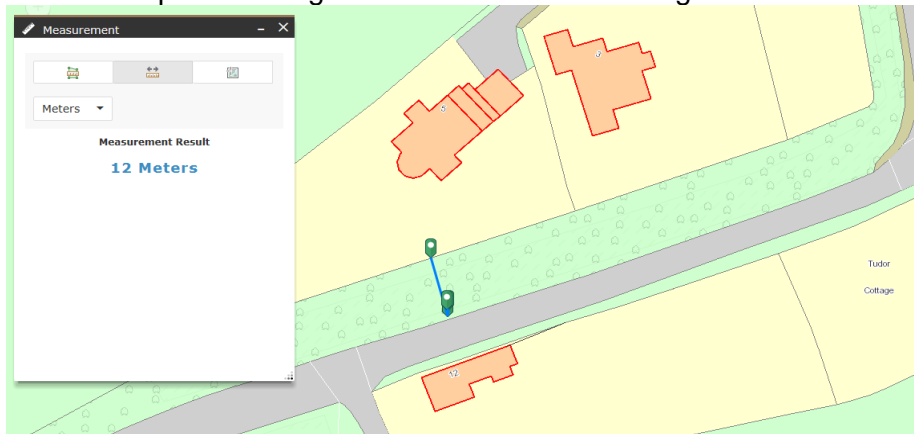


9.2.1 Officers fully appreciate that the proposed replacement dwelling would result in a new dwelling being higher and larger than the existing dormer bungalow. However, officers are satisfied that the applicant has reduced the scale of the dwelling sufficiently and by re-siting the new dwelling within the plot further away from No. 3 Longlands Close, the development would not be visually harmful.

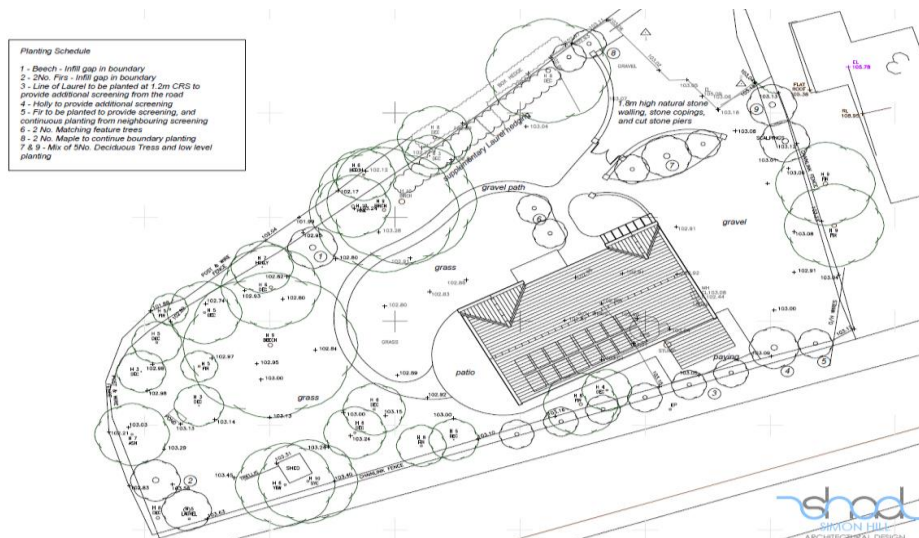




The above site photo which has been taken from along the B3098 (Westbury Road) shows the road frontage of No. 12 and the road verge opposite which is heavily vegetated with a variety of trees on a 12m wide landscaped verge that is beyond the application site parameters and would provide a significant amount of screening.



9.2.2 Officers duly recognise that the proposed dwelling would have a larger built form compared to the chalet bungalow it is would replace, however, officers are satisfied that with the significant existing and proposed additional landscape planting proposals, the development would not be out of keeping or harmful to the immediate neighbours, the street scene or the wider landscape setting. The new house would be sufficiently integrated into the existing residential plot without conflicting with the established local and national planning policies.



9.2.3 The applicant has no control over the trees located to the south of the plot. Indeed, officers have been informed by Edington Parish Council that the trees are owned/controlled by the Parish Council, so sufficient safeguards should be placed to ensure their maintenance and care. The proposed additional landscaping can be secured by planning condition.

