

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	13 July 2016
<b>Application Number</b>	16/04077/FUL
<b>Site Address</b>	Oak Hill House, Henn Lane, Upper Seagry, Wiltshire, SN15 5HD
<b>Proposal</b>	Erection of 2 Dwellings
<b>Applicant</b>	Mr K Lloyd
<b>Town/Parish Council</b>	Seagry
<b>Electoral Division</b>	Kington (Cllr Greenman)
<b>Grid Ref</b>	394604 180829
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called into committee at the request of Cllr Greenman, to consider important issues raised by local residents and the Parish Council such as; over-development of the site, conflict with planning policy and conflict with the emerging Neighbourhood Plan.

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission is GRANTED, subject to conditions.

### **2. Report Summary**

The key issues in considering the application are as follows:

- Principle of the development.
- Conflict with the emerging neighbourhood plan.
- Whether the development constitutes over development of the site.
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.

Seagry Parish Council object to the proposed development and 4 letters of objection have been received.

### **3. Site Description**

The site is located on the Eastern outskirts of the village of Upper Seagry. The land to which the application relates comprises some 0.24ha of residential garden and is otherwise undesignated under the adopted Wiltshire Core Strategy.

The land to the immediate West of the site has been developed to provide a 'courtyard development' consisting of a series of modern terraced properties, whilst the other dwellings within the locality are of various ages and designs; the majority of these are set back from but front the highway.

The site itself is very spacious and has numerous mature trees on its boundary. The land to the South and East is characteristically open and consists of allotments and a village hall. At

present vehicular access into the site is taken from Henn Lane, adjacent to the rear gardens of The Court Yard.

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

- 14/11574/OUT      Erection of Two New Dwellings - Granted planning permission at appeal subject to planning conditions
- 14/01293/OUT      Erection of 6 New Dwellings (Outline )- Refused planning permission at Northern Area Planning Committee

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

The application seeks full planning permission for the construction of two detached dwellings.

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

Wiltshire Core Strategy Jan 2015:  
Core Policy 1- Settlement Strategy  
Core Policy 2- Delivery Strategy  
Core Policy 3- Infrastructure Requirements  
Core Policy 10- Spatial Strategy: Chippenham Community Area  
Core Policy 51- Landscape  
Core Policy 45- Meeting Wiltshire's housing needs  
Core Policy 50- Biodiversity and Geodiversity  
Core Policy 51- Landscape  
Core Policy 57- Ensuring high quality design and place shaping  
Core Policy 58- Ensuring the Conservation of the Historic Environment  
Core Policy 62- Development impacts on the transport network  
Core Policy 67- Flood Risk  
Appendix D  
Appendix E  
Appendix G

Saved Policies of the North Wiltshire Local Plan:  
NE18 - Noise and Pollution  
T5 - Safeguarding  
CF2 - Leisure facilities and open space

National Planning Policy Framework 2012:  
Achieving sustainable development – Core Planning Principles (Paragraphs 7, 14 & 17)  
Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)  
Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)  
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)  
Chapter 8- Promoting healthy communities (Paragraph 75)  
Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)  
Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

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

Education- No contributions required

Drainage- The application form states that means of foul disposal is unknown and also means of connection is shown as unknown – this detail is needed The application still has no details of existing or proposed foul drainage arrangements.

The application form says disposal will be via soakaways, but there is still no testing results to show that soakaways will work. The Council is aware that issues of flooding have been raised in relation to this site and our flood mapping system does indicate the occurrence of surface flooding in the area of the pond; to the east of the northern (blue) corner of land in same ownership. However this site (in red area) is away from the flooding and thus, would not be affected by it.

Wessex Water- No objection

Tree Officer- No objection

Seagry Parish Council- Object for the following reasons:

- Development will harm the visual amenity of the locality
- Development does not meet local need
- Development doesn't respect the visual qualities and building traditions of the area
- Cramped form of development
- Over development of the site
- Concerns relating to foul and storm water problems
- Will conflict with the neighbourhood plan

## **8. Publicity**

The application was advertised by neighbour letter and site notice. These generated 4 letters of objection and no letters of support. Consultation on a minor alteration to the layout resulted in no further letters of objection.

Summary of key points raised:

- New proposal for 2 large dwellings cannot be compared with the 2 smaller properties approved by the Inspector
- Poor design
- Development doesn't respect character of the area
- Issues with a right of way for residents of The Courtyard
- Issues relating to the removal of foul water and sewage
- Flooding issues
- Danger to highway safety
- Privacy issues
- Overbearing impact on adjoining properties

## **9. Planning Considerations**

### Principle of development

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 North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Chippenham Community

area. The Wiltshire Housing Sites Allocation Plan and the Neighbourhood Plan for the settlement are emerging plans, but can only be afforded very limited weight at this stage of their preparation.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

#### Planning Policy

The Core Strategy introduces a Settlement Strategy for Wiltshire that seeks to locate new development to places that are best able to deliver a balance in the provision of jobs, services, facilities and houses, in order to reduce the need for travel and is consistent with the aims and goals of the NPPF.

The Settlement Strategy in the Core Strategy diverts the majority of new housing towards the larger settlements of the area but a limited level of development is supported within villages to help retain the vitality of rural communities.

Within the Chippenham Community Area of the Core Strategy, Upper Seagry is one of a number of designated Small Villages within which development is supported under the terms of Core Policy 1 and Core Policy 2. These policies explain that development in Small Villages is intended to meet the general needs of the area and, as such, is not required to satisfy the tests of exceptional circumstances set out at Core Policy 48. Core Policy 2 criteria seek to ensure that new development is limited to infill within the existing built up area.

