

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	14 September 2022
<b>Application Number</b>	PL/2021/10793
<b>Site Address</b>	Winkworth Gate, The Street, Lea, Malmesbury, SN16 9PQ
<b>Proposal</b>	Proposed new dwelling and associated works
<b>Applicant</b>	LP Planning Consultants
<b>Town/Parish Council</b>	Lea and Cleverton
<b>Electoral Division</b>	Councillor Elizabeth Threlfall
<b>Grid Ref</b>	396301 186958
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Michael Akinola

**Reason for the application being reconsidered by Committee**

The application was reported to the 3<sup>rd</sup> of August 2022 committee meeting following call in by Councillor Elizabeth Threlfall to consider the proposal's visual impact upon the surrounding area & environmental/highway impacts in particular drainage. Following the conclusion of the discussion by members at the cttee meeting, the application was deferred to enable the applicant to provide additional information in respect of drainage matters. The resolution was as follows:-

To defer determination to enable the applicant to seek additional information in respect of drainage matters. That information to include the technical competencies of the FRA author(s); proposed finished floor levels of the dwelling to address Wessex Water issues and requirements concerning drainage and foul water; clarification of site survey levels; and to take into account evidence of the flooding events from the Parish Council and local residents in order to ensure that the proposed development is not at risk of flooding and does not increase off site flooding issues.

**1. Purpose of Report**

The Council's reasoning and basis for recommending approval is explained and set out in the first committee report, which is reproduced at (**Appendix one**) and it is not intended to repeat those matters, the previous committee report should be relied upon in this instance.

The purpose of this committee report is to address the reason for deferral and the outstanding drainage issues/queries raised by the Committee, which are summarised as follows:

- Members required that the technical competencies of the Flood Risk Assessment (FRA) authors be confirmed.
- Members noted an apparent discrepancy between the site survey and FRA report in respect of identified site levels and required clarification.

- Members required confirmation of the proposed finished floor levels (FFL) for the dwelling and also the overall proposed height of the dwelling above that FFL.
- Members sought the advice of Wessex Water in respect of the proposed FFL.
- Members required that evidence provided by the Parish Council and interested third parties/neighbouring properties in respect of historic flooding within the locality should also be made available to Wessex Water for their consideration.

## 2. **Report Summary**

Following the deferral at the previous meeting, officers have liaised with the agent, their drainage engineer and Wessex Water to secure the requested information and consult in that respect. Following submissions made and their consideration by Wessex Water, approval subject to conditions is recommended.

## 3. **Technical competencies of the Flood Risk Assessment (FRA) report authors**

Although the report authors company was called Cotswold Transport Planning, the agent explains that the company has developed different services over time and as such, the company is not just transport related. Additionally, the company rebranded on Tuesday 5 April 2022, and this included a change of registry company name, which is now Rappor, an infrastructure and environmental consultancy. The company's brochure is reproduced at **Appendix Two** and this offers more detail on the company and services they provide.

In addition, in regard to the technical competencies of the FRA report authors, the agent confirms the following:

Ben Fleming, is a chartered member of the Chartered Institute of Water and Environmental Management (CIWEM), he has a BSc Hons degree in Geography and has worked in flood risk for both the public and private sectors since 2004. He is an Associate Flood Risk Consultant at Rappor.

Kris Tovey, is the Director of the Infrastructure and Flood Risk department at Rappor. He has a BEng in Civil Engineering, is a member of the Institution of Civil Engineers (ICE) and has worked in the private sector since 2006.

## 4. **Apparent discrepancy between the site survey and FRA report – site levels**

The agent confirms that the FRA report cites the correct survey levels – it is noted by the agent that the levels on the William Morris topographic survey contained within the FRA are related to the Ordnance Survey Datum which is stated on the drawing.

The levels on the topographic survey No.LPPC-P-05 are related to a temporary bench mark on the pumping station concrete slab (also stated on the drawing) of 50.00m.

Therefore, the common level to both surveys is the pumping station concrete slab with the William Morris level of 71.13 and the site survey of 50.00m. By adding 21.13 to all levels on drawing LPPC-P-05 these will then relate to Ordnance Survey Datum.

## 5. **Proposed finished floor levels and overall height of the dwelling**

The applicant's drainage engineers confirmed that they have currently proposed FFL of 71.49m AOD and external existing levels at 71.15m AOD which would result in at least 300mm

of freeboard to mitigate against the risk of sewer flooding to the property, in accordance with the recommendations within the drainage strategy (Ref: CTP-21-0414 C001 REV D).

Wessex Water advised that the proposed rising main must discharge at a point downstream of the existing NRV (manhole 2902) otherwise there is a risk of exacerbating flooding upstream due to intermittent pumped flows. They noted that once this was amended within the FRA/Drainage Strategy then Wessex Water would not object and would accept use of condition as previously advised.

