

## **CASE OFFICER'S REPORT**

**Application Reference:** 17/08735/FUL  
**Date of Inspection:** 09.10.17  
**Date site notice posted:** 09.10.17  
**Date of press notice:** 28.09.17

### **SITE AND SURROUNDINGS**

The proposal site is situated within pasture land that lies to the immediate south of Church Place outside of the now removed settlement boundary of the Small Village of Lydiard Millicent as established in Core Policy 19 of the adopted Wiltshire Core Strategy 2015 (WCS). Contained within the WCS at Appendix F Lydiard Millicent is within the list of settlements identified as Small Villages that do not have a boundary.

The site lies within the Lydiard Millicent Conservation Area, just southeast of the Grade II\* Listed Church of All Saints and east of the Grade II Listed Pembroke House. A number of other Grade II Listed monuments are situated within close proximity of the church, including the Lydiard Millicent War Memorial and the Churchyard Cross.

The existing use of the land is as a grassed paddock, with the proposal site being broadly rectangular in shape and measuring approximately 8200sqm. The site is relatively flat and surrounded by post and rail fencing, with mature trees along the northern and eastern perimeters. Also running along the northern boundary is a low rise stone wall adjacent to the highway beyond which is the historic church yard. This stretch of highway features traffic control measures and a small roundabout to the north east of the proposal site. The trees that run along the northern site boundary are part of a group protected under TPO 16.

To the west of the site is the Parish Hall with graveyard to the south west. To the immediate south is open farmland and to the east Lydiard Farm which features a large dwelling sat in a spacious curtilage with agricultural buildings to the south. The proposal site is characterised by its open rural aspect allowing open views from the historic Church towards the countryside to the south. Development in the immediate vicinity of the site within this part of the Conservation Area is spread out, featuring large dwellings sat within spacious plots surrounded by dense mature trees. This is in contrast to the suburban appearance and built form of the eastern end of the village where the vast majority of residential development in the settlement is located, with the exception of the cul-de-sac know as The Beeches which lies further to the west.

### **PROPOSAL**

Provision of new public open space including a play area and new footpath. Erection of 9 dwellings (two x 2-Bed unit, three x 3-Bed units and four x 4+Bed) and associated infrastructure. The applicant has informed the Council that 4 of the proposed 9 dwellings will be affordable units and a draft signed Unilateral Undertaking has been submitted. The Undertaking also signifies that the applicant is willing to contribute £70,000 to the Parish Council towards new parking facilities at the Village Hall adjacent to the proposal site but no further details or associated application have been provided detailing this proposal

### **RELEVANT HISTORY**

None.

### **POLICIES**

Adopted Wiltshire Core Strategy 2015  
Core Policy 1- Settlement Strategy  
Core Policy 2 - Delivery Strategy  
Core Policy 3 – Infrastructure Strategy  
Core Policy 19 – Royal Wootton Bassett and Cricklade Community Area  
Core Policy 43 – Providing Affordable Homes  
Core Policy 48 – Supporting Rural Life  
Core Policy 50- Biodiversity and Geodiversity  
Core Policy 51 – Landscape  
Core Policy 57 - Ensuring High Quality Design and Place Shaping  
Core Policy 58 - Ensuring the Conservation of the Historic Environment

Core Policy 60 – Sustainable Transport  
Core Policy 61 – Transport and New Development  
Core Policy 64 – Demand Management  
Core Policy 67 – Flood Risk

North Wiltshire Local Plan 2011 (Saved in Appendix D of the WCS)  
H4 – Residential Development in the Open Countryside  
NE 14- Trees, Site Features and the Control of New Development

National Planning Policy Framework 2012 paragraphs 2, 7, 11, 14, 17, 32, 35, 55, 56, 57, 58, 61, 64, 118, 128, 131, 132, 134, 135 and 137

Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

## ISSUES

- Infill development
- Design, scale, layout and siting of proposed new dwellings
- Impact on designated heritage assets
- Residential amenity
- Highway safety
- Ecology
- Archaeology
- Public Open Space
- Affordable Housing
- Drainage