9.2.4 Officers have also appraised the application from Lower Road (located over 300m to the north of the application site) and from the public footpath EDIN6 also located to the north of the application (as represented by the following photographs) and it is argued that only limited views would be gained of the proposed replacement house as the following photos demonstrate. It should be noted that the proposed dwelling would be sited c.12m further away from where the existing dwelling is positioned, and the development would not breach the tree canopy and would be absorbed within the plot.

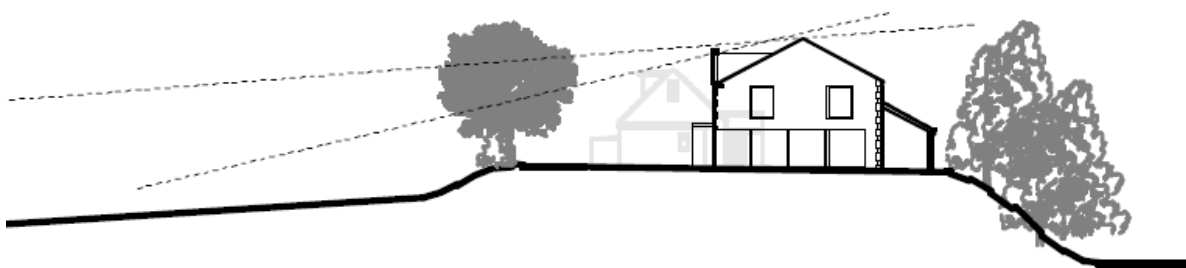


Photograph from Lower Road



Photograph taken from PRow EDIN6

9.2.5 The below extract illustrates how the new house would be integrated within the plot leaving the heavily treed boundaries unaffected. The proposed 2m additional height would not result in demonstrable visual harm. A visual impact assessment has been submitted to support this application which concludes that the proposal would have a minimal impact on the wider appearance of the area.



9.3 **Impact on the Special Landscape Area:** Saved WWDP 1st Alteration Policy C3 seeks to ensure that the landscape character is “*conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes*”. In this particular case, officers are supportive of the re-siting of the proposed new dwelling which would be supported by the existing vegetated site boundaries and additional planting that would satisfactorily ensure that the development would not result in harming the special landscape area. It must be duly recognised, as illustrated below, that the majority of Edington is washed over by the special landscape area designation.

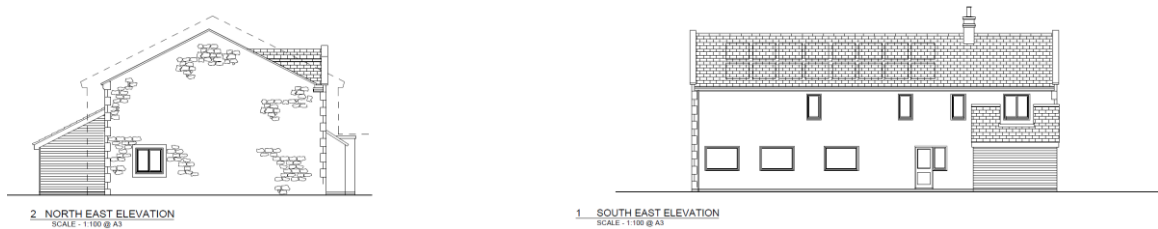


9.3.1 The proposed development has been scaled back from the scheme refused under 18/09186/FUL with officers now being supportive of this revised application submission. The proposed development would not be 'detrimental' to the special landscape area and as a consequence, the development would not conflict with saved WWDP Policy C3 or WCS Core Policy 50 or to the NPPF.

**9.4 Highway Issues:** No alterations are proposed to the existing access and no highway objection is raised by the Council's highway officer. The submitted plan drawing no. 0182 PL08, confirms that the applicant would have a gravelled driveway that would be of a sufficient size to adequately accommodate the parking of more than three cars. There is therefore no conflict with the WCS, the Local Transport Plan or the NPPF.

**9.5 Impact on the Public Right of Way:** The development would not affect EDIN7 or EDIN6, or impact on the use of these rights of ways.

**9.6 Impact on Neighbouring Amenity:** Whilst the concerns raised by third parties are duly noted, officers are satisfied that the increased height and size of the proposed replacement dwelling would not demonstrably affect neighbouring/nearby residential amenities. Mindful of the separation distances involved to the nearest properties and the orientation of the pursuant dwellings as well as being cognisant of the sun's orbit, the proposed dwelling would not cause any adverse overshadowing impact or loss of light to the neighbours occupiers.



