

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	18 February 2015
<b>Application Number</b>	14/08888/OUT
<b>Site Address</b>	Land at Arms Farm High Street Sutton Benger Wiltshire SN15 4RE
<b>Proposal</b>	Outline Planning Application for up to 28 Dwellings With Associated Access Work and Public Open Space.
<b>Applicant</b>	C/O Agent
<b>Town/Parish Council</b>	SUTTON BENDER
<b>Ward</b>	KINGTON- Cllr Greenman
<b>Grid Ref</b>	394321 178521
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	

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

The application has been called in by Cllr Greenman for three reasons:

1. concern over the scale and size of the proposed development
2. As it stands there is insufficient infrastructure to accommodate the proposed development
3. The proposal to be inconsistent with current housing density including both the new Faccenda , and the Hazlewood sites.

### **1. Purpose of Report**

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

### **2. Report Summary**

The planning application has generated in excess of 100 local objections and resulted in formal objection from the local Parish Council. The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Highway safety
- Access
- Design and Layout

- Prejudice to plan making
- Impact on the setting of the listed building and conservation area
- S106 Contributions

### 3. Site Description

The application site is located to the south west of Sutton Benger, a village and parish within the Chippenham Community area of Northern Wiltshire. The northern boundary is defined by the High Street (B4069), which links the settlement to Chippenham. The eastern boundary is predominately formed of the residential dwellings fronting Gregory Close and Lee Crescent. The western and southern boundaries are formed by field boundaries, which abut open countryside.

On the Northern Boundary, beyond but immediately adjacent to the application site is Arms Farmhouse, a Grade II listed building. There is currently no public access to the Farmhouse, however, it is clearly visible from the High Street. Arms Farm and the access are located within the Conservation Area but the majority of the site lies beyond the designated Conservation Area.

The building and its associated curtilage listed buildings are in a state of disuse which have a detrimental impact on its character and appearance, with many of its architecturally significant features obscured by its overgrown trees, shrubs and ivy.

Attached to the south east corner of the farmhouse's rear wing, and extending south east, is a low range of cow sheds which dates to the early 19th century and is considered to make a positive contribution to its setting through its group value as a component of the farmhouse's former yard complex.

Arms Farmhouse and its associated outbuildings do not form part of the planning application site. However, planning permission and listed building consent was recently granted permission for to conversion of the existing farm house and surrounding buildings into four residential units.

### 4. Planning History

N/03/02183/FUL	EXTENSIONS TO EXISTING DWELLING
N/04/01490/FUL	FIRST FLOOR SIDE EXTENSION; REAR CONSERVATORY AND ALTERATIONS
N/05/01325/COU	Change of Use of Agricultural Land to Garden
N/10/02090/FUL	Alterations to Farmhouse (2 Units); Alteration to Existing Outbuildings to Form Four Residential Units; Change of Use of Land to Domestic Garden; Detached Dwelling; Parking, Landscaping & Associated Works; Alterations to Access.
N/10/02091/LBC	Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations to Existing Outbuilding in Association with Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates & Landscaping.
N/11/02233/FUL	Alterations to Farm House, Alterations to Existing Outbuildings to Form Four Residential Units, Change of Use of Land From Agricultural to Domestic Garden, Erection of Detached Double Garage, Parking, Landscaping & Associated Works, Alteration to Access (Amendment to N/10/02090/FUL)

N/11/02234/LBC Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations & Demolition to Existing Outbuildings in Association With Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates, Plus Landscaping (Amendment to 10/02091/LBC)

## 5. The Proposal

The planning application has been submitted in outline form with all matters reserved except access.

The original documentation and application form submitted with the application sought to achieve outline planning consent for up to 60 new homes within a site comprising 3.01ha of existing farmland to the south of the Arms Farm site. Following discussions with the Case Officer the applicants chose to revise the scheme. The planning application now seeks consent for up to 28 new homes within a 1.38ha site

The revised illustrative layout is broadly based on the northern half of the original scheme with the spatial relationship between proposed homes, listed buildings and the conservation area maintained.

Drainage proposals reflect those in the earlier scheme with a new connection provided offsite, but within the control of the applicants, to the existing field ditch. The open space to the south of the original scheme has been removed from the application as has the creation of the permissive footpath link. In total the planning application will see the provision of 0.31ha of public open space.

