

<b>Date of Meeting</b>	20 February 2014
<b>Application Number</b>	13/06529/OUT
<b>Site Address</b>	Land East of High Street Burbage Wilts
<b>Proposal</b>	Residential development of 45 dwellings with associated infrastructure and public open space (Outline application to consider access - Resubmission of 13/03498/OUT)
<b>Applicant</b>	Persimmon Homes Ltd
<b>Town/Parish Council</b>	BURBAGE
<b>Ward</b>	BURBAGE AND THE BEDWYNS
<b>Grid Ref</b>	423065 161047
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Peter Horton

### Reason for the application being considered by Committee

The application has been called to committee at the request of the division member, Cllr. Wheeler. However, as a major development of 45 houses outside of the current limits of development for Burbage, it is likely that the application would have been reported to the committee for a decision anyway.

### 1. Purpose of Report

To consider the recommendation that the application be approved.

### 2. Report Summary

The main issue to consider is whether, notwithstanding the fact that the site lies outside the Burbage Limits of Development, the proposal represents a sustainable form of development for which planning permission ought to be granted.

### 3. Site Description

The application site comprises an L-shaped parcel of land of approximately 2.5h located at the southern end of High Street on its eastern side, just to the north of Seymour Pond. It is bordered to the north, east and west by residential dwellings alongside Suthmere Drive, Martingale Road, Saddlers Way and High Street. The southern boundary of the site is defined by a public footpath leading from the High Street to Saddlers Way. The site is situated within two rectangular overgrown fields which are divided by a north-south aligned hedgerow interspersed with trees. A footpath runs north-south through the site alongside the hedgerow. The south western corner of the site is occupied by a thatched cottage and its curtilage (no. 237 High Street). This part of the site lies within Burbage Conservation Area.



#### 4. Planning History

There is no recent planning history other than a scheme identical to the current one which was withdrawn in October 2013 just 2 weeks after it was submitted (ref. 13/03498/OUT).

#### 5. The Proposal

This is an outline application, with all matters reserved except means of access. The proposal is for 45 dwellings, accessed from High Street adjacent no. 237, except for plot 19 which would be accessed from Suthmere Drive between existing properties. An indicative planning layout illustrates how the site might be developed. The site is subdivided by an established hedgerow. This would be retained and a linear public open space created alongside it to form an ecological green corridor. To the east of the open space would be a line of detached dwellings. To the west of the open space would be a higher density mix of terraced, semi detached and detached dwellings. The dwellings at the northern end of the site would be bungalows. The overall density would be 18 dwellings to the hectare. 40% of the dwellings would be affordable. No. 237 High Street (which is within the site boundary) would be retained, although its extensive curtilage would be part developed. A 5m wide buffer strip along the eastern boundary of the site is proposed to be sold to adjoining existing properties to extend their gardens.



Indicative Planning Layout

## 6. Planning Policy

The site lies just outside the Burbage Limits of Development (LOD) and hence in planning policy terms lies within the countryside. It is therefore subject to local plan policy HC26 rather than to HC22. HC26 restricts new build residential development to that which is required to meet an essential agricultural need, or other employment essential to the countryside. Policy HC32 seeks to negotiate the equivalent provision of general market and affordable homes on all proposed housing sites in villages. Policy HC34 requires the provision of recreation space on large housing sites. Policy NR6 seeks to restrict development to be within LODs in the interests of protecting the countryside. Policy NR7 states that where development is acceptable outside LODs, the Council will seek to protect and enhance the character and quality of the environment.

The Wiltshire Core Strategy is at an advanced stage of preparation, and whilst it has not yet been found sound by the Inspector, is an increasingly strong material consideration. Core Policy 2 states that development outside of LODs will only be permitted where it has been identified through community led planning documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This



development must be adjacent or well related to the LOD. Core Policy 18 requires the provision of at least 600 homes in the Pewsey Community Area up to 2026, of which 285 still have to be identified. Core Policy 43 requires 40% affordable housing to be provided on sites of more than 5 dwellings.



*Kennet Local Plan*

The NPPF describes the presumption in favour of sustainable development to be the “golden thread” running through plan-making and decision taking.

