

<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:

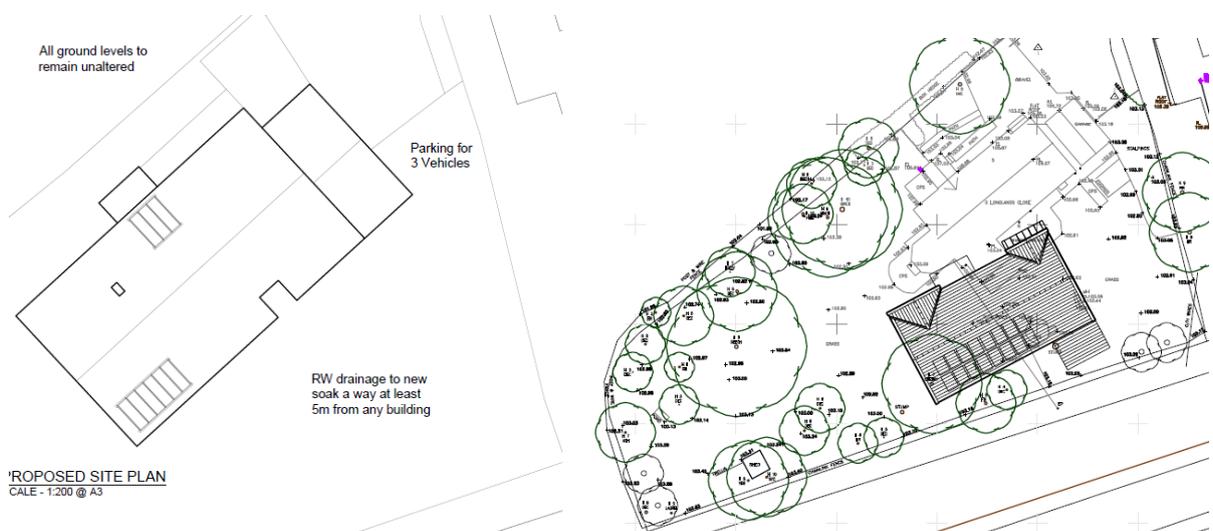
*The proposed development, by reason of its size, scale, bulk, form and location would be visually intrusive and incongruous in the surrounding landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to Core Policies 51 & 57 of the adopted Core Strategy 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:



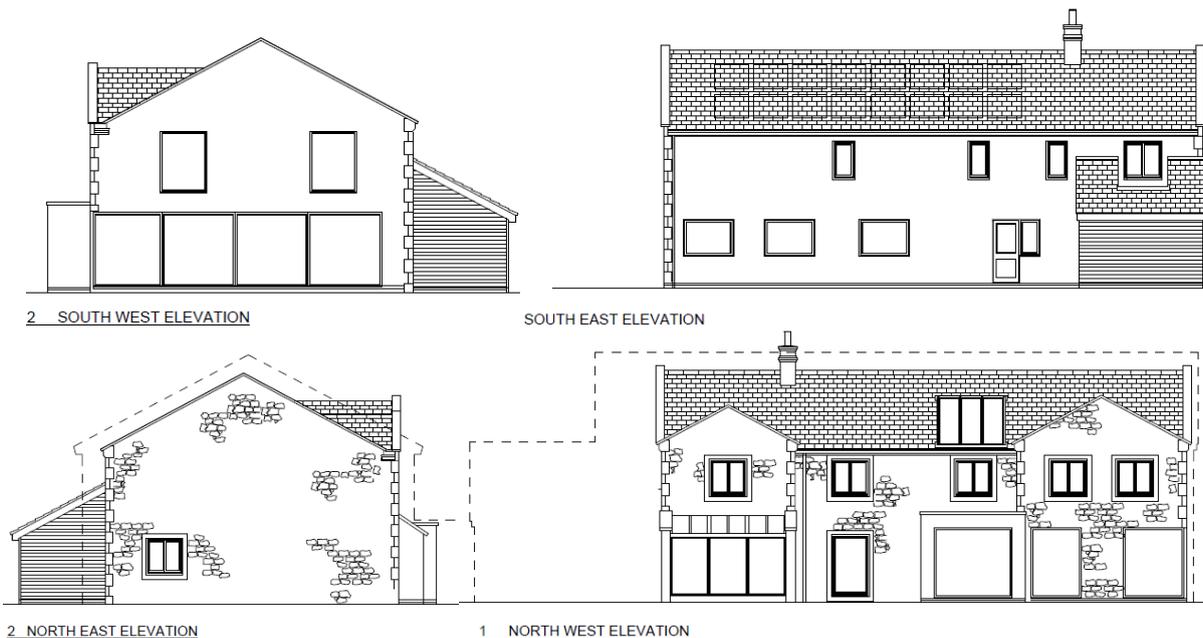
*Proposed Site Plan for refused 18/09186/FUL*

*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.