9.6.1 As illustrated above, there are no upper windows proposed on the north-eastern gable elevation (facing No. 3 Longlands Close). This would ensure there is no overlooking harm to the immediate neighbour. On the south elevation, the three first floor windows closest to No.12 Westbury Road would serve non-habitable rooms (the twin pane window shown above on the far right of this elevation would serve a bedroom but this would not directly overlook No. 12). Given the separating distance of approximately 21m and the tree planted verge and highway in between, officers are satisfied that there would be no harmful overlooking. As such, the proposal is considered to be CP57 compliant.

9.7 **Archaeology:** The Council's Archaeologist recommends that a planning condition would be sufficient to secure appropriate safeguards to monitor and report on any finds uncovered during any below ground construction works on this site confirm that the application site. Planning officers concur with this recommendation and condition is included within section 11 below.

9.8 **S106 / Developer Contributions:** No S106 financial contributions are sought for this site or development. CIL burdens would however apply to the proposed dwelling.

**10 Conclusion (The Planning Balance):** The proposed replacement dwelling would satisfy the requirements of the NPPF and WCS policies in terms of the principle as well as the impacts on the character of the area, special landscape area and neighbouring amenity implications. The proposed development is considered to comply with the requirements of Paragraphs 127 of the NPPF, and the Wiltshire Core Strategy in particular Core Policies 51 and 57, and saved policies C3 of the West Wiltshire District Plan 1st Alteration. As such, it is considered that planning permission should be granted subject to conditions.

**11 RECOMMENDATION:** Approve 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 Nos: 0182 PL01, Location Plan and Site Plans; 0182 PL02, Existing Floor Plans; 0182 PL03, Existing Elevations; 0182 PL04, Proposed Floor Plans; 0182 PL05, Proposed North-West and South-West Elevations; 0182 PL06, Proposed South-East and North-East Elevations; 0182 PL07, Existing and Proposed Views Elevations; 0182 PL08, Landscaping Plan; as received on 27 June 2019

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

3. No development shall commence on site pursuant to any below ground works until a written programme of archaeological investigation to include on-site work and off-site analysis, publishing and archiving of all the results and finds, has been submitted to and approved by the Local Planning Authority; and that the approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

4. No development beyond slab level 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 (for the construction phase and post completion);
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials

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

5. The tree and landscape planting proposals hereby approved shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which 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.

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

REASON: In the interests of highway safety.

7. 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.

8. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north-east elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

9. The hereby approved replacement dwelling shall not be occupied until the existing dwelling has been completely demolished with all material and debris removed from the site.

REASON: In the interests of amenity and protecting the rural character of the area.

10. No development shall commence above ground floor slab level 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: 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 development can be adequately drained.

**Planning Informatives:**

1. 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)

2. The applicant should contact Wessex Water to secure appropriate water and foul sewage connections.



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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	21 August 2019
<b>Application Number</b>	19/03240/OUT
<b>Site Address</b>	Homefield Farm, 4 West Ashton Road, Yarnbrook
<b>Proposal</b>	Rebuilding of a two bedroomed cottage on the footprint of a former cottage which was demolished 35 years ago (outline application considering the principle and access only)
<b>Applicant</b>	Mr R F Burbidge
<b>Town/Parish Council</b>	WEST ASHTON
<b>Electoral Division and Ward Member</b>	SOUTHWICK– Cllr Horace Prickett
<b>Grid Ref</b>	386,962 155,167
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

### Reason for the application being considered by Committee

Cllr Horace Prickett has requested that should officers be minded to refuse this application, it should be brought before the elected members of the area planning committee for its determination to consider that *“this is an application to rebuild a cottage demolished on the grounds of being ‘unfit for habitation’ several years ago. It amounts to a restoration of the ‘street scene’”*.

#### 1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be refused.

#### 2. Report Summary

The main issues discussed in this report are as follows:

- The Principle of the Development
- Highway Safety and Parking
- Impact on Ecology