In response the applicant team submitted a revised drainage strategy and Wessex Water were reconulted again. Following review and assessment Wessex Water advise that to mitigate the risk of foul sewer flooding and restricted toilet use at the property, the site is now planned to be served by a single property pumping station, with a saddle connection to the public sewer downstream of manhole 2902. The revised drainage layout (rev D) shows cover and invert levels at the rising main break chamber set at or above the minimum levels as they have advised and recommended as being necessary. Wessex Water confirms that the applicant has now demonstrated how they will address the risk of foul sewer flooding and restricted toilet use and they would now accept a condition to confirm full details of proposed drainage facilities and connections to WW infrastructure.

In addition, the proposed dwelling from ridge height would measure around 8020mm at the highest point / highest ridge level above the proposed finished floor level.

#### **6. Interested Parties and Parish Council comments**

Comments and photographs providing evidence of flooding around the application site were forwarded/copied to Wessex Water for them to consider alongside the additional drainage submissions from the applicant. This included the additional submission from the PC dated 26.08.2022.

Wessex Water have considered these submissions alongside the revised and additional drainage details and noted that the application site is at a low point of the village and floods as part of the local land drainage regime. This position and information has informed their responses to date and further advice. Wessex Water advise that both Building Regulations approval will be required for the dwelling and the drainage provision; and that Wiltshire drainage engineers must be satisfied that development of this site will not increase the risk of surface water flooding at the existing Wessex Water foul pumping station. As is confirmed in the previous report to Committee the Council's drainage engineer has been previously consulted with respect to the scheme and no objection has been raised. No objections were raised by the EA. Building Regulations approval is a separate consenting regime.

#### **7. Conclusion**

Following further submissions from the applicant in the form of an amended FRA and drainage strategy (CTP-21-0414 C001 REV) D, Wessex Water are fully satisfied that the proposal would not be at risk of flooding nor increase the risk of flooding off site and have suggested the use of condition. This advice provided taking into account local evidence of flooding at the site and in the locality.

In addition, the overall height of the dwelling informed by confirmed FFL has been proposed and it is considered that it would not appear out of character when viewed in the context of surrounding properties. Given that the drainage issues have been sufficiently addressed, it is recommended that the application should be approved subject to conditions listed below.

#### **8. RECOMMENDATION:**

**That Planning Permission be APPROVED with 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: dwg no.969:001 (location plan), dwg no.969:P:02 & dwg no.969:P:03 (proposed ground/first floor plan), dwg no.969:P:04 (proposed elevations) [Received by the LPA on the 16<sup>th</sup> of November 2021] & dwg no.969-P-05A (proposed street elevation) & dwg no.969:P:01A (proposed site plan) [Received by the LPA on the 8<sup>th</sup> of August 2022]

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

3. No development above ground floor slab level shall commence on site until details and samples of the materials to be used for the external walls and roofs of the new dwellings 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 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 visual amenity and the character and appearance of the area.

4. 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:-

- " all hard and soft surfacing materials;
- " 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;

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. 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.

6. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities;
  - e) measures to control the emission of dust and dirt during construction;
  - f) measures for the protection of the natural environment; and
  - g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

8. No development shall commence on site until full details of the scheme for the discharge of foul water from the site, including the finished floor levels, foul manhole cover levels and invert levels set at a level to avoid the risk of foul sewer flooding and mitigate restricted toilet use in accordance with the approved drainage strategy (CTP-21-0414 C001 REV D) and FRA (CTP-21-0414-FRA REV 05), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure the risk of foul sewer flooding has been mitigated and that the development can be adequately drained.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

11. 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.

12. 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.

13. 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.

14. 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.

15. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

## Appendix one: Officer Committee Report 3<sup>rd</sup> August 2022

### REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	03 August 2022
<b>Application Number</b>	PL/2021/10793
<b>Site Address</b>	Winkworth Gate, The Street, Lea, Malmesbury, SN16 9PQ
<b>Proposal</b>	Proposed new dwelling and associated works
<b>Applicant</b>	LP Planning Consultants
<b>Town/Parish Council</b>	Lea and Cleverton
<b>Electoral Division</b>	Councillor Elizabeth Threlfall
<b>Grid Ref</b>	396301 186958
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Michael Akinola

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

The application is called in for committee determination by Councillor Elizabeth Threlfall to consider the proposal's visual impact upon the surrounding area & environmental/highway impacts in particular drainage.

#### 9. 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 subject to conditions.

#### 10. Report Summary

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

- Principle of development
- Impact on the character, appearance, visual amenity and openness of the locality
- Impact on the residential amenity
- Impact on archaeology interest and potential
- Impact on drainage/flooding
- Impact on Highways safety
- Other matters

Lea and Cleverton Parish Council objects to the proposals. Of the eight representations received from interested third parties/neighbouring properties, six were of objections and two are of support.



