

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 November 2016
<b>Application Number</b>	16/05090/FUL
<b>Site Address</b>	Home Farm, Tidworth, Wiltshire, SP9 7AQ
<b>Proposal</b>	Demolition of agricultural buildings and associated hardstanding. Conversion and alteration of barns to form 6 dwellings. Conversion and extension of Barn 5 to form single dwellinghouse. Erection of 7 dwellings with parking and associated landscaping. Formation of access onto Humber Lane. Change of use of agricultural land to Accessible Natural Greenspace with associated landscaping.
<b>Applicant</b>	Landmark Estates (Tidworth) Limited
<b>Town/Parish Council</b>	TIDWORTH
<b>Electoral Division</b>	TIDWORTH – (Councillor Mark Connolly)
<b>Grid Ref</b>	422609 147103
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

### Reason for the application being considered by Committee

Councillor Connolly has called in the application for the following reasons:

- The scale of development
- The site is outside the limits of development
- The lack of affordable housing

### 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 considerations and to consider the recommendation that the application be refused.

### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

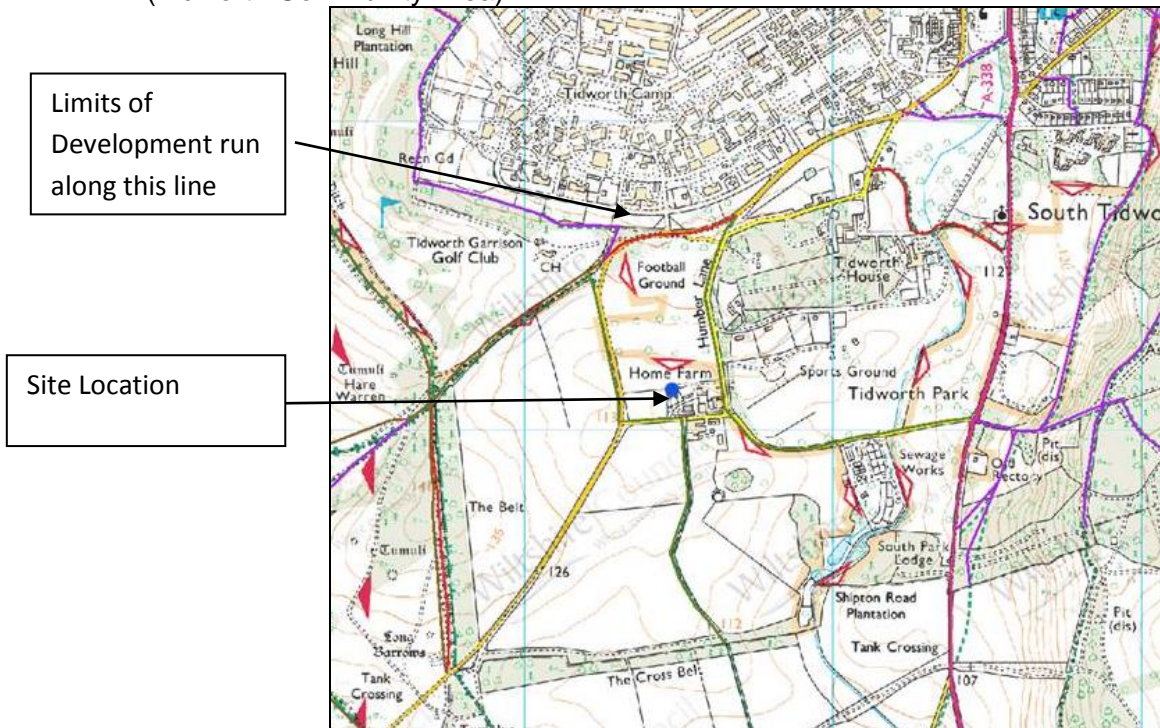
- Principle
  - Housing Land Supply
- Impact on character and appearance of site/area
- Residential amenity
- Highway considerations
- Nature conservation interests
- Archaeology
- Drainage
- Sustainable Construction
- Planning gain/S106 Obligations
  - Public open space
  - Affordable Housing
  - Waste contributions
- CIL

The application has generated 3 third party representations, and support from Tidworth Town Council.