## 6. Local Planning Policy

The Core Strategy was considered by Full Council on 20 January 2015 and the document was formally adopted. Accordingly, the Core Strategy should be afforded full weight in the determination of this application. The following Core Strategy policies are considered to be relevant in the determination of the application:

CP1 (Settlement Strategy)  
CP2 (Delivery strategy)  
CP10 (Spatial Strategy for the Chippenham Community Area)  
CP43 (Providing affordable homes)  
CP45 (Meeting Wiltshire's housing needs)  
CP51 (Landscape)  
CP57 (Ensuring high quality design and place shaping).  
CP61 (Transport and Development)

Regard should also be paid to the content of the National Planning Policy Framework, and the overarching objectives of Paragraph 14, which sets out the presumption in favour of sustainable development.

## 7. Summary of consultation responses

### Archaeology

The potential for buried archaeological remains and the significance of the ridge and furrow earthworks across the site have not been addressed in the application. Should permission be granted an Archaeological condition (WL26) will be required to allow for survey and recording of archaeological remains prior to the commencement of development.

### Housing

Under policy CP2 & CP43 from the Wiltshire Core Strategy, a 40% nil subsidy affordable housing contribution would then be sought in this location which would need to be delivered in line with policy and procedures as detailed in CP43.

### Drainage

Application form states foul drainage will be to main sewer via existing drainage system. As the site is stated as flat with a general fall away from the main sewer in the High Street there may be an issue with obtaining a gravity connection from site to the sewer – i.e. a pumping station is therefore required as stated in the DSR section 5.10

The pumping station will need to be shown on any detailed planning application as it will need to be at least 15m from any dwelling and have above ground control kiosk with compound and turning area – the location of such a pumping station could impact of the current indicated site layout, especially as it would have to be located at the lowest point on site which is likely to mean a need for tanker access through the whole site - (Informative and condition can be added to any permission)

Application form states that storm drainage will be to a sustainable drainage system

If the developer were to propose infiltration techniques then this would need to be confirmed by carrying out on site permeability testing to BRE Digest 365. These results would provide confirmation of the infiltration rate and should be issued to us for review. DSR section 5 indicates need for further site investigation but states that soakaways may not work. Wessex Water have advised that no storm sewers in area and would not support discharge to foul sewers – even if such a discharge was agreed there would need to be a separate pumping station to reach foul system (as above comments on foul proposals)

If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent would also be required. Again mentioned as an alternative solution in DSR section 5

Application form also states not in FRZ 2/3 and not within 20m of a water course – examination of location plan included with submission clearly shows ponds to west and east of site with a connecting ditch/water course connecting them together passing through the site – thus application form is incorrect.

This is picked up in the DSR (section 2.3) and FRA which clearly states the existence of this drainage system and that site currently drains to it.

DRS suggests that a new ditch will be formed to collect site piped flows from underground attenuation before discharge to existing ditch

Any alteration of this existing system/provision of new ditches will require land drainage consent approval – will need a condition – FRA states alteration of existing ditches will be required – Wiltshire Council is the Land Drainage Authority relating to land drainage

within/adjacent to site thus as above approvals will be with the council and not the Environment Agency (FRA states needing EA approval)

FRA section 5.8 indicates that there has been a flooding issue in a property rear garden at Lee Crescent and that issue will be addressed as part of any approved development

There is also some historic flooding of the highway in High Street outside of the site entrance – this should be looked at as part of any development proposals and indicated alteration of site entrance – informative.

No in principle objection subject to conditions.

### Ecology

The proposals will have a number of minor potential ecological impacts on hedgerows, bats, great crested newt, reptiles and birds, however these are typical of major Greenfield development and could be reduced through the proposed mitigation measures and compensated for through the landscape scheme, particularly the area of informal open space. I am therefore satisfied that the proposals are in accordance with the relevant local plan policies, NPPF and protected species legislation and have no objection to the application subject to appropriately worded conditions to secure the following measures in accordance with the recommendations of the ecological appraisal:

Reserved matters stage:

- Landscaping to incorporate native planting and wildflower grassland
- SUDS design to incorporate seasonally wet wildflower grassland habitat and open-water habitats
- Provision of bat and bird boxes on trees and in new dwellings
- 

Pre-commencement:

- Construction Method Statement to include Ecological Protection Zones
- Sensitive lighting scheme
- Reptile mitigation strategy
- Long-term ecological management plan

### Spatial Planning

(The comments below are a summary/conclusion. Spatial Planning comments have been incorporated into the policy/principle section of the report).