## REPRESENTATIONS

**Lydiard Millicent Parish Council:** OBJECTION. Lydiard Millicent Parish Council held a meeting on Thursday 1<sup>st</sup> February 2018. This Application was first discussed at a meeting held on 5<sup>th</sup> October 2017, when a request was raised with the Planning Authority to allow more time to consider the application. The following comments from the most recent meeting were received: *“Although the Parish Council supports in principle a scheme like this, especially the included Affordable Housing element, fears were raised about the position of the development. Access to and from the site is very concerning in an already congested area; this is the main route to school, an added junction for children and parents to negotiate may make a dangerous walk along the very narrow footway even more so. Whilst the Parish Council accepts it does not have the expertise of the Highway Authority, it supports the objections already given by them. Concerns raised by the Conservation officer, were also noted and supported”.*

**Conservation:** OBJECTION. The location, quantity, scale and design of the proposed new housing and infrastructure would harm the setting of the heritage assets due to the intrusion on views to and from the heritage assets and the ability to appreciate the heritage assets.

**Highways:** OBJECTION. The proposed road layout is considered sub-standard in relation to road design guidelines and to enable adoption of these roads by the Highway Authority. Inadequate information has been submitted to satisfy the LPA that satisfactory means of access can be achieved. Access with the junction, the mini roundabout is not considered acceptable. The access road and layout by reason of restricted width, poor alignment and the car parking layout is sub-standard. The lack of refuse vehicle/service vehicle provision is sub-standard. The provision for walking and cycling is not acceptable. It appears that the proposal does not appear make adequate provision for car parking in accordance with the Wiltshire Car Parking Strategy.

**Arboricultural Officer:** OBJECTION. The Council’s Arboricultural Officer notes the content of the Planning Statement prepared by Mark Doodes Planning dated August 2017. The statement refers to a *‘strong line of mature deciduous trees to the northern boundary’* of the site. Paragraph 2.5 indicates that *‘A few (approx three) mature trees will need to be removed to provide the new access from the current roundabout’*. This line of prominent trees is protected by TPO 16 which consist of Beech trees. These trees have a high visual amenity value to the area and any loss of these trees would have a negative impact on the street scene and character, appearance and visual amenity of the Conservation Area.

**Ecology:** OBJECTION. The *Preliminary Ecological Appraisal* (Smart Ecology Ltd, 13/07/2017) is in itself a robust document and the Council's Ecologist satisfied with the approach to survey and assessments presented within the appraisal. However, the appraisal does not seem to be based on the design proposals that have been submitted to the Council for consideration as it is apparent that the appraisal was written on the premise that the trees along the northern and eastern boundaries of the site will be retained and not directly affected by the proposals and section 6.2.2 states: *'It is understood that the one hawthorn tree on site will be removed.'* In contrast, the submitted masterplan and Planning Statement clearly set out that the proposal entails the removal of trees to facilitate provision of a new access into a site, as section 2.5 of the Planning Statement stipulates: *'Section 2.5 of the Planning Statement stipulates: 'A few (approx three) mature trees will need to be removed to provide the new access from the current roundabout, creating a four-spur roundabout with pedestrian access.'*

Furthermore, Wiltshire Council's tree officer objected to the removal of trees afforded protection by TPO along the site boundary within their first consultee response and continued to express concern regarding the proposed new access road and the potential for negative impacts on the trees within their second consultee response. The Council's Ecologist concurs with those comments and shares those concerns.

Not only is the appraisal based on the understanding that none of the trees along the boundaries of the site will be removed, it also proposes avoidance and mitigation measures that would ensure the tree line and its value for protected species is protected. Section 6.2.6 of the appraisal states: *'It is recommended that an undisturbed wildlife buffer 10 m wide is created adjacent to the tree line, see Figure 2, Section 9. This will ensure that the tree line retains its value for foraging and commuting bats.'* The Council's Ecologist supports this recommendation; however, the advice of the commissioned ecological consultant does not appear to have been incorporated within the proposals and is not evident on the masterplan. In addition to the removal of trees from the boundary, the masterplan illustrates the creation of a new pathway and a playground directly adjacent to the northern treebelt. The Council's Ecologist would welcome a review of this masterplan by the applicant to ensure that an appropriate buffer is provided between any new design elements and the treebelt.

The appraisal also proposes ecological enhancements in section 5.2 which include the provision of a wildlife pond and planting of a 10m wide wildlife buffer adjacent to the northern treeline. The Council's Ecologist commented that they would like to see these recommendations incorporated within the design layout, and at present the Council does not appear to have been provided with plans illustrating that a 10m wide wildlife buffer will be retained and enhanced with planting. In addition, although the masterplan shows the inclusion of a SUDS pond within the northeast of the site, the application does not appear to have been accompanied with any details specifying how this pond will be enhanced to increase its value for wildlife.