## 11. Site Description

The application relates to land at Winkworth Gate, located within Lea which features no settlement boundary. The application site is located adjacent two roads with residential properties to the south of the application site, a primary school immediately to the west and a pumping station immediately abutting to the north. Further to the south-east is a development in use for agricultural and equestrian purposes and directly to the north and northeast is open land that is separated from the application site by mature trees and vegetation and a watercourse.

The site is a corner plot adjacent two roads and as such would be open to views from public vantage points. A watercourse is located adjacent the application site and the locality is susceptible to ground water flooding.

## 12. Planning History

16/11962/FUL – Erection of one dwelling & associated works (withdrawn)

## 13. The Proposal

The proposal is for the construction of a three-bedroom, two storey dwelling. In addition, the proposal includes planting and landscaping to the front (east) and south of the application site. Two parking spaces are created to the rear of the dwelling including a bin and cycling store. The access to the application site is off a public highway and the use of natural stone under clay double roman roof tiles materials are proposed.

## 14. Planning Policy

### **Wiltshire Core Strategy (WCS) (Adopted January 2015)**

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 13: Spatial Strategy: Malmesbury Community Area

Core Policy 45: Meeting Wiltshire's housing needs

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 60: Sustainable transport

Core Policy 61: Transport and new development

Core Policy 62: Development impacts on the transport network

Core Policy 63: Transport strategies

Core Policy 67: Flood Risk

### **Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006)**

H4 Residential Development in the open countryside

### **Wiltshire Housing Site Allocation Plan (Adopted Feb 2020):**

Settlement Boundary Review and site allocations

### **National Planning Policy Framework July 2021:**

Paragraphs; 2, 7, 8, 11, 12, 14, 15, 38, 47, 59, 80, 104, 105, 110, 111, 112, 130, 134, 167 & 174

## 15. Summary of consultation responses

**Lea and Cleverton Parish Council:** OBJECT to the application due to multiple reasons which can be summarised as follows;-

- The proposal would elongate the village
- Question whether the development can be accommodated on the application site given the modest scale of the application site and existing Wessex Water foul water equipment
- The development would increase the flooding in the lower part of the village
- Increased risk to public health in Lea from additional discharges to already over-loaded foul sewers

**The Environmental Agency:**

No objection received

**Wiltshire Council's Drainage Engineers:**

No objections

**Wessex Water:**

Holding objection subject to revisions to the submitted FRA to address the risk of foul sewer flooding – measures/strategy to do so recommended. Subject to receipt, no objection subject to the use of condition.

*Officer Note – Revised FRA addressing WW requirements and recommendations in full submitted and use of condition agreed.*

**Wiltshire Council's Highways officer:**

An objection is raised on the grounds that the proposal is outside of any defined settlement and in an unsustainable location for new residential development, which would be reliant on access by the private motor vehicle, but defers to the case officer to determine whether or not there are material considerations that would support approval and overcome this concern.

No objections in respect of access and parking subject to use of condition.

**Wiltshire Council's Archaeologist:**

No objections

**16. Publicity**

The application was advertised by neighbour letters and Parish council notification. This generated **six** letters of objection and **two** letters of support. A summary of the representations is set out below:

**Support**

- Would not be detrimental to the village of Lea.
- Noted the expansion of Lea School is already an eyesore approaching the village
- The proposal is not visible and does little harm in terms of the village boundary.
- New dwelling would enhance the locality
- Noted the application site has never flooded
- It is located adjacent a school so would result in less commute during school runs

**Objections**

**Flood –**

- The locality has been subject to numerous flooding incidents.
- The proposal would increase the likelihood of flooding within the locality.

- The proposed development backs onto Wessex Water Pumping Station and a development in that location could impede access to the site.
- The scales of the plans are misleading in reference to the 15m exclusion zone from the associated Pumping Station.
- The FRA does not address the issues of flooding or foul water drainage.

#### **Location –**

- The proposed dwelling is outside of the village boundary

#### **Visual & residential amenity Impact –**

- The site, scale and plot would have an impact on the locality and adjacent residents

#### **Highways safety –**

- The proposal would increase congestion
- Parking cannot be accommodated on site due to the scale of development

### **17. Planning Considerations**

#### Policy and principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLPL) 2011 (adopted June 2006) & Wiltshire Housing Site Allocation Plan (Adopted Feb 2020) WHSAP.

The application site is located within Lea which is identified in the Wiltshire Core Strategy as a small village that does not have a settlement boundary.

This proposal is a second submission following the previously withdrawn application (16/11962/FUL) on the application site. The difference between this proposal and the previous proposal is that this latest scheme excludes the single storey rear extension and roof lights and the total area of the proposed dwelling in this application now measure around 62sqm. In the previous application withdrawn, the total area of the proposed dwelling measured around 87.49sqm. In addition, it is noted that in this current application a flood risk assessment is submitted in support of the application.