The Inspector has issued his final report on the Core Strategy and the Council's Cabinet considered the report at its meeting on 16 December and recommended that the Core Strategy be adopted.

The NPPF contains a presumption in favour of sustainable development. The policies and proposals contained in the Wiltshire Core Strategy taken as a whole set out what sustainable development means in Wiltshire in terms of land use planning.

The NPPF requires LPA's to boost significantly the supply of housing and to demonstrate a sufficient supply of housing. The Core Strategy sets out a housing requirement of 42,000. Using this, Wiltshire can demonstrate a 5 year housing land supply. Therefore it is appropriate to consider the proposals using the policies set out in the Core Strategy.

Sutton Benger is identified as a large village in the core strategy. Whilst a proposal of 28 is lower than 60, it remains the case that it is contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'

Paragraph 4.15 says:

'At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Site Allocations DPD as set out in the Council's Local Development Scheme, in order to ensure they remain up to date and properly reflect building that has happened since they were first established.

Small housing sites are defined as sites involving less than 10 dwellings (i.e. not a major application). Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community. In turn this could bring forward benefits to the local community such as improvements to the economy through the identification of land for employment purposes.'

The site is located outside the settlement boundary for Sutton Benger. The proposal for 28 dwellings exceeds the level of development envisaged for large villages such as Sutton Benger i.e. Small housing sites involving less than 10 dwellings. Whilst the settlement boundaries are being reviewed as part of the Housing Site Allocations DPD it is too early to say whether the boundaries at Sutton Benger will be amended and/or whether this site will be identified as a housing site. It is also the case Sutton Benger community are not currently preparing a neighbourhood plan and therefore there is no evidence available from a community perspective to show what level of development is appropriate and where it should be located in Sutton Benger.

CP2 sets out the exceptional circumstances where development outside the settlement boundaries is allowed i.e. new employment investment, providing affordable housing, allowing new tourist accommodation or supporting diversification of the rural economy. It remains the case that the proposal is not for any of these circumstances.

Therefore as it stands the proposal for 28 dwellings is contrary to the Core Strategy and the principle of development is not acceptable. At this stage, the applicants have not

submitted sufficient evidence which demonstrates the benefits of development in Sutton Benger which could be considered to outweigh the current policy position.

#### Highways

Initial concerns were raised to the proposal for 60 dwellings. It is understood that the applicant and highway officer have agreed amendments. The highway officer comments will be reported as a late item

#### Conservation

Comments will be reported as a late item.

#### Sutton Benger Parish Council

The Parish Council provided a full a thorough critique of the application. A copy of the full response is available on the public file. A summary is set out below:

1. Size and Location of proposed growth:
  - The village has grown by 50% in 5 years with no employment/infrastructure growth
  - The village is providing more housing than other large village in the community area
  - Density is out of character with the existing village
  - Impact on the listed building to the front of the site
  - Loss of amenity to local residents
2. Present infrastructure is not adequate for both foul and surface water.
3. The development would have an adverse impact on Highway Safety.
4. The development is beyond the framework boundary and contrary to policy.
5. Development results in habitat loss
6. Over 30% of the village have objected to the scheme

#### Public Open Space & Leisure Services

Environment Services does not objection to the application based on the following:

1. The Open Space and Play provision accords with Planning Policy CF3
2. The Open Space and Play is secured in perpetuity
3. A contribution towards Play provision in Sutton Benger is secured
4. A contribution towards Sport and Recreation in Sutton Benger is secured

#### Landscape

The applicants LVIA document has been considered and whilst it is agreed that the principle of housing development could be accommodated at this site without generating unacceptable adverse effects to wider landscape character or views and visual amenity, there is an issue with the LVIA findings to its claims and conclusions regarding the current illustrative layout in regard to sustaining site features / landscape elements. It is considered that the proposed layout (which is accepted is illustrative) will protect some hedgerows in the longer term, as a consequence it will not provide an effective or sustainable transition to the rural countryside along the western boundary. This issue

requires further thought in any final scheme layout. To achieve this successfully, whilst maintaining necessary standoffs to retained trees and providing the necessary setting to Listed buildings, may impact on the proposed housing density, orientation of streets and ultimately the final housing numbers that could be successfully accommodated within the site.