## **7. Consultations**

Burbage Parish Council: Supports the proposal, but with conditions. These are set out in full in the Parish consultation response, which can be viewed on-line. However key concerns/conditions can be summarised as follows:

- The decision on this planning application should be delayed pending the outcome of the Housing Needs Assessment Survey. More affordable housing should be provided in the scheme.
- If there is a need for housing in Burbage, this site is considered the least damaging to the character of the village.
- The applicant should proceed on the assumption that protected species are present and take appropriate measures to safeguard habitat, especially in the pond area.

- The access road must be carefully designed to minimise damage to the Conservation Area. The thatched cottage must be retained with sufficient curtilage and should be listed.
- The applicants must engage immediately and regularly with the parish's Neighbourhood Planning Steering Group.
- The proposed access road onto High Street will run over land owned by the parish council.
- The proposed housing density is too great when compared to surrounding development. The scheme should be reduced to 30 houses.
- The development will comprise typical urban housing. Local materials should be used.
- The application provides no additional facilities or job opportunities for the village. The majority of residents will car commute to work, contrary to sustainability principles.
- The single access point is on a busy section of High Street, close to a bus stop, filling station and roundabout. A second access point should be created on to Suthmere Drive.
- The estate road will become clogged by parked cars, and there will be overspill parking on to High Street. All parking must be off road in marked bays with sufficient additional spaces for visitors.
- Additional housing will exacerbate existing problems of flooding and sewage overflow.
- A children's play area must be included in the scheme.
- The submitted Transport Statement contains inaccuracies and wrong assumptions.
- The applicant should donate their half of Seymour Pond to the parish council, together with the land around it.

North Wessex Downs AONB Unit: The site is enclosed by existing development and there are limited views to and from the site to the wider countryside. Given that the site is acceptable in terms of its limited impact on the wider AONB, the AONB unit raise no comments as to the principle of the development of the site for housing.

Environment Agency: No objection subject to conditions.

Wessex Water: No objection subject to condition.

Wiltshire Highways: The entry radii should be at least 6.0m to enable easy access for refuse vehicles without over-running the footway. No objection subject to conditions.

Wiltshire Footpath Officer: Regarding footpath 2, supports its retention as a green route. Regarding footpath 5, wishes to keep it pavement free.

Wiltshire Spatial Planning Team: The site is outside the LOD, so using a rigid interpretation is contrary to policy HC26. In practice however the scheme would actually represent infilling of a green space within the context of an essentially semi-urban setting so it is doubtful that much of the damage this policy seeks to prevent would occur.

It would be desirable if the proposals were brought forward through a Neighbourhood Plan. However it would not be reasonable to insist on delivery through a Neighbourhood Plan. Furthermore, from the developer's point of view a year was wasted engaging with a Neighbourhood Plan team that was subsequently disbanded.

The proposed contribution towards affordable housing is a big benefit.

Although 285 units are allocated for the Pewsey Community Area, a large proportion of these will go to Pewsey itself. Hence 45 units could therefore be seen to be excessive for Burbage, and might appear to represent market housing rather than meeting genuine local need. Furthermore, the addition of 45 new dwellings without any corresponding employment or community facilities would adversely affect the balance of sustainability. However the scale of the proposal is only just unacceptable (40 would be preferred). Burbage has a range of facilities and the harm to self containment at 40 units might be acceptable in view of the overall benefits of the scheme.

On balance the scheme may be worthy of support.

Wiltshire County Ecologist: No objection. However the reserved matters application should include updated survey reports (the submitted reports were carried out in 2011), and should also include a site drawing that shows ecological enhancement features. Any reserved matters permission should condition the submission and approval of an ecological management plan.

Wiltshire Environmental Health: No objection subject to a contamination condition.

Wiltshire Council New Housing Team: The site may be favourably considered as an exceptions site for affordable housing. Or alternatively, development may be considered through a neighbourhood plan, where 40% of the homes should be affordable. The parish has commissioned a Rural Housing Needs Survey, which will provide more comprehensive information regarding housing need in Burbage. Currently the Council's Housing Register shows 44 households seeking housing in the village.

Wiltshire Technical Services: The development provides adequate casual play space. There is a requirement for 334sqm of equipped play space, or alternatively a commuted sum of £52,524 is required in lieu. There is also a requirement of a commuted sum of £23,850 in lieu of formal sports pitch provision.