These comments were forwarded to the applicant and a revised masterplan drawing was received on 29.01.18. However The Council's Ecologist has commented that they cannot withdraw their holding objection on the basis of the revised plan. This is because the revised masterplan does not appear to be materially different from the last submission and still does not appear to incorporate the wildlife buffers recommended within the accompanying ecology report. Furthermore, the plan continues to show that mature trees along the site boundary will be removed and the ecology report has not been revised to reflect this; instead the ecology report is written on the basis of a differing layout. In addition, although a few details have been added to the masterplan with respect of the SUDs pond, insufficient information has still been provided with respect of how the pond will be planted and created for biodiversity.

**Archaeology:** OBJECTION. The Council's Archaeologist notes a heritage desk assessment was submitted with the application. However, this site, being located in the heart of the medieval settlement, does have archaeological potential and this has not been previously investigated. The Council's Archaeologist has advised that an archaeological evaluation is undertaken across the site and reported on prior to the determination of the application.

A subsequent geophysical survey report prepared by Lefort Geophysics dated October 2017 was received but the Council's Archaeologist has stated that further work prior to determination is required to ground truth the survey results and has advised that a draft a trial trench plan to test archaeological anomalies plus some blank area based on a 2% coverage strategy is submitted.

**Drainage:** No objections. Conditions advised in relation to surface and foul water drainage details

**Public Open Space:** No objection. As this development is for 9 dwellings, it would not normally require POS on a development of this scale, however it is noted that there is POS and play proposed as part of this development. Using the dwelling mix provided, the 9 dwellings would generate a requirement for 630m<sup>2</sup> POS including 60m<sup>2</sup> Equipped Play. There would appear to be an overprovision on site. The Wiltshire Council Play Spec gives details of how the play should be set out and based on this it is confirmed that Wiltshire Council would not adopt the onsite play or POS.

**Affordable Housing:** No objection. Core Policy 43 states that on sites of 5 or more dwellings, affordable housing provision of at least 40% will be provided. On 19<sup>th</sup> May 2016, however, the Government amended the Planning Practice Guidance by stating that contributions for affordable housing and tariff style planning obligations should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000 sqm.

As the proposed development is in excess of 1000sqm there is demonstrable need for affordable housing in this community area and a 40% on-site affordable housing contribution at nil subsidy will be required from these proposals in line with policy approaches. Based on scheme of 9 units proposed, 40% Affordable Housing would equate to 4 affordable units required on site

**Public Consultation:** 10 neighbour representation letters received; 8 against, 1 in support and 1 comment. Issues raised include:

- Highway safety, site access and visitor parking for housing and play area
- Loss of TPO Trees
- Impact on setting of Listed Building and Conservation Area
- Impact on residential amenity
- Lack of Design + Access statement and misleading/inaccurate supporting statements
- Proposal not infill development, encroachment into open countryside
- Insufficient access for waste vehicles
- Lack of affordable housing
- Surface water drainage and flood risk
- Poor design and excessive scale of proposed dwellings not being appropriate for Conservation Area.
- Potential for additional unauthorised use of Parish Hall parking from visitors and users of proposed dwellings and public open space.
- Potential for unauthorised right of way across Parish Hall land for residential access to proposed dwellings

## **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, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Core Policy 1 explains the settlement strategy for Wiltshire including Small Villages. It specifically says: '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.' This position is clarified in paragraph 4.16, which explains that '*some modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities. Any development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of this plan.*'

At this time, the most recent Housing Land Supply Statement released in March 2017 has identified at Appendix 6 (Summary assessment of supply and remaining housing to be identified (by Community Area settlements and rural remainders) that in the Royal Wootton Bassett and Cricklade Community Area there is a 0 shortfall in dwellings in the plan period between 2006 and 2026.

Recent appeal decisions (APP/Y3940/W/16/3162581, APP/Y3940/W/16/3150514 and APP/Y3940/W/16/3162997) demonstrate that it is considered that the Council can demonstrate a 5 year housing land supply in the North & West HMA (5.73 supply), meaning policies CP1, CP2, CP19 and Saved Policy H4 are up to date and are afforded full weight in the assessment of this application.

