

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	28 th January 2009
Application Number	08/02310/OUT
Site Address	Glen Avon, Hornbury Hill, Upper Minety, Malmesbury, SN16 9QH
Proposal	Erection of eight houses
Applicant	Zola Limited
Town/Parish Council	Minety
Grid Ref	402538 190559
Type of applications	Outline

Reason for the application being considered by Committee

- This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because more than 5 letters of objection have been received

Summary of Report

The application is submitted in outline (with only appearance and layout for consideration) and is for the construction of eight dwellings following the demolition of a single existing property on the site. The application site is within the settlement framework boundary of Minety. Therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policies H3, H6
- Principle of development
- Density, layout and design
- Effect upon residential amenity of existing properties
- Access and highway safety
- Surface water drainage
- Community infrastructure (Policy C2)

Officer Recommendation

Subject to the completion of an agreement under s106 of The Act in respect of the provision of community infrastructure, then :

Planning Permission be **GRANTED** subject to conditions.

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Proposal and Site Description

The application relates to a 0.19Ha site with existing single (largely derelict) dwelling, Access to the site is via a long 130m (approx.) surfaced access track serving 3 other dwellings (4 including the dwelling upon the application site) together with the Minety sports pavilion. A public footpath runs through the site, following the line of the access track.

The application site is entirely within the Settlement Framework Boundary of Minety, although the routing of the boundary takes a deliberate and elongated step out from the core built up part of the village which runs east/west and north/south along the through roads.

This proposal is for the demolition of the existing dwelling on the site and the creation of 8 dwellings (7 net) in its place – 3 of which are to be for affordable social rent.

This application represents a revised scheme following a refused application under 07/03332/OUT for 8 houses.

Recent Relevant Planning History		
Application number	Proposal	Decision
07/03332/OUT	<p>Outline – erection of 8 houses</p> <p>Refused for the following reasons:</p> <p>01 Insufficient information has been submitted in order to assess how the site can be adequately drained of surface water in a locality that is known to experience drainage difficulties. As such the proposal is considered to be contrary to the provisions of Policies C3 and NE22 of the adopted North Wiltshire Local Plan 2011.</p> <p>02 The traffic generated by this proposal would use an access lane which, by reason of its function in the highway network and its inadequate width, alignment and junction with Hornbury Hill, would be considered to be unsuitable to accommodate the increase in vehicular and pedestrian activity. The proposal would therefore represent a detrimental impact upon the highway and pedestrian safety of the locality, contrary to the provisions of Policies C3 of the adopted North Wiltshire Local Plan 2011.</p> <p>03 The proposal does not include adequate provision for the directly related community infrastructure costs associated with the development of the site, as is required by Policies C3, H6 and CF3 of the adopted North Wiltshire Local plan 2011.</p>	Refused 07/02/08

Consultations

Parish Council –

Strong objections. Councillors views have not changed since the previous application. Objections are paraphrased for the purposes of the report :

Out of character – large scale development not compatible with surrounding village. Does not maintain scale and siting of open spaces of adjoining properties

Sustainability – no shops, employment opportunities and limited public transport in village will result in reliance on car for journeys

Framework boundary – the site area is outside of the framework boundary with no justification for development

Safety – serious concerns about the access to site as lane is narrow and is continually used for the play area and sports field and by children. Any increase in traffic would increase danger. There is no room for vehicles to pass because of parked cars in the lane. Also contrary to guidelines of no more than five dwellings on one access road and is the route of a public footpath.

Flooding – serious issues in village and PC has requested moratorium on building until issues are resolved. Surface water would run on to an area already seriously affected by flooding as current water courses unable to cope with existing flow.

