

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	30th July 2008
Application Number	08/01234/FUL
Site Address	87A Pinewood Way, Colerne, Chippenham SN14 8QX
Proposal	Erection of Two Dwellings
Applicant	Mr Loughlin
Town/Parish Council	Colerne
Grid Ref	380709 173186
Type of application	Full Application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because Councillors Meadowcroft and Tonge have requested that the application be considered by committee to discuss the issue of low cost housing in the village of Colerne.

Summary of Report

This application proposes the erection of a pair of semi-detached dwellings. The site lies outside the framework boundary of the village and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3
- Policy H4 Residential Development in the Open Countryside
- Policy H7 Affordable Housing on Rural Exception Sites
- Impact on traffic and parking in the local area

Officer Recommendation

Planning Permission be REFUSED.

Contact Officer	Alison Grogan	Planning Officer	agrogan@northwilts.gov.uk
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Proposal and Site Description

This application seeks planning permission for the erection of a pair of semi-detached properties to be sited in the rear garden of No. 87 Pinewood Way. The properties will be 3-bed dwellings with access onto Pinewood Way, the plans show one off-road parking space per dwelling to the front of the properties.

Pinewood Way forms part of a housing estate, which is to the north of the village of Colerne, beyond the military barracks. The site is 2.2km outside the framework boundary for the village of Colerne. The site is relatively flat and the proposed houses will be in-line with an existing terrace of three properties (41, 39 and 37 Pinewood Way), 87 Pinewood Way is at right angles to the site and faces onto Doncombe Lane.

Planning History		
Application number	Proposal	Decision
08/01233/FUL	Extension and Loft Conversion including Dormer Windows, New Double Garage and New Access	Awaiting Determination

Consultations

Colerne Parish Council have no objections.

Wiltshire County Council Highways object on the following grounds.

The proposed dwellings are 3-bed and on that basis 2 off-road parking spaces are required for each dwelling. The site has a reasonable bus service, however, there is no evening or Sunday service. The lack of pedestrian facilities means that residents would not have a safe route into Colerne village to access the local amenities and therefore there is an objection on sustainability grounds.

Housing Services - Although there is a need in Colerne for affordable housing the site would not meet with the requirements of the Local Plan 2011 Policy H7 as it is not within or adjoining the village and its location is unsustainable for affordable housing. The site is also non-compliant with Policy H7 as the units will be sold on the open market, therefore it is not an affordable housing development by our definition (outlined on page 13 of the AH SPD).

Representations

Two letters of objection have been received and below is a summary of the key points raised:

- There is a covenant on the land which states that no separate building can be built on this land. If the covenant is broken it would set a precedent;
- Proposed dwelling will be built too close to my property, there has been sufficient building work and there is no room for more

Planning Considerations

Principle of Development

The site is in the countryside outside the framework boundary and whilst it is acknowledged that the site is within a residential estate, in policy terms the application would need to be considered in relation to Policy H4 which relates to housing in the countryside. Under Policy H4, housing is strictly controlled and it would need to be demonstrated that it was in connection with the essential needs of agriculture or was the replacement of an existing dwelling.

The applicant has indicated that the properties would provide low cost housing for local people, This

would, however, not be affordable housing as defined in the local plan and would in effect be market housing. Therefore the market would dictate the selling price which would likely to be out of reach of many people on housing waiting lists. Affordable housing as defined in the Local Plan, would ensure that dwellings would remain affordable, be in the control of a Registered Social Landlord and a legal agreement would need to be entered into to ensure that they are occupied in perpetuity by people who have a local housing need and who cannot afford housing in the private rental or housing for sale sector.

Consideration was given as to whether the proposal could come forward as an exception site for affordable housing under Policy H7 (Affordable Housing on Rural Exception Sites). However, Policy H7 refers to “within and adjoining the villages”, which is interpreted as being within or adjoining the defined boundary of the village of Colerne where there are facilities such as shops, doctors surgery and school etc. Both Housing and Highways have commented that this location would be unsustainable for additional dwellings. Additionally, applications under this policy would need to be put forward by a Registered Social Landlord clearly demonstrating that there is a need for affordable housing which cannot otherwise be met and that this site was the most suitable of a number of sites that had been investigated.

The application is contrary to Policy H4 and is not an acceptable site under Policy H7. An unfortunate precedent would be set if permission were to be granted, which would seriously undermine planning policies in relation to housing developments in the countryside.

A local resident raised the issue of a covenant on the land which restricts the erection of buildings, however, this is not a planning matter and any decision made on this application would not override any third party interests.

Impact on Amenity

Notwithstanding that the proposal is considered to be contrary to policy, there are also concerns regarding the amenity of potential occupiers of the proposed dwellings.

No 87 is at right angles to the proposed dwellings and there will only be a distance of 8.5 metres from the rear of No. 87 to the boundary with the proposed properties. Given this short distance it is considered that the upper floor windows of No 87 will overlook the private rear gardens of the proposed dwellings. Given the very small gardens to the rear of the proposed dwellings, which will be approximately 8 metres in depth, it is considered that future occupiers would have poor private amenity space.

Highways and Access

Access to the site will be from Pinewood Way in the position of the existing access to No. 87. The plans show one off-road parking space per dwelling and Highways have commented that they require two off-road spaces per dwelling.

A new access onto Doncombe Lane is proposed for the existing dwelling No. 87, which is part of a separate application which is still to be determined.

Public Open Space

The applicant has been advised of the financial contribution which will be sought to meet the requirements of Policy CF3. However, given that the application is being recommended for refusal it was thought to be inappropriate to request that the applicant go to the expense of having a legal agreement prepared in this respect

There has been no confirmation from the applicant that the financial contribution would be made.

Recommendation and Proposed Conditions/Informatives

Planning Permission be REFUSED for the following reasons:

1. The proposal is outside a framework boundary and, being unrelated to the needs of agriculture, forestry or other rural based enterprise or involving the replacement of an existing dwelling, is contrary to Policy H4 of the North Wiltshire Local Plan 2011 which seeks to resist new dwellings in the open countryside.
2. The proposal, located remote from rural services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce the growth in the length and number of motorised journeys, and policies C3 and T1 of the North Wiltshire Local Plan 2011.
3. The proposal results in an uncomfortable relationship between the new dwellings and number 87 Pinewood Way, which would result in overlooking of the proposed rear gardens. Therefore the application scheme would not provide sufficient private amenity space for the proposed dwellings contrary to Policy C3 of the North Wiltshire Local Plan 2011.
4. The proposal fails to provide adequate off-road parking contrary to Policy C3 of the North Wiltshire Local Plan 2011.
5. The proposal does not include any public open space provision or financial contribution, contrary to Policy CF3 of the North Wiltshire Local Plan 2011.

Informative:

1. This decision relates to documents/plans submitted with the application, listed below.

Plan References:

LO36/1 received by the local planning authority 19/05/08

Appendices:	NONE.
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 3.05, 4.02, 4.03, 4.04