

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	15th December 2010		
Application Number	10/03739/FUL		
Site Address	Glen Avon, Hornbury Hill, Minety		
Proposal	Demolition of existing dwelling and erection of 8 no. Dwellings, vehicular and pedestrian access, parking and landscaping (resubmission of 10/00426/FUL)		
Applicant	Thornacre Developments and Zota Limited		
Town/Parish Council	Minety Parish Council		
Electoral Division	Minety	Unitary Member	Councillor Carole Soden
Grid Ref	402530 190556		
Type of application	FULL		
Case Officer	S T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Development Control Committee at the request of Councillor Soden so as to enable full and open consideration of the form of development, highway safety and potential for impact upon the neighbours. This follows an earlier application for exactly the same form of development on this site, also considered by the DC Committee in September 2010.

1. Purpose of Report

To consider the above application and subject to all parties entering into a an agreement under s106 of The Act in respect of affordable housing, to recommend that the decision be delegated to the Area Development Manager for planning permission to be GRANTED subject to conditions.

Forty four (44) letters of objection have been received from members of the public. The Parish Council have objected to the application.

2. Main Issues

The application is submitted pursuant to a previous application for exactly the same development on this site. It is again for the construction of eight dwellings following the demolition of a single existing property on the site. The application site is within the settlement framework boundary of Minety. As before the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policies H3, H6
- Principle of development
- Density, layout and design
- Effect upon residential amenity of existing properties
- Access and highway safety
- Surface water drainage
- Community infrastructure (Policy C2)

3. Site Description

The application relates to a 0.19Ha site with existing single (now derelict) dwelling, Access to the site is via a long 130m (approx.) surfaced access track serving 3 other dwellings (4 including the dwelling currently upon the application site) together with the Minety sports pavilion. A public footpath runs through the site, following the line of the access track.

The application site is entirely within the Settlement Framework Boundary of Minety, although the routing of the boundary takes a deliberate and elongated step out from the core built up part of the village which runs east/west and north/south along the through roads.

4. Relevant Planning History		
Application Number	Proposal	Decision
07/03332/OUT	Erection of eight houses	Refused
08/02310/OUT	Outline application for the erection of eight houses	Granted
10/00426/FUL	Demolition of existing dwelling and erection of 8 no. dwellings vehicular and pedestrian access, parking and landscaping Refused for the following reason: The proposed development does not include or bring forward adequate provision for affordable housing as is required by Policies C2 and H6 of the adopted North Wiltshire Local Plan 2011 and supporting guidance contained within the Revised Affordable Housing Supplementary Planning Document 2008.	Refused 22/09/10 Appeal lodged

5. Proposal

This proposal is essentially for the demolition of the existing dwelling on the site and the creation of 8 dwellings (7 net) in its place. The application includes proposals for the provision of access to the site via the existing track leading to the sports pavilion.

The application is submitted pursuant to a refusal of the Development Control Committee to grant planning permission for exactly the same form of development under reference 10/00426/FUL. That application was refused on the basis that the scheme did not bring forward adequate provision for affordable housing.

Both applications represent a revised scheme following a refused application under 07/03332/OUT for 8 houses and a subsequent grant of outline planning permission under 08/02310/OUT, also for 8 dwellings.

6. Consultations

Parish Council

"1) Strong objections to the proposed car port. This will make an already urban style development

even more unsightly and apparent in a rural area. The large roof block is not aesthetically pleasing and will reduce the amount of open space in the area. It is definitely out of character in this location.

2) Access. Councillors are still very concerned about the access arrangements and are not convinced that the required width is available. The number of cars using this access will make it very dangerous for children using the Play area and any sport activities.

Despite the land registry document, Councillors doubt that the width required for the access is available, but, in the interest of safety, this must not be reduced.

If grants are to be used for the social housing element it appears that this developer is being subsidised by taxpayers' money for an unwanted development and still not being asked to contribute to open space provision, despite Council policy on this. An explanation would be appreciated.