### 3. Site Description

The site is situated in the countryside as defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy) and CP2 (Delivery Strategy). It is approximately 700 metres to

the south west of Tidworth which is defined as a Market Town by WCS policy CP26 (Tidworth Community Area).



There are no landscape designations to the site. The site lies within the Chute Forest Landscape Character Area and is inherently rural in character.

The site currently consists of a range of farmstead buildings in a courtyard arrangement to the south of Home Farm farmhouse (which is outside the development site), and a range of modern 20<sup>th</sup> Century agricultural buildings to the south and west (numbered 8-15 on the site plan extract below):



There are two pairs of semi-detached dwellings to the northwest (also outside of the development site).

The site is surrounded to the east, west and south by open fields/paddocks and there are existing recreation facilities and open space to the north.

The site is accessible from both Bulford Road to the West and Humber Road from the east.

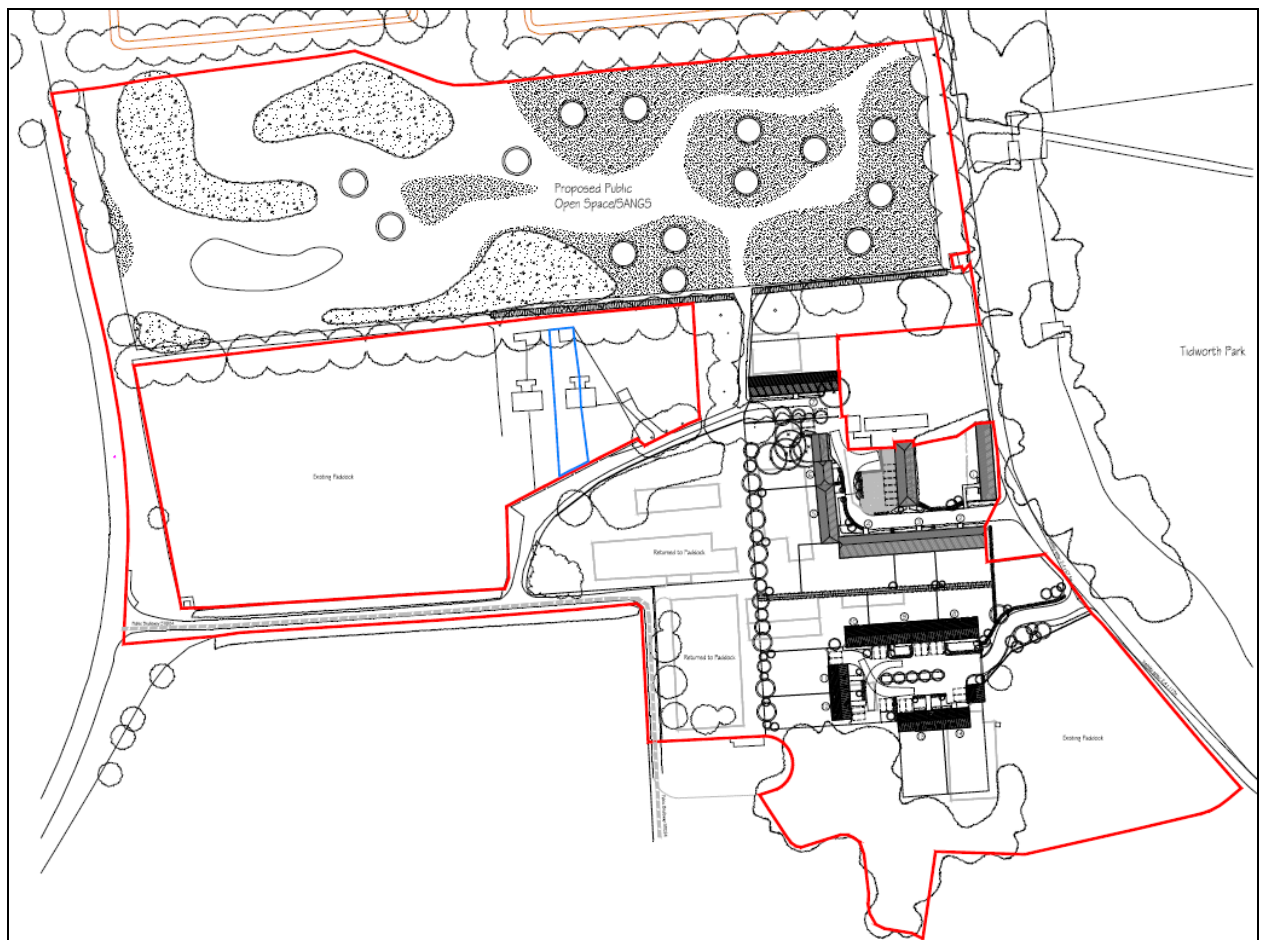
#### 4. Planning History

None relevant to the application site.

#### 5. The Proposal

The development proposals involve the demolition of the modern agricultural buildings, alteration and conversion of the barns in the courtyard arrangement to form 6 dwellings, the conversion and extension of the barn to the north west of Home Farm (numbered 5 on the plan above) to form a single dwelling, and erection of 7 new build dwellings to the south, all with parking and associated landscaping.

A new vehicular access is proposed from Humber Lane (to access the new build element of the scheme) and the application also includes the change of use of arable land to the north of the site to Accessible Natural Greenspace with associated landscaping.



## **6. Planning Policy**

### The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20th January 2015:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 26: Tidworth Community Area

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Providing affordable homes

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 52: Green Infrastructure

Core Policy 56: Contaminated Land

Core Policy 57: Ensuring High Quality Design & Space 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 62: Development Impacts on the Transport Network

Core Policy 64: Demand Management

Core Policy 67: Flood Risk

Core Policy 68: Water Resources

Housing Land Supply Statement (November 2016)

### Saved policies of the Kennet District Local Plan:

HC35: Recreation provision on small housing sites

### Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Policy PS6 – Residential Parking Standards

### Wiltshire and Swindon Waste Core Strategy:

Policy WCS6

### Government Guidance:

National Planning Policy Framework (NPPF) March 2012 (in particular para 7: Achieving sustainable development; Para 17: Core Planning Principles; Section 7: Requiring good design; Policy 11: Conserving and enhancing the natural environment)

