

<b>Date of Meeting</b>	11 January 2017
<b>Application Number</b>	16/06564/OUT
<b>Site Address</b>	Land North Of 554 Canal Bridge Semington Wiltshire BA14 6JT
<b>Proposal</b>	Outline application relating to access - Erection of two detached dwellings and new access
<b>Applicant</b>	Mr K Lockwood
<b>Town/Parish Council</b>	MELKSHAM WITHOUT
<b>Electoral Division</b>	MELKSHAM WITHOUT SOUTH – Cllr Roy While
<b>Grid Ref</b>	389961 161101
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	James Taylor

### **Reason for the application being considered by Committee**

The application has been called-in by the local ward member, Cllr Roy While for the following reasons:

I do not consider that the development would have an adverse impact. The Melksham Without Parish Council have no objections and regarding the Highway officers comments this is on a closed road, fairly isolated with less than a dozen properties positioned between the Police Station and the canal bridge. Furthermore there is the issue of the WC failing to meet the 5 year housing and supply.

### **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**

This application addresses the material planning considerations in the context of the site, the submissions received, the relevant planning policy and any other material planning considerations. The report concludes that planning permission ought to be refused based on the conflict of the proposals with CP1 and CP2 of the development plan.

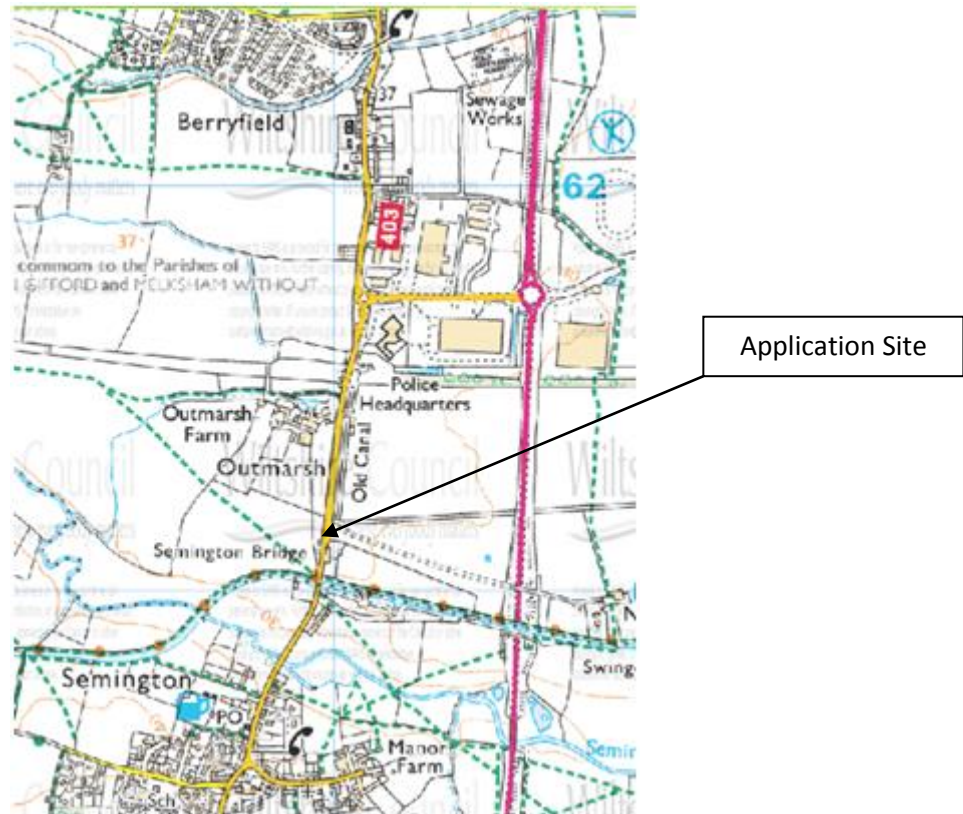
### **3. Site Description**

The application site is a small enclosed parcel of land that is bound by unkempt hedgerows and landscaping. It is an irregular quadrangle shape and relatively flat. Through the site there is a subterranean water main. To the east of the site is Semington Road, the former A350 now closed to most through-traffic. Beyond this to the south east is a cluster of farm buildings. To the south is the residential curtilage of No. 554 Semington Road a detached circa 19<sup>th</sup> century red brick property. To the west and north is open agricultural land.