Housing Enabling Officer

Policy H6 of the North Wiltshire Local Plan seeks to negotiate an element of affordable housing to meet local needs on all housing developments within the Framework Boundaries of the villages. The Council will negotiate 50% of the dwellings to be affordable subject to local needs and site characteristics. There are 76 people seeking an affordable home in Minety and the surrounding villages.

The units must be provided on site in clusters of no more than 5 dwellings to contribute towards a mixed and inclusive community without the need for public subsidy. All affordable units will be transferred to one of the Councils preferred RSLs without the need for public subsidy or grant.

The required standards for the affordable housing units are set out in the NWDC Revised Affordable Housing Supplementary Housing Document April 2008. The affordable housing units must be designed and constructed to satisfy the Code for Sustainable Homes Level 3 and at a minimum must comply with the Homes and Community Agency Housing Quality Indicators Version 4. The affordable units must be tenure blind to ensure an inclusive and sustainable community.

The affordable units will be provided through a Registered Social Landlord charged at target rents which are regulated by the Homes and Community Agency to ensure affordability for the end use. All social rented units shall be secured in perpetuity through s106 agreement.

Wiltshire County Council Highways

In response to the previous application, required revised plans to demonstrate 16 parking spaces can be provided. Subject to the provision of such a plan, will be able to confirm no objection subject to the conditions which were applied to the outline consent relating to access, parking and turning being applied to any permission granted.

Land Drainage Engineer

In response to the previous planning application, the Land Drainage Engineer notes the storm drain mentioned in Para. 2.4 of the drainage strategy may be at capacity, or may require jetting (clearing) and the same can be said for other parts of the system in this area. Certainly the outfall was blocked when I was there. It does look as though the aforementioned storm drain picks water up from part of Hornbury Hill and an area north of this, possibly the school. It also picks up water from the adjacent field (albeit without the ditch), the existing houses and then also the proposed development.

One reason that may possibly cause the storm drain to exceed its capacity is the runoff from the adjacent field; this will reach the inlet to the storm drain way before the rest of the system can pipe it there, which in turn will cause the water to back up hence the reported flooding. Reinstatement of the ditch (Para. 2.5) may offer an opportunity to control some of the flow from the field with the addition of a

control structure (stank) to hold up flows, which may increase the capacity of the existing storm drain.

Ultimately confirmed that the drainage scheme proposed, if implemented, would be adequate to drain the site and stop future flooding.

In response to the current application, which comprises the exact same arrangements for drainage of the site, the Land Drainage Engineer has reconfirmed his satisfaction with the scheme. Concerns about the existing drainage ditch (currently filled in – allegedly for at least the last 30 years) to the Western boundary of the site are largely a boundary dispute between neighbours. The applicant has, however, confirmed that the ditch will be cleared as a result of development.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Forty four (44) letters of letters of objection received

Summary of key relevant points raised:

- Very little space between properties and neighbours – too high density of development
- Overlooking / oppressiveness due to height and raised ground level of new properties proposed
- Appearance of development is poor and out of character with locality
- Open space proposed is inadequate
- Poor access width and land not under ownership of applicant
- Lack of access for service vehicles
- Highway safety compromised by increase in houses making use of access lane
- Emergency services unable to access development site along lane
- Surface water drainage arrangements inadequate – existing drainage ditch should not be interfered with or provide a destination for surface water from the site.
- Overload an already overloaded drainage system
- Hedging and trees have already been lopped and cut back
- Location of waste bins

8. Planning Considerations

Principle of development

This proposal is identical to the scheme that was refused permission by the Northern Area Planning Committee in September 2010.

The site lies inside the defined settlement framework of Minety - although the routing of the boundary takes a deliberate and elongated step out from the core built up part of the village which runs east/west and north/south along the through roads. Nevertheless, the principle of residential on this site does comply with policy H3 of the Local Plan 2011.

The existence of an extant outline planning permission (issued on 24th November 2009) is a highly material planning consideration when determining this new application.