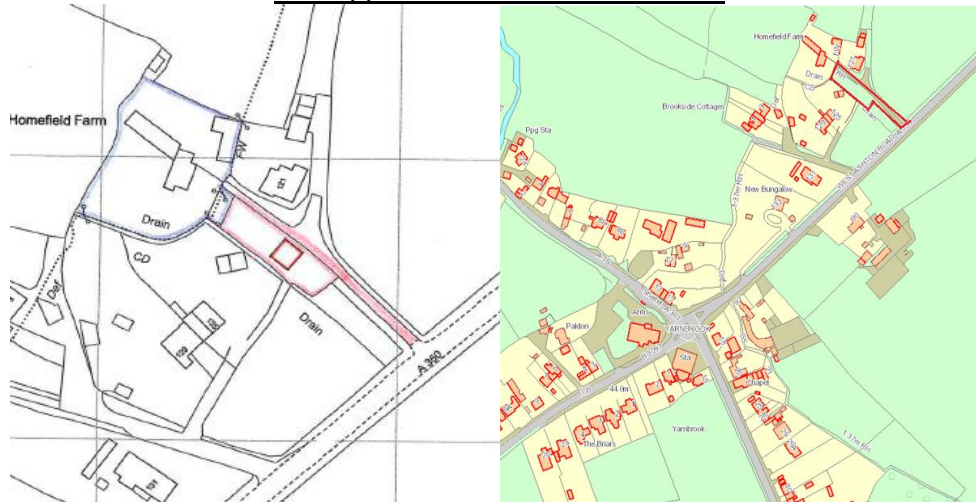
#### 3. Site Description

The application site is considered to be an area of open countryside located at front of Homefield Farm located approximately 225 metres from what is considered to form the built up area of Yarnbrook (which is a designated small village without settlement limits). There is some evidence of hardstanding on the site but it is in a poor condition.

The access road that serves the site (which is also a public right of way footpath WASH20) leads to Homefield Farm off the A350 between Yarnbrook and Melksham and serves two dwellings (Homefield Farm and No 121 Yarnbrook Road). Within 60 metres of this access and located to the south west, there is another access serving 7 further dwellings.

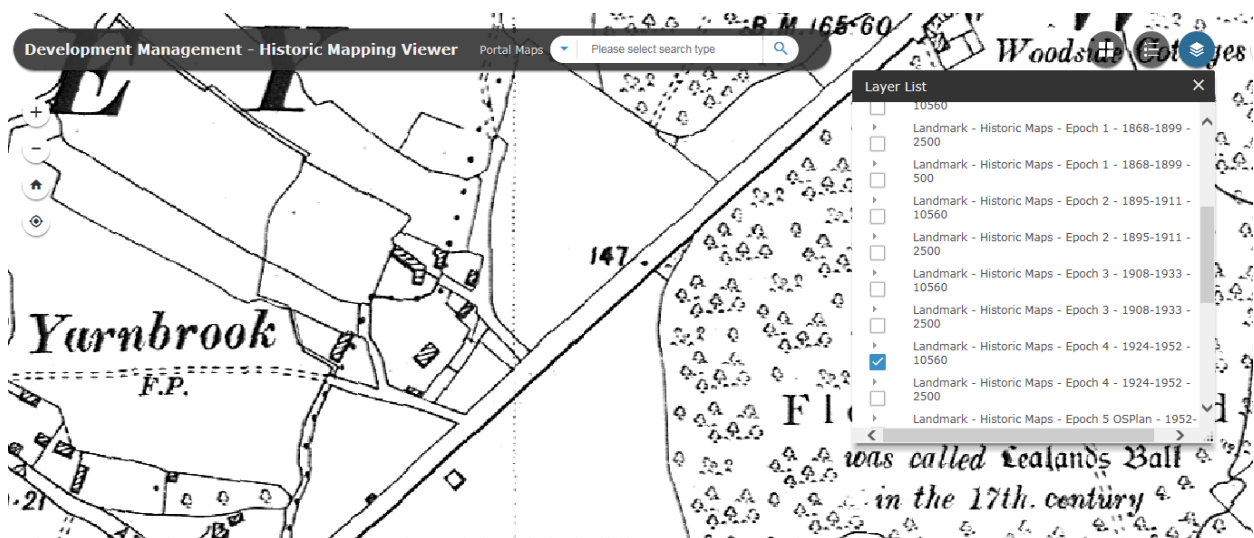
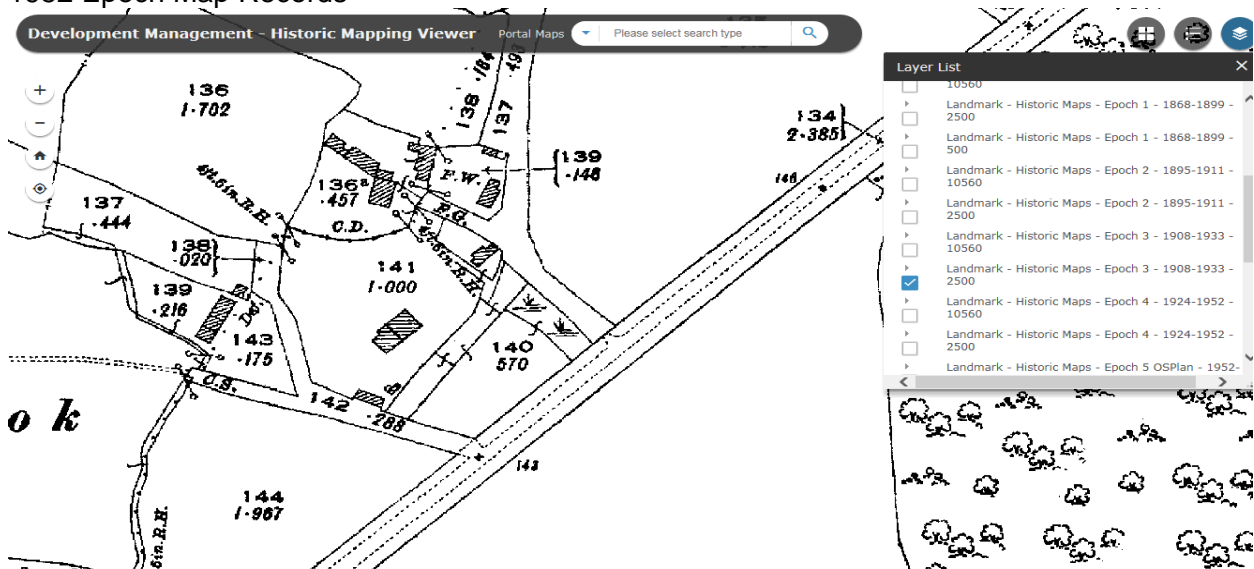
The A350 has a pavement connection to Yarnbrook but is located on the opposite side of the road from Homefield Farm. With reference to Council mapping systems sections of the site are prone to 1:100 surface water flooding with the entire site also identified as having ground water flooding issues.