Wiltshire School Premises Team: The development generates a need for 12 primary and 9 secondary places. Burbage primary school is full. Hence a developer contribution towards the expansion of primary infrastructure is required, being 12 places at the current cost multiplier of £12,713 each. However Pewsey Vale secondary school has considerable capacity, and hence there is no case for developer contributions at secondary level.

## **8. Publicity**

Representations have been received from 8 local residents, 4 of which are objections. The objections can be summarised as follows:

- The site is outside of the LOD. To approve the application would set a precedent for multiple applications on land surrounding the village.
- The density of the housing on the western side of the site is inappropriately high, and gardens too small.
- The layout is more akin to an estate within a town than a village. Furthermore, the estate will become a ghetto which will not integrate well with surrounding development.
- The existing sewer/drainage system down High Street is poor.
- The access road crosses the Conservation Area boundary. It will cut across the front and side garden of an old thatched cottage, and will badly affect the character and setting of both this property and the Conservation Area.
- The road and rail infrastructure is insufficient to support the development.

- It is an unsustainable development: there is insufficient employment to support more homes.
- The development should be delayed until the Neighbourhood Plan has been produced.
- There is no evidence to show that there is a demand for additional homes in the village.
- There are otters in and around Seymour Pond.
- The development will result in irreversible habitat loss
- The scheme is too high density. There is insufficient room to accommodate parking. Vehicles will end up parking on High Street.
- The access road is too narrow and is too close to the bus stop. Access should be via Suthmere Drive.

Three representations broadly in support of the proposal have been received, together with one representation wishing for some boundary hawthorn trees to be retained.

## **9. Planning Considerations**

### **9.1 Planning Policy**

The site lies outside of the Limits of Development (LoD) in the Kennet Local Plan and hence in planning policy terms lies within the countryside. The relevant policy is therefore HC26, which seeks to restrict new build residential development to that which is essential for the needs of agriculture, the aim being to concentrate development within settlements and to tightly control development in the open countryside in order to preserve its open and natural character.

Core Policy 2 in the draft Wiltshire Core Strategy states that development outside of LODs will only be permitted where it has been identified through community led planning documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development.

The applicant sought to engage with the parish council in the preparation of a Neighbourhood Plan. However shortly before the May 2013 elections the key parish councillors who had formed the working group resigned from the parish council. With the timetable for the production of the Neighbourhood Plan thrown into uncertainty, the applicant has unilaterally decided to submit a planning application outside of that process. The application now stands to be determined on its planning merits.

In his procedural letter of 2<sup>nd</sup> December 2013, the Core Strategy Inspector notes that:

*“the Council has not reviewed the extent of the boundaries to inform the Core Strategy; instead relying upon the pre-existing development plan documents. Some of these were adopted some years ago, for example the Kennet Local Plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the CS plan period”.*

The Inspector has therefore requested that a review of settlement boundaries be undertaken. This work is ongoing, but will not be completed until 2015. However, the point that the settlement boundaries are out of date enables the Council to consider development adjacent to them favourably if the development is sustainable and there are no other overriding objections, such as adverse landscape impact or highway objections.

## **9.2 Impact of the development.**

In the draft Core Strategy, Burbage is identified as a 'large village' with a 'presumption in favour of sustainable development' within the limits of development. Given the knowledge that the existing Limits of Development are out of date, the principle of this level of residential development in this village at this location is considered to be sustainable. The village contains a range of facilities, including a primary school, shops, recreational facilities and a site allocated for employment opportunities.

In terms of the current application site, it is surrounded by existing development on three sides and hence is extremely well related to the village. Furthermore it is visually well contained and its development would have no wider landscape impact. The site is overgrown and serves no beneficial agricultural use. To develop the site would not harm the character and appearance of the wider countryside or harm the scenic quality of the AONB.

It is also of note that the proposal has the qualified support of the parish council.

The proposal would make a not inconsiderable contribution towards the Council's 5 year land supply figures at a time when the Core Strategy Inspector is requiring the Council to make provision for an additional 5000 homes. The scheme would also provide 40% affordable housing, in line with the requirements of Core Policy 43.