Core Policy 1 of the WCS states that Small Villages have a low level of services and facilities, and few employment opportunities and development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

Core Policy 2 of the WCS sets out the delivery strategy for the Council and states that in small Villages development will be limited to infill within the existing built area. Proposals for development will be supported where they seek to meet local housing needs and/or employment, services and facilities provided that the development accords with all policies of the development plan and:

- i) respects the existing character and form of the settlement

- ii) the proposal does not elongate the village or impose development in sensitive landscape areas, and
- iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement.

CP13 states that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Paragraph 4.25 of the WCS in support of CP2 identifies the exceptions to the restrictive approach and this includes:

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

Saved policy H4 of the NWLP similarly allows for rural workers dwellings in the open countryside as an exceptions approach but the proposal is not a rural workers dwellings and as such, it does not accord with this element of the policy. Separately H4 allows for replacement dwellings subject to certain criteria but the proposal is for a new build dwelling, so this element is not engaged.

The Wiltshire Core Strategy defines infill development on page 32 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 application site and proposal are considered to broadly conform with this requirement as there is substantive development on at least two sides of the site, and with a clearly defined boundary formed by the stream and planting adjacent the remainder. Certainly, the site is well related to the built form of the village, and it is not considered that the development materially elongates the existing built form nor consolidates sporadic loose knit development.

With regards to criterion i) of CP2 of the WCS, the locality consist of properties that are varied in character, appearance, mass, scale and height and it is considered that in terms of the proposed dwelling's siting, form, scale, building layouts, building line, plot size, position, location, appearance and height, the proposed building would effectively integrate into its setting and as such considered to respect the form of the settlement.

In the context of criterion (ii) and (iii) of CP2 of the WCS, and as identified above, the proposal is not considered to erode the transition from open countryside to built form or further extend the built form of the village into the open countryside. The reason being is that the application site is clearly separated from the open countryside and beyond by trees/shrubs and the watercourse. As such, there is clear distinction between the open countryside and application site. As noted above, there is substantive built development directly adjacent much of the application site forming the context in which it is viewed. Additionally, the proposed development includes substantive planting and site landscaping that mitigate the visual impact of development and assist with integrating the site within the built form, whilst further delineating separation from the adjacent open countryside by augmenting the substantive existing mature vegetation at the site.

As noted, the application site would be located amongst other properties and as part of and well related to existing built form. There is a primary school immediately to the west of the application site, which is currently being expanded and extended, there are multiple residential properties to the south of the application site, and it shares a road with access with

neighbouring dwellings and a development in use for agricultural and equestrian purposes. The proposed development when viewed from public vantage points, is seen in this context.

On this basis, the erection of a dwelling in this location is not considered to result in a development upon land lying outside of the built envelope of the village and for this reason the proposal can reasonably be considered as 'infill development'. It is also material to note that the land proposed for development is not designated as a valued landscape or a protected green space, and it is not considered to contribute significantly to the openness of this part of the village and locality such that the loss of the undeveloped land would be significantly detrimental and should be refused on that basis.

However, it should also be noted that none of the exceptions provisions for new residential development in the open countryside set out in para 80 of the framework are met by the development proposal.

In the event that it was to be considered that the site does not constitute infill development and there is conflict with the strategy of the plan and the principle is not supported, it is also material to note that the Council currently cannot demonstrate an available and deliverable framework compliant supply of land for housing. The available supply is assessed at 4.72 years in the Council's Housing Land Supply Statement published April 2022 and although it is noted the contribution the proposal will make, being a single dwelling, to the supply is limited, the proposal would, however, make a modest contribution to the shortfall. The site is not remote or isolated and as noted above is well related to the built form of the village which does feature services and facilities. The proposed development is for members of the local community and so a local need is addressed. Other recent decisions at appeal in similar circumstances have also allowed development.

On balance, it is considered that the application site does constitute an infill site as defined by the development plan and so it is in accordance with the strategy of the plan as set out in WCS core policies CP1, CP2 & CP19. The proposed development is therefore considered acceptable in principle and subject to assessment and consideration of site-specific impacts and compliance with relevant policies of the plan and provisions of the framework in that regard can be supported. Site specific matters are addressed under issue specific headings below. The overall planning balance assessment is set out in the conclusion below.

#### **Impact on the character, appearance, visual amenity and openness of the countryside**

Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

Comments from the Parish Council, neighbouring properties/interested third parties have been received regarding the potential of the development impacting the locality/open countryside as result of its scale, design, bulk, siting, location and character.