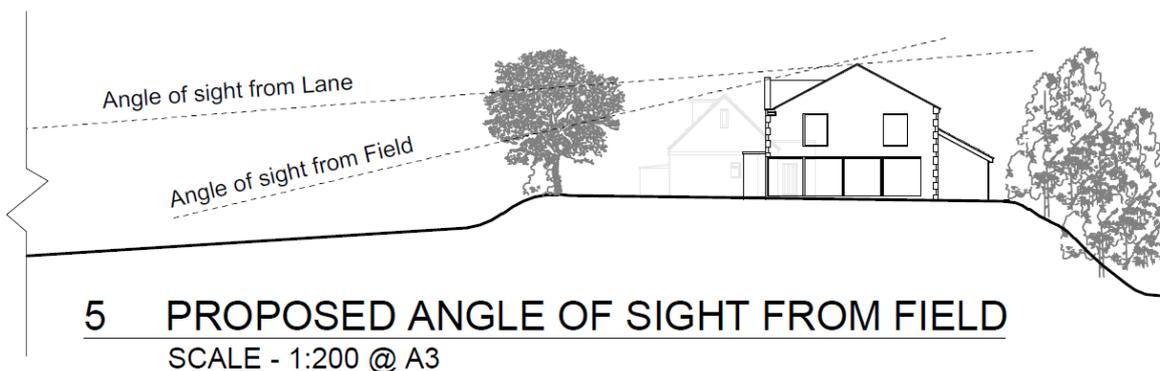


2 SOUTH WEST ELEVATION

SOUTH EAST ELEVATION

2 NORTH EAST ELEVATION

1 NORTH WEST ELEVATION



## 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.

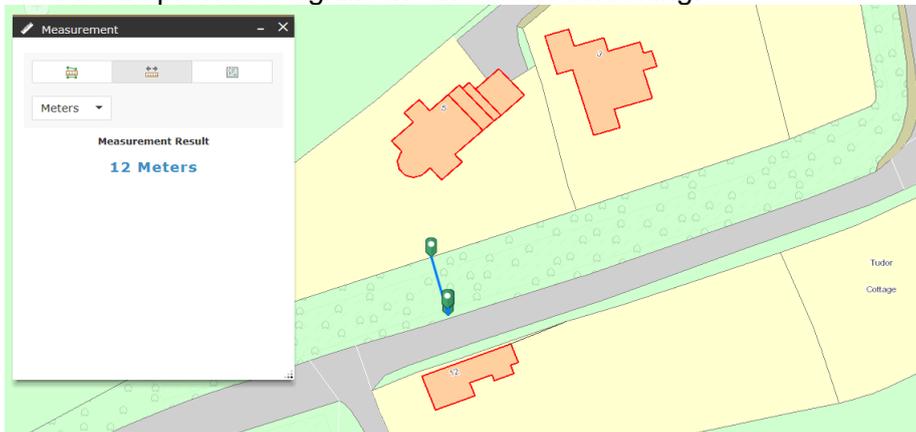
**9.2 Visual Impact/Impact on the Appearance of the Area:** The Longlands Close cul-de-sac is characterised predominately by a mix of bungalows and chalet styled bungalows; with the wider area containing a mixture of building types, designs, sizes and of various ages. It is worthwhile reporting that 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.



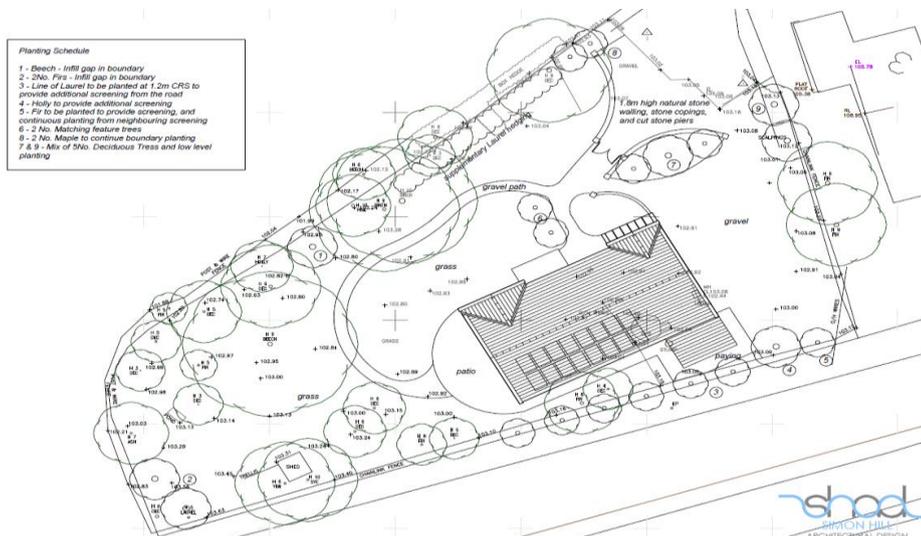
9.2.1 Officers fully appreciate that the proposed replacement dwelling would result in a new dwelling being higher and larger than the existing dormer bungalow. However, officers are satisfied that the applicant has reduced the scale of the dwelling sufficiently and by re-siting the new dwelling within 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.

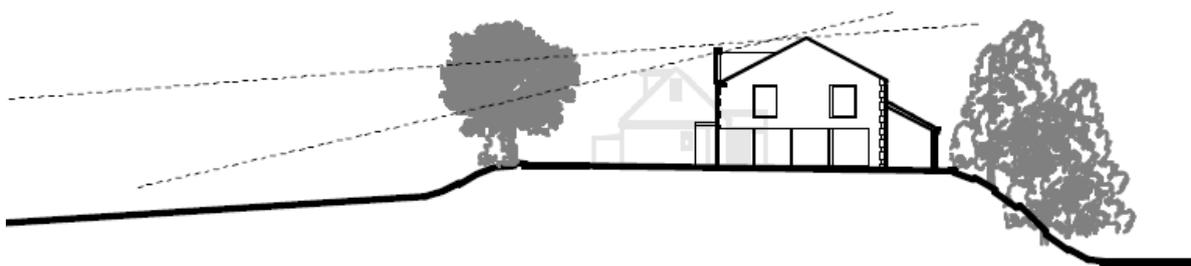


Photograph from Lower Road



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.