In relation to Small Villages such as Lydiard Millicent, Core Policy 2 states:

At Small Villages development will be limited to infill within the existing built area. Proposals for development at Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

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

The supporting text at Paragraph 4.34 clarifies that *'infill is defined 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. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.'* At this time the emerging Lydiard Millicent Neighbourhood Plan is at a very early stage and so it not afforded any weight in this assessment

WCS Core Policy 48 states that outside of the defined limits of development residential development will only be supported where it enables workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Any proposal for accommodation to meet the need of employment essential to the countryside should be supported by financial and financial evidence.

WCS Core Policy 50 confirms that development proposals must demonstrate how they protect features of nature conservation as part of their design rationale. There is an expectation that such features shall be retained, buffered and manage favourably in order to maintain their ecological value, connectivity and functionality in the long term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource and secure the integrity of local ecological networks and providing of ecosystem services. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

WCS Core Policy 57 states that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire by enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to the existing pattern of development and by ensuring important views into, within and out of the site are retained and enhanced. A key consideration of Core Policy 57 is the retention and enhancing of existing important landscaping and natural features (including trees) in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development. Proposals must also respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate the building into its setting. Development must also demonstrate how proposals will enhance local distinctiveness by responding to the value of the natural and historic environment whilst being sympathetic to and conserving historic buildings and landscapes.

WCS Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved and where

appropriate enhanced in a manner appropriate to their significance including buildings and structures of special architectural or historic interest.

WCS Core Policy 60 seeks to ensure that all new development is located in accessible locations whilst promoting sustainable transport alternatives to the use of the private car.

WCS Core Policy 61 states that new development should be located and designed to reduce the need to travel by private car and to encourage the use of sustainable transport alternatives. Proposals must be served by safe access to the highways network.

WCS Core Policy 64 specifies that the provision of car parking associated with well designed new residential development will be based on minimum parking standards and it is presumed that unallocated communal parking will be included on the majority of new residential development

Saved Local Plan Policy H4 states that a new dwelling in the countryside outside of any defined framework boundary will only be permitted provided that it is in connection with the essential needs of agriculture or forestry or other rural based enterprise

Saved Local Plan Policy NE14 confirms that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development. NE14 also states that Tree Preservation Orders will be made for safeguarding single and small groups of trees in the interests of public amenity.

Para 55 of the NPPF states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 12 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of listed buildings, great weight should be given to their conservation, and that any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The appeal site is a flat, rectangular parcel of land on the southern side of Church Place which is characteristically open and lain to rough grass. While there is a scattering of development in the vicinity, the green, undeveloped nature of the plot and fields beyond it mean it does not have the characteristics of an infill site. Rather, notwithstanding its relative proximity to the built area of the village there is a strong connection between the appeal site and the surrounding open countryside.

New residential development in this location is not considered to meet the definition of infill development as it would result in an extension of the village into open pasture land meaning the proposal does not respect the existing character and form of the settlement and would consolidate an existing sporadic loose knit area of development related to the settlement. This not considered in accordance with Core Policy 2, where infill is defined 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. Taking this into consideration, the overall quantum of new residential development resulting in 9 dwellings is not considered to be infill development and is excessive for a designated Small Village such as Lydiard Millicent which the Core Strategy recognises as having a low level

of services and facilities and few employment opportunities. As evidenced by recent appeal decisions (APP/Y3940/W/16/3162581, APP/Y3940/W/16/3150514 and APP/Y3940/W/16/3162997), the most up to date Housing Land Supply position demonstrates that the Council can demonstrate a 5 year housing land supply and adequate buffer in the North & West HMA (5.73 supply), with a 0 shortfall in this Community Area in the plan period between 2006 and 2026. Therefore the need for housing in this locality has already been met meaning there is no pressing requirement for additional dwellings.

The submission documents do not indicate that the development is required in relation to the essential need of agriculture or forestry nor in relation to any of the circumstances identified in WCS paragraph 4.25. The proposal site is located remote from an adequate range of services, employment opportunities and is not well served by public transport, as evidenced by the limited number of services running from the bus stop on Church Place. Locating 9 dwellings in this location is considered contrary to the key aims of local and national sustainable transport policy guidance which seek to reduce growth in the length and number of private motorised journeys.

