

<b>Date of Meeting</b>	22 <sup>nd</sup> February 2024
<b>Application Number</b>	PL/2023/01684
<b>Site Address</b>	Hedgerows, Bytham Road, Ogbourne St George, SN8 1TD
<b>Proposal</b>	Proposed Erection of 6 No Dwellings (Class C3) and associated works
<b>Applicant</b>	Mr & Miss Convey
<b>Town/Parish Council</b>	OGBOURNE ST. GEORGE CP
<b>Electoral Division</b>	Aldbourn & Ramsbury
<b>Grid Ref</b>	53.6309, -5.415842
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Meredith Baker

### Reason for the application being considered by Committee

This application has been brought before the Committee at the request of Councillor Sheppard should the application be recommended for refusal, on the basis that “the development proposed has support from the local Parish Council and will enhance the entrance to the village, sitting opposite an existing farm yard it could be described as infill.”

#### 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 consideration, and to consider the recommendation that the application be refused planning permission.

#### 2. Report Summary

The proposed development would result in the erection of six dwellings outside the defined Limits of Development which is in conflict with the Settlement Strategy for Wiltshire as set out in Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy. The harm of the proposed development would significantly and demonstrably outweigh its benefits when assessed against the Development Plan and the National Planning Policy Framework (NPPF).

By reason of the distance to the majority of local services, facilities and amenities for day-to-day living, the proposal would result in a heavy reliance on use of the private motor transport for the majority of day-to-day activities, in conflict with the principles of sustainable development and the aims of reducing the need to travel, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and the NPPF.

Core Policy 43 of the Wiltshire Core Strategy (as amended following the NPPF revisions) sets out a requirement for 40% on-site affordable housing provision within the 40% Affordable Housing Zone, on sites of 5 to 9 dwellings if the area of the site is 0.5 hectares or greater. The application is for six dwellings and is over 0.5 hectares and therefore affordable housing requirements apply whereby two affordable units are expected to be provided. The proposed development does not seek any affordable housing provision and would be for six open market dwellings. As such the proposal would not address the need for affordable housing and would

therefore be contrary to Core Policy 43 of the Wiltshire Core Strategy and guidance contained within the NPPF.

It is also deemed that, by reason of its siting, design, height and layout of the dwellings and residential plots, together with the associated residential paraphernalia within the open countryside, the proposal would be harmful to the visual amenities of the area and to landscape character. The proposal would result in the elongating of the existing built form beyond the existing built-up area of Ogbourne St George into the open countryside and valuable transition area so would not enhance the character or appearance of the area. The proposal would also not enhance or conserve the special rural characteristics or scenic beauty of the North Wessex Downs National Landscape and is therefore contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and guidance contained within the NPPF.

The applicant has also failed to provide sufficient information to determine the likely ecological impact of the proposal and, consequently, the application is not considered to be environmentally sustainable. The proposed development therefore does not comply with Core Policy 50 of the Wiltshire Core Strategy, or advice contained within the NPPF.

In terms of the impact upon neighbour amenity, it is considered that there would be overlooking from the eastern elevation window of Unit 6 (serving 'bedroom 1') towards the private amenity area of Unit 5 – this is not considered to be high-quality design and would provide an unacceptable degree of overlooking to the future occupiers of Unit 5 and therefore a loss of privacy. The proposal would therefore result in an unacceptable impact on neighbour amenity impacts that would be contrary to Core Policy 57 of the WCS and guidance contained within the NPPF.

The proposal also seeks permanently closed windows on the development with trickle vents to provide ventilation to each habitable room, one vent for each window system. The submitted acoustic report concludes that acceptable internal noise levels may be achieved by using the construction and glazing specified within the report. This is due to the proximity of the development against the A346. Wiltshire Council has guidance that closed windows to mitigate transport noise will only be considered if all other reasonable measures in the hierarchy have been utilised and only for an absolute minimum of rooms. Insufficient information has been submitted to justify the mitigation approach such as considering other measures and thus it is considered that the proposed closed windows is not an acceptable mitigation measure for the future occupants. Furthermore, insufficient information has been provided that the closed windows and trickle vents proposed would not result in unacceptable risk of overheating and would be within the acceptable levels. The design of closed windows with vents would therefore not represent a good standard of residential living and the proposed development does not comply with Core Policy 57 of the Wiltshire Core Strategy, or advice contained within the NPPF and the 'Planning Consultation Guidance Notes' namely Section 5 – Good Acoustic Design.

