

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	28th April 2010		
Application Number	09/01791/FUL		
Site Address	Longbarrow Road, Calne, SN11 0HE		
Proposal	Residential development comprising 29 units including 2 storey houses and flats and single storey bungalows. Provision of pedestrian and vehicular access and parking and public open space, tree protection measures and oil pipeline easement.		
Applicant	Westlea Housing Association		
Town/Parish Council	Calne		
Electoral Division	Calne	Unitary Member	Councillor Howard Marshall
Grid Ref	399037 171086		
Type of application	Full		
Case Officer	S T Smith	01249 704633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Marshall has requested it be called to committee to consider the visual effect of development, its relationship with adjoining properties, the design of development, its highway impact and level of car parking.

Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to all parties entering into a legal agreement and the imposition of planning conditions.

Main Issues

The application is for residential development within the settlement framework boundary of Calne. The site has previously been granted planning permission for residential development. The key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policies H3 and H5
- Principle of development
- Affordable housing and mixed, inclusive communities
- Density, layout and design of development
- Effect upon residential amenity of existing properties
- Access and highway safety

Site Description

The application relates to a 0.89Ha site accessed from Longbarrow Road, part of the Curzon Park estate on the western side of Calne. The site remains undeveloped and unallocated for development although long being considered to be the final phase of the Curzon Park housing estate and benefiting from a 1988 planning permission.

The application site is entirely within the Settlement Framework Boundary of Calne. To the north and east the site is bounded by other residential properties. The southern and western boundaries form the outermost extent of the Settlement Framework Boundary, with open countryside beyond. Public footpaths follow the southern and western boundaries.

<u>Relevant Planning History</u>		
Application Number	Proposal	Decision
88/0/FUL	Erection of 26 bungalows	Approved August 1988

Proposal

This proposal is for the creation of 29 dwellings – split as 9 bungalows, 4 flats and 16 houses. The application is formally submitted on the basis that at least 30% of total number of units would be affordable housing (as is required by adopted planning policy), although it is widely understood by both the Council and the local community that the applicant, as a Housing Association, intends for the entire development to be built and occupied as affordable housing.

Access to the site is to be via an existing road spur leading from Longbarrow Road, which in turn follows existing estate road network leading to A4 Curzon Street.

Consultations

The Town Council (initial comments repeated in full)

“Members objected strongly to this application. The application is a direct contravention of the following planning guidelines: Core Policies C3(i), (iii), (iv), (vii) and (viii). Irrespective of whether Long Barrow Road, Curzon Park is considered to be an “urban” or “rural” area, H5 or H6 would also apply.”

The TC comment that all subsequent additional/revised information received would not alter their fundamental objection to the application.

Housing Enabling Officer (comments repeated in full)

“I write in response to the above planning application. This response replaces all previous responses that may have been made by Housing Services.

The application proposes 29 residential units. Policy H5 states that; the council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of either 15 or more dwellings or 0.5 hectares or more in size....will be on the basis of about 30% of the dwellings permitted being subsidised, with an additional proportion being low cost housing subject to meet local need...,

The land fits with the above criteria, therefore, when applying NWDC Local Plan Policy H5 the affordable housing contribution should be as follows;

30% of all residential dwellings to be affordable with 100% to be social rent to reflect North Wiltshire Revised Affordable Housing Supplementary Planning Document (SPD) April 2008.

There is a demonstrated housing need within Calne. As at 01/12/07 there were 199 applicants with general needs on the Housing Needs Register for North Wiltshire, who had listed Calne as their 1st choice. This figure has increased to 367 applicants as of 17/02/2010. The 2005 District Wide

Housing Needs survey identified a shortfall of 128 affordable dwellings per annum in the Calne sub-area, with 100% of this need for rented accommodation.

Housing Services seek the following mix:

*1 bed flat 20%
2 bed house 50%
3 bed house 20%
4+ bed 10%*

Please note this is an indicative mix only.

The required standards are set out in the NWDC revised affordable housing SPD 2008. All homes to be built to Code for Sustainable Homes Level 3 and comply with Homes and Communities Agency Design and Quality Standards and charge target rents which are regulated by the Homes and Communities Agency. All units will be secured in perpetuity through a Section 106 Agreement. The development must be tenure blind with clusters of no more than 15 affordable housing units in one location spread throughout the development to ensure a mixed and sustainable community. The applicant Greensquare is a Registered Social Landlord who is regulated by the Homes and Communities Agency. All affordable housing units will be owned and managed by Greensquare.

Summary

New Housing Team are in full support of the application should permission be granted and ask that the Section 106 reflects the above requirements."

Wiltshire County Council Highways

Final comments awaited.

Environment Agency

No comments to make.