The site is located to the north of the Kennet & Avon Canal in an open countryside location remote from the settlement boundary of Semington, which is a large village to the south, and

remote from the loose knit ribbon development associated with Berryfield, which is a small village to the north.

#### The Site and Context.



#### 4. Planning History

W/11/01254/OUT – Erection of for bedroom dwelling and creation of new access – Withdrawn.

#### 5. The Proposal

This is an outline application for the erection of 2 detached dwellings. All matters except for access are reserved.

The proposal sets out a new access onto Semington Road from the application site to serve both properties.

#### 6. Local Planning Policy

##### Local context:

*Wiltshire Core Strategy (development plan)* - CP1, CP2, CP3, CP15, CP29, CP41, CP45, CP50, CP51, CP57, CP60, CP61, CP62, CP64, CP67 and appendix D's 'saved' policy U1a of the West Wiltshire District Plan 1<sup>st</sup> Alteration (2004).

*Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3)* - PS6.

*Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)*

*Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)*

*Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)*

National Context:

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

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

Melksham Without Parish Council: No objections.

Semington Parish Council: Objection and considers the application to be “*inappropriate development in the countryside*”.

Dorset and Wiltshire Fire and Rescue Service: No objection.

Wessex Water: Proposal may affect existing assets that run through the site.

Wiltshire Council's Ecology: No objection subject to conditions. “*There are no statutory or non-statutory designated sites within the boundary of the application site or in the immediately surrounding area. The erection of two small dwellings is unlikely to result in impact on the ecology of the Kennet & Avon Canal, some 100m to the south of the site.*”

*The application site has been subject to an extended Phase I Habitat survey by Malford Environmental Ltd., who found that the site is generally of low importance to nature conservation, although there are potential impacts for nesting birds, reptiles and badgers which should be addressed through a Construction Method Statement and a Mitigation and Enhancement Plan to ensure that there is no net loss of biodiversity within the site as a result of the proposal. The site is currently very overgrown and neglected, making it difficult to assess the ecology effectively, however it is unlikely to support protected species other than those identified as potentially present. Precautionary procedures should be included in the Construction Method Statement to allow any unexpected species issues to be dealt with appropriately.”*

Wiltshire Council's Highways: No objection. “*The site is located on the outskirts of Semington, off the classified C395 which is closed to through traffic further along towards Melksham from the site. The site is located outside of the development boundary of Semington, therefore, I would consider the proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.*”

*The proposed access would benefit from sufficient visibility in both directions providing the boundary vegetation was cut back.*

*In light of the above, in principle I must raise an objection to this application on sustainable transport grounds, however should you have any policies to override this decision, then I would raise no highway objection subject to any full planning application including adequate parking and turning facilities to meet Wiltshire’s parking standards and the required visibility being able to be met.”*

Wiltshire Council's Landscape and tree officer: No objection. “*There are no objections to this development in principle and I await the submission of a landscape plan to reflect the ruralness of the area.*”

## **8. Publicity**

The public consultation consisted of posting individual neighbour notification letters and the erection of a site notice close to the application site. No comments were received following these notification processes.

## 9. Planning Considerations

- Principle of development:

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The application site is located to the north of Semington village within the Melksham Community Area. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Melksham area. The Wiltshire Housing Sites Allocation Plan and the Melksham Neighbourhood Plan are emerging plans but can only be afforded limited weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area, in which this application site lies.

Wiltshire Core Strategy –

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the *Principal Settlements, Market Towns, Local Service Centres and Large Villages*. Further it sets out that at the *Small Villages* development will be limited to infill within the existing built area. It supports a plan-led approach to development outside of the limits of development of existing settlements, stating that such development will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy.

In this case, the site clearly lies outside of the limits of development for the *market town* of Melksham, the existing built area of the *small village* of Berryfield and the limits of development for the *large village* of Semington. The site has not been identified at this stage for development though either the Wiltshire Housing Sites Allocation Plan or a Neighbourhood Plan, and the proposal fails to meet any of the exceptional circumstances listed within WCS paragraph 4.25. The proposal is therefore in clear conflict with this aspect of the development plan.