Environmental harm – erode rural character of countryside

Parish Plan – original plan opposed any large development and this development is considered large. Recently updated plan strongly opposes large developments – in particular those which include three-storey dwellings as this urbanises village

Footpaths – footpath 42 runs along access lane adjacent to boundary

Trees – application states no need to lop trees – this has already taken place

Public Open Space – applicant claim that should be exempt from contribution because of location of site is unacceptable. Should not mean an exemption from contribution – in fact location would mean residents would probably make greater use of facilities than most

Housing Enabling Officer –

Housing Services seek 3 affordable housing units and waive the off-site financial contribution and propose that the following Headings are included in the Section 106 Agreement's Heads of Terms.

- 3 of the 7 units to be for social rent and to be provided in perpetuity
- The affordable homes to be free of any public subsidy or grant funding
- The affordable homes to be constructed to Sustainable Homes Code Level 3 and HQI standards at a minimum as set out in the NWDC 'Revised Affordable Housing Supplementary Planning Document April 08'.
- The affordable homes must be tenure blind
- The affordable homes to be transferred to one of the Council's preferred RSL partners to ensure affordability and appropriate management standards
- A Mortgagee in Possession Clause to be entered into the Section 106 Agreement in favour of the RSL
- Timing and Trigger points for transfer of affordable housing
- A nomination agreement to be in place that sets out nomination details in favour of North Wiltshire DC; details of occupancy restrictions and cascade clauses

- Service charges to reflect Homes and Community guidelines in regard to affordability

Wiltshire County Council Highways –

The previous proposal attracted an adverse highway recommendation due to the nature of the access road. Following further discussions and investigations it was evident that the road can be widened to 4.1m in line with current guidance and the WCC Residential Design Guide, which was the relevant guidance at the time of the initial consultation. The access road will remain private and will be maintained by an agreed management company. No objections subject to conditions.

NWDC Drainage Engineer –

Initial comments as follows :

“The storm drain mentioned in Para. 2.4 of the drainage strategy may be at capacity, or may require jetting (clearing) and the same can be said for other parts of the system in this area. Certainly the outfall was blocked when I was there. It does look as though the aforementioned storm drain picks water up from part of Hornbury Hill and an area north of this, possibly the school. It also picks up water from the adjacent field (albeit without the ditch), the existing houses and then also the proposed development.

One reason that may possibly cause the storm drain to exceed its capacity is the runoff from the adjacent field; this will reach the inlet to the storm drain way before the rest of the system can pipe it there, which in turn will cause the water to back up hence the reported flooding. Reinstatement of the ditch (Para. 2.5) may offer an opportunity to control some of the flow from the field with the addition of a control structure (stank) to hold up flows, which may increase the capacity of the existing storm drain.

Would the client consider checking the storm drain prior to connecting? Is the client considering reinstating the ditch to control flows from the field?

I think the proposal is good, but there are a few properties that experienced flooding during the last rainfall event and so I am particularly concerned that they do not get flooded again.”

Senior Regeneration Officer –

Public Open Space (POS) contribution of £42,300 required to be used to improve the recreation ground.

Representations

Sixteen (16) of letters of objection received. Summary of key relevant points raised:

- Very little space between properties and neighbours – too high density of development
- Overlooking / oppressiveness due to height and raised ground level of new properties proposed
- Appearance of development is poor and out of character with locality
- Open space proposed is inadequate
- Poor access width and land not under ownership of applicant
- Lack of access for service vehicles
- Highway safety compromised by increase in houses making use of access lane
- Surface water drainage arrangements inadequate
- Hedging and trees have already been lopped and cut back

Planning Considerations

Principle of development

The site lies inside the defined settlement framework of Minety - although the routing of the boundary takes a deliberate and elongated step out from the core built up part of the village which runs east/west and north/south along the through roads. Nevertheless, the principle of residential on this site does comply with policy H3 of the Local Plan 2011.

Density, layout and design

Matters relating to appearance, layout and scale are for consideration under this proposal.

The development of 8 units on a site of 0.19Ha in area results in a density of approximately 42 dwellings p/Ha. This figure sits comfortably above the indicative minimum specified by PPS3. Indeed, such a density is not considered to be inappropriate to its location adjacent to existing residential development, and although perhaps at a greater density than existing development gaining access from the lane, the differences would not be extreme or unexpected, as warned against by national and local policy.