County Archaeologist

Proposed site lay 200m east of area identified as containing earthworks belonging to Medieval Settlement of Berhill Farm. Recommend that planning conditions be imposed if planning permission granted.

Pipelines Agency

Government Pipeline and Storage System (GPSS) crosses the site and a 6.0m wayleave bestriding the pipeline should be incorporated into the scheme.

Education Officer

Current forecasts predict that there will be a shortfall at primary and secondary school level. A financial contribution towards such provision is warranted by this application. (Note: agreement has been reached with the applicant for a suitable financial contribution).

Public Open Space Officer

A contribution towards public open space is warranted as a result of this development. Advises that any Off site POS contribution required for this development site should be targeted at improving the quality of the following existing 'nearby' POS facilities: Anchor Road Community Park – (CP 03) – For the purpose of upgrading an existing Community Park into a District Park facility to meet POS needs arising from incremental population growth. Castlefields Skate Park (PA 47) – For the purpose of completely refurbishing this existing 'poor quality' play facility for

older children. (Note: agreement has been reached with the applicant for a suitable financial contribution).

District Ecologist

The site supports a low population of Slow Worms and no suitable habitat would be retained in the proposed development. Hedgerows along western and southern boundaries are important and should be protected during construction and enhanced and retained. Therefore suitable planning conditions should be imposed in the event of planning permission being granted. (Note: given the likelihood of the need for additional land outside of the applicant's control, it is considered necessary to incorporate the required Slow Worm mitigation scheme into a legal agreement under s106 of The Act).

Publicity

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

127 letters of objection received, including representations from the Curzon Park Residents Association and the CPRE. Summary of key relevant points raised:

- Appearance, design and materials of new dwellings is poor and does not reflect existing surrounding development
- Layout of development unlike remainder of Curzon Park
- Curzon Park is characterised and defined by bungalows – flats and houses proposed are not appropriate
- Provision of 100% affordable housing on this site (which would include single people, facilities with young children etc.) will be out of character with the surrounding Curzon Park housing estate, which is generally characterised by bungalows with a high proportion of older/retired residents.
- Calne already provides for its own quota of affordable housing
- Development will attract children as there are no facilities to cope
- Very little space between properties and neighbours – too high density of development
- Overlooking / oppressiveness of new dwellings upon existing
- Noise and disturbance from new residents
- Open space proposed is inadequate
- Lack of parking provision/lack of any garage provision
- Lack of 20mph speed limit
- Highway safety – ability of junction with A4 to cope with additional traffic
- Additional information/revisions received do not alter fundamental objections to the scheme
- Confusion over extent of additional information received and ability to comment upon it
- Westlea Housing have not taken account of local representation made to them prior to and during the application process

Planning Considerations

Principle of development

The site lies inside the defined settlement framework of Calne. It is not allocated for development, but the principle of new residential is established as acceptable by Policy H3 of the adopted North Wiltshire Local Plan 2011. The site has long been regarded as the final phase of the surrounding Curzon Park development. It is understood that the 1988 permission has, in part, been implemented, although it is unclear whether planning conditions attached to that consent were first discharged.

The final acceptability of proposed development will need to be assessed in detail against other policies within the adopted Local Plan, together with supporting national planning guidance.

Affordable housing and mixed inclusive communities

Policy H5 of the adopted North Wilshire Local Plan 2011 requires at least 30% of new residential development in urban areas to be retained as affordable housing. This is well established principle and is normally the subject of a suitably worded legal agreement under s106 of The Act. Such legal agreements set minimum % for affordable housing but do not typically set a maximum – therefore allowing developers to freely exceed that 30% without any further consent being necessary.

In this particular instance, the application under consideration specifies that, as would be expected by this Council, 30% of units created would be affordable housing. Whilst the application is silent as to whether more than 30% of the units would be affordable, it is widely understood by the Council and the local community that all of the 29 units created would be affordable housing.

Criterion (ii) to Policy H5, and again within its supporting text, does state that affordable housing should be created in clusters of no more than 15 dwellings (clearly, the 29 units of affordable housing proposed would exceed this threshold). However, in this respect, Policy H5 has a very specific applicability to situations where developments of large numbers of new dwellings should not have pockets within them of more than 15 dwellings (ie. so as to avoid an area of affordable housing within new development that is very obviously separate from the remainder market housing – whereas the preferred approach is to disperse affordable housing through the development to aid integration). This is slightly different situation to that now proposed, whereby the entire new development would be affordable, not just a part of it.

Nevertheless, to simply disregard the provisions of Policy H5 (because of the slightly different situation it seeks to control), would be to ignore the central reason for its existence: to create mixed, balanced and inclusive communities. Indeed, such a concept is embedded in the guidance set out for new housing development within PPS3: Housing. The question therefore remains (which in many ways is connected to much of the more fundamental objections received from the local community): would the provision of 29 affordable units allow for successful integration into the surrounding character of Curzon Park as predominantly owner-occupation and older/retired demographic.