Density, layout and design

As per the previous outline planning permission, the development of 8 units on a site of 0.19Ha in area results in a density of approximately 42 dwellings p/Ha. This figure sits comfortably above

the indicative minimum specified by PPS3. Indeed, such a density is not considered to be inappropriate to its location adjacent to existing residential development, and although perhaps at a greater density than existing development gaining access from the lane, the differences would not be extreme or unexpected, as warned against by national and local policy.

In close similarity to the outline planning permission, the number of units proposed translates into an arrangement of two distinct blocks of four units each. Parking spaces have been provided for all units, similarly arranged into two blocks. The layout appears to take account of the public right of way and respect the position of "Beechwood", the closest existing dwelling and is considered to be satisfactory.

Newly proposed is the insertion of a timber car-port type structure between the two blocks. The comments of the Parish Council in respect of this element of the scheme are understood, however the function of the car port to shield large areas of parked cars that would otherwise remain open to view, is considered to be a worthwhile addition to the scheme.

Despite some changes to their appearance, the proposed remain largely neutral appearance. They do not radically diverge from Minety village as a whole, which does not display any particular architectural theme. A small increase in the height of the dwellings over the outline permission (to a maximum ridge of 9.7m) is thought to be consequential to the success of the scheme. As before dormer windows are proposed to serve the now almost universal use of roof-space. As a feature, dormer windows can be seen elsewhere within Minety on dwellings and to this extent are not considered to be out of place. Materials are to be predominantly render with stone detailing.

Proportions of the dwellings continue not to be considered objectionable. Despite a small increase in the height of the dwellings over the outline permission (to a maximum ridge of 9.7m) is thought to be inconsequential to the success of the scheme, particularly in the context of other existing properties in the vicinity of large modern proportions.

Impact upon residential amenity

The site relationship with nearest residential properties is primarily defined by the common unadopted access lane, with 3 properties gaining access from it, plus 2 further properties positioned either side of its junction with Hornbury Hill. Clearly whilst there would be additional traffic associated with development of the site making use of the access track, in the context of existing traffic movements and the proximity of other roads and land uses, this is not thought to result in an adverse impact upon amenity from noise and disturbance that would warrant a reason for refusal.

In terms of built development, the closest existing property would be "Beechwood" to the immediate north. At some 8.0m+ distant and orientated along the same "building line", the relationship and consequent impact is not thought to be objectionable.

Access and highway safety

As per the outline planning permission, access to the site is to be via the existing track. There is no change to the proposed arrangements.

Whilst the concerns of local residents are understood in respect of highway safety, Wiltshire County Council have again indicated their general satisfaction to the scheme following negotiations in respect of planned widening of the lane (ie. the width of the access land is to be increased to a minimum of 4.1m). For this reason, and in the absence of expert opinion to the contrary, it is considered unreasonable to use highway safety as a reason to refuse development on this site. Critically, given the existence of the outline planning permission which has effectively already ruled on the issue of the acceptability of the access arrangement, it would not be possible to refuse planning permission on that basis.

Ownership of the land required to widen the access road continues to be disputed, with several residents suggesting it is not under the control of the applicant. Plans that form part of the submitted application make it clear that the required land is within the application site (ie. shown as being within the red-line) and that “notice” is not required to be served because all of it is within the ownership of the applicant. So long as the application has been configured in this way, there is no reason for the Council to examine this matter in more detail since it remains, essentially, a private boundary dispute. In any event, and as per the previous outline planning permission, carefully worded condition(s) could ensure that the widening of the lane take place prior to the dwellings being commenced, thus resulting in permission not being implementable, if ownership does in fact prove to be problematic.

Bin storage is to be kept within the confines of the main body of the site and not along the site access as was once suggested.

Surface water drainage

In common with the previous outline permission, the Council's Drainage Engineer has identified the existing storm water to be blocked and that the ditch to the western boundary poorly maintained. These may be the contributory factors to the flooding that has in the past been experienced in the locality.