On balance, the resultant harm associated with allowing new dwellings in an unsustainable location is not outweighed by any provision for low cost or affordable houses given that the housing need in this Community Area has already been met. Therefore the proposal is considered contrary to paragraph 55 of the NPPF and Wiltshire Core Policies 1, 2, 19, 48, 60 and 61 and also saved Local Plan Policy H4.

#### Design, scale, materials and layout of proposed play area and dwellings.

No details of proposed hard surfacing for the play area or footpaths have been received, but the proposed play equipment will be small scale and constructed from timber framing meaning it will not be a visually prominent or discordant feature within the street scene, Conservation Area or setting of the Listed Church as it will be mostly screened behind the tree line.

The proposed dwellings will be situated into 3 distinct areas. A terrace of two adjoined blocks containing plots 1-3 and 4-5 will run horizontally to the immediate south of the public open space, with a total footprint measuring approximately 54m x 6m with a height of 7.7m. Three dimensional indicative plans signify that there will be a slight step down between the two sections however elevation plans indicate each block to measure 7.7m high so it is presumed that there will be a difference in ground level but this is not shown in plan form. Both buildings will feature full height, horizontal glazing on both front and rear elevations and will be solid blocks with no extensions or other features that would break up the built form and bulk of the buildings. All plots will feature front and rear garden areas with liner parking layout to the south.

Plots 6-8 will be configured around a central parking courtyard, Plots 6 and 7 being linked by a car port with Plot 8 being separate and situated to the south of the courtyard. All will be similarly designed featuring T and Z shaped footprints with adjoining pitch roof structures of differing heights with adjoining sections. Horizontal glazing will feature on the wall elevations of all dwellings but most specifically on the gable ends. Plot 9 will be similar to Plots 6-8 but of a larger scale with all plots having a maximum height of approximately 7.7m. Proposed materials remain unspecified but according to the application from will a *“mix of hand cut bricks, glazed sections, timber cladding and render to a specification to be agreed with the LPA”*.

Despite being referenced in section 2.6 of the Planning Statement, no Design and Access Statement has been submitted in support of the application despite being requested by the LPA on numerous occasions. Therefore, it is not possible for the Council to ascertain the design rational behind the proposal, however the Planning Statement describes the arrangement as follows:

*“The proposed dwellings are arranged in three areas. A long-barn terrace of homes that front the open space, then a cloister-style development of larger units with varying ridge heights and an evolved rural vernacular style in the centre of the site and finally a single dwelling set in slightly larger grounds towards the rear”*.

It is considered that the terrace structure containing Plots 1-5 adjacent to the public open space is overly bulky with continuous massing resulting in a monolithic structure. Plots 6-9 do not resemble the local vernacular or house types in the village and are not considered to be in keeping with the rural character of the village. Overall, the elevational design of the proposed dwellings is considered to be an incongruous and discordant addition to the locality, with the layout not respecting the existing built form of the settlement

meaning the development, being situated in open pasture land, does not effectively integrate into its setting. Therefore the proposal is not considered to be of a high quality design and is therefore contrary to Core Policy 57 and paragraphs 56, 57, 58, 61 and 64 of the NPPF.

#### Impact on designated heritage assets and archaeology

The proposal for new development within the Lydiard Millicent Conservation Area and in the setting of the Grade II\* Listed church. The land on the opposite side of the road to the church (with listed war memorial and tombs) is open and predominantly level fields with fencing. There is a shallow pitched agricultural building to the south east of the site which appears appropriate for its position in a pasture field on the edge of a village. An investigation of the history maps reveals that this area of land has remained undeveloped for approximately the past 150 years. There are public footpaths to the south west, south and south east of the site, all of which allow views back to the site with the church set on raised ground across the road.

The development proposed is to create a play area and public open space on the land immediately opposite the church. Set further away from the church but still in the Conservation Area, the proposal also includes constructing 9 dwellings with associated infrastructure and road access. The new dwellings are shown as very large, mock barns with a great deal of glazing and plethora of roof lights. The siting is shown as a line of what is described as '*longbarn style terraced homes*', with a '*courtyard*' of barn style homes set to the south of that and a further large barn style dwelling at the southern end.