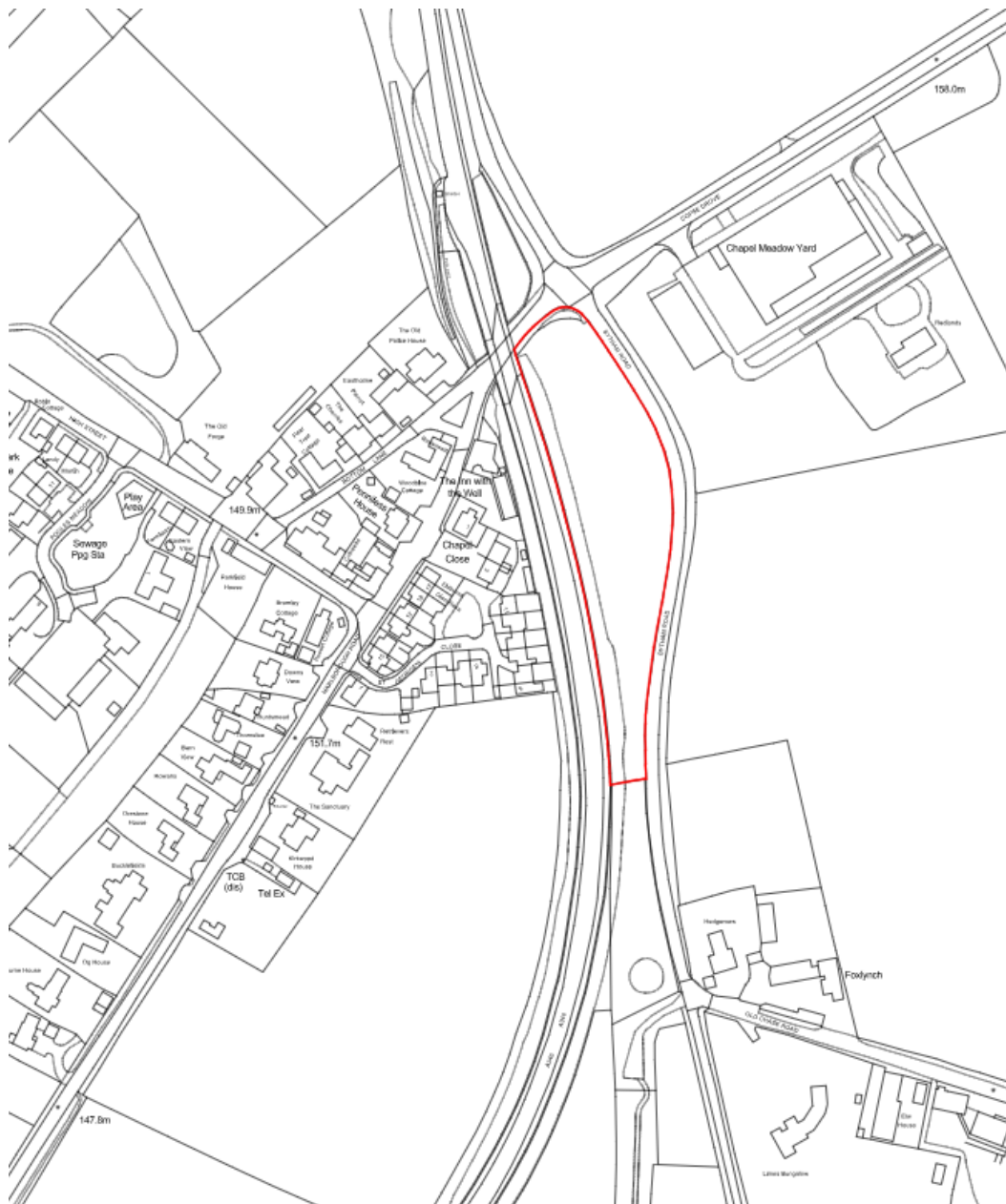
The applicant has also failed to provide sufficient information to determine the likely impact of the proposed development upon the archaeological potential of the site. The absence of a trial trench evaluation of the site which straddles the projected route of the former Roman Road between Cunetio (Midenhall) and Durocornovium (Swindon) has resulted in the Local Planning Authority not being able to make an assessment of the likely impacts upon archaeology. The proposed development therefore does not comply with Core Policy 58 of the Wiltshire Core Strategy, or advice contained within the NPPF.

Finally, the proposal does not provide and secure adequate provision, through a section 106 legal agreement, for the required affordable housing provision on-site to make the application acceptable in planning terms. The application is therefore contrary to Core Policy 43 of the Wiltshire Core Strategy, as well as guidance within the National Planning Policy Framework.

### 3. Site Description

The application site comprises a parcel of land of approximately 0.78ha which is agricultural in status and is situated to the east of the built-up settlement of Ogbourne St George. The site is bounded by public highways to the east, west and north and to the west is the A346 which is set at a higher level than the application site. The application site is also set higher than the adjacent highway to the north and east, though is set at a lower level than the adjacent A346.

The land is unused in nature with vegetation and trees within it. The site is washed over by the North Wessex Downs National Landscape. Below is an extract from the submitted Location Plan that shows the context of the site.



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

PL/2022/06848 - Permission in principle for residential development of a minimum of 3 and maximum of 5 dwellings (resubmission of PL/2022/03347) - Withdrawn

PL/2022/03347 - Permission in Principle for residential development of a minimum of 4 and maximum of 8 no. dwellings. - Withdrawn

13/04981/FUL - Erection of a village shop with ancillary office and residential accommodation, on-site parking, turning and landscaping, the creation of a new vehicular access point and extension to existing footway – Withdrawn

K/52080/O – Erection of detached dwelling (outline permission) – Refused 25.05.2005

This application was refused for the following reasons:

1. The proposed dwelling located remote from services and many employment opportunities would be unsustainable in that it would increase the need to travel, especially by car. The proposal is therefore contrary to policies PD1 and HC26 of the Kennet Local Plan, to policy DP1 of the Wiltshire Structure Plan and to the key government planning policy guidance objective of the need to deliver sustainable development.
2. To allow an isolated dwelling beyond the built up area of Ogbourne St George would completely undermine the Council's strategy for the control of residential development in the open countryside. No agricultural or forestry justification for the proposal has been advanced; neither is the proposal essential to the rural economy or to the social well-being of the rural community in the locality. Hence the proposal is very clearly contrary to policies HC26 and NR6 of the Kennet Local Plan, to policy DP15 of the Wiltshire Structure Plan and to government advice contained in Planning Policy Statement 7 'Sustainable Development in Rural Areas'.
3. The proposed dwelling, by virtue of its elevated and isolated location, would be harmful to the scenic quality of this part of the North Wessex Downs Area of Outstanding Natural Beauty, particularly when viewed from the A346 and from the C189 Aldbourne Road. The proposal is therefore contrary to policies NR8 and PD1 of the Kennet Local Plan, to policy C8 of the Wiltshire Structure Plan and to advice contained within the Kennet Landscape Conservation Strategy, which has been adopted by the local planning authority as Supplementary Planning Guidance to the Kennet Local Plan.

K/10705 – Tipping of Chalk and Top Soil – Granted 24.09.1987

#### **4. The Proposal**

The application seeks planning permission for the erection of six two-storey dwellings, together with associated development including single storey garages, hardstanding and a new vehicular access point.

Six dwellings are proposed as follows:

- Plots 1 and 2 – semi-detached dwellings to the north of the site. These are two storey in nature and would comprise of red facing brickwork at ground floor and on the west



and south first floor level, and natural flint to the first floor level on the north and east elevation. The dwellings would be three bedroomed.

- Plots 3 and 4 – semi-detached dwellings to the eastern side of the site. These are two storey in nature and would comprise red facing brickwork at ground floor level and timber boarding at first floor level. One inset dormer window is proposed on the ‘front’ elevation. These dwellings would be two bedroomed.
- Plot 5 – a detached dwelling to the south of the site. This dwelling is two-storey and would comprise of red facing brickwork at ground floor level and timber boarded at first floor level. The dwelling would be four bedroomed.
- Plot 6 – a detached dwelling to the south of the site. This dwelling is two-storey and would comprise of red facing brickwork at ground floor level and timber boarded at first floor level. The dwelling would be four bedroomed.