The planning Inspector, when considering the recent appeal for outline planning permission for two dwellings on the site, concluded that the site was located at the outer edges of Upper Seagry but clearly functionally associated with the settlement. The Inspector therefore concluded that the proposal constituted 'infill development'.

Taking into consideration the inspector's decision to grant outline planning permission for two dwellings on this site, though the indicative layout was for semi detached dwellings, it is considered that the scale would comply with the meaning of infill used within Core Policy 2 being "*the filling of a small gap within the village that is only large enough for not more than a few dwellings*". Although the meaning of infill is further qualified in the policy to mean "*generally only one dwelling*" it is not expressed in absolute terms and, in the case of this application, it is clear that the site can accommodate two additional dwellings without harm to the locality and amenity of local residents.

It is important to note that the principle of constructing two dwellings on this land was recently established by virtue of the permission granted at appeal.

#### Design & Visual Amenity

The previous application was accompanied by an indicative layout and concept drawings which satisfied the Inspector that appropriately designed properties could be accommodated on site, without having a detrimental impact on the character and appearance of the area.

The application currently under consideration is for two detached dwellings and their footprint is larger than the indicative properties submitted with the previous application. Having taken into consideration the previous appeal decision, as well as the siting and design of the proposed dwellings, it is concluded that the scheme would respect the visual qualities and building traditions of the locality.

The proposed residential dwellings would positively front onto the adjoining road and will be partially visible within the wider countryside context. The immediate area consists of a mix of detached, semi detached and terraced housing both of different sizes, design, character,

mass and bulk. There is no predominant housing type fronting the road or within the village as a whole. The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being developed.

The proposal has adopted a 1.5 storey design and used the historic detailing and design features of the village to lead the design theme of the proposed dwelling. Overall, the proposal is considered to complement the existing character of the area. The proposed units are of an acceptable design to the surrounding context and it would be difficult to justify and substantiate a refusal on architectural grounds. However, the proposal contains limited information relating to the proposed hard and soft landscaping. It is therefore necessary to require these details by way of condition. Ensuring that proper plants are selected and planted in their optimal growing location, outdoor living spaces are functional and aesthetically pleasing, and appropriate materials are used for driveways, sitting out areas etc is essential to any high quality development. It is therefore deemed reasonable and necessary to condition these details to be submitted and approved prior to the commencement of development.

#### Garden Size

The proposed garden area is comparable to the gardens within the area and adjacent properties. Bearing in mind the size of the dwellings, it is considered that the outdoor space provided satisfies the guidance for outdoor amenity space for a new dwelling. The proposal would allow for some outdoor space, sitting out, bin storage and for hanging out of washing, the proposal would also provide outdoor amenity space for a family to enjoy.

#### Sustainability

CP41 of the Core Strategy requires all new dwellings to meet the equivalent of code 4 of the code for sustainable homes. A condition can be added to the decision to ensure that this requirement is met.

#### Highway Safety

As with the previous application, the Council's Highways Officer is of the view that, subject to the imposition of suitable conditions, the proposals will not adversely impact upon local highway safety. Furthermore, the proposed development meets the Council's parking standards. Overall, therefore, it is considered that the proposal is acceptable in highways terms and the provisions of CP 64 & CP 57.

#### Impact on Neighbours

The concerns identified by the immediate neighbours in relation to privacy and proximity to the shared boundary are noted. However, taking into consideration the existing site circumstances and the separation between the two properties, it would be difficult to substantiate a reason for refusal. It is considered that the separation between the properties' elevations is acceptable and will not result in unacceptable levels of overlooking. Furthermore, the Inspector accepted this separation when considering the previous outline application.

There are windows proposed on the rear elevation of unit 1. However, taking into consideration the separation between the proposed dwelling and existing properties to the west of the site it is considered acceptable. Furthermore, the separation between the properties and the height to eaves and ridge level is not considered to be excessive or in any way overbearing.

It is considered that the proposed development, on balance, would not cause harm to the residential amenities of surrounding properties. The development will not result in any

significant loss of sunlight, daylight or privacy for adjoining properties and thereby accords with CP57 of the Core Strategy.

#### Drainage

The concerns raised by local residents and the points raised by the Council's drainage team are noted. However, these are matters that can be controlled by way of planning condition and the details approved prior to the commencement of any development on site.

#### Setting of the Listed Building

The House of Lords in the South Lakeland case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

The proposed development will have no impact on the setting of any listed buildings and is therefore considered to accord with CP58 of the Core Strategy and the NPPF.

### **RECOMMENDATION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] the

matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

REASON: In the interests of highway safety.

- 6 No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

- 8 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/extensions or external alterations to any building forming part of the development hereby permitted.

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

- 9 The development hereby permitted shall not be occupied until details of and the location of the bin storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to first occupation and thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be 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.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the

risk of flooding or pose a risk to public health or the environment.

- 12 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

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, in the interests of the amenity of adjoining properties.

- 13 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

Site Location Plan

LPC/3074/SD1/1C

LPC/3074/SD1/2B

LPC/3074/SD1/3B

LPC/3074/SD1/4B

LPC/3074/SD1/5C

LPC/3074/SD1/6

LPC/3074/SD1/7A

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

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any

separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

**INFORMATIVE TO APPLICANT:**

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

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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