Lydiard Millicent, like many Small Villages in North Wiltshire, has a linear built form following the roads. The vernacular building type is mainly cottages and smaller houses, with a rectory, school, manor house and some farms. In the second half of the C20 there has been quite a large amount of new building, either as one or two infill properties or clusters of housing. The proposed development does not respect the historic building pattern of the area, nor does it reflect the vernacular scale or form of the village. As such, it is considered that the location, quantity, scale and design of the proposed new housing and infrastructure, the removal of TPO trees and also a section of a low rise stone wall would harm the setting of the heritage assets due to the intrusion on views to and from the heritage assets and the loss of characterful features of the Conservation Area. The harm caused would be less than substantial which, in accordance with paragraph 133 of the NPPF, means it must be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the identified harm. In this instance, the public benefit of the development would be the economic benefit of the related construction work and the additional residents of the proposed dwellings spending money in the local area. In addition there would be some social benefit from the proposed public open space but there is similar provision already within the Small Village. However, as previously stated there is currently no housing need in this Community Area so along with the numerous other adverse issues related with the development (including highway safety, loss of TPO trees, low quality design, lack of ecological mitigation) the identified less than substantial harm is not considered to be outweighed by any public benefit as the overall proposal is not considered an appropriate form of residential development in this location. In addition, given the archaeological potential of the site and lack of any trial trenching to investigate this further, the Council's Archaeologist has objected to the proposal.

Therefore the development would be contrary to Core Policies 57(iv) and 58, paragraphs 131, 132, 134 and 137 of the NPPF, Sections 66(1) and 72(1) of The Planning (Listed Buildings and Conservation Area) Act 1990 and the BS7913 and Historic England Good Practice Advice Note 3: Setting of Heritage Assets.

#### Highways

The Council's Highways Engineer has raised significant safety concerns with the proposed vehicle access to the mini roundabout on Church Place and The Street. Insufficient detail has been provided within the Transport Statement to demonstrate that there will be no additional impact on highway safety in allowing a new access at this location. The proposed access width of 4.5m is not considered adequate to allow passing vehicles at this point. Similarly the width of the access track further into the proposal site does not allow safe pedestrian or cycle use with no shared surfacing being demonstrated. It is also not entirely clear from the proposed plan how the parking arrangement and vehicle movements within the site will work effectively or if adequate visitor parking is available.

As the proposal does not constitute infill development, the development is considered to be located remote from a range of services, employment opportunities and is unlikely to be well served by public transport is contrary to the key aims of local and national sustainable transport guidance which seeks to reduce growth

in the length and number of motorised journeys. Taking the above highway safety and sustainability issues into account, it is considered that proposal is not in accordance with Core Policies 60 and 61 and paragraph 32 and 35 of the NPPF.

### Trees

The Council's Arboricultural Officer notes the information provided in the Tree Survey & Impact Assessment prepared by Duckworths Arboriculture dated 31<sup>st</sup> October 2017. The document relates to thirteen individual trees and one group. Five of the most prominent trees are Beech trees which are protected under TPO 16. These trees have been given a 'B' category assessment and should be retained as part of any proposal. The document prepared by Duckworths Arboriculture does describe the trees being "*a prominent feature within the Conservation Area and enhances the landscape character of Lydiard Millicent*".

The Council's Arboricultural Officer has concerns that this proposal would result in the incursion of the root protection area of T7 Beech and T10 Beech (which T10 is referred to in the report as T16) to accommodate a new access road. As this document does state, Beech trees are shallow rooting and do not respond well to activity within the rooting areas. Changes in levels are totally unacceptable and would affect the long term health of this protected tree. A no-dig specification could not be used within the first 5 metres of the access road as this would need to be tarmac which would be a highway specification. For this reason, the Council's Arboricultural Officer fails to see how this new access road could be achieved without having a negative impact on trees on site. Therefore, the proposal is contrary to Core Policy 57, Saved Local Plan Policy NE14 and paragraph 118 of the NPPF

### Ecology

Following the consultation response provided by the Council's Ecologist, a revised masterplan drawing has been received. However it is considered that it still does not adequately address the concerns raised in relation to an undisturbed ecological buffer of 10m adjacent to the northern tree line and also the lack of detail in respect of how the proposed pond will be planted and created for biodiversity. In addition no revised Ecological Appraisal has been forthcoming despite the original document not being based on the design proposals that have been submitted as it did not make reference to the TPO'd trees that are to be removed for the new access. Therefore the proposal is considered contrary to Core Policy 50 and paragraph 118 of the NPPF as the ecological impacts have not been adequately mitigated against.