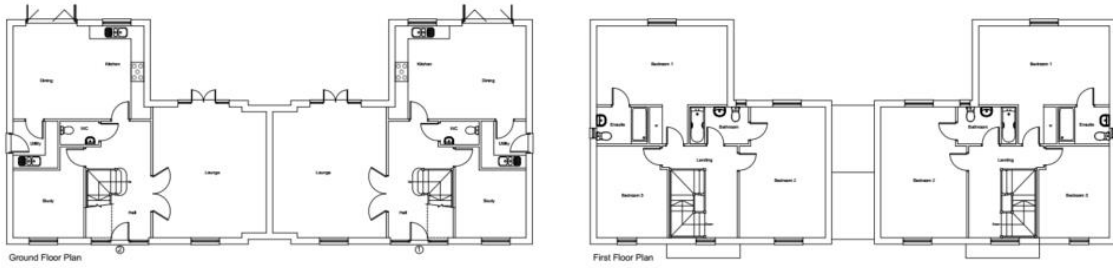
In relation to the garages, it is proposed that two four bay car port structures would be sited on the western side of the site and a single double car port would be sited to the eastern side of the plot in context to ‘Plot 2’.

Furthermore, a new highway access is proposed to the east of the plot onto Bytham Road and a balancing pond is to be formed to the south of the site and the proposed dwellings. One timer cycle store/shed is proposed in the garden of Plot 3.

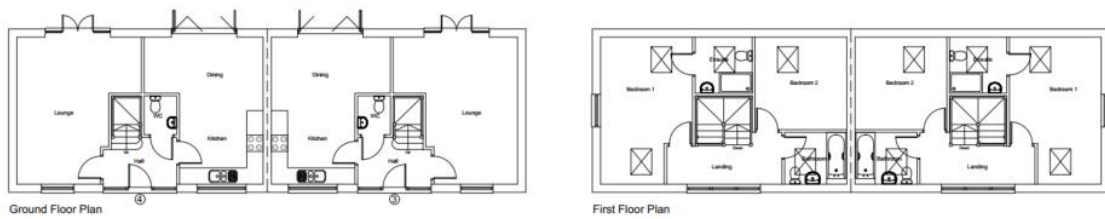
*Proposed scheme:*



Proposed Site Plan



Plots 1 and 2



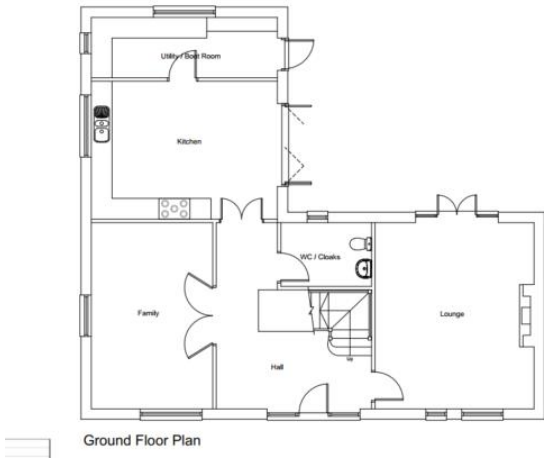
Plots 3 and 4



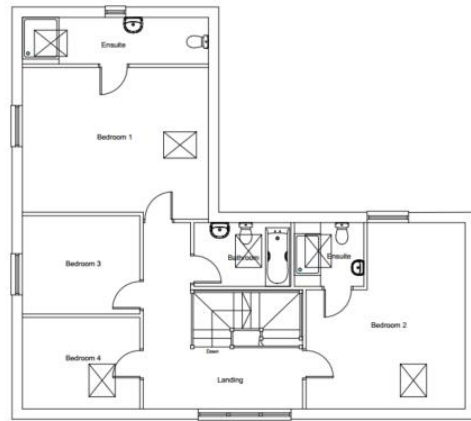
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