The proposal includes the provision of the main access road to serve this new development through the listed farmstead complex which may impact on the setting of heritage assets. The repair and realignment and possible demolition of some of these curtilage farmyard dry stone walls are also likely to be required, so it is recommended that the appropriate built heritage/conservation officer will need to be consulted to advise on acceptability and an appropriate way forward. From a landscape perspective the dry stone walls are important landscape features which contribute to the local character and distinctiveness, and which should be retained and repaired within any final development proposal. These are important features which reinforce place making and local character and which are referenced as important landscape elements and indicators of change within the relevant Landscape Character Areas of the applicable Landscape Character Assessments.

The remainder and majority of the site is currently laid to rough pasture and includes a redundant modern barn at the north western corner which is proposed for demolition within the proposal. The site is bordered to the east by the rear gardens of modern suburban housing, accessed from Gregory Close and Lee Crescent. Open countryside borders the site to the south and west, with a few dispersed properties visible further to the west. There are a few notable mature trees along the western boundary, which are identified to be retained within this outline application. This indicative layout shows these trees are set within public areas. It is considered that they have been allocated an appropriate amount of space to ensure that their future retention could be sustained which is welcomed.

The western boundary of the site is delineated by a poor quality field boundary hedgerow which includes some Hazel and Elm stands further south, but a large section of this boundary appears to consist of little more than a linear belt of scrub bramble, which may be important habitat and corridor for wildlife, but does little to reinforce the character of the countryside, or in the way of providing an effective countryside transition or buffer to the proposed new development. A pond is located adjacent to the north west corner of the site with connecting field ditches. It is assumed that these are outside the control of the developer as they appear to be within, and maintained from, the western adjoining field outside this application boundary.

The current layout suggests this improved western hedge line boundary fronting countryside will form the rear garden boundary to new housing, thereby retaining this hedgerow in perpetuity. In my experience and opinion this hedgerow or scrub will be placed at risk of immediate and ongoing piecemeal removal and replacement with garden fencing by the new residential occupants if included within private garden areas. Therefore the retention of this green corridor and landscape feature within private rear gardens will not represent a sustainable solution, it is suggested that this needs to be significantly reinforced before it can be considered to provide an important green link



and sensitive transition with rural countryside. It is considered that the western boundary in particular needs more consideration to provide a sustainable green edge to development and buffer to countryside. There is less concern with regards to the southern boundary as there is more scope within the current layout to reinforce and sustain the southern boundary hedgerow as this is contained within proposed public open space.

#### Waste Services

A contribution of £121 per dwelling is required to cover waste and recycling provision costs.

#### Public Art

In the event of planning permission being awarded an indicative figure for a public art contribution of a site of this size would be £300 per dwelling commuted to the Council's arts service to manage the art and design process and programme.

#### Tree Officer

More details of an arboricultural method statement and tree protection in particular on the eastern boundary, some of the properties and their garages come very close to trees and groups 14-18.

Plans for the management of the native hedgerows bordering the site will be required, they are one of Wiltshire council's biodiversity action plans and whilst they are currently protected by the hedgerow regulations this protection does not cover hedges in domestic gardens.

Trees T2 and T3 are mature trees with a limited lifespan, more details of future replacements and overall site landscaping to ensure continued tree cover will be required. No objection in principle, subject to planning conditions.

### **8. Publicity**

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

122 objections from local residents were received.

Revised plans have been received reducing the numbers from 60 to 28. This resulted in a further 13 letters of objection. A summary of the key points raised is set out below:

- Recent developments have increased the number of people living in the village
- Listed buildings need to be restored first
- Principle of development and land supply
- New access is not adequate
- Public Consultation poor
- Broadband infrastructure poor
- Additional footpath leads to nowhere
- Impact on the historic environment and archaeology
- Impact on site character and appearance of the area/countryside

- Impact on highway safety
- Danger crossing the road
- Unsustainable development on Greenfield Land
- Don't need more public open space
- Extra traffic problems for the area
- No local facilities
- Housing not needed
- Previous applications refused so should this
- Insufficient space in the local school
- Flooding issues in the field
- Housing density too large
- Adequacy of local services and infrastructure
- Loss of agricultural land
- Drainage problems within the site
- Sewage problems
- No employment in the area
- Water pressure problems
- Impact on ecology and wildlife
- Outside framework boundary and not closely related to existing settlements.
- Development Urban in appearance

#### CPRE

Whilst there may be no site specific objections on sustainability the releasing of this site for housing could result in a significant and demonstrable adverse impact on community cohesion and local benefit. Recent permissions granted on sites within the village will already stretch any form of assimilation. The likelihood of Sutton Benger developing into a commuter feed for Chippenham and areas accessed by the proximity of the M4 is very real. These long term effects run the risk of outweighing the immediate short term benefit of bringing construction work to the site. This deemed economic benefit arises from national policy and fails at the local level.