### Residential Amenity

The proposed layout and siting of the dwellings is considered to provide an acceptable level of living conditions for any future occupants. The proposed dwellings are a significant distance away from any of the surrounding properties (the closest being Lydiard Farm situated approximately 20m away from the eastern site boundary and 26m from the nearest proposed dwelling) meaning there will be no detrimental impact in terms of overlooking, loss of privacy, overbearing impact or light pollution. Any additional vehicle movements within the proposal site would be at low speed meaning these, together with any other noises associated with the residential use of the site, would not be so significant so as to be considered as unacceptably detrimental to the current level of amenity awarded to local residents.

### Drainage

The Council's Drainage Engineer has raised no objection and is satisfied that standard conditions relating to surface and foul water drainage would be appropriate in the event of a permission being granted

## **CONCLUSION- THE PLANNING BALANCE**

The quantum of proposed residential development and its siting in relation to the built form of the village is not considered to meet the requirements of infill development as specified in Core Policy 2 or meet the new residential development requirements of Core Policy 48, Saved Local Plan Policy H4 and paragraph 55 of the NPPF. The design, bulk, massing, scale and layout of the proposal do not respect the built form and local vernacular and would encroach into open countryside meaning the development does not effectively integrate into its setting contrary to Core Policy 57.

The proposal does not meet the requirements of WCS Core Policies 1 and 2 in respect of infill development within Small Villages and so is not a sustainable form of development. As evidenced by recent appeal decisions (APP/Y3940/W/16/3162581, APP/Y3940/W/16/3150514 and APP/Y3940/W/16/3162997), the most up to date Housing Land Supply position demonstrates that the Council can demonstrate a 5 year housing land supply and adequate buffer in the North & West HMA (5.73 supply), with a 0 shortfall in this

Community Area in the plan period between 2006 and 2026. Therefore the need for housing in this locality has already been met meaning there is no pressing requirement for additional dwellings. Further to this the proposed development does not meet any of the exceptions criteria for housing contained within WCS paragraph 4.25 being additional employment land, military establishments, development related to tourism, rural exception sites, specialist accommodation provision and supporting rural life.

In addition, various Council consultees, the Parish Council and local residents have all raised numerous objections to the scheme due to the unacceptable level of harm that the proposed development would have on to the historic environment, local ecology and TPO trees, the archaeological potential of the site, highway safety and the overall proposal not being considered to be infill development or of a high quality form of development.

The agreement of the applicant to provide 4 affordable units cannot be considered to outweigh the identified harm, given the significance and range of identified harmful impacts as the provision of 40% affordable housing is a requirement of Core Policy 43 that applies to all developments of this size, irrespective of any site specific circumstances. Failure to provide the required 4 on site affordable units would simply be another reason for refusing the application and so is not considered to be outweigh the identified harm of the development

The proposed POS and play area far exceeds what is required by policy, as evidenced by the consultation response from the Council's Public Open Space Team. Further to this, it has not been confirmed by the applicant how this space and equipment will be maintained, with no details of any management company having been provided. As the mechanism for securing the POS provision remains unfinalised and in any event is not a policy requirement, it would not be possible for the Council to secure these elements in perpetuity by the use of condition, as any such condition would fail to meet the 6 tests contained within the PPG. Therefore, as they are not a policy requirement, the provision of POS and play equipment are not considered to weight in the planning balance in order to sufficiently outweigh the overall level of harm associated with the proposal or to justify the proposals as an exception in terms of the settlement strategy as identified in the adopted WCS.

It is noted that in Section 3 of the draft Unilateral Undertaking signed by the applicant it is suggested that a contribution of £70,000 is offered to the Parish Council towards the provision of car parking facilities at the Parish Hall to the west of the proposal site. However, no reference is made to this within any of the submitted plans or documents, no application for such development has been received by the Council and this land is not within the red line of this current application. Irrespective of this, any such contribution to local infrastructure not directly linked to the proposed development should be secured via CIL contributions not as a financial gift from the applicant to the Parish. Therefore, this proposed contribution is not considered a relevant factor as this matter is wholly unrelated to the proposed development, fails to make the proposal policy compliant and is not a policy requirement, does not mitigate against or reduce any of the identified harmful impacts of the development and is therefore not a material consideration weighing in favour of the application

The proposal would result in the less than substantial harm to the designated heritage assets being the setting of the Grade II\* Listed Church and the historic character and appearance of this part of the Conservation Area, with no public benefit having been demonstrated of significant weight to outweigh the harm identified. In addition, the lack of trial trenching has not determined that archaeological features contained within the site will not be unduly disturbed. Therefore in term of the impact on the historic environment the proposal is contrary to Core Policies 57 and 58 and Sections 66(1) and 72(1) of The Planning (Listed Buildings and Conservation Area) Act 1990.