National Planning Policy Guidance (NPPG)

### Supplementary Planning Documents:

Wiltshire Council's Landscape evidence base comprising: Kennet Landscape Character Assessment (1998); Wiltshire Landscape Character Assessment (2005); Kennet Landscape Conservation Strategy (2005)

## **7. Summary of consultation responses**

### **Tidworth Town Council:**

Tidworth Town Council generally supports the application recognising the application lies outside the limits of development for the town; the rejuvenation of a derelict and unsustainable farm is a vast improvement on what exists on site at present.

We support the conversion of the old barns which will be very sympathetic to the original design and also support demolition of warehouses and modern barns with the new build which will be sympathetically built with the barn conversions.

The Town Council would like to see affordable housing if this is proven to be viable, however we think the remoteness of the development from the town would make social housing inappropriate at this location. The Council would therefore prefer to see any funding provided for affordable housing within the town itself, which would be far more sustainable.

With regards to viability of the farm itself, the Town Council feels it is too small to be a sustainable business. Given that 4 semi-detached properties within the farm have been sold by the developer, most with paddocks, this makes the possibility of future farm status unlikely, if not impossible. The Council believes, therefore, the development of this site would be the most viable option and will improve the appearance of the area markedly.

**County Archaeologist:** Support subject to conditions (requiring a programme of archaeological works and recording of the main farmstead buildings that are to be demolished or altered)

**Wiltshire Council Conservation Officer:**

Buildings framing the farm yard are undesignated heritage assets. Demolition of functional 20<sup>th</sup> Century structures would be of benefit to the setting of the others and wider landscape. The Conversion proposals are sympathetic but the new build brings no benefits to the landscape or setting of the conversions

**Wiltshire Council Drainage:** Support subject to conditions (scheme of surface water discharge incorporating sustainable drainage details to be submitted and agreed) and informatives (the developer will need to check with sewage undertaker to determine if there is sufficient capacity to serve the development or whether off site works are required and if build over permission will be given or need to divert the sewers)

**Dorset & Wiltshire Fire & Rescue:**

Comments relating to fire safety measures which could be added as an informative and recommendation for a condition requiring details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development to be agreed and implemented.