The number of units proposed translates into an arrangement of two distinct blocks of four units each. Parking spaces have been provided for all units, similarly arranged into two blocks. The layout appears to take account of the public right of way and respect the position of "Beechwood", the closest existing dwelling and is considered to be satisfactory.

The proposed units are of largely neutral appearance, and to this extent do not radically diverge from Minety village as a whole, which does not display any particular architectural theme. The simple vernacular chosen, with little variation in fenestration, is considered to be unobjectionable in this particular location. As a feature, dormer windows can be seen elsewhere within Minety on dwellings of varying ages. Materials are to be reconstituted stone, slates and plain tiles, which are again considered to be reflective of the locality. The site is not part of any identified Conservation Area.

Proportions of the dwellings are not considered to be objectionable, with end gable widths especially, kept to reasonable proportions at 7.5m. At approximately 9.5m, the maximum ridge height of the dwellings proposed would exceed that of a traditional rural cottage, but is not excessive given the three storey (full two storey, plus accommodation in the roofspace) elements of the design and the existence of other properties in the vicinity of large modern proportions. The small reduction in ridge height between two and three storey elements is perhaps lost as an architectural device to preserve subsidiarity, but is nonetheless welcome.

The Parish Council's outright objection to any three storey development in Minety is understood, but unfortunately is not thought reasonable to use as a reason to refuse planning permission, due to the lack of any identified harm from such features in the context of the existence of large modern properties nearby.

Impact upon residential amenity

The site relationship with nearest residential properties is primarily defined by the common unadopted access lane, with 3 properties gaining access from it, plus 2 further properties positioned either side of its junction with Hornbury Hill. Clearly whilst there would be additional traffic associated with development of the site making use of the access track, in the context of existing traffic movements and the proximity of other roads and land uses, this is not thought to result in an adverse impact upon amenity from noise and disturbance that would warrant a reason for refusal.

In terms of built development, the closest existing property would be "Beechwood" to the immediate north. At some 8.0m+ distant and orientated along the same "building line", the relationship and

consequent impact, is not thought to be objectionable.

Access and highway safety

Although specified as a reserved matter, it is clear where vehicular and pedestrian access to the development would be taken from.

Whilst the concerns of local residents are understood in respect of highway safety, Wiltshire County Council have indicated their general satisfaction to the scheme following negotiations in respect of planned widening of the lane. For this reason, and in the absence of expert opinion to the contrary, it is considered unreasonable to use highway safety as a reason to refuse development on this site. There is no requirement to remove the boundary hedges to achieve the proposed widening.

Ownership of the land required to widen the access road is apparently disputed, with residents suggesting it is not under the control of the applicant. However, documentary evidence has been received from the applicant that they do have control of the required land, and which remains the surest form of evidence so far received on the matter. There is no reason to examine this matter in more details as it remains, essentially, a private boundary dispute. In any event carefully worded condition(s) could ensure that the widening of the lane take place prior to the dwellings being commenced, thus resulting in permission not being implementable, if ownership does in fact prove to be problematic.

Note that a revised plan has been sought to demonstrate the relocation of the bin storage area within the main body of the site, so as to increase the width of access road that would be available for the manoeuvring of cars.

Surface water drainage

The Council's Engineer identifies the existing storm water to be blocked and that the ditch to the western boundary is poorly maintained, and that these may be contributory factors to the flooding that is experienced in the locality. He does, however, indicate his satisfaction with the submitted scheme. In order to address the concerns over the future management of the ditch it is considered reasonable to impose an additional condition that will require the submission of such details prior to the commencement of development.

Community infrastructure (Policy C2)

Proposals for residential development of this scale are subject to the provisions of Policy C2 of the adopted Local Plan. The purpose of the policy is to ensure that the full social consequences of development are taken into account and, where appropriate, addressed either through integration into the development proposal or by means of a financial contribution. The policy sets out a prioritised approach to those provisions and contributions.