The proposed site plan does not demonstrate safe access to the highway or an acceptable parking layout or swept path analysis in relation to refuse and emergency vehicles and so cannot be considered acceptable in relation to Core Policies 60 and 61.

The removal of TPO trees is considered harmful to the character and appearance of the Conservation Area and is also contrary to Saved Local Plan Policy NE14. Further to this, adequate ecological mitigation to compensate this loss of habitat has not been demonstrated contrary to Core Policy 50.

The provision of 4 affordable units does meet the requirements of Core Policy 43 but does not outweigh the identified level of harm or make the development policy compliant in terms of infill at the Small Village level. Similarly the provision of Public Open Space and play equipment does not significantly weight in favour of the application so as to overcome the many shortfalls of the scheme

**RECOMMENDATION:**

That planning permission is **refused** for the following reasons:

- 1 Being situated outside of any defined settlement boundary and not being considered to constitute infill development within Small Villages as defined by Core Policy 2, the proposal amounts to new residential development in the open countryside that is not related to the essential need of agriculture, forestry or other rural based enterprise. The proposal is therefore contrary to Core Policies 2, 19 and 48 of the adopted Wiltshire Core Strategy 2015, Saved Local Plan Policy H4 of the North Wiltshire Local Plan 2011 and paragraph 55 of the NPPF.
- 2 The proposal site, being located remote from a range of services, employment opportunities and being not well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. In addition, the proposed vehicle access is considered harmful to highway safety and an acceptable parking layout and swept path analysis for refuse and emergency vehicles has not been adequately demonstrated. Therefore, the proposal is contrary to and Core Policies 57(xiv), 60 and 61 of the adopted Wiltshire Core Strategy 2015 and paragraphs 32 and 35 of the NPPF.
- 3 The proposal is considered to result in harm to the setting of the Grade II\* Listed Church and character and appearance of the Lydiard Millicent Conservation Area. The identified harm is regarded as less than substantial, but is not outweighed by any public benefit. In addition, it has not been suitably demonstrated that archaeological remains within the proposal site will not be unduly disturbed. Therefore the proposal is contrary to, paragraphs 17(10), 128, 131, 132, 134, 135 and 137 of the NPPF, Core Policies 57 (i, iv) and 58 (iii, iv) of the adopted Wiltshire Core Strategy 2015 and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4 By way of its elevation design, bulk, massing and layout, the proposal is not considered to be of a high quality design as it does not relate positively with the existing pattern of development or local vernacular and it's siting would encroach into the open countryside failing to effectively integrate the development into its immediate setting and wider character of the area. The proposal is therefore considered contrary to the requirements of Core Policy 57 (i, iii, and vi) of the adopted Wiltshire Core Strategy 2015 and paragraphs 2, 7, 11, 14, 17, 58 & 196 of the NPPF
- 5 The proposed loss of TPO 16 Trees is considered detrimental to the visual amenity of the street scene and character and appearance of the Lydiard Millicent Conservation Area contrary to Core Policies 57 (ii) and 58 of the adopted Wiltshire Core Strategy 2015, Saved Local Plan Policy NE14 of the North Wiltshire Local Plan 2011 and paragraph 118 of the NPPF
- 6 It is not considered that the ecological mitigation as recommended in The Preliminary Ecological Appraisal (Smart Ecology Ltd dated 13/07/2017) has been demonstrated and incorporated into the scheme proposed within the proposed plans meaning the development is contrary to Core Policy 50 and Section 11 of the NPPF.
- 7 The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development being affordable housing, open space/recreation areas and waste collection can be delivered. This is contrary to Core Policies 3 and 43 of the adopted Wiltshire Core Strategy 2015.

INFORMATIVE TO APPLICANT:

Reason for Refusal 7 may be overcome in the event of the applicant completing an appropriate planning obligation. The reason for refusal is necessary in the event that there is an appeal and such an obligation is not completed or not satisfactorily completed.

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