However, as noted above, the proposal would be positioned amongst other properties and well related to the built form of the village, with significant additional site landscaping and planting proposed to mitigate impacts and assist with integration within the locality. Existing properties in the immediate vicinity vary in character and appearance and as such, the locality has no prevailing architectural style or local vernacular. However, it is considered that the proposal would draw upon the context formed by existing properties in terms of materials, scale, building layout, building line, plot size, position and location and would not be so out of character as to result in a discordant feature that generates significant harm.

As noted above, the proposal when viewed from public vantage points would be read in the context of the existing built form and setting and alongside the existing and proposed site landscaping and planting would not be visually prominent. On this basis, a proposal in that location would not be wholly uncharacteristic such that it ought to be refused on this basis.

The proposal is therefore not considered to be significantly harmful to the character, appearance, visual amenity and openness of the locality with regard to the form, scale, density, massing, siting and layout of the proposal is in accordance with Core Policy CP51 (ii, iii, vi), 57 (i) (ii) (iii) of the WCS, para 130 (b & c) & para 174 (b) of the Framework.

#### **Impact upon the residential amenity**

Paragraph 130 of the Framework (Jun 2021) and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

Comments from the neighbouring properties/interested third parties have been received regarding the potential of the development for overlooking and resulting in loss of privacy for existing residents.

However, it is considered that the proposal would not result in harm to these existing properties south of the application site (St Giles Cottage and Lower Winkworth); the development is separated from neighbouring properties by a road/public realm and there is sufficient distance between the properties such that there would be no significant overlooking to habitable rooms or direct intervisibility such that the proposal ought to be refused on this basis. Furthermore, it is noted there is existing mature planting around the application site and further planting is proposed at the site boundary which would help soften views in and out the site and reduce intervisibility when mature.

Similarly given the orientation, position and location of the proposed property, the proposed dwelling would not be subject of being overlooked and there is adequate amenity for future occupants of the proposed dwelling.

Therefore, due to the position, location and orientation, the proposal is in accordance with CP57 (vii) of the WCS, criterion 5 & 7 of Policy H3 of the CNP and para 130 (f) of the NPPF.

#### **Impact on archaeology interest and potential**

The Council's Archaeologist was consulted. Officers raised no objection to the scheme proposal and sought no additional information nor recommended use of conditions.

#### **Impact on Flooding**

Comments received from the Parish Council and interested third parties/neighbouring properties have stated that the locality and application site is subject of significant flooding and that the foul sewers are already over-loaded and the proposed development would only worsen this issue. The Council has some limited records of flooding at this site and other drainage related constraints, whilst there is an existing watercourse directly adjacent.

The Council's Drainage Engineers were consulted with respect to the scheme proposals but raised no objection and did not seek additional information prior to determination or through the use of conditions on the basis that drainage requirements would be adequately and appropriately addressed through determination of Building Regulations compliance. Similarly, the Environmental Agency were consulted with respect to the scheme proposals but raised no objection. Wessex Water were also consulted with respect to the scheme proposals and in the context of surface water drainage their comments are reflective of the Council's Drainage Engineers whom noted that surface water must be disposed of via the SUDs Hierarchy but details of which is also subject to Building Regulations consenting procedures.

With respect to the risk of foul sewer flooding Wessex Water did raise a holding objection on the basis that the site would be at the low point in the locality and there was risk of surcharge, and such matters were not addressed fully in the submitted FRA. However, Wessex Water noted that should the applicant build up ground levels to a point where they can ensure that the private connection to the foul system is higher than the sewage pumping station design levels alongside raising the ground levels and setting the finished floor level and foul manhole cover levels at a higher level than those on the public sewer system then this would ensure that the proposed dwelling would avoid risk of surcharge in a storm event. Wessex Water recommended that the FRA be updated to address these matters and proposals and subject to receipt would be satisfied that the issue could safely be addressed by the use of condition.

The applicant has submitted a revised FRA that responds to the Wessex Water advice in full and has agreed use of the condition recommended by Wessex Water. As such this matter is now considered to be addressed in full and no conflict with the relevant policies of the plan or provisions of the framework arises.

The site is in close proximity to the Lea North sewage pumping station (SPS) site and interested third parties/neighbouring properties have stated that the dwelling would be constructed closer than 15m to the sewage pumping station. However, Wessex Water have been consulted with the respect to the scheme proposal in this context and they noted that the position of the proposed dwelling is at sufficient distance from the SPS. As such, it is considered that the application cannot be refused on this basis.

#### **Impact on Highways safety**

Comments received from interested third parties/neighbouring properties have raised concerns regarding the proposed development further increasing traffic around the application site, particularly as this area is already congested due to school drop-offs and pick-ups.

However, it is noted that two off street parking spaces will be provided as part of the proposed dwelling, and it is not considered that the erection of a single dwelling in this locality will result in significant additional traffic movements and congestion above the existing situation such that the application ought to be refused on this basis. Furthermore, the proposal has been subject of consultation with the Council's Highways Officers, and they have not raised an objection regarding congestion within the locality.