In order to conclude upon this central question, the Housing Enabling Officer, who would provide an authoritative and impartial opinion on the matter, has provided the following advice (in bullet points):

- The proposal is for 24 social rented and 5 intermediate rented properties - a mixed tenure scheme - the tenures are dispersed throughout the development so as to contribute towards creating a mixed and sustainable community.
- There is a high housing need in Calne, providing a mix of units and a range of tenures will enable a variety of people the choice to live in home appropriate for their circumstances. The properties range from bungalows, 2 and 3 bed houses and flats providing a mix of housing to people in greatest housing need.
- The bungalows will be offered to applicants and transfers of an older age group or with mobility issues, which allows people to downsize from larger social rented properties, freeing up larger properties to allow a family in housing need to occupy them. Some of the bungalows will enable clients who have a disability to live independently, which promotes choice and independence. The scheme is situated in an area of predominately open market housing, with good links to shops and buses, contributing towards a mixed and inclusive community.

- Since these discussions/consultation with local residents and other stakeholders, Greensquare have submitted a local lettings policy document (note: this document as been the subject of local publicity and comment). The objectives of the Local Lettings Policy are to:

To create a safe and sustainable community.

To ensure the new homes at Curzon Park integrate well with the existing homes to form a cohesive community recognising that current child densities are extremely low.

Give customers more choice about the finish to their homes

Improve the level of satisfaction that residents have with their homes and neighbourhood.

Minimise turnover and reduce voids

To ensure the needs of the local and wider community are reflected within the development. (ie. to increase affordable housing, reduce homelessness, address the needs of BME applicants)

- The Local Lettings Plan will set targets on the overall levels of economically active households to create a balance and prevent a concentration of residents wholly dependent on benefits. The number of children on the estate is appropriate by under occupying some of the properties. To help reduce the problems of antisocial behaviour reported by excluding applications who have a recent record of anti-social behaviour, including drug related crime.
- It will be reviewed after a year to ensure consistency and to make sure we are achieving our objectives.

It is clear that the Council's Housing Enabling Officer is fully supportive of the 100% affordable housing scheme in this location, with the submitted Local Lettings Plan and associated Community Management Plan, provides a degree of structure to the way in which the site would be managed and occupied. In view of the single management structure (ie. all properties would be retained by Westlea), there would be an increased ability to ensure the site is effectively run, managed and maintained in the future.

Density, layout and design

The development of 29 units on a site of 0.89Ha in area results in a density of approximately 32 dwellings p/Ha. This figure continues to sit comfortably above the national indicative minimum specified by PPS3. Although beyond the density of the surrounding Curzon Park estate, because of its discrete positioning as, in effect, the last phase of the estate, this is not thought to result in a development that would be wholly incongruous.

Split as 9 bungalows, 4 flats and 16 houses with a mix of 2 and 3 bedroom accommodation, the layout of development does allow for the creation of 2 storey units. Clearly defined by single storey bungalows, the height of development would represent a departure, but one that is treated as a gradation, as an abrupt change in character and style, from proposed bungalows at the edge of the site adjoining existing bungalows, through to the centre and south-western corner of the site where the houses and flats are proposed to be sited.

In paragraphs 45 to 51, PPS3 advises that account should be taken of the context within which new development would sit. Para. 50 in particular, however, does suggest that the density of existing development should not necessarily dictate that of new housing by stifling change or requiring replication of existing style and form.

The physical layout of the scheme is to large extent shaped by the government oil pipeline running through the western third of the site. This effectively sterilises a 6.0m strip of land, but does allow for the creation of a substantial area of open space in the southern corner. Existing trees on the southern and western boundaries are to be protected and enhanced with additional planting (se

ecologist comment). Parking is set out in a series of parking courts rather than dedicated on-plot parking for each unit.

The dwellings proposed are generally of neutral appearance. However, in their neutrality, they do not necessarily replicate the rather more distinctive appearance of properties in Curzon Park – shallow pitch roofs, random rubble stone, dominant chimney form etc. To this extent the proposal is considered to be an opportunity lost and one which, to some extent if grasped, would have further ameliorated the divergence from a solely bungalow style development. Nevertheless, a choice of render and reconstituted stone, and the introduction of some chimneys (albeit few in number and not entirely reflective of the existing type) does at least allow for an acceptable form of development on a site that is relatively discreet from the wider Curzon Park estate.