The application site and its context



4. Planning History

There is no relevant planning history for the site. The historic mapping records however indicate a building (numbered as '123') on the site as referenced by the following 1908-1933 and 1924-1952 Epoch Map Records





## 5. The Proposal

This application seeks to gain outline permission for a 'replacement dwelling' which was demolished 35 years ago. The outline application indicatively proposes a 2-bed dwelling with connections to be made to Wessex Water infrastructure with the outline application limited to access only with all other matters being 'reserved' for a subsequent application.

## 6. Planning Policy

The Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP29 (Trowbridge Area Strategy), CP50 Biodiversity and Geodiversity; CP57 (Ensuring High Quality Design and Place Shaping), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network), CP64 (Demand Management)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Housing Land Supply Statement – Base Date April 2018 – published March 2018

The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)

The Habitat Directive and Habitat Regulations

The Trowbridge Bat Mitigation Strategy SPA (Draft)

## 7. Summary of Consultation Responses

West Ashton Parish Council – Supportive

North Bradley Parish Council – Supporting subject to complying with Trowbridge Mitigation Bat Strategy

Wiltshire Council Highways Officer – Objects. The site is located outside of the local development boundary and this residential development at this location would be contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

Access to the proposed new dwelling is via footpath WASH20, which is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along here, the householder would be required to prove a demonstrable private right of vehicular access. Without this private right, use of motor vehicles to access the site would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission would not grant the applicant or future occupier with a vehicular right of access over the footpath. The applicant should seek private legal advice on this matter.

In addition, there are concerns raised with regards to the junction of the footpath and the A350, as visibility is severely substandard for a 50mph road; and, is restricted by the overgrown hedgerow that appears to be outside of the applicant's control. Furthermore, concerns are raised over the width of the footpath, which at approximately 3m, would not allow two cars to pass. This would likely to cause turning vehicles to wait on the A350 and create a conflict on the footpath itself, all to the detriment of highway safety.

Wiltshire Council Public Rights of Way Officer – No objection subject to proving a right of vehicular access over the footpath WASH20.

Wiltshire Council Ecology Officer – Objects. This application needs to be considered in light of the Council's Trowbridge Bat Mitigation Strategy SPA, which was published in draft in February 2019. This document supports the Council's Housing Site Allocations Plan and it currently provides the best available evidence on which to consider the implications of the Habitats Regulations on planning applications in the Trowbridge area where they have potential to impact on the Bath and Bradford on Avon Bats SAC.