All drawings are in millimetres

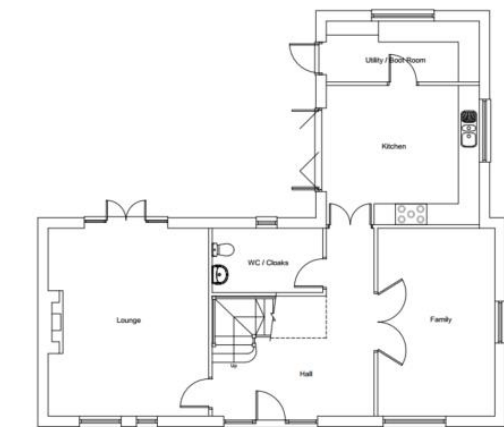
Plot 5



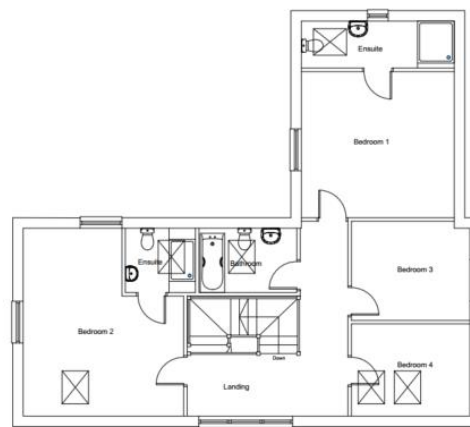
Rear Elevation



Side Elevation

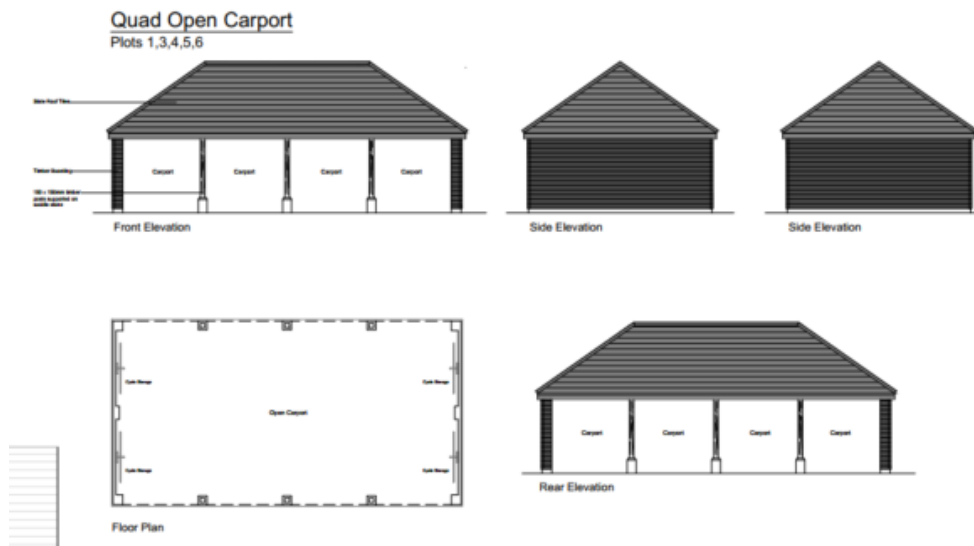
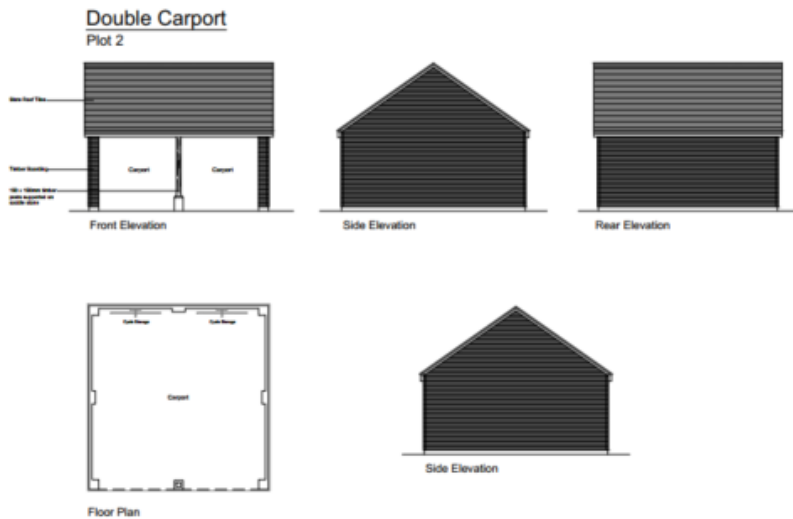


Ground Floor Plan



First Floor Plan

Plot 6



Car Ports

## Planning Policy

### National Planning Policy Framework (NPPF)

Section 2 (Achieving sustainable development)

Section 4 (Decision-making)

Section 5 (Delivering a sufficient supply of homes)

Section 7 (Ensuring healthy and safe communities)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed places)

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

Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)

National Design Guidance



### Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy  
Core Policy 2: Delivery Strategy  
Core Policy 14: Marlborough Community Area  
Core Policy 41: Sustainable Construction and Low Carbon Energy  
Core Policy 43: Providing Affordable Home  
Core Policy 44: Rural Exceptions Sites  
Core Policy 45: Meeting Wiltshire's Housing Needs  
Core Policy 48: Supporting Rural Life  
Core Policy 50: Biodiversity and Geodiversity  
Core Policy 51: Landscape  
Core Policy 56: Contaminated Land  
Core Policy 57: Ensuring High-Quality Design and Place-Shaping  
Core Policy 60: Sustainable Transport  
Core Policy 62: Development Impacts on the Transport Network  
Core Policy 64: Demand Management

### Other Documents and Guidance

Waste Storage and Collection: Guidance for Developers  
Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)  
Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)  
North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024  
Wiltshire Character Assessment  
Planning Consultation Guidance Notes

## **5. Consultation responses**

Ogbourne St George Parish Council: "Support in principle"

Ecology Officer: Additional documents required.

Highway Officer: No objection subject to conditions.

Archaeology Officer: Request for trial trench evaluation of the site.

Public Protection Officer: Object with regard to noise matters.

Housing Team: Affordable housing provision (2 dwellings) required.

CPRE: Objection noting the proposal does not accord with Core Policies 1 and 2 of the WCS and is not 'infill' development. No archaeological evaluation has also been submitted.

North Wiltshire Swifts: Welcome the recognition in the Preliminary Ecological Appraisal for the need to provide nesting provision for swifts and the site plan makes the location of 6 integrated swift bricks.

## **6. Publicity**

The application has been advertised by letter to local residents. No third-party representations have been received.

## 7. 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.

### Principle of Development

- Wiltshire Core Strategy (WCS)

Core Policy 1 'Settlement Strategy' of the WCS outlines a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 2 'Delivery Strategy' of the WCS outlines there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances (in circumstances as permitted by other policies within this plan, identified in paragraph 4.25).

The site lies to the east of the built-up area of the settlement of Ogbourne St George. Ogbourne St George is defined as a 'small village' within the Marlborough Community Area as set out within Core Policy 14 of the WCS. Core Policy 1 identifies that small villages 'have a low level of services and facilities, and few employment opportunities'. Core Policy 2 thus limits development at small villages to infill development within the existing building area (or development supported by the 'exception policies' listed at para. 4.25 of the Strategy, none of which are relevant in this case).

Infill development is defined at para. 434 of the Core Strategy 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. In this regard it is not considered that the application site forms part of the small village, nor is it infill development. The existing building area of the settlement is considered to lie to the west of the A346. The settlement is of a linear form which mainly follows High Street and Marlborough Road up to the underpass of the A346. It is acknowledged that there are buildings to the east of the A346 however is sporadic in nature and does not form part of the 'built-up' area which forms the settlement.

It is acknowledged that the Local Councillor has stated that the site could be considered infill due to the siting of the adjacent farm 'Chapel Meadow Yard' to the east. In this regard, the application site is not considered infill in terms of Core Policy 2. The site does not lie within the 'existing building area', and as above, infill development is the filling of a small gap within the village that is only large enough for not more than a few dwellings. In this regard six dwellings are not considered a 'few dwellings' and it is a significant portion of land to the edge of the settlement. The proposal is not considered infill development within the existing building area and thus does not accord with Core Policy 2 of the WCS and for the purposes of assessing the planning merits of the proposal, the site falls within the 'open countryside'.