It should also be noted that the approved scheme for the expansion of the school has included substantive measures to address concerns regarding pupil drop off and pick up with a positive impact on existing congestion expected to result.

The Council's Highways Officers did, however, recommend that a condition be attached to the decision in the event that permission is granted. The condition to be inserted will secure necessary visibility splays to the junction of The Street and across the frontage of the site. As such, it is not considered that conflict with the policies of the plan or provisions of the framework or significant harm to highways conditions arises.

#### **Other Matters**

Comments received from interested third parties/neighbouring properties have raised concerns that the proposed dwelling will be rented out to wedding guests who attend Winkworth farm wedding venue. The proposal is for the erection of a dwelling for a family residence for existing members of the local community and can only be considered on that basis.

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

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.

The proposed dwelling on Land at Winkworth Gate in Lea in the context of principle of development, is considered to constitute infill development and whilst it does not meet any of the exceptions criteria, the proposal accords with related policies that support some limited residential development within small villages. The application site is located within the built-up area and well related to the existing built form with built development on two of its site boundaries and a clear and defensible boundary for the remaining part of the site. As such, the proposal is well related to existing properties, and it would appear and be viewed as part of the built form and within that existing setting. The application site is not remote or isolated. As such, the proposal is in accord with the spatial strategy for Wiltshire as defined by policies CP1, CP2 and CP13 of the WCS and the relevant provisions of the framework.

In addition, of material relevance is the fact that the Council is not currently able to demonstrate a NPPF compliant supply of deliverable land for housing and the tilted balance is engaged. Full weight cannot be attributed to the policies of the plan most relevant for determination as a consequence. Although it is noted the contribution the proposal will make to the supply is limited, the proposal would, however, make a modest contribution toward meeting the shortfall and addressing a local need. Other benefits arising from the development include the economic benefits arising from construction and additional spending in the locality plus support for existing services and facilities in the village. As such any conflict with the strategy of the plan that could be considered to arise should the site not be deemed infill is considered to be outweighed by the benefits of development.

Additionally, harm is not identified to the character and appearance of the locality/open countryside in terms of scale, siting, location, position, materials, and design. Furthermore, it will not cause harm to the highway's safety, access and parking. The proposed dwelling will not cause further harm to the amenities enjoyed by the occupants of the adjacent properties through an overbearing or overshadowing impact, and nor would it result in an overlooking impact or as a result, loss of privacy to existing properties within the locality. In addition, the proposal would not impact the trees, drainage and archaeological area of interest and potential in accordance with CP51 (ii, iii, vi), CP57 (i, ii, iii & vii) & CP58 of the WCS and para 110, 111, 130 (b, c & f), 174 (b), 192 & 194 of the NPPF.

Given the principle of the proposal is considered to be acceptable, benefits arising from the construction of the development and no site-specific impact identified, the proposal is therefore in accordance with CP1, CP2 & CP13 of the WCS & paragraphs 7 & 11 of the NPPF.

## **11. RECOMMENDATION:**

### **That Planning Permission be APPROVED with 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: dwg no.969:001 (location plan), dwg no.969:P:01 (proposed site plan),



dwg no.969:P:02 & dwg no.969:P:03 (proposed ground/first floor plan), dwg no.969:P:04 & dwg no.969:P:05 (proposed elevations) [Received by the LPA on the 16<sup>th</sup> of November 2021]

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

3. No development above ground floor slab level shall commence on site until details and samples of the materials to be used for the external walls and roofs of the new dwellings 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 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 visual amenity and the character and appearance of the area.

4. 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:-
  - " all hard and soft surfacing materials;
  - " 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;

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. 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.

6. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - h) the parking of vehicles of site operatives and visitors;
  - i) loading and unloading of plant and materials;
  - j) storage of plant and materials used in constructing the development;
  - k) wheel washing facilities;
  - l) measures to control the emission of dust and dirt during construction;
  - m) measures for the protection of the natural environment; and
  - n) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

8. No development shall commence on site until full details of the scheme for the discharge of foul water from the site, including the finished floor levels, foul manhole cover levels and invert levels set at a level to avoid the risk of foul sewer flooding and mitigate restricted toilet use and including details of connections to the foul drainage infrastructure network in accordance with the approved drainage strategy (CTP-21-0414 C001 REV D) and FRA (CTP-21-0414-FRA REV 05, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure the risk of foul sewer flooding has been mitigated and that the development can be adequately drained

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

11. 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.

12. 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.

13. 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.

14. 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.

15. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

**Appendix Two: Rappor's company's brochure**

# rappor

Infrastructure and environmental consultants



## Welcome to Rappor

So here we are. Eight years on from our beginnings as Cotswold Strategic Planning, we are now Rappor - a multi-disciplinary infrastructure and environmental consultancy. A practice committed to sustainable development solutions that serve our clients' commercial needs but also the best interests of local authorities, communities and the world at large.