**Wiltshire Council Ecologist:** Support subject to conditions (development to be completed in accordance with the recommendations of the ecology report; landscape and ecological mitigation and enhancement plan (showing bat roosting and bird nesting) to be approved; and a lighting plan for the edges of the site to protect commuting wildlife species at night)

**Wiltshire Council Education:** No objections

The designated area primary (Clarendon Infants and Juniors) and secondary (Wellington Academy) schools are both already effectively full, although due to the small size of the development, the Council will seek the relevant funding (4 primary school places x £16,979 = £67,916 and 3 secondary school places x £21,747 = £65,241) via the CIL mechanism.

**Wiltshire Council Highways:**

The site is outside the settlement boundary for Tidworth and this raises a policy matter for you to determine.

The section of Humber Lane serving the site is an unclassified road/bridleway

The site is fairly well served by public transport being about 400m from the stops on Bulford Road served by the Salisbury-Andover service and 1/2hourly daytime service and evening and weekends

Parking provision is in line with current standards although parking arrangement for new unit 14 is poorly arranged requiring at least 5.5m manoeuvring space.

**Wiltshire Council New Housing Team:**

The site falls outside the Tidworth Settlement Framework Boundary and the proposals are not being proposed as a rural exception site (providing 100% affordable housing).

However, if the development is considered suitable for the proposed residential development Core Policy 43 requires 4 affordable housing units within a scheme for 14 dwellings.

Core Policy 43 requires on-site provision of affordable housing other than in exceptional circumstances, unless it is proven that this is not deliverable. Due to the location of the site and viability considerations the council's New Housing Team have agreed that Discount Market Units may be an appropriate tenure as this site may not be a sustainable location for some other tenures of affordable housing. The New Housing Team would accept the possibility of Discount Market Units (DMUs) as a tenure for this site (provided at 25% discount). It should be noted that DMUs are an affordable housing tenure and are allocated in accordance with the Council's Allocations Policy and nominations procedures for DMUs, to households in housing need which are on the Council's 'Open Market Register'. Should the developer not be able to find buyers for the DMUs there would be a cascade in the S106 which ultimately allows the sale of the units on the Open Market with the discount being paid to the Council to use in the provision of affordable housing.

If there are viability issues, the council's new housing team have advised that the contribution of the Public Open Space should not be at the expense of an affordable housing contribution. In terms of the overprovision of public open space and priority for providing either affordable housing or the open space, officers consider that in principle CP43 (affordable housing) as a policy in the Core Strategy (rather than the applicants reference to a deficit in Natural Accessible Greenspace they have identified on page 13 of their planning statement) will be a priority over the POS.

**Wiltshire Council Public Open Space:** No objections

The proposals satisfy the planning requirements for POS, so I would not wish to object to the application, although a large overprovision is provided. Wiltshire council no longer adopt land, but the Town Council are adopting other open spaces in the Town and maybe interested in taking this on.

If there is no onsite provision, an offsite contribution would be sought (15 dwellings would generate a requirement for an offsite contribution of £35,670. However, there are no target sites which would directly relate to the development; therefore I would not seek an offsite contribution in this instance).

If there was no onsite provision, I would have no objections to the application.

**Wiltshire Council Public Protection:** No objections subject to conditions (given previous agricultural operations recommend a contaminated land investigation; recommend hours of construction/demolition works to minimise disturbance to nearby residents) and informative to advise any future occupants of the sewage treatment works to the SE of the site

**Wiltshire Council Spatial Planning:** Object

WCS Core Policy 2 makes clear that only in the exceptional circumstances listed at WCS para 4.25 will proposals be permitted outside the limits of development. There is no evidence submitted to justify why the 7 new build dwellings would be supportable by an exceptions policy. One of the exception policies is Core Policy 48, which sets out the policy position regarding conversion and reuse of rural buildings, although spatial planning do not consider that the application demonstrates alternative uses (employment, tourism, cultural or community uses), for the barn conversion element of the proposals are unviable.