45 homes are proposed on a 2.5 hectare site, equating to a density of 18 to the hectare. This is not considered excessive. Although the application is an outline, with all matters except means of access reserved for subsequent approval, the submitted indicative planning layout indicates how a satisfactory layout could be achieved. This shows the retention of the established hedgerow which runs north-south through the site and the creation of a linear public open space alongside it to form an ecological green corridor. A variety of house types and sizes would be employed throughout the site.

The highway authority raises no objection to the proposed means of access, subject to a revised plan specifying 6.0m entry radii. This has been received. Compliance with parking standards will be required at reserved matters stage. Two public footpaths run through the site, which would be retained. These afford the site good pedestrian links to the rest of the village.

The unlisted thatched cottage at no. 237 High Street would be retained and refurbished, albeit with a reduced curtilage. Overall, the proposal would preserve and enhance the character and appearance of the conservation area.

A key element of sustainability is the desirability of reducing the need to travel and producing more balanced settlements. Certainly it would be desirable to see a more mixed use scheme. However the site is well related to the rest of the village and a refusal on sustainability grounds is not considered to be justifiable.

The Council's ecologist raises no objection to the proposal. However the reserved matters application will need to include updated survey reports (the submitted reports were carried out in 2011), and should also include a site drawing that shows ecological enhancement features. There would also be a requirement for any reserved matters permission to condition the submission and approval of an ecological management plan.

The scheme provides more than adequate casual play space in the form of a green alongside the retained hedgerow. No equipped play space or formal sports pitches are to be provided. However commuted sums can be secured via a S106 legal agreement to



contribute towards the provision of these facilities elsewhere. Likewise a contribution towards the provision of indoor sports facilities.

Burbage primary school is full. Hence contributions are required towards the expansion of primary infrastructure. This can be secured via a S106 legal agreement.

Wessex Water raise no objection to the proposal, subject to a condition requiring a foul and surface water drainage strategy to be submitted and approved in writing by the local Planning Authority and Wessex Water.

The applicant has indicated a willingness to transfer land in and around Seymour Pond to the parish council as public open space. This can be secured via a S106 legal agreement.

## **10. Conclusion**

In planning policy terms the site lies beyond the LOD, in the countryside. However, it is in a sustainable location and the NPPF does allow for development to take place in this type of location where, as in this case, the Limits of Development may be out of date and the impacts are acceptable. It is surrounded by existing development on three sides and hence is extremely well related to the village. Furthermore it is visually well contained and its development would have no wider landscape impact. The site is overgrown and serves no beneficial agricultural use. To develop the site would not harm the character and appearance of the wider countryside or harm the scenic quality of the AONB. The site would provide 40% affordable housing and would contribute towards the Council's 5 year land supply. It is therefore recommended that outline planning permission be granted, subject to an appropriate S106 legal agreement.

## **RECOMMENDATION**

**That planning permission be granted subject to the prior completion of a Section 106 and/or other legal agreement(s) to secure:**

**1) 40% affordable housing;**

**2) Educational Contributions;**

**3) Open space contributions;**

**4) Transfer of land and associated maintenance payment around Seymour Pond to Parish Council**

**And subject to the following conditions:**

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 7 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 500mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 8 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of vehicles, in accordance with current standards, together with a vehicular access thereto, has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 9 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 10 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To ensure that proper provision is made for sewerage of the site and

that the development does not increase the risk of sewer flooding to downstream property.

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, in accordance with the Flood Risk Assessment (PFA Consulting, Ref: P576, dated 22/08/2013), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

- 12 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment.

- 13 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

- 14 INFORMATIVE TO APPLICANT:  
An appropriate submitted scheme to discharge the above condition will include a water usage calculator showing how the development will aim not to exceed a usage level of 105 litres per person per day.

- 15 INFORMATIVE TO APPLICANT:  
There should be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions should be made to ensure that all existing drainage systems continue to operate effectively.

- 16 INFORMATIVE TO APPLICANT:  
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.
- The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:  
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

- 17 INFORMATIVE TO APPLICANT: The reserved matters application should be accompanied by updated ecological survey reports, a site drawing showing

ecological enhancement features and an ecological management plan.

- 18 The development hereby permitted shall be carried out in accordance with the following approved plans: P.0796\_04, P.0796\_07C and P576/2A

REASON: For the avoidance of doubt and in the interests of proper planning.