This application cannot be screened out of an appropriate assessment as it lies within the 'red zone' identified in the aforementioned Mitigation Strategy. In the strategy, this zone is identified as one where development is at high risk of leading to loss of habitat of critical importance to SAC bats both alone and in-combination with other plans and projects. Developments in this zone also have a high risk of leading to recreational impacts on woodlands used by breeding Bechstein's in combination with other developments. In addition, this particular development site lies along flight routes used by Bechstein's bats during radio-tracking studies undertaken to support the proposed Ashton Park development in 2013.

Currently this application does not comply with the TBMS. Before this application can be lawfully approved, an appropriate assessment needs to be conducted and a conclusion of '*no adverse effects on the integrity of the Bath and Bradford on Avon Bats SAC*' must be reached. In order to achieve this favourable outcome the requirements of the TBMS would need to be met and, in particular, the following would need to be demonstrated:

1. The development does not comprise an increase in residential curtilage
2. Core bat habitats are buffered by 15m minimum zones where light levels are below 1 lux
3. There is no net loss of habitats of value to bats (including trees, hedgerow, woodland, wetland or grassland)
4. There will be no interruption of potential bat flight routes
5. A contribution is secured to towards mitigation for in-combination effects on habitats

## **8. Publicity**

A site notice was displayed of 28 June. Following this consultation one representation was received which can be summarised as follows:

No objection in principle with the local resident remembering the former building. There is a historic existing easement / passage that runs through the land connecting footpaths WASH20 and WASH9 and the applicant would need to ensure that it is not blocked or obstructed as part of this application.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge area.

### **9.1 Principle of the Development**

9.1.1 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outlines the Council's adopted strategy which identifies the settlements where additional sustainable residential development should take place to improve the lives of all those who live and work in Wiltshire.

9.1.2 The adopted WCS identifies Yarnbrook in Core Policy 29 as a small village and Appendix F confirms that Yarnbrook is a small village that does not have development boundary limits. Core Policy 1 states that small villages have a low level of services and facilities, and few

employment opportunities and consequently, development proposals should be limited to ‘infill’ opportunities. The WCS is clear in setting out the provisions for new housing growth within the existing built area of small villages to be limited to proposals that satisfy the following tests:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement

9.1.3 This application proposal does not satisfy any of the exception policies or criterion set within WCS paragraph 4.25 – which is linked to Core Policy 2.

9.1.4 It is submitted that the application site is not within the existing built area of Yarnbrook. It is further submitted that the centre of Yarnbrook comprises the roundabout and the built up area (and the resultant character and form of the settlement) to comprise of the ribbon development immediately off it, primarily identified by the petrol station and the public house. As seen in the image below, there are three strong lines of development off the roundabout leading to Westbury and North Bradley; but the development on the road leading to West Ashton and the application site is considered to be physically detached and visually separated from the essential group of properties within Yarnbrook which the following aerial insert illustrates.



9.1.5 The above inserts are taken from the Council’s mapping database and it’s important to appreciate that the plots demarcated in yellow along West Ashton Road, includes land associated to No.133 (identified by the red triangle) which is not all considered to be residential curtilage (as evidenced by the series of site photos dating from May 2009 through to September 2016 reproduced on the following page) which, in planning terms, creates a degree of separation for the residential plots located further to the north compared to the nucleus of housing at Yarnbrook – located to the south east and south west. The southern half of the plot of land at No. 133 is considered to be ‘open countryside’ which creates a visual and physical break between Yarnbrook and the dwellings to the north, including the application site.





Land at No133 (southern section of the red lined Triangle site shown above) dated 2009



Land at No133 (southern section of the red lined Triangle site shown above) dated 2011



Land at No133 (southern section of the red lined Triangle site shown above) dated 2016

9.1.6 The following image reproduced on the next page looking south west with the access that would serve the application site on the right. Officers submit that this photo helps illustrate the visually separation of this site compared to the nucleus of properties forming part of Yarnbrook.





9.1.7 Officers argue that the application site is not a policy compliant infill development opportunity as defined by the terms contained within Core Policy 2. Officers argue that the proposal would not (i) respect the existing character and form of the small village of Yarnbrook.