## **8. Publicity**

The application was advertised by press / site notice and neighbour consultation letters.

Three third party representations have been received, summarised as follows:

- Supporting the scheme which is in keeping with the area, will enhance the area and landscape (from the derelict condition of the site and decaying buildings at the moment)
- Will provide much needed housing accommodation in Tidworth
- Will increase the public green space and help with environmental protection and development
- Welcome ecological measures for protected species (to be applied and monitored)
- Recommend access to site (including for construction vehicles) should be via Bulford Road (which is considered safer and more suitable alternative) and not Humber Lane (which is narrow, high banked with bends and junctions)
- Domestic travel will increase level of maintenance to Humber Lane with poorly maintained surface, lighting and prone to flooding
- Flood Risk Assessment has not considered surface flooding that takes place opposite the east entrance particularly in winter
- Increased danger to other highway users (Humber Lane is used by local stables and equestrian centre)

## **9. Planning Considerations**

### **9.1 Principle of development**

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan in this case is the adopted Wiltshire Core Strategy (WCS). Some of the policies of the former Kennet District Local Plan have been saved under Appendix D of the WCS, including HC35 (Recreation provision on small housing sites). The WCS carries forward the Limits of Development for Tidworth established in the Kennet Local Plan.

The site lies well outside of the Limits of Development for Tidworth. Residential development in this area is thus restricted by WCS policy CP2 to the 'exceptions' listed in paragraph 4.25. These exceptions include the conversion and re-use of rural buildings, where they meet certain criteria, including being structurally sound and not detracting from the amenity of the area, and where the re-use of a heritage asset would lead to its viable long term safeguarding. These criteria apply where a re-use for employment tourism or cultural or community use is not a practical proposition. In this case, the evidence submitted with the application demonstrates that the buildings to be converted are structurally sound, capable of conversion and that they are an undesignated heritage asset, and it is not considered that an employment, tourism or community use would be a practical proposition due to the investment required and the unsuitable location of the buildings removed from the settlement of Tidworth. .

In this case, applying the policies of the WCS, it is therefore considered that the conversion of the existing farm buildings to seven dwellings would be acceptable and in line with



planning policy, provided that the remainder of the farm buildings were removed, to ensure that the character and appearance of the landscape was enhanced overall.

Similarly, the change of use of the farmland to open space would not have any adverse impacts on the landscape or biodiversity of the area, and therefore would be in line with WCS policies CP50 and CP51.

However, there is no policy backing for the erection of a further seven new houses on the land to the south of the farmstead. This is outside the limits of development in an area where new residential development is restricted to that essential to meet the needs of agricultural or forestry workers. This aspect of the proposal would conflict with WCS policies CP1 and CP2, that seek to direct new residential development to sites within the Limits of Development or those allocated through the Sites DPD or a Neighbourhood Plan. Neither of these criteria apply in this instance.

The NPPF (paragraph 55) also advises that local planning authorities should avoid new isolated homes in the countryside.

The policies of the development plan would be given less weight if there was a demonstrable lack of housing land in the Housing Market Area. However, in this case, there is 8.27 years of housing land available in the Eastern Housing Market Area, well in excess of the 5 year land supply required. The policies, including the limits of development for Tidworth can be considered up to date.

The new build proposals are not presented as a rural exception site which would provide 100% affordable housing, to meet an identified need and brought forward via Core Policy 44 of the Wiltshire Core Strategy – Rural Exception Sites.

The proposed new build elements of the proposal are therefore contrary to the planning policy/the Wiltshire Core Strategy.

## **9.2 Impact on the character and appearance of the area.**

The NPPF defines core planning principles which include that planning should always seek to secure high quality design. Paragraph 58 of the NPPF in particular states that development should respond to local character and history, and reflect the identity of local surroundings and materials and paragraph 132 requires development to enhance heritage assets and make a positive contribution to their setting.

Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character.