The overall balance must be to see phased development over the Plan period allowing for the second and third roles of Sustainable Development, the social role and the environmental role, to be achieved in a timely manner.

The settlement boundaries are important in order to ensure encroachment into the countryside is managed and to prevent unrestricted sprawl. In Wiltshire settlement boundaries are intended to provide the predictability and efficiency required by the NPPF para 17, page 5. It appears that the draft settlement boundary review for Sutton Benger suggests no change at this site. We ask for this application to be refused.

All letters of objection are available for inspection in the planning application file

## **9. Planning Considerations**

### Policy and Principle

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 starting point for consideration of this application is the policies of the Development Plan. The current development plan is the Wiltshire Core Strategy and the site lies outside the Framework Boundary of Sutton Benger. The whole of the site therefore lies in the open countryside where new housing development is not permitted unless justified in connection with the needs of agriculture and forestry. No such justification exists in this case.

The Core Strategy sets out a housing requirement of 42,000. Using this, Wiltshire can demonstrate a 5 year housing land supply. Therefore it is appropriate to consider the proposals using the policies set out in the Core Strategy.

Sutton Benger is identified as a large village in the core strategy. Whilst a proposal of 28 is lower than 60, it remains the case that it is contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'

Paragraph 4.15 says:

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Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community. In turn this could bring forward benefits to the local community such as improvements to the economy through the identification of land for employment purposes.'

The application site is located outside the settlement boundary for Sutton Benger. The proposal for 28 dwellings exceeds the level of development envisaged for large villages such as Sutton Benger i.e. Small housing sites involving less than 10 dwellings. Whilst the settlement boundaries are being reviewed as part of the Housing Site Allocations DPD it is too early to say whether the boundaries at Sutton Benger will be amended and/or whether this site will be identified as a housing site.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the subsequent Planning Practice Guidance (PPG) are material

considerations, which can be accorded weight. The Wiltshire Core Strategy (WCS) and the Wiltshire Housing Site Allocations (WHSAs) DPD are also material considerations which can be given weight according to their stage of preparation. The WCS being recently adopted can be afforded full weight.

Policy CP2 allows for development outside settlement boundaries where they are permitted by other policies of the plan or where they are brought forward through a neighbourhood plan or Site Allocations DPD. The principle behind policy CP2 is both to contain development within the main built up area of a settlement and protect the countryside. This proposal is contrary to these policies; it is not being brought forward via these alternative plans and does not comply with core policies that allow for an exception to this approach.

Policy CP2 does allow plan led change to the limits of development through a Site Allocation plan or Neighbourhood plan. The purpose of this is to ensure a proper plan-led approach to identify the most sustainable sites that can best support the development required. The Wiltshire Housing Site Allocations Development Plan Document is currently under preparation, and will identify site(s) within the area to meet the identified housing need. In his recent decision on an appeal at Park Road, Malmesbury, the Secretary of State made it clear that the potential output forthcoming from this was *'an important material consideration to be taken into account'* and that the preparation of this *'needs time to go through the proper consultative and statutory processes'*

At present, neither Sutton Benger or the surrounding areas have an adopted or draft neighbourhood plan, although it is understood that there is local intent for this to happen.

Sutton Benger is identified as one of the five Large Villages under the Core Strategy for the Chippenham Community Area. In relation to plan making, the scheme is for up to 28 dwellings on the site. The Council's Core Strategy requires additional dwellings in the Chippenham community area during the plan period. Indeed, Core Policy 10 of the Core Strategy Identifies Sutton Benger as one of the five Large Village within the Community Area. It is in these Large Villages that the majority of 149 residential dwellings, outside of Chippenham, are likely to be delivered. The latest housing land supply statement (July 2014) indicates that approximately 149 additional homes should come forward over the period to 2026 in the rural parts of the community area.

Furthermore, planning application 14/12070/FUL has recently been submitted to the Council seeking permission for the Construction of 13 dwellings within the Framework Boundary of Sutton Benger. However, the application does propose the loss of an allocated employment site. The application has not yet been determined.