Core Policy 2 states that development outside of any defined limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. Development proposals which do not accord to Core Policy 2 are deemed unsustainable and as such will only be permitted in exceptional circumstances under the exception policies of the WCS. In this instance, the proposal would not fall within any of the exception policies as it is not a rural exception site nor a conversion or re-use of a rural building. As such, the proposed development is considered unsustainable in location and is contrary to the housing policies of the Core Strategy.

## Affordable Housing

Core Policy 43 of the WCS (as amended following the NPPF revisions) sets out a requirement for 40% on-site Affordable Housing provision within the 40% Affordable Housing Zone, on sites of 5 to 9 dwellings if the area of the site is 0.5 hectares or greater. The application is for six dwellings and is over 0.5 hectares and therefore the affordable housing requirements apply whereby two affordable units are expected.

During the application process, it has been confirmed by the agent that the applicant is willing to provide 2 x 2 bedroomed affordable housing units on this site. This is acceptable as it would meet the requirements of Housing Officer who outlined that it is expected that the 2 x 2 bedroomed (4 person houses) was set out for affordable housing. It has not been outlined by the tenure mix, however it has been taken that they are in agreement with the Housing Team comments that “normally we would ask for a tenure mix of 60% of the units being for Affordable Rented housing, and 40% of the units being provided for shared ownership. However, in this instance we would ask for all the Affordable units to be provided as Affordable Rented Housing.”

Although the provision of two affordable housing units has been agreed with the applicant, the proposal does not provide and secure this provision through a section 106 legal agreement. In the absence of a legal agreement to secure this provision, the application is therefore contrary to Core Policy 43 of the Wiltshire Core Strategy, as well as guidance within the National Planning Policy Framework

## Design and Visual Impact

Core Policy 57 requires a ‘high standard of design’ for all new developments and to draw on the local context and be complementary to the locality. Core Policy 51 requires that development should protect, conserve and where possible enhance the landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The application site is located within a rural location and is washed over by the North Wessex Downs National Landscape, within which there is a duty to have regard to the purposes of conserving and enhancing natural beauty.

The proposed development would comprise six dwellings with associated large garage structures located outside the current built up area of Ogbourne St George. The current arrangement of Ogbourne St George is mainly linear in form and is to the west of the A346 which forms a clear visual break between the settlement and the open countryside to the east. Although there are buildings to the eastern side of the A346 they are generally sporadic in nature commensurate to the rural character whereby in particular the spaces around the buildings contribute to its rural character.

The proposed development would involve the provision of a suburban style development outside the existing built form of the settlement and would adversely spread and elongate the settlement into the rural countryside and the North Wessex Downs Area National Landscape. This urban extension to the east of the A346 into an attractive transition area to the rural countryside is harmful to the character and appearance of the landscape area and would not preserve or enhance the National Landscape. As previously mentioned, this site should not be considered as ‘infill development’ and in any case the space around the farm complex to the east forms part of the character of the rural area whereby the agricultural complexes are surrounded by agricultural land.

When coming west to Ogbourne St George from Copse Drove, the application site would form the new frontage to the settlement and would not visually relate to the existing settlement as the existing dwellings are not visible until passing the application (with the views from through the underpass). There is no appropriate visual tie of the development to the existing settlement from the visual receptors from the east of the A436 whereby this urban development would be seen in isolation from the village, in a countryside setting. From the A436 itself, the development would be seen in isolation from any other settlement when looking east and would bring urban development into the special rural landscape where there is a duty to conserve and preserve the natural beauty. External lighting associated with residential development would also result in harm to the dark skies and appearance of the National Landscape, given it is not viewed in context to Ogbourne St George from visual receptors, including the A346 and views from the east. There would be a material loss of tranquillity as a result of the development. Furthermore, insufficient landscaping is proposed around the built form to mitigate any impacts of the development.

It must be acknowledged that the application site is raised in nature whereby the site currently has banks to the boundaries bordering the northern and eastern highways. The banks, as demonstrated on the 'street scenes & site sections', are to remain and thus the development would be higher than the adjacent public highway and thus would be unduly prominent in the area and would draw additional attention in the rural landscape. The ground level of the site would be higher than the buildings within the settlement itself, so when entering and exiting the village, the proposed development would not be in-keeping with the character of the settlement and would not respect, preserve, or enhance the character of the rural area and the rural settlement itself. Due to this level difference, as viewed from the A346 itself the proposed development would be adversely prominent in comparison to the existing settlement of Ogbourne St George. The roof forms, in particular those of the two storey Unit 1 and 6, would be prominent in views from this A-road and would interrupt views across the open landscape and the National Landscape so would be harmful to its character and appearance. It should be noted that no Landscape and Visual Impact Assessment (LVIA) has been submitted to support the application, acknowledge the impact of the development from visual receptors within the National Landscape and to appropriately consider mitigation measures that would be drawn from this assessment.

In relation to the design and layout of the site itself, the arrangement is suburban in form with a rear garage forecourt of the area which is not an in-keeping form of development in the rural countryside, including the prevailing pattern of development of the settlement of Ogbourne St George. The density of the site is not considered appropriate to this rural transition area and would result in an adverse urban form of development, which is inappropriately sited in this valuable and attractive transition area into the countryside.

With regard to the design of the built form, it is deemed that the dwellings are suburban in nature and do not currently reflect the character of the area. The dwellings would be mixed - some dwellings would have brick and flint walls whilst others would comprise brick and timber boarding walls. The designs would contribute to the suburban appearance of the site, albeit it is noted that the dwellings with the timber boarding could be considered to try and replicate a more agricultural conversion style building. Units 1 and 2 are not symmetrical although are adjoined with draws unnecessary attention to the buildings along the frontage. This is also the same for Units 2 and 3 whereby also semi-detached are not symmetrical which draws the eye to the build further. The designs of the dwellings is not considered to be high quality in nature drawing from the local context, nor is it complementary to the locality (Core Policy 57).

The provision of six dwellings in this location, by reason of their siting, design, height and layout, together with their residential curtilages and associated residential paraphernalia within the open countryside, would be harmful to the visual amenities of the area and to landscape character. The proposal would result in the elongating of the existing built form beyond the

existing built-up area of Ogbourne St George into the open countryside and would not enhance the character or appearance of the area. The proposal would furthermore not enhance or conserve the special rural characteristics or scenic beauty of the North Wessex Downs National Landscape, whereby it is considered that this site does contribute positively to the rural character and appearance of the landscape and forms a valuable transition area into the open countryside. Therefore, the proposal is deemed contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and guidance contained within the NPPF.