Core Policy 57 also requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features and being sympathetic to and conserving historic buildings and landscapes.

Core Policy 58 requires that *'Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57.'*



The proposed barn conversions are considered to be appropriate to the character and overall appearance of the existing buildings which are considered to be non-designated heritage assets.

It is also considered that the proposed Accessible Natural Greenspace which is located immediately south of existing playing fields will not cause harm to the local landscape character.

However, the new build elements of the scheme are not considered to be appropriate in terms of impact to the character and appearance of the area. It brings no benefits to the landscape or setting of the conversions, indeed if anything, it confuses matters. The existing situation with prefab steel buildings has arisen from agricultural purpose and their clearance would normally be required as part of the proposal to convert the remaining buildings.

### **9.3. Affordable Housing**

The proposed conversion of the existing buildings to provide seven dwellings would not, by itself, require an affordable housing contribution, if the guidance from the government on the vacant building credit is applied, which would be reasonable in this case as the proposal is bringing back into use existing buildings that do have character. However, with the inclusion of the seven new build properties, the requirement, even allowing for a reasonable application of the vacant buildings credit (VBC), would be for two of the 14 dwellings to be affordable. (Discounted from 4 by the VBC). This could be met by the provision of discounted market units at two of the new properties. However, the agent has claimed that the proposal is not viable with any affordable housing, due to the cost of providing the open space and the associated transfer. This is not a matter agreed by the Council's Valuation Officer. The issue of Section 106 planning obligations is returned to below.

### **9.4 Impact on residential amenity**

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

Home Farm (currently vacant) overlooks the site of the barn conversions, although given the distance between this existing dwelling and the proposed conversions; it is not considered that the proposed development will have an adverse impact upon residential amenity for existing occupants.

The council's public protection team have noted that there is a sewage treatment works to the south east of the site, approximately 450m away. They have considered the distance between the proposed development and the sewage works and in light of having not received any complaints previously in relation to the treatment works and given the distance and other nearby residential properties located at similar distances; they have advised it is unlikely that odour will be an issue, although if the application were approved they have

recommended an informative advising any future occupants should be made aware of the nearby sewage works.

The public protection team have also recommended contaminated land and hours of construction/demolition conditions should the application be approved.

## **9.5 Highway considerations**

Notwithstanding the sustainability objections to the new build element of the scheme, the highways department have raised no highway safety or parking concerns with the proposals (subject to conditions including a revised parking layout for unit 14), which provide sufficient off-street parking in accordance with the parking standards set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy.

## **9.6 Nature Conservation Interests**

Core Policy 50 requires features of biodiversity to be retained, buffered and managed favourably. Where this is not possible, mitigation and compensation must be secured to ensure no net loss of the local biodiversity loss. The development proposal retains trees and new landscaping is also proposed as part of the application.

An ecology survey and report has been submitted which has identified that one building is used by a small number of bats for summer roosting only, also that several buildings support roosting sites for barn owl(s) and that a range of small birds including swallows, doves and garden birds nest in some of the buildings.

The ecology report makes recommendations for bat mitigation works (retaining bat access and roosting within building 1), precautionary working practices, and for timing of works that will ensure these species are disturbed as little as possible and that European and domestic legislation relating to wildlife species is not breached.

The council's ecologist has advised that in addition to the bat mitigation works, ecological enhancement for bats (in the form of bat bricks in new houses or bat boxes on trees) and bird nesting opportunities should also be provided in the new houses.

The council's ecologist supports the Landscape Proposals (Planting Plans Dwgs. ACLA/BFJ03 and J04) as it shows retention of the majority of the trees around the site boundary and will provide cover, together with foraging and commuting opportunities for bats, birds and a range of small mammals. However, in order to perform this function for biodiversity, the trees and hedges must not be artificially lit.

## **9.7 Archaeology:**

Paragraph 128 of the NPPF states that *'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*.

A desk based assessment (DBA) accompanies the planning application, which considers the impact of the proposed development within the area of the farm buildings and concludes that there is some potential for remains associated with the early elements of the farm to be affected by the development. Any such remains should be recorded by an archaeological watching brief, secured by a condition. The council's archaeologist also recommends a condition that there should be some recording of the buildings that are to be demolished or altered.