In contrast to the previously refused application, the applicant has now agreed to provide an element of social housing on the site. The requirements of the Housing Enabling Officer are met, with the proposal delivering 3 x 2-bedroom houses for social rent. This equates to approximately 37.5% of dwellings to be provided, a relatively high percentage of the relatively small total number of dwellings proposed (ie. a net increase in 7 dwellings on the site). No further contribution towards community infrastructure (particularly public open space – which has been identified as a requirement) is offered.

As envisaged by the Policy, the applicant has prepared a report on the financial viability of the development. This sets out the viability of the proposal to the satisfaction of the Local planning Authority. Given the limit to viability of this scheme and the fact that the provision of affordable housing appears at the very top of the prioritised list of community infrastructure requirements, Officers are of the opinion that the waiving of the £26,000 contribution (ie. in lieu of the remaining 0.5 of a dwelling that would bring the affordable housing contribution to 50% of total units) and the £42,300 contribution towards POS, would provide that reasonable degree of flexibility so as to reach agreement. Policy C2

of the adopted Local Plan affords for such flexibility in negotiations. In this instance it would enable the provision of 3 affordable units where there is a particularly high demand.

Note that the proximity of the site to existing sports facilities and the applicant's expressed willingness to continue to allow for access to those facilities to continue across land believed to be under their control is not a relevant consideration. Such an offer would not be regarded as a way of "off-setting" any requirement for a contribution towards public open space.

Recommendation:

Subject to the receipt of an amended plan in respect of the bin storage area;

and

Subject to the completion of a legal agreement under s106 of The Act in respect of the Housing Enabling Officer's requirements for affordable housing;

then :

PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. No development shall commence until details of the landscaping of the site, and the means of access thereto, have been submitted to, and approved in writing by, the local planning authority.

Reason: The application was made for outline planning permission.

2. (a) The application for approval in respect of all matters reserved in Condition No.1 above shall be made to the local planning authority within a period of three years, commencing on the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years of the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

4. No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been 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.

5. No development shall commence until details/samples of materials to be used externally have been 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. 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. 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. The proposed surface water drainage scheme shall be implemented in complete accordance within the submitted Surface Water Drainage Strategy prepared by Cole Easdon Consultants (dated May 2008) within three months of the commencement of development on this site.

Reason: In the interests of providing adequate measures for the disposal of surface water from the site.

10. Prior to the commencement of development a comprehensive plan for the ongoing management and maintenance of the stormwater drain crossing the site and ditch running along the western boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include measures for clearing the storm water drain and ditch prior to connection, their regular future maintenance, together with the installation of a control structure so as to hold flows and effectively increase the capacity of the storm drain. Development shall be carried out in complete accordance with those details submitted and approved.

Reason: In the interests of ensuring the developed site is not a cause of flooding to nearby properties through management and maintenance.

11. Prior to the commencement of development, and in accordance with the details contained on the submitted plan reference TP5056-001, the proposed and required widening of the access lane to the site from Hornbury Hill shall have been implemented in complete accordance with a complete and detailed scheme that shall have been submitted to and approved in writing by the Local Planning Authority beforehand. No development shall take place until such times as the agreed access widening works have been completed to written satisfaction of the Local Planning Authority.

Reason: To ensure that adequate vehicular and pedestrian access to the site is provided prior to the commencement of development.

12. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

Reason: In the interests of highway safety.

13. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

Informative

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

- Site location plan 1:2500 LPC1993.07.01
- Layout plan 1:200 LPC1993.07.02
- Floor plans 1:100 LPC1993.07.03
- Elevations 1:100 LPC1993.07.04
- Elevations 1:100 LPC1993.07.05
- Access arrangements TP5056-001

All received by the local planning authority 6th October 2008

Reason for Decision

The appearance, layout and scale of the development is considered to be acceptable in this location in Minety, and as such is considered to be in accordance with Policies C3, H3 and H6 of the adopted North Wiltshire Local Plan 2011

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 3.06; 4.04; 4.02; 4.03; 5.01