### Residential Amenity and Noise Pollution

Core Policy 57 criterion vii) outlines that there needs to have regard to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants.

- Amenity of future occupants

The proposed internal layout the proposed dwellings would allow adequate light to allow habitable rooms and the amount of amenity space would be sufficient for the enjoyment of the future occupants.

Attention is however afforded towards noise pollution. The application site is in close proximity to the A346 which runs to the immediate west of the development. As part of this submission an Acoustic Consultancy Report which undertook a noise survey. The conclusion of this report was that “with the construction and glazing specified within this report, internal ambient noise levels can achieve the BS8233 design criteria.”

The Council's Public Protection Officer has reviewed this report and has referred to the Good Acoustic Design guidance by Wiltshire Council. For developments that are proposed close to noise sources the guidance states that 'ECP will not accept a strategy that relies on the occupier of the noise sensitive premises having to close the window during noisy activities other than for noise without character such as transportation noise. Closed windows to mitigate transport noise will only be considered if all other reasonable measures in the hierarchy have been utilised and only for an absolute minimum of rooms. Designs that result in whole dwellings needing windows closed to mitigate transport noise will not be accepted'.

In this regard, the noise report infers that no habitable rooms would be able to comfortably have windows open and all windows would be closed with trickle vents. It is not accepted that closed windows are an appropriate form of mitigation of noise and would not be considered high quality design. Closed windows to mitigate transport noise will only be considered if all other reasonable measures in the hierarchy have been utilised and only for an absolute minimum of rooms. Insufficient information has been submitted to justify the mitigation approach such as considering other measures and thus it is considered that the proposed closed windows is not an acceptable mitigation measure for the future occupants from the road traffic noise. The design of closed windows with vents would not represent a good standard of residential living.

Furthermore, insufficient information has been provided to demonstrate that the closed windows and trickle vents proposed would not result in unacceptable risk of overheating (such as through submitting an early stage overheating risk tool) and would be within the acceptable levels. The proposed development therefore does not comply with Core Policy 57 of the Wiltshire Core Strategy, or advice contained within the NPPF and the 'Planning Consultation Guidance Notes' namely Section 5 – Good Acoustic Design.



- Residential Amenity

The proposed development is not considered to give rise to any unacceptable impacts upon neighbouring amenities. The nearest existing residential properties lie to the west over the adjacent A-road and thus there would be no adverse impacts towards these buildings in terms of overbearing effect, loss of outlook, overshadowing or loss of privacy. To the east of the application site lies a farmyard, which is also considered not to be adversely impacted due to the distance between the buildings and the intervening highway of Bytham Road.

In considering the impacts of the new properties on each another, dwellings 1 and 2 are appropriately laid out that would ensure there would be no adverse impact on residential amenity. There are no first-floor windows on the elevations facing another (on the gable) and the two storey gables are acceptably sited away from the shared boundary to not give rise to any unacceptable overbearing effect. It is acknowledged that there would be some direct views from Unit 2 to the dwellings to the south, namely Unit 3, however given the intervening distance of circa 22m to the boundary of Unit 3 and noting there is an intervening garage in some views, there would not be any significant overlooking or loss of privacy.

In relation to Units 3 and 4, these dwellings would not give rise to any unacceptable impacts towards another due to the semi-detached design and siting. These dwellings are also sited acceptably away from Units 2 and 5 to not give rise to any amenity concerns.

Lastly, consideration has been afforded towards Units 5 and 6 which are the southern dwellings within the built-up complex. The dwellings are acceptably sited to not give rise to an unacceptable overbearing effect or loss of outlook. Unit 5 would have a first-floor window to the northern (front) elevation which would have direct views into the private amenity area of the proposed Unit 4 (whereby there is circa 6.7m between this window and the boundary of the garden for Unit 4). This window has potential to give rise to unacceptable overlooking and loss of privacy. Although there is potential for harmful overlooking from the first-floor window, the use of the room which serves the window is a landing area and is not a habitable room. A landing area is considered an area of travelling and not social congregation and therefore it is considered, on balance, that there would not be such a degree of overlooking or loss of privacy as to justify a refusal reason on this basis. There would be a perception of overlooking, however, this would be known at the stage any future occupants purchase the properties. The roof lights on the front elevation, given the siting on the roof slope, are also not considered to give rise to an unacceptable loss of privacy.

Unit 6 would however give rise to an unacceptable loss of privacy to the future neighbouring occupants of Unit 5. As demonstrated on the site plan and the floor plans for the dwelling, an inset dormer window would be present on the rear two storey gable element and would face eastwards. This inset dormer window would be circa 9.5m from the shared boundary and would have a direct outlook onto the private amenity space of Unit 5. This dormer window is furthermore the sole window for 'Bedroom 1' and therefore it is not considered that any conditions could be imposed, such as obscure glazing it, to prevent harmful overlooking or loss of privacy. Given the arrangement, design and the intervening distance of less than 10m between the window and the shared boundary, it is considered that this arrangement would result in an unacceptable degree of overlooking and loss of privacy between Units 5 and 6, which is contrary to Core Policy 57 of the WCS and forms a reason for refusal.

It is further noted that there is a bedroom window on the eastern elevation of Unit 6 which serves 'bedroom 2'. In this regard the window would face the blank wall of Unit 5 and only very oblique views would be formed to the private amenity area. As such, the outlook from this window, whilst undesirable, would not form part of the refusal reason. It is also acknowledged that this window is a secondary window for 'bedroom 2' and thus in the event it was considered

to give rise to harmful overlooking could have been conditioned to be obscure glazed to mitigate the concern.

It is therefore considered that given the direct overlooking from the eastern elevation window on Unit 6 (serving 'bedroom 1') towards the private amenity area of Unit 5, the proposal would result in unacceptable neighbouring amenity impacts that would be contrary to Core Policy 57 of the WCS and guidance contained within the NPPF.

### Contaminated Land

The Council's Public Protection Officer has reviewed the submission and noting that the Historic Use mapping layer indicated that a former railway with a medium risk of contamination is approximately 20 metres to the west of the proposed site and possibly adjoining it on the most southerly edge. It does not follow the course of the A346 entirely, diverting off in places including close to/adjoining the proposed site.