The council's archaeologist explains that the DBA does not, however, cover the area of proposed landscaped open space to the north, which includes areas of planting and a pond. The DBA mentions an undated enclosure just to the west of this area. The shape and size of this enclosure means that there is a strong potential for this to be an Iron Age enclosed settlement. If this is the case, especially in relation to the Romano-British settlement and Bronze Age burials in the area, then there is the potential for significant heritage assets with an archaeological interest to be affected by the proposals and because of this, the council's archaeologist considers that field evaluation is necessary, and although this would normally be recommended in advance of determination of an application, in this case can be included in a condition requiring a programme of archaeological works for the entire development.

### **9.8 Drainage:**

Third party comments refer to concerns over surface water flooding events at the eastern entrance to the site. The council's drainage engineer has confirmed that part of the site may be at risk from surface water flooding but has no objections to the scheme subject to conditions (including the need for a scheme of surface water drainage) and has advised that this scheme will need to include checking levels of groundwater to ensure that the base of any soakaway is at least 1m above the level of the ground water including seasonable variation.

### **9.9 Planning Obligations (Section 106 Agreement):**

Section 106 planning obligations can only be required where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

In this case, contributions would normally be required for the provision of waste recycling containers (estimated at £1,274) for the development as a whole. A legal agreement for the provision of affordable housing units (two discounted market units) would also be required if the scheme as a whole were to go ahead. However, the developer has offered no contributions other than the creation of the public open space and the payment of a commuted sum to go with it. The developer claims that the scheme is not viable with any affordable housing provision.

The provision of the public open space is not a policy requirement of this development, whilst the provision of affordable housing is. The developer can legitimately offer the land to the Council, but this does not negate the policy requirement to provide affordable housing. The developer claims that doing both would make the development unviable, but the choice to offer the public open space is the developers, and even if it were to be accepted, the Council's viability expert considers that the scheme would still be viable with the development of both the open space and 1 discount market unit of affordable housing.

However, it is important to realise that no planning obligation can overcome the fact that the proposal, with or without an obligation, is contrary to the development plan because of the inclusion of the new build housing.

## **10. Conclusion**

The Adopted Wiltshire Core Strategy seeks to build resilient communities and direct new development to existing settlements, whilst making allowance for the reasonable conversion of buildings that may be worth retaining in a new use.

In this case, the site is located in open countryside outside of the limits of development defined for Tidworth in the Wiltshire Core Strategy (adopted January 2015). The conversion of the existing barns that possess some merit is considered to be in accordance with Core Policy 48, as is the change of use of part of the land to open space, but the proposal to construct a further 7 new build dwellings is not in accordance with the Core Strategy, nor government policy. As the Council cannot legally issue a 'split decision', the proposal as a whole is in conflict with the development plan and accordingly should be refused.

**RECOMMENDATION: REFUSE, for the following reasons:**

(1) The site lies outside of the limits of development defined for Tidworth in the Wiltshire Core Strategy. It includes seven new build dwellings on a site that has not been brought forward either through a Site Allocations DPD or a neighbourhood plan and does not fall within any of the proposed exceptions identified in Core Policy 2. Consequently, the development would conflict with policies CP1; CP2 and CP26 of the Wiltshire Core Strategy and with paragraph 55 of the National Planning Policy Framework.

(2) The proposed new build housing would have an adverse impact on the character and appearance of the area and would detract from the setting of the adjacent farm buildings, either in their converted or unconverted form. This would conflict with core policies 57 and 58 of the Wiltshire Core Strategy.

(3) The proposal does not make provision for on-site affordable housing, contrary to Core Policy 43 of the Wiltshire Core Strategy.

(4) The proposal does not provide for contributions towards waste and recycling containers (on-site infrastructure required by the proposal), contrary to Core Policy 3 of the Wiltshire Core Strategy and policy WCS6 of the Wiltshire and Swindon Waste Core Strategy.

INFORMATIVES: It should be noted that reason 3 for refusal, could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement contributing to waste and recycling containers.