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2 in relation to limits of development) cannot be considered as up-to-date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Housing Land Supply has to be regularly assessed. The Council's most recently published Housing Land Supply Statement (published in November 2016 with an April 2016 base date), sets out a 5.13 years land supply available in the north and west housing market area. It is therefore acknowledged that the Council cannot at this time demonstrate a 5 year land supply with the necessary buffer, albeit it is material to duly note that the shortfall is slight. In light of paragraph 49 of the NPPF policies related to the supply of housing (e.g. CP1 and

CP2) cannot be afforded full weight. They do however remain a material consideration and do weigh against the scheme in the overall planning balance.

The shortfall in the 5 year land supply is a material consideration, although it argued that it is not significant and the Council has been taking/made significant steps to improve housing supply and delivery. This is likely to continue into 2017 with a significant number of houses being approved, or resolutions to grant having been made, since the April 2016 base date of that 5.13 year land supply. In this context, whilst it is acknowledged that CP1 and CP2 may not be afforded full weight, it is asserted that they should be afforded significant weight in any planning balance. That they cannot be afforded full weight does not alter the principle of development.

In these circumstances this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits. This can only be a site by site assessment and any conclusions reached on this specific scheme cannot be considered to set a precedent for an alternative scheme on this site or indeed any other scheme on another site.

- *Housing Need:*

As set out above there is a housing need within the wider housing market area of north and west Wiltshire. Furthermore CP45 requires development to meet housing needs and CP2 requires development within large villages to meet settlement housing needs. Although submitted as an outline application with all matters reserved save the means of access, the applicant has indicated that the two dwellings would be 4-bed properties.

It is recorded that Semington has a higher than average population living in 4-bed or larger properties than Wiltshire generally. There is a need for housing across 1, 2, 3 and 4 bedroom properties, although the main need is for 2- and 3-bedroom properties. Arguably therefore it would be most desirable to have 2 or 3-bedroom housing development to meet the most significant settlement needs and represent sustainable growth. It is acknowledged that 4-bedroom properties would meet a need and future occupiers may possibly move from a smaller property and thus make that available to those in need of a 2- or 3-bedroom home.

- *Access, accessibility and highway safety:*

This is an outline application with all matters reserved save for access. It is noted that the highway officer raises an objection to the proposed development on the basis of the conflict with the policies of the development plan as set out by CP1, CP2, CP60 and CP61. It is noted that they do not raise technical objection on matters of highway safety and raise no objection to the detailed access proposals.

The proposal details an access from a C-classified highway that is subject to a 30mph speed restriction. It is the former main road, which was downgraded in the 1990s with the construction of the new A350 to the east which effectively bypassed the Semington and Berryfield villages. Part of that alteration was the imposition of a road traffic order at Hampton Business Park located to the north of the application site that restricts through traffic to buses and emergency vehicles; consequently vehicular movements on this road are relatively light.

The highway at this point is relatively straight and the verge appears from site inspection to be deep. It is therefore considered that satisfactory visibility splays to serve the development could be readily achieved. Within a 30mph area on relatively lightly trafficked roads visibility of 2.4 metres by 43 metres in either direction would be acceptable. No splays have been demonstrated on the submitted plans but a condition could be imposed to avoid any doubt.

The indicative layout information which supports the application indicates that the site could accommodate the amount of development proposed with adequate areas for turning and parking to serve both units. The parking requirement is likely to be for a minimum of 6 car parking spaces given the indication that this is a proposal for two 4-bedroom properties; and it is acknowledged that the submission indicates that could be achieved.

For the above reasons it is considered that the lack of any technical highway objection is well reasoned and there are no technical highway grounds on which to base an objection. Conditions could adequately control the proposal in light of the limited information submitted at this outline stage.

The highway officer's objection on the basis of site location is understood. They are concerned that this is a development, being located outside of an area accepted for development under CP2 of the development plan conflicts with CP60 and CP61 of the development plan as there would very likely be a reliance placed on the private motor vehicles.

It is noted that there are pedestrian facilities along Semington Road, but bus stops are not conveniently located with a walk back to the pub in Semington or the Police HQ in Hampton Park required. Cycling is considered to be an alternative mode of travel for some local journeys.