The village of Sutton Benger has, in recent times, delivered a large number of residential units and permitting further development prior to the adoption of a site allocation DPD or Neighbourhood plan would be contrary to the Core Strategy.

#### Settlement Framework Boundaries

The applicant is of the opinion that the settlement framework boundary defined in the North Wilts Local Plan, which is carried through in the newly adopted Wiltshire Core Strategy is out of date as it has not been reviewed since the early 2000s.

It is also argued that since the Core Strategy allocates no sites within the rural areas, and since the Council is committed to undertaking a review of Framework Boundaries in the course of producing a Site Allocation Document for the area, those boundaries must for the present time be regarded as out of date.

The Council disagree, paragraph 215 of the NPPF cannot properly be interpreted as requiring the above until the extent of any necessary changes has been established, the existence of the current Development Limits should be disregarded as “out of date”. To take that approach would effectively be to sanction residential development in the countryside without regard to the quantified need for it.

This is confirmed by the terms of paragraph 49 of the NPPF, which directly addresses the circumstances in which existing Development Plan policies will be overridden by the need to provide sufficient housing. It does this by reference to the quantified housing need for the area, specifying that policies relevant to the supply of housing will be rendered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As set out above, the Council can demonstrate a five-year supply and the settlement framework boundaries must therefore be considered up to date. Indeed, the Council proposed and is currently preparing site DPD documents to review these boundaries, in paragraph 37 of the examining inspector’s report he agreed that this was a good approach to adopt. The boundaries can therefore not be considered out of date in the current context.

#### Prejudice to plan making

The question of prematurity has been raised in comments from local residents. Central Government advice in the NPPG on prematurity states:

*Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation.

#### Five Year Land Supply

The NPPF, at paragraph 47, requires that, to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites

sufficient to provide five years worth of housing against their housing requirements. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Planning permission should then be granted unless any 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'.

Currently, the Council considers that it does have a five year land supply for the housing market area within which the site sits, a decision endorsed by the Core Strategy Inspector and so this paragraph in the NPPF is not engaged and therefore the development plan policies are considered to be up-to-date.

Notwithstanding the fact that the Council can demonstrate a five year land supply, this should not necessarily be the determining factor of the application and other material considerations should be considered.

#### Setting of the Listed Building

When determining planning applications the NPPF requires local planning authorities to take account of:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

It is important to note that the application site does not contain any listed buildings, however Arms Farm is a Grade II listed building. This property falls outside the application site but is within the ownership of the applicant, furthermore, the property has an extant permission for the repair and restoration into 4 residential dwellings. This includes a surfaced access in approximately the same location as the proposal and large areas of parking/hardstanding within the site.

The Council acknowledge that the proposed residential dwellings would bring a residential character to this part of the site, however, the impact of the new development will be minimised by the proposed intervening landscaping and the large 'village green' between the barn and the new residential development.

Officers have looked at possible impacts from viewpoints around the site and from vantage points from the public highway. Arms Farm, when viewed from the B4069 is seen in the context of other built development, many of which are modern and not of the

same architectural or historic quality as the listed Farm House. The proposed residential dwellings will largely be set away from the listed building and any adverse impact will be minimal.

The village green and the public open space/landscaping adjacent to the Farm House will maintain the character and views into the farm complex. The development beyond the cartilage of the listed building will result in only limited harm to the setting of the listed building. The application has been submitted in outline form so details such as the size, scale siting, and materials will be secured at outline stage. It is understood that there are slight concerns with the construction of garages in close proximity to the listed building, this could be controlled at reserved matters stage.

In accordance with the NPPF, officers have considered the harm and concluded that it is not sufficient to warrant a refusal as the proposal would lead to less than substantial harm to the significance of the designated heritage assets and the. Had the application been in an allocated housing site it is considered that the removal of the existing steel portal framed agricultural building; construction of housing, provision of affordable housing would constitute a public benefit that would outweigh the minimal harm caused to the listed building.

#### Highway Improvements

The Council's highway officer originally raised objections to the proposed access and traffic calming proposal. The highway officer is now satisfied that an acceptable solution can be found to the access and highway works.

Numerous local residents have raised concerns to the capacity of the existing road and the suitability of the access and traffic calming. These concerns are noted but taking into consideration the existing situation and the number of additional residential units it is considered that a reason for refusal based on these issues would be difficult to justify.