In this respect given the proximity of the former railway, the Public Protection recommended a condition regarding contamination. If the application was recommended for approval a condition would be imposed in this regard and thus there is no objection in terms of contaminated land.

### Highways

- Locational sustainability

Core Policy 60 and 61 aim to direct development to accessible locations where it is 'located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives'.

Core Policies 1 and 2 of the Core Strategy identifies areas of where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. This approach is to provide the sustainable development, in particular due to the intention to reduce the need to travel (an approach agreed by Planning Inspectors such as within APP/Y3940/W/21/3280947).

The application site is located outside of the built-up form of the settlement of Ogbourne St George which is defined as a 'small village' under the Marlborough Community Area as set out within Core Policy 14 of the WCS. Core Policy 1 identifies that small villages 'have a low level of services and facilities, and few employment opportunities'. In particular for Ogbourne St George there are a number of facilities available such as a pre-school, primary school, bus stops and place of worship. Although there a number of services and facilities which could be used by future occupants and could be accessed by foot given the proposed provision of a footpath to connect to existing footpaths under the A road, given the proposal is not in accordance with Core Policies 1 and 2, and there is a lack of all the facilities and services required for day-to-day living in Ogbourne St George, there would be a reliance on the private vehicular. As there would be a reliance of the private car, the proposal is considered to be contrary to Core Policy 60 and 61 and guidance contained within the NPPF which seeks that development should be moving to a low carbon economy (Paragraph 8 of the NPPF).

- Access and Parking

The proposed development would involve the provision of a new access point onto the site from Bytham Road to the east. Within the site the private road would form an 'L' shape which would serve the rear of the dwellings and the associated garages proposed. A pavement is also sought to connect the site from the new vehicular access point along the northern

boundary of the site and would connect to the hardstanding area underneath the bridge to the north-west.

The Council's Highway Officer has reviewed the submission and raised no objection to the internal layout of the site. The proposal would provide an acceptable level of parking for each dwelling. It has been raised by the Highway Officer that it would be beneficial for at least one space to have EV provision which could be secured by condition if the proposal was recommended for approval.

It does appear from the site plan that only Unit 3 would have a cycle storage, and thus if the application was being recommended for approval it would request further information by way of planning condition, whereby it will be expected that every dwelling has cycle storage.

The proposed access is considered acceptable by the Highway Officer subject to conditions including the implementation of the submitted visibility splays, the gradient of the access not being steeper than 1m in 15m from its junction, means to avoid private water from entering the highway and an informative advising the applicant of a license being required from the Highway Authority for the new access. If the application was being recommended as granted, these conditions (and informative) would have been recommended in the interests of highway safety. In this respect, subject to condition the proposal is considered acceptable in terms of its impacts upon highway safety and parking.

### Ecology

The application site is agricultural in planning use and comprises of grassland, mixed and bramble scrub, vegetation and scattered trees.

The application was supported by a Preliminary Ecological Appraisal Report which has been reviewed by the Council's Ecology Officer. In this respect it has been considered that the Ecology Team has insufficient information to be able to determine the ecological impacts of the proposal. The Preliminary Ecological Appraisal Report submitted makes recommendations for additional survey work, a final impact assessment and a Biodiversity Net Gain calculation. The conclusion of the report outlines:

"The baseline habitats are common and widespread with no important habitat features identified on site. It is considered that the scrub and scattered trees provide some biodiversity value and should be retained and enhanced where possible. The baseline assessment concluded that the site provides suitable habitats for reptiles, amphibians, bats and birds and further recommendations are recommended for these species.

From the desktop assessment of the site, it is assessed that the site could form a part of a potential commuting corridor for bats and may provide habitats which link the two sections of the Chiseldon and Marlborough LWS. This will be considered in terms of the development layout and will be discussed following the recommended surveys within the following EclA.

Recommendations within this report include strengthening the boundary features with vegetation, creating a pond, enhancing areas of grassland, and creating a dark corridor for bats. It is recommended to provide an EclA and BNG assessment for this planning application."

The recommended information has not been submitted. As such, there has been no adequate assessment undertaken into the impact upon ecology, including protected species such as bats and reptiles where, as outlined within the second paragraph of the conclusion of the appraisal report, it has the potential to impact the development layout. An Ecological Impact

Assessment (the reference EclA) must be completed and submitted at this planning application stage to understand the impacts of the development upon ecology. It is considered that these reports cannot be submitted at a later stage through the discharge of condition process given it is a material matter for the planning application which has significant potential to change the layout and design of the scheme.

Whilst it is acknowledged that some of the recommended features of the Appraisal Report has been incorporated within the design, such as the pond and some planting, without the evidence submitted on how the site is used through the recommended surveys and the assessment on how this would be mitigated, the Local Planning Authority is unable to discharge its statutory duty in this regard.

The applicant has therefore failed to provide sufficient information to determine ecological impacts of the proposal and consequently, the application is not considered to be environmentally sustainable. The proposed development does not comply with Core Policy 50 of the Wiltshire Core Strategy, or advice contained within the National Planning Policy Framework and thus this forms a reason for refusal.

### Archaeology

The application site straddles the projected route of the former Roman road between Cunetio (Mildenhall) and Durocornovium (Swindon). As confirmed by the County Archaeologist there is the potential for as-yet unrecorded sub-surface archaeological features and/or deposits relating to potential roadside settlement or the physical remains of the road itself (agger) or the accompanying roadside ditches (fossa) to survive here.

The County Archaeologist reviewed the submission and advised that a trial trench evaluation of the site was required. Once the report on the results is submitted it would then be submitted to the Archaeologist for review. Depending on what is found, further work may be required prior to development to mitigate the impact of the proposals upon any archaeological resource that has been identified.

Whilst a trial trench evaluation was requested during the application process, this was not submitted by the applicants. This information is required up front at this application stage as if archaeological features are found there is a potential that the scheme would need to be amended to prevent adverse impacts to the features, including changes to the layout and location of built form which cannot be changed through planning condition or through a non-material amendment to an application.