It is therefore argued that whilst this site may not necessarily be the most sustainable location for further housing development, officers appreciate that some may argue that it should not reasonably be described as the antithesis of sustainability in access terms. It is also acknowledged that many occupants of homes chose to make use of the private car for many trips, regardless of the convenience and accessibility of alternatives modes of travel. This site is considered to be a location where occupants would not necessarily be reliant solely on the private car for all their journeys depending on their personal choices, however there is some conflict with CP60 and CP61, and this conflict weighs against the scheme in the overall balance.

- *Impact on the landscape and countryside:*

This is an outline application and details on which to base a full assessment are not available at this time. However it is assessed from the submissions received; a desk-based analysis of historic mapping; and a site inspection that this is a parcel of land that has historically been associated with No. 554 Semington Road until recent decades. In recent times it has been poorly maintained and had no active economic use as a parcel of land too small for commercial farming use (unless the intervening ditches and hedges are removed to connect it to a large field) and is no longer owned by a neighbouring residential property. Its appearance is therefore rather unkempt and its features that contribute to the character of the countryside are arguably limited to the poorly maintained boundary vegetation and its openness.

The proposal would develop a site that is in policy terms, an open countryside location, that is isolated and relatively remote in visual terms to any settlement. To provide further disparate residential development in this rural context would be visually at odds with such an open countryside location. It is considered that the visual impact of a dwelling in principle, in this rural context, would have some negative impact through the loss of openness and the inevitable change in character from the built form and all associated domestic paraphernalia. This would weigh against the scheme in any planning balance.

CP51 of the development plan sets out a requirement to at least conserve the landscape. CP57 of the development plan sets out the Council's policy on protecting the character of Wiltshire. It sets out *"the need to make efficient use of land whilst taking account of the*

*characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.”* It is considered that in this open countryside location, the loss of openness and the proposed built form and associated domestic paraphernalia would fail to protect the character of the area at this point and this weighs against the scheme.

- Impact on ecology:

The application has been submitted with a detailed ecological assessment of the site and its potential. This has been considered by the Council’s ecology team and they raise no objection. Their comments are set out verbatim within section 7.

The submission sets out an outline scheme for mitigation and enhancement to nesting birds, hedgehog and badger species and bats; and subject to securing full and final details it is concluded that the ecological impact of the development would be neutral.

- Impact on drainage:

The application site is located in a non-sewered area and therefore it would be necessary for any development to deal with foul water drainage within the site. The applicant has suggested that this is an unknown detail at this stage. In principle it is considered that there is likely to be a solution and in the worst case scenario the proposals may require a septic tank. Whilst not ideal, full details of a drainage solution could be adequately controlled by condition.

The site is relatively flat and located within flood zone 1, the lowest probability of fluvial flood risk. The site is not known to be at any risk of surface water (pluvial) flooding, although there is some blanket ground water flooding issues within this part of Wiltshire. The applicant has suggested that soakaways would be employed as a means of dealing with surface water drainage. This is a clay landscape and so the use of soakaways may not necessarily be a realistic solution for the site. However this is a low density scheme and the full details of the extent of impermeable surfaces and roofs are yet to be determined. On balance, it is considered that this is a matter that could be controlled by condition which would influence the final hard landscaping scheme so as to ensure that greenfield run-off rates are not affected and so that there is no increased flood risk created either to the development or neighbouring land owners.

In addition to the above, it is necessary to record that there is a rising main running through the site and the agent has confirmed that the proposals have already been discussed with Wessex Water so as to ensure that the indicative layout meets with their requirements of avoiding building over their systems or within any easement strips. Notwithstanding this, in light of the Wessex Water comments an informative would be necessary should the application be approved.

- Other material considerations:

Residential amenity – at this stage there is very limited information to enable a proper appraisal of such matters in recognition that the application is made in outline and the plans are indicative of a layout and there are no elevation treatments. However given the siting to the north of the only existing residential property, the distances involved and the intervening landscaping and potential enhancements, residential amenity impacts is not considered a significant point at this stage.

Community Infrastructure Levy – The proposal is likely to be liable to CIL and this would address any potential impacts on the local infrastructure. An informative on this matter would be necessary should permission be granted.

Sustainable construction – The submissions has been made indicating a desire to secure passive solar gain. This is to be encouraged as far as practically possible. WCS CP41 and the government’s technical standards announcements made in March 2015 mean that the Council could secure energy performance equivalent to Code for Sustainable Homes level 4 over and above building regulations standards via a planning condition.