The highway improvements are required to make the scheme acceptable in planning terms and cannot be considered as a public benefit that weighs in favour of the proposal. Without the highway improvements and alterations the application is likely to be prejudicial to highway safety.

#### Economic Benefits

The proposed development, as with any housing development of this nature would have economic benefits. As a project, it would generate investment and economic activity. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional spending power to the local area. Paragraphs 18 and 19 of the NPPF gives weight to the need to support economic growth. These matters count in favour of the proposed development. However, any development within the area would result in such benefits and such a benefit should be afforded limited weight in the determination of the application and does not overcome the harm identified above.

#### Market Housing and Affordable Housing

The provision of 28 new dwellings, 40% of which are affordable, would be a benefit to the local area. This specific need for affordable housing is identified within the Core Strategy, which seeks the inclusion of affordable housing in all residential developments. The proposal seeks to enter into a legal obligation which ensures that 40% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. This percentage is the same as that sought in the Core Strategy. The provision of affordable housing would be a benefit.

#### Urban Design & Layout

The applicant has agreed to retain some existing landscape features whilst improving landscaping within and to the edge of the site, such as perimeter hedgerows and some wooded areas. These are proposed for retention within the current proposals, which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character, but also to ensure their long term health and viability is sustained for future generations.

The indicative layout appear to show the existing hedgerows being incorporated into some residential gardens and could thereafter be lost. Should planning permission be granted this is a matter that could be resolved at reserved matters stage and should not form a reason for refusal.

The illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity and place making. Even with slight changes to the residential layout to accommodate space for adequate maintenance for retained and proposed trees and hedgerows, the layout would be spacious and not look out of place in the context of the street.

It is considered that the proposal results in a good indicative layout, furthermore, the proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

#### Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

#### S106 Contributions

No draft s106 agreement was submitted with the application. This is understandable in light of the recommendation being made. However, the lack of a legal agreement must be a reason for refusal so that contributions can be secured if the refusal is appealed and subsequently granted at appeal.

### **10. Conclusion**

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 location of the proposed development is contrary to policies CP1, CP2 and CP10 of the Wiltshire Core Strategy. Furthermore, the Council can demonstrate a 5 year housing land supply, which suggests there is no immediate need to release additional housing now.

It is also important to consider whether there are any material considerations that weigh in favour of the development, which would warrant an exception from the plan. This involves a balancing exercise requiring careful assessment of issues relevant to policy considerations and the weight to be given to other material considerations.

The benefits of the proposal include the delivery of housing, including affordable housing, at a scale of development that is not inappropriate in the context of the local area; and some economic benefits through construction and occupation of the houses. However, the benefits provided by this scheme are no different or better for the locality than any other development proposed on a green field site within the locality. It is recognised that the core strategy anticipates that some growth is likely within the Chippenham Community area, however, there 5 large villages and 9 Small Villages in the Chippenham Community Area and there is a need for approximately 149 more homes in the rural area. In this context the effect of allowing this development for such are large number of dwellings in this location would undermine the Plan making process. The release of additional land for significant residential development outside the settlement framework boundary in advance of any employment development would not support or enhance self containment of Sutton Benger. The failure to enhance self containment will result in out commuting which is contrary to policies CP1 and CP” of the Wiltshire Core Strategy.

Furthermore, it is also a material consideration, given the Government’s support for localism, that the proposal is not supported by the parish council or the majority of local residents.

On balance, there is a principle objection to the proposal, based on the site being outside of the settlement limits and not being delivered through the plan led approach advocated by policy CP2, it is considered on this occasion that the benefits as identified above do not outweigh the concerns on this particular site.

## **RECOMMENDATION**

**That planning permission be REFUSED for the reasons set out below:**

- 1 The site is located in the countryside outside of the limits of development of Sutton Benger as defined on the Policies Map and by virtue of its scale and location would conflicts with the sustainable development strategy of the plan as expressed in Core Policies 1, 2 and (community area strategy policy) of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined at paragraph 4.25 of the plan within Core Policies 10 & 44 of the Core Strategy, or relate to a site allocated in the development plan for

residential use. It would therefore constitute unsustainable development in the countryside.

- 2 In light of the above, the Council has been unable to secure a Section 106 Agreement in respect of financial contributions associated with the proposed development, contrary to Policies CP43 & CP3 of the Wiltshire Core Strategy and policies H4, CF3 & CF2 of the adopted North Wiltshire Local Plan 2011.

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