Due to the absence of the required trial trench evaluation the applicant has also failed to provide sufficient information to determine the likely impact of the proposed development upon the archaeological potential of the site. The absence of a trial trench evaluation of the site which straddles the projected route of the former Roman Road has resulted in the Local Planning Authority not being able to make an assessment of the likely impacts upon archaeology. The proposed development therefore does not comply with Core Policy 58 of the Wiltshire Core Strategy, or advice contained within the National Planning Policy Framework and forms a reason for refusal.

### Refuse and Recycling

Refuse storage area has been demonstrated on the submitted plans within the garden of each dwelling, which is acceptable. A bin collection point has been identified adjacent to the access point and this arrangement is considered acceptable and therefore there is no objection in this regard.

### S106 contributions/CIL

The property will be CIL liable charged at the standard council rate.

### Conclusion/Planning Balance

The site falls within the 'open countryside' and does not apply with Core Policies 1 and 2. The proposal does not fall within any of the WCS exception policies. The proposed site is located within the North Wessex Downs National Landscape which is a protected area whereby there is a duty to have regard to the purposes of conserving and enhancing natural beauty.

As assessed above in this report, it has been identified that harm would be caused to the character and appearance of the National Landscape by reason of the proposal siting, design, height and layout. The proposal would also not assist in addressing the need for affordable housing by providing affordable housing in accordance with Core Policy 43 of the WCS. Insufficient information has been received in relation to ecology and archaeology to enable the Local Planning Authority to determine the impacts of the development and furthermore the proposal by reason of design and siting would result in unacceptable loss of privacy for the future occupants of Unit 5 from the siting of the inset dormer window at Unit 6.

The proposal also seeks closed windows for the dwellings which is not considered an acceptable mitigation approach without further justification and does not represent a good standard of residential living. Finally, the proposal by reason of the distance to the majority of local services and facilities for day-to-day living would result in the future occupants having a heavy reliance on the use of the private motor vehicle.

There would be limited social and economic benefits resulting from the construction of new properties and its subsequent occupation. Economically the proposed development would encourage development and associated economic growth through the building works. The future occupants would also contribute to the local economy and to the continued viability of local services in the local villages. Socially, the dwellings would create the opportunity for the site to develop social and community ties and facilitate future community involvement. Finally environmentally the proposal could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulation standards.

Notwithstanding the limited benefits identified, the identified harm of the proposed development significantly and demonstrably outweighs those benefits. In conclusion, taking all material planning considerations into account, the development is not considered to represent sustainable development as required by Paragraph 11 of the NPPF and does not accord with the Development Plan policies. The application is therefore recommended for refusal.

### **RECOMMENDATION:**

That planning permission be REFUSED for the following reasons:

1. The proposed development is located outside of the defined limits of development and within the 'open countryside.' The open countryside siting would not provide a suitable location for housing as it would conflict with the residential development strategy under Core Policies 1, 2 and 14 of the Wiltshire Core Strategy and the NPPF (2023). There is no justification for departing from the Development Plan Policies or any other material considerations to establish the principle of development which would be of sufficient weight to allow for the creation six dwellings on the site.



2. The proposed development, by reason of the distance to the majority of local services, facilities and amenities, would likely result in heavy reliance on the use of private motor transport for the majority of day-to-day activities, which is in conflict with the principles of sustainable development and the aims of reducing the need to travel, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and the National Planning Policy Framework (2023).
3. The proposed development would, by reason of its siting, design, height and layout be harmful to the visual amenities of the area, the landscape character and the special qualities of the North Wessex Downs National Landscape. The proposal would result in the elongating of the existing built form beyond the existing built-up area of Ogbourne St George into the open countryside and into a valuable transition area into the countryside and would not enhance the character or appearance of the area. The proposal would furthermore not enhance or conserve the special rural characteristics or scenic beauty of the North Wessex Downs National Landscape and is therefore contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and guidance contained within the National Planning Policy Framework (2023).
4. The applicant has furthermore failed to provide sufficient information to determine ecological impacts of the proposal and consequently, the application is not considered to be environmentally sustainable. The proposed development therefore does not comply with Core Policy 50 of the Wiltshire Core Strategy, or advice contained within the National Planning Policy Framework (2023).
5. The applicant has failed to provide sufficient information to determine the likely impact of the proposed development upon the archaeological potential of the site. The absence of a trial trench evaluation of the site which straddles the projected route of the former Roman Road between Cunetio (Midenhall) and Durocornovium (Swindon) has resulted in the Local Planning Authority not being able to make an assessment of the likely impacts upon archaeology. The proposed development therefore does not comply with Core Policy 58 of the Wiltshire Core Strategy, or advice contained within the National Planning Policy Framework (2023).
6. The proposed development would result in an unacceptable impact on the amenity of the future occupants of 'Unit 5'. There would be a harmful degree of overlooking from the eastern elevation window on Unit 6 (serving 'bedroom 1') towards the private amenity area of Unit 5 which is not considered high-quality design and would result in a significant loss of privacy for the future occupiers of Unit 5. The proposal would therefore result in an unacceptable residential amenity impact which would be contrary to Core Policy 57 of the Wiltshire Core Strategy and guidance contained within the National Planning Policy Framework (2023).
7. The proposal seeks permanently closed windows on the development, with trickle vents to provide ventilation to each habitable room, one vent for each window system. The submitted acoustic report concludes that acceptable internal noise levels may be achieved by using the construction and glazing specified within the report. This is due to the proximity of the development to the A346. Wiltshire Council has guidance that closed windows to mitigate transport noise will only be considered if all other reasonable measures in the hierarchy have been utilised and only for an absolute minimum of rooms. Insufficient information has been submitted to justify the mitigation approach, such as considering other measures, and thus the proposed closed windows is not an acceptable mitigation measure for the future occupants. Furthermore, insufficient information has been provided that the closed windows and

trickle vents proposed would not result in unacceptable risk of overheating and would be within the acceptable levels. The design of closed windows with vents would therefore not represent a good standard of residential living and the proposed development does not comply with Core Policy 57 of the Wiltshire Core Strategy, or advice contained within the National Planning Policy Framework (2023) and the 'Planning Consultation Guidance Notes' namely Section 5 – Good Acoustic Design.

8. The proposal does not provide and secure adequate provision, through a section 106 legal agreement, for the required affordable housing provision on-site to make the application acceptable in planning terms. The application is therefore contrary to Core Policy 43 of the Wiltshire Core Strategy, as well as guidance within the National Planning Policy Framework