- The Planning Balance:

The proposal is located in an open countryside located and would be contrary to CP1 and CP2 of the development plan in regards to the delivery of new housing. However it is acknowledged that the Council cannot at this time demonstrate a 5 year land supply with the necessary buffer. The current land supply is 5.13 years and therefore it is duly argued that the shortfall is nominal. In light of paragraph 49 of the NPPF being in force, development plan policies relating to the supply of housing (e.g. CP1 and CP2) cannot be afforded full weight. They do however remain a material consideration though and do weigh against the scheme in the overall planning balance.

The shortfall in the 5 year housing land supply relevant to the N&W HMA is not significant and the Council has been taking significant steps to improve housing supply and delivery. This is likely to continue into 2017 with a significant number of houses being approved, or resolutions to grant having been made, since the April 2016 base date of that 5.13 year land supply. In this context it is considered that CP1 and CP2 may be afforded significant weight in any planning balance.

Nonetheless, paragraph 14 of the NPPF is currently engaged which states that *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.”*

In terms of positive benefit, the proposal offers the delivery of a two dwellings in a relatively isolated location in proximity to disparate development only. The benefit is considered to be limited due to the small number of dwellings, which would not address any specific identified local need. The proposal would provide some economic benefit through the transitory construction period; however that is merely commensurate with the construction of a pair of dwellings. This is considered to have limited weight.

In terms of neutral impacts the proposal, and subject to conditions, could comply with ecological policy requirements on ecological/biodiversity enhancement. The dwellings could be provided so as to create a satisfactory level of amenity for future occupiers and the existing neighbouring property and avoid any adverse impact on highway safety.

Furthermore, the site and development proposal could be adequately drained, although the ground water flooding records, clay geology and lack of information is a concern.

However it is considered that in addition to being contrary to the housing delivery strategy of the development plan; being located outside of the defined settlement boundaries and within an open countryside location there are negative impacts which weigh against this application.

The proposal would cause a material change to the rural character at this point through the loss of openness and the introduction of residential development and the inevitable domestic paraphernalia contrary to CP51 and CP57 of the development plan. This is an environmental



and social consideration within the overall sustainability of the proposal and weighs against the scheme.

The site given its location and relationship/distance to local services and facilities would likely result in reliance placed on private motor vehicles for most journeys contrary to CP60 and CP61 of the development plan. This is an environmental and social consideration within the overall sustainability of the proposal and weighs against the scheme.

#### **10. Conclusion (The Planning Balance)**

Returning to paragraph 14 it sets out that planning permission ought to be granted unless the adverse impacts would *significantly and demonstrably outweigh* the benefits. This has been considered in the context of the NPPF as a whole and for the reasons outlined above it is assessed that the benefits of this proposal are very limited and modest and the cumulative adverse impacts do, for the reasons set out above, significant and demonstrably outweigh them.

The conflict with CP1 and CP2 of the development plan are significant and clear and in the context of the very limited shortfall in 5 year land supply the adverse impact of this ought to not be afforded full weight, but should be afforded significant weight. This in combination with the associated conflict with policies CP51, CP57, CP60 and CP61 represent significant and demonstrable adverse impacts which clearly outweigh the limited benefit of providing only 2 additional dwellings that would not appear to meet specific local need and the transitory economic benefits from construction. In light of the above, the proposal is not considered to be sustainable development.

#### **RECOMMENDATION Refuse.**

Having regard to all the submissions and relevant policies, including the policies of the NPPF taken as a whole, and mindful of the nominal 5-year housing land supply shortfall, this application is considered to be an inappropriate, unsustainable form of development which would have an adverse impact on the character and appearance of the area and highway impacts cumulatively would significantly and demonstrably outweigh the benefit of providing two additional dwellings in an open countryside location and the provision of employment created through construction processes. As such the proposal is not considered to represent sustainable development being contrary to CP1, CP2, CP51, CP57, CP60, and CP61 of the Wiltshire Core Strategy 2015 and the policies of the NPPF taken as a whole.

#### **INFORMATIVE:**

This application was determined against the following plans:

Site Location Plan, BDS-20-06-16 (Illustrated Layout), and BDS-20-06-16 (Topographic Survey) received on 5 July 2016.