9.1.8 Whilst the proposal would not breach WCS CP2 criterion (ii) by elongating the village, as the proposal would not expand the built form to the north east, it is submitted that there would be conflict with CP2 criterion (iii) by consolidating the existing sporadic loose knit areas of development that relate to the settlement. Homefield Farm, No 121 and the 7 dwellings that are served by the other access off the A350 are considered to be a sporadic loose knit area of development given the separation from Yarnbrook.

9.1.9 It is submitted therefore that the development proposal is contrary to Core Policies 1, 2 and 29 of the Wiltshire Core Strategy.

9.1.10 The submitted supporting planning statement claims that the proposal is supported by WCS Core Policy 36 – *Economic Regeneration* and by paragraph 118 of the NPPF as the site is 'brownfield land/previously developed land'. However, officers must counter this claim by arguing that neither policy applies in this instance.

9.1.11 Paragraph 118 (c) of the NPPF states that planning decisions should;

*"...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*

In response to the above, officers argue that the site cannot be considered to be brownfield/previously developed land. The NPPF defines brownfield land/previously developed land as:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens**, parks, recreation grounds and allotments; and, **land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.**"  
(Emphasis added by officers)*

9.1.12 WCS Core Policy 36 is our adopted policy that seeks to secure and maximise economic development opportunities. It is not clear how the proposed outline application for a dwelling

house would deliver sustainable economic benefit. In any event, CP36 refers to the regeneration of brownfield sites within principal settlements, market towns and local service centres, as identified in Core Policy 1. Since this site is outside of these areas, CP36 does not apply.

9.1.13 The application submission relies on the fact that a dwelling once stood on the site and that it was demolished approximately 35 years ago when it became unfit for habitation. The consequential demolition without securing planning permission (and making a material start) for a replacement dwelling has left the site with no fall back. It is well established tenet of planning that once a building has been demolished and ceases to exist and it cannot be relied upon as substantive material planning consideration to justify any future application (and in this case, several decades later). The recent example of the unauthorised and subsequent need to demolish a partially constructed musician's studio at Forewoods Common (under application 13/01395/FUL) demonstrates this principle. Officers argue that the site has the characteristics of the open countryside as the following (dated) aerial photographs illustrate – which are followed by an up-to-date site photo of the site taken by the case officer.



9.1.14 For the best part of the past two decades, the application site has largely been covered with trees and it is submitted that the site has blended into the landscape in the 35 years since the previous dwelling was demolished. The surrounding landscape comprises open countryside fields and small groups of trees and woodlands. The hard standing on the site is not readily visible and is unlikely to be suitable for any new dwelling. In terms of established policy, officers cannot support this application on the basis that it is not considered to be an appropriate and policy compliant infill opportunity and nor is policy compliant brownfield/previously development.



## **9.2 Impact on Highway Safety and Car Parking**

9.2.1 The Council's Highways Officer has objected on the grounds that the proposal (for a new dwelling in the open countryside) is in an unsustainable location, whereby the future occupiers would rely on the use of the private car for most, if not all modes of transit and daily needs.

9.2.2 Paragraph 109 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety*". The highways officer states that they have concerns regarding the junction of the footpath access with the A350, as visibility is substandard for a 50mph road, as it is restricted by the overgrown hedgerow. The visibility splays required for a 50mph zone equate to 2.4 x160m to the nearside road edge. Visibility to both nearside curbs are required as this is a road along which overtaking can occur. The submitted blue-lined plan which accompanies this outline application shows that both hedgerows are outside of the applicants control which means the local planning authority cannot reasonably impose or secure obligation on the applicant to provide improvements. It should be also noted that the existing available visibility splays have not been demonstrated on the submitted plans.

9.2.3 Furthermore, the highways officer has raised concerns over the width of the footpath, which at approximately 3 metres; it would not allow two cars to pass. This would likely cause turning vehicles to wait on the A350 and / or create a future conflict on the footpath itself, all to the detriment of highway safety.

9.2.4 It is submitted that the proposed visibility splays and the lack of width of the access lane would cause an '*unacceptable impact on highway safety*' and would be substantive grounds for a refusal.

9.2.5 The highways officer also stated that the proposed access would be via a public right of way footpath (WASH20) which is not recorded as a public vehicular highway, with the only recorded rights along it being on foot. The construction of a new dwelling to be access by motor vehicles off this lane would require the applicants to demonstrate a private right of vehicular access and without this private right, future occupiers/owners would be committing an offence under Section 34 of the Road Traffic Act 1988. The applicant has not demonstrated this private right of vehicular access which is a flaw with the application. An application that seek outline planning permission with the means of access being a detailed matter for consideration (without this confirmation) constitutes as a significant omission and is additional grounds for refusing planning permission.

