

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 <sup>th</sup> March 2011		
Application Number	10/04596/FUL		
Site Address	Barncroft, Upper Common, Kington Langley, Chippenham, SN15 5PF		
Proposal	3 detached dwellings		
Applicant	Mrs Sylvia Sutton		
Town/Parish Council	Kington Langley		
Electoral Division	Kington	Unitary Member	Cllr Greenman
Grid Ref	39100 176623		
Type of application	FULL0		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

### Reason for the application being considered by planning committee:

Cllr Greenman has requested that the application be considered by Committee to assess the scale of the development, its visual impact upon the surrounding area and to assess the affordable housing requirement.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity
- Affordable Housing requirements
- Impact upon neighbour amenity
- POS contribution.

The application has generated no objections and has the support of the parish council

### 3. Site Description

The site is approx. 0.16ha in size and is relatively flat and mainly rough grass. However, there is a garage owned by the property opposite that cuts the site in two. There is a public footpath which runs along the existing driveway to Barncroft to the East. The roadside boundary is poor quality walling.

The site contains the foundations of dwelling that was commenced in the 1970's and remains an extant permission.

The Barton makes up traditional cottage housing to the southeast and there is more modern housing facing the road to the south west with traditional type housing opposite

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
04/02168/FUL	15 dwellings	Withdrawn
05/02043/FUL	15 dwellings	Dismissed at appeal
08/0855/FUL	5 dwellings	Withdrawn
10/00967/FUL	3 dwellings	Refused on grounds of lack of provision of affordable housing and contribution to POS

## **5. Proposal**

The proposal is for three detached dwellings, two of which are large 4 bed roomed houses with integral garages and a modest 2 bed cottage with no garage. The existing garage which serves the property opposite will remain. A single vehicular access will be formed to serve the two new detached dwellings and the smaller dwelling will be accessed from the existing driveway to Barncroft.

## **6. Planning Policy**

North Wiltshire Local Plan: policies H4; C3; HE1, CF3 and H6.

The site lies within the Kington Langley conservation area.

## **7. Consultations**

Kington Langley Parish Council support the application.

The Highways team do not object subject to conditions which include the creation of visibility splays by re-location of a telegraph pole and electricity pole, post box and village notice board.

The Housing team state that a proposal of 3 houses within the framework boundary of Kington Langley triggers Affordable Housing Policy H6, where the Council will seek to negotiate 50% of the dwellings to be affordable subject to local needs and site characteristics.

There is a demonstrable need for affordable housing in Kington Langley with over 30 people on Choice Based Lettings. The Kington Langley Housing Need Survey 2005 confirmed support for affordable housing. Therefore they seek one affordable housing dwelling on site.

There has been considerable discussion and negotiation including meeting the agent to discuss the financial viability of the scheme and the applicants offer to make an off site contribution. The financial information supplied includes Barncroft within the valuation of the land, but Officers' view is that as the Council has no control over Barncroft (as it falls outside the development site) and that it should be excluded. Whilst the presence of a "started" unit on the site skews the figures, it will still increase the profit on the scheme should the development be built including the affordable unit.

In conclusion, Housing state that it has been demonstrated through an open book process that this scheme is viable to provide an affordable unit in line with adopted planning policy.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

2 letters of letters of objection have been received on the following:

- Number and design of properties.
- Overbearing and overdevelopment in conservation area.
- Increase in traffic and parking on the road, which is a dangerous bend in this location.
- Damage to verges from parked cars.

## 9. Planning Considerations

The site lies within the framework boundary of Kington Langley where housing is permissible subject to a number of caveats and other policies. As the site lies within the Kington Langley Conservation Area any development must preserve or enhance its character. The other relevant policies in this case are H6 and CF3 (Affordable Housing and Public Open Space).

The surrounding dwellings are built in a variety of forms and styles from a mixture of natural and recon stone. The proposed dwellings are to be built in natural stone with recon stone tiles. The rooflines of the two larger dwellings are broken to give a less imposing development and the windows arranged to minimise overlooking of adjacent properties. Plot 1 has been pulled forward to prevent restricting light to a side window in the adjacent property. Their overall height is approx. 0.3m-0.5m higher than the nearest property, but there are a range of roof heights in the street and the properties are considered to preserve the character of the conservation area, which as a piece of neglected land does little to enhance the area. The proposal is thus considered to be compliant with policy HE1 of NWLP 2011.

Plot 3 is designed as a more modest 2 bed cottage with lower overall height and traditional dormers to the first floor accommodation.

There are the foundations of a house which was commenced in the 70s and as such could be completed at any time. Policy H6 requires a 50% contribution so in the case of 3 dwellings the contribution should be 1 unit plus a S106 contribution of £26k. However, when the existing extant permission is taken into account the net gain is only 2 dwellings and the requirement is reduced to the provision of a single unit.

The agent has provided some evidence (estate agent valuations and costs and comparisons with and without the affordable unit) as to why this would not be workable, in that an affordable unit next to two open market houses would devalue those houses and Barncroft itself to an extent whereby the owner of Barncroft would be £30k better off selling the bungalow alone with the result that the new houses would not be built. There is no suggestion that the scheme itself is not viable. All the information provided against provision of an affordable unit takes into account the value of Barncroft, which does not fall within the development site. It should therefore not form part of the financial considerations as the local planning authority has no control over it.

The suggestion by the applicant is that a £52k payment is made to help fund another (unspecified) scheme. However, Kington Langley is hugely restricted on the land that is available to build affordable housing and as such it is highly unlikely the money could ever be spent for its intended purpose. Kington Langley has an identified need for affordable units and it would be unfortunate if this opportunity to provide a unit were to be missed. It would also be contrary to Local Plan Policy H6 and is a situation and argument that could be repeated too often in this and other villages. The Council's adopted Supplementary Planning Document on affordable housing states in para 5.8.3 that an off site contribution will only be considered in exceptional circumstances and to be used within the same local area as the original development. There are no proven exceptional circumstances and the money is highly unlikely to be able to be used in the local area due to lack of land.

The applicant has expressed willingness to enter into the relevant S106 agreement to secure the POS payment, but has not supplied any legal agreement with the application.

It is considered that including the financial considerations pertaining to Barnroft, which is not within the development site, within the justification of lack of viability is incorrect. The Council's Housing section has confirmed that, although it does not increase land value to build the 3 new units (with one as an affordable unit) rather than the one which is currently at footings stage on site, it does increase the profit on the scheme. It is the applicant's choice as to whether they wish to bring forward the scheme.

## **11. Recommendation**

Planning Permission be REFUSED for the following reasons:

1. The proposal makes no provision for affordable housing as required by policy H6 of the North Wiltshire Local Plan 2011 and the Council's Affordable Housing Supplementary Planning Document (Adopted August 2007) and where no acceptable financial justification has been made to make a departure from the policy and where the Council has demonstrated a need for such housing.
2. 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 Numbers

Site Location Plan  
333/1; 333/2; 333/3; 333/4; 333/5

All Dated 17/12/10