Our success and growth is an outcome of our commitment to our position, a desire to shape our industry by being inventive, progressive, responsive and environmentally aware.

But there is something more. Something that matters deeply to me, to every member of the Rappor team and to clients too, because it feeds directly into our approach.

It is the personal touch, or more precisely the personal touch, which has got us to where we are today - creating a culture where our people's professional development and wellbeing come before any other indicator of our success.

Personally, that culture has become our hallmark and it shapes who we are, how we act, what we do and how we do it. We hope you enjoy learning a little more about how we might be of service to you.

**Adam Padmore**  
Managing Director







## People. Partnership

### The heart of our new company

Rappo is so much more than our name. It describes, we believe, our defining difference as a consultancy firm.

The dictionary definition of the word 'rapport' is this: a close and harmonious relationship in which people understand each other's ideas and feelings and communicate well. That's us in a nutshell.

Whatever your project, the practical support we build guarantees better outcomes from enjoyable working relationships that are formed from easy collaboration, supported by technical expertise, advice and clear reporting.

The four pillars below form the cornerstones of Rappo and we think tell you all you need to know about what you can expect from us and what we expect from ourselves.

#### Ambition

##### Adventurous, brave

We want to lead, not follow. We embrace change, grow, innovate and drive forward. What we do inspire, we embrace change and embrace innovation.

#### Attraction

##### Best people, best clients

We set out to engage to the very best in our field. Attracting and caring for great people is a unique cornerstone that distinguishes us in the industry and attracts international clients.

#### Attitude

##### Straightforward, friendly

We have things people can do the right thing when when needed. We are honest, we are open and we are positive. We are bold into who we are, making us the most inclusive workplace.

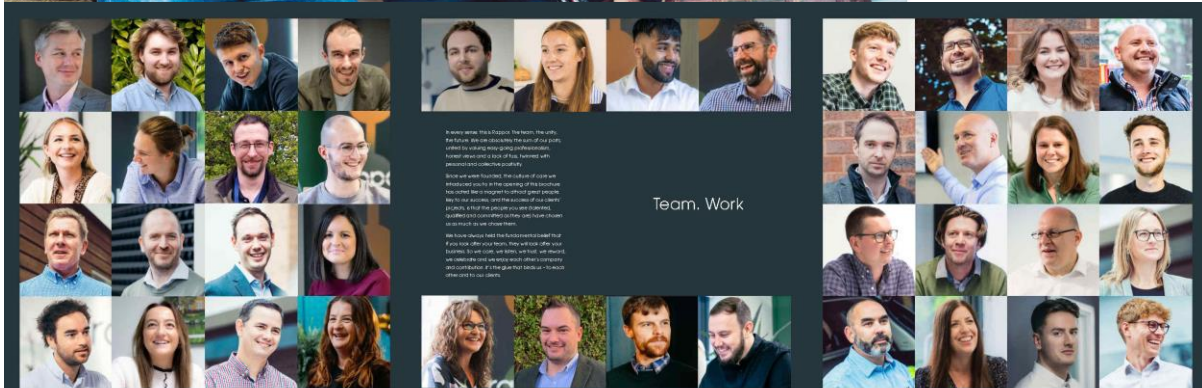
#### Aspiration

##### Technical, wise

We are experts, but we wear our knowledge lightly. The products and services we deliver are industry leading. Even competitors give us work because they know we'll do it better.

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## Team. Work

It's not just this Rappo team. The team, the only one that can deliver the best of our people, refers to every working professional, from client and to the other, across all disciplines and all projects.

Since we were founded, the culture of our work has been one of the best of the industry. We've built a reputation for our people, who are the best, and the culture of our clients, which is the best. We've built a reputation for our people, who are the best, and the culture of our clients, which is the best.

We have always had the best people in the industry. If you're looking for the best, you'll find it here. We have always had the best people in the industry. If you're looking for the best, you'll find it here.



From a singular task or a fully co-ordinated package of services, we have expertise to lend to any project in any sector

### Water and environmental management

Drawn from industry and regulatory backgrounds, our team's expertise can add insight and professionalism to the management of flood risk, air quality and broader impacts of any development project, in any sector.

### Transport planning

Our focus is very much on sustainable transport and actively managing travel demand and balancing a client's best interests alongside those of the project's community, local authorities, the environment and the wider world.

### Infrastructure/ Civil engineering

From sustainable drainage solutions and infrastructure to complex highway design, through planning applications to technical approvals and on-site supervision, our technical knowledge and experience deliver where it matters most - on site and in the ground.

### Landscape planning and design

We are specialists in all aspects of landscape architecture, seeking to create a harmonious balance - in our assessment and design work - between the environment, progressive development and a sustainable future.