## **9.3 Impact on Ecology**

9.3.1 The Council's ecologist objects to the application on the basis that the application does not comply with the draft Trowbridge Bat Mitigation Strategy (TBMS). The application was submitted with an Ecological appraisal which acknowledged the TBMS but the report is not supported by an 'appropriate assessment' and instead relies entirely on "*the proposed development plans to re-instate a property on an identical footprint of a dwelling that existed on site in the last 20-30 years. The majority of the site is formed of short perennial vegetation that has colonised the rubble/debris from the former dwelling. As such, no net increase in residential curtilage is anticipated.*" Officers do not accept this as a reasonable explanation for not carrying out the required appropriate assessment. This application cannot be lawfully screened out of an appropriate assessment as it lies within the 'red zone' of the TBMS. In the strategy, this zone is identified as one where development is at high risk of leading to loss of habitat of critical importance to SAC bats both alone and in-combination with other plans and projects. Residential forms of development in this zone also have a high risk of leading to recreational impacts on woodlands used by breeding Bechstein's in combination with other developments. In addition, this particular development site lies along flight routes used by Bechstein's bats during radio-tracking studies undertaken to support the proposed Ashton Park development in 2013.

9.3.2 As stated within a previous section of this report, it is a well-established planning fact that once a building has been demolished it can no longer be relied upon for any replacement submission. The fact that the former dwelling was demolished over 30 years ago diminishes the material weight to be given to the former dwelling. Up until fairly recently, the site has been largely covered with trees and it hasn't produced any light pollution since the previous building was in use. The application site could be an important site for bats and this proposal could have adverse impacts. Without an appropriate assessment, the application cannot be lawfully approved. The submitted ecological appraisal recommends a series of mitigation measures within section 5, but mitigation cannot be used without the required appropriate assessment being carried out first.

9.3.5 An appropriate assessment is essential and given the absence of one, to assess the impacts and integrity of the Bath and Bradford on Avon Bats SAC, the application cannot be supported. This critical assessment has not been carried out by the applicants and the application should be refused on this basis.

#### **10. S106 / Developer Contributions**

No S106 financial contributions are sought for this site or development. CIL burdens would however apply to the proposed dwelling.

**11. Conclusion (The Planning Balance)** - Officers accept that a dwelling previously existing on the site around 35 years ago. However, following its demolition without securing planning permission for its replacement, there is no longer a valid policy argument to allow its replacement nearly 4 decades later. The proposed dwelling must be tested on the basis that it is for a new dwelling in the open countryside (and not as a replacement). The site is not considered to be a sustainable location and it is not supported by the relevant planning policies contained within either the Wiltshire Core Strategy or the NPPF. Furthermore, the application fails to demonstrate that a suitable adequate means of access can be provided for a new dwelling (which is part of this outline application) and the applicant has failed to prove the site benefits from a private right to be accessed by motor vehicles to make use of the PRoW. The proposal has also not been appropriately screened or assessed against the draft Trowbridge Bat Mitigation Scheme; and as such, there is a fundamental ecology reason to refuse this outline application.

#### **12. RECOMMENDATION: Refuse for the following reasons**

1. The proposed new dwelling would be outside of any development limits and would not constitute as a policy compliant infill development; and, instead would be an unsustainable form of development. The proposal would not respect the existing character and form of the small village of Yarnbrook. It would also consolidate the existing sporadic loose knit form of development at Yarnbrook contrary to Core Policies 1, 2, 29, 60 and 61 of the Wiltshire Core Strategy.

2. The access road (which is also a PRoW (WASH20)) and the junction are of an inadequate width to support the resulting increased vehicular use. Furthermore the additional traffic that would be generated by this proposal at the junction of public right of way WASH20 and the A350 West Ashton Road would be detrimental to road safety interests for all users due to the sub-standard visibility at the junction contrary to Core Policies 57 ix) and xiv) and 61 ii) of the Wiltshire Core Strategy. The applicant has also failed to prove a private right of vehicular access over the public right of way. Without this confirmation, the development cannot be considered to be sustainable development.

3. The application is not supported by an '*appropriate assessment*' that appraises and confirms that the development would not result in having '*adverse effects on the integrity of the Bath and Bradford on Avon Bats SAC*'. The proposal is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy.



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