Impact upon residential amenity

The proposal allows for a gradation of building height, with bungalows positioned closest to the northern and eastern boundaries with existing properties (particularly those properties fronting Longbarrow Road, Druids Close and Keevil Avenue). The absence of windows at first floor level would do much to eliminate any unacceptable levels of overlooking into existing properties/gardens. A mix of existing walls and close boarded fencing would define those boundaries.

Although in places, the distance between existing and proposed units would be limited (for example a little over 6.0m to Nos.15 and 16 Keevil Avenue), the actual impact would be largely limited to a change in view (albeit an abrupt one from open field to the roof of a bungalow and housing development beyond – and to this extent the concerns of the neighbours are understood). However, a change to an existing outlook is simply that, and does not necessarily result in an unacceptably oppressive form of development or a reason to refuse planning permission.

In particular, because of their positioning hard against the application site, nos. 23 and 25 Longbarrow Road, together with no.4 Druids Close and No.10 Keevil Avenue have been provided with additional land from the site, so as allow them to retain rear access to their properties and garages.

Access and highway safety

Amended layout plans have been received at the time of writing, demonstrating *inter alia* a revised turning space, footpath widths, revised parking layout and rear access to several units. Although not altering the fundamental layout of the scheme this plan has not yet been the subject of public consultation and therefore a decision should be delayed until this has been completed.

WC Highways have yet to provide final comments upon the revised scheme. This will be reported as part of late observations.

In the context of previous consents granted for residential development on this site, the suitability and safety of the existing Curzon Park/Curzon Street (A4) junction could not reasonably be used as a reason to refuse planning permission.

9. Conclusion

The design and appearance of the proposed dwellings are considered to represent an opportunity lost in providing an architectural “nod” to the distinctive styling of Curzon Park. Nevertheless, this is not considered to warrant a reason for refusal alone in the context of a site that could be perceived as a discreet and final addition/phase to the wider housing estate. For the same reason, the introduction of two storey houses into the scheme is considered to be acceptable in light of the gradation of increasing building height across the site away from the sites boundaries.

The Council's Housing Enabling Housing Officer does not regard the possibility of 100% affordable housing on this site as being prejudicial to the creation of mixed inclusive community. In light of Local Lettings Plan and Community Management Plan as well as the likely single management of the site, there appears to be no reason to diverge from this view and therefore no reason to artificially impose a maximum % of affordable housing.

10. Recommendation

- Subject to no new and substantive issues being raised by consultation and publicity of the revised site layout plan

AND

- Subject to a legal agreement under s106 of The Act being entered into in respect of the provisions of affordable housing and education contribution and the submission, approval of and implementation of a suitable reptile mitigation strategy

THEN

Planning Permission be GRANTED for the following reason:

The application represents a new housing development that is considered to be acceptable in the context of its position as a discreet and final phase of an established housing estate. Any divergence from prevailing character and appearance is considered to be acceptable for the same reason. As such the proposal complies with the provisions of Policies C3, H3 and H5 of the adopted North Wiltshire Local Plan 2011, as well as guidance contained within PPS3: Housing.

And 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 Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of the development hereby permitted, details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) shall be 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.

3. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority. Such a scheme shall include further biodiversity enhancements in line with PPS9, taking the form of enhancing and buffering existing hedgerows to the south and west of the site.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and securing a scheme that includes the necessary ecological mitigation and enhancement measures.

4. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority.

Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

5. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be 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.

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) 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.

7. Other than those garden structures detailed within the plans hereby approved, 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.

8. Other than those means of enclosure shown on the submitted plans and 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.

9. Unless otherwise agreed in writing prior to the commencement of development, all development and all necessary survey work shall be carried out in complete accordance with the conclusions and recommendations contained within the ecological assessment carried out by Chalkhill Environmental Consultants dated July 2009.

Reason: In the interests of nearby areas of ecological importance.

10. Prior to the commencement of development a scheme for the provision and implementation of biodiversity mitigation and enhancements across the site shall have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include suitable enhanced planting along the southern and western boundaries, the appropriate fencing of existing hedgerows during construction to prevent damage, and the introduction of bat-brick type features

to the proposed dwellings, where appropriate. Development shall be implemented in complete accordance with such a scheme so approved by the Local Planning Authority.

Reason: In the interests of securing suitable ecological mitigation and enhancement.

11. Prior to the commencement of development, details of all means of enclosure and boundary treatments shown on the approved plans shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of visual amenity

12. The development shall be implemented and managed in complete accordance with the submitted Curzon Park Community Management Plan and Local Lettings Plan received 17th February 2010.

Reason: In the interests of residential amenity and to achieve a suitably mixed and inclusive community.

13. No development shall take place upon the site until: (a) a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and achieving of the results, has been submitted to and approved in writing by the Local Planning Authority; and (b) the approved programme or archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

Appendices:	None.
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.04; 4.02; 5.01