Notwithstanding existing problems, the Land Drainage Engineer continues to indicate his satisfaction with the submitted scheme (which remains exactly that as previously proposed and approved under the outline permission). In order to address any potential concerns over the future management of the ditch it is considered reasonable to impose an addition condition that will require the submission of such details prior to the commencement of development.

Community infrastructure (Policy C2)

This was the sole reason for refusing planning permission under 10/00426/FUL. Under that application, the applicant were willing to provide 1 affordable housing, in the form of an off-site contribution, with no provision towards public open space. At the time of considering that previous application, Officers concluded that such provision was reasonable, when taking account of the viability of the scheme coming forward. Members of the DC Committee disagreed with that conclusion.

The applicant is again relying upon evidence in the form of a financial appraisal that the previously approved outline scheme would not be economically viable to implement if the expected three affordable housing units are required (ie. the outline permission required three of the eight units to be affordable housing). As Officers advised Members of the Committee at the time of considering the previous application, it is clear from appeal decisions on such matters of viability, Local Planning Authorities do need to take account of the viability of schemes.

For this very reason, Local Plan policy does allow for a flexible approach to negotiations for community infrastructure provision.

Advice from the Council's Housing Enabling Officer follows extensive negotiation over this very issue. As before, that advice is firmly that the 3 affordable units required under the existing consent would render the scheme unviable to deliver. It has also been advised that it would be reasonable to include a clause within any legal agreement (delivering that affordable housing) which would require additional affordable housing contributions to come forward if a greater degree of profit is realised by the developer than presently expected.

The advice to Members must therefore remain the same – that a reduced contribution towards affordable housing is reasonable in this particular instance.

9. Conclusion

The application (which is identical to the refused 10/00426/FUL) differs in no substantive respect than the outline planning permission, which still has over 2 years left to run. Critically, the proposals for both drainage and access remain exactly the same. In this context there is considered to be no reasonable reason to refuse planning permission.

In respect of matters relating to the provision of affordable housing, no further evidence has been provided. However, Officers advice to Members of the Committee must remain as before - it is reasonable for a reduced contribution to be delivered in this particular instance.

Members will be aware of the lodged appeal pursuant to the previous refusal to grant planning permission (based solely upon inadequate affordable housing provision). Officers are obliged to also advise of the difficulty faced by the Council in defending that reason for refusal.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The appearance, layout and scale of the development is considered to be acceptable in this location in Minety, and as such is considered to be in accordance with Policies C2, C3, H3 and H6 of the adopted North Wiltshire Local Plan 2011.

Subject to the completion of a legal agreement under s106 of The Act, in respect of the Housing Enabling Officer's requirements, for at least one unit of affordable housing to be delivered;

then :

PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory layout in the interests of the amenity of the area.

4. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than those shown on the approved plans) shall be placed or erected forward of any wall of a building (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

Reason: In the interests of the open plan layout of the area.

8. The proposed surface water drainage scheme shall be implemented in complete accordance within the submitted Surface Water Drainage Strategy prepared by Cole Easdon Consultants (dated May 2008) within three months of the commencement of development on this site.

Reason: In the interests of providing adequate measures for the disposal of surface water from the site.

9. Prior to the commencement of development a comprehensive plan for the ongoing management and maintenance of the stormwater drain crossing the site and ditch running along the western boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include measures for clearing the storm water drain and ditch prior to connection, their regular future maintenance, together with the installation of a control structure so as to hold flows and effectively increase the capacity of the storm drain. Development shall be carried out in complete accordance with those details submitted and approved.

Reason: In the interests of ensuring the developed site is not a cause of flooding to nearby properties through management and maintenance.

10. No development shall take place until the proposed and required widening of the access track to the site from Hornbury Hill has been wholly completed in complete accordance with the details contained on the submitted plan reference TP5056-001 rev.C.

Reason: To ensure that a safe vehicular and pedestrian access to the site has been provided prior to any commencement of building works within the main body of the development site.

11. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

Reason: In the interests of highway safety.

12. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

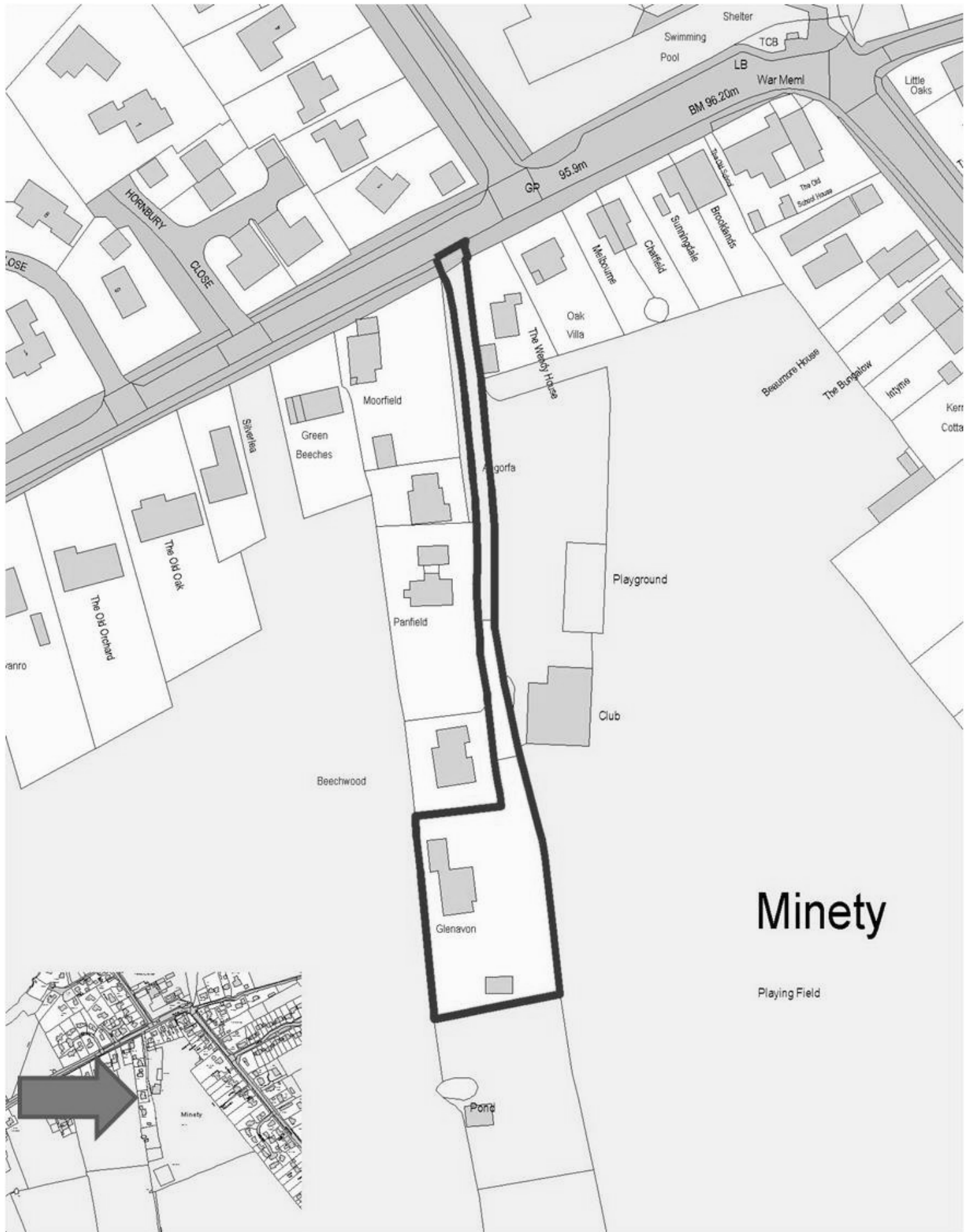
Reason: In the interests of amenity and road safety.

13. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

POLICY—C3

Appendices:	None
Background Documents Used in the Preparation of this Report:	



Minety

Playing Field