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## Transport planning

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From land acquisition and promotion to planning applications and sustainable travel planning, we are specialists in all aspects of transport planning. Our expertise and experience – gained by working throughout the UK with both public and private sector partners – is enhanced through real collaboration, rock-solid technical proficiency and our being culture regulators with local planning and highway authorities.

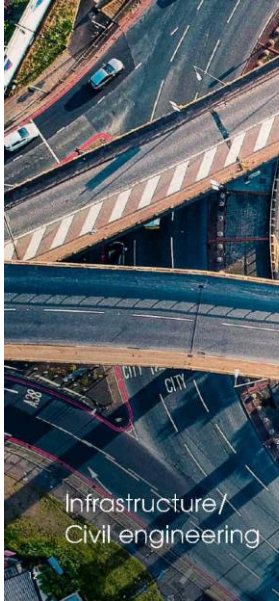
It's an approach that makes the difference between simply contributing to the process and genuinely helping to take it forward.



### Transport planning services

- Transport Assessments and Transport Statements to support planning applications and local plan representations
- Travel Plans and Travel Plan Coordination, including implementation and monitoring
- Construction Traffic Management Plans (CTMPS)
- A multi-disciplinary approach to supporting the development of masterplans, including streetscape and traffic management
- Planning appeals (production of evidence to expert witness services)
- Road Safety Audits, stages 1-4

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## Infrastructure/ Civil engineering



In a field as broad as infrastructure and civil engineering, our multi-disciplinary resources and expertise really do deliver on the ground.

We have a strong engineering capability to support schemes from pre-planning through to design and construction. And we can collaborate across drainage and infrastructure, highway design and road safety audits with equal authority and in all areas of development.



### Infrastructure/Civil engineering services

- Feasibility assessments and constraints plans
- Drainage strategies and technical notes
- Sustainable drainage design (SuDS)
- Drainage section agreements (3104 & 3169)
- Highway section agreements (338 and 6278)



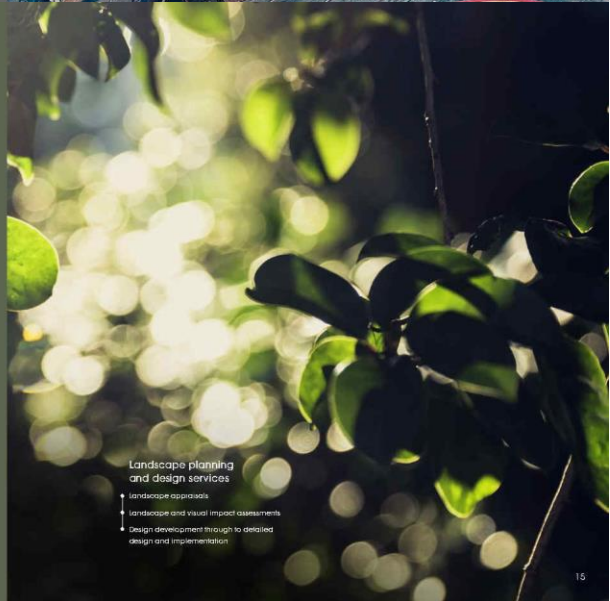
## Landscape planning and design

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Our approach to landscape design is an holistic one, ensuring that the natural environment is enhanced alongside the built one, and in harmony with our commitment to sustainable development. The aim is always to create spaces that are engaging, that bring benefits to the wider community, that promote biodiversity and that contribute to a sustainable future.

From site appraisals, a broad range of assessment services, design development, landscape management plans and overseeing work on site, we put the scope into landscape.



### Landscape planning and design services

- Landscape appraisals
- Landscape and visual impact assessments
- Design development through to detailed design and implementation

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## Client partnerships

We worked to give you just a snapshot of the clients we work with - some local, some national, some new, some old, some long term. But each adding their trust in to consult, their report approval and generally fight fires comes to deliver evidenced projects and achieve successful outcomes.



## Many projects One standard

### Case studies

- 1 School and Salfi Farm Expansion, Risings Cleve
- 2 New Office Building, Astor West
- 3 The Quadrangle Mixed-use Scheme, Cheltenham
- 4 New Big Yellow Storage, Gloucestershire
- 5 Redevelopment of Old Bristol Royal Infirmary to Student Accommodation
- 6 New OFE Secondary School, Cheltenham
- 7 New Primary Care Hubs, Gloucestershire
- 8 New Mosque and Islamic School, Birmingham
- 9 Old Dwellings in Heathwest, Norfolk
- 10 Wickes and Travis Perkins Led Trade Park, Sharnbrook





Please do get in touch

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 Cirencester, Gloucestershire GL7 1UF



# rappor

Whether you use one of our services or a suite of them,  
our commitment won't change. We'll help the project flow,  
keep you in the loop and bring our expertise to bear.  
It's about rigour and vigour.