

**REPORT FOR NORTH AREA PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	04 October 2017
<b>Application Number</b>	17/02820/OUT
<b>Site Address</b>	Land south of Brook Farm, Great Somerford, Chippenham, Wiltshire, SN15 5JA
<b>Proposal</b>	Outline Application for the Erection of Eight Dwellings with Access to be Determined. All Other Matters Reserved.
<b>Applicant</b>	RHK Seelig & Wolfe Securities Limited
<b>Town/Parish Council</b>	Great Somerford
<b>Electoral Division</b>	Brinkworth – Cllr T Sturgis
<b>Grid Ref</b>	396589 183126
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

At the time of submission, this application was made by an elected member or a senior officer of the Council or their close relations. In this particular case, representations objecting to the application have been received, raising material planning considerations, and it is therefore considered appropriate for the Northern Area Planning Committee to determine this application.

**Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within three months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the originally defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Ecology and is therefore contrary to Policies CP3 CP43 & CP50, CP57 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

**1. Report Summary**

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on character and appearance of the area.

- Impact on highway safety
- Conformity with the Draft Neighbourhood Plan

Great Somerford Parish Council object to the proposed development. 8 letters have been received, all objecting to the proposed development.

## 2. Site Description

Land to the south and east of Brook Farm is approximately 0.38 ha and located to the north east of the existing village of Great Somerford. The site is bounded to the west by existing residential development, to the north by land with extant planning permission for 30 residential units and to the south and east by further agricultural land. Existing trees and hedgerows define the boundaries of the site. The site, with land directly to the north and west was previously part of an agricultural complex known as Brook Farm. The eastern part of the site is the bed of a disused railway line.

## 3. Planning History

N/04/02024/OUT	Residential Development- <b>APPROVED</b>
N/07/00252/REM	Erection of Thirty Dwellings - Approval of Reserved Matters Pursuant to Outline Permission 04.02024.OUT- <b>REFUSED</b>
N/08/01103/REM	Reserved matters for 04/02024/OUT 30 dwellings- <b>APPROVED</b>
N/09/00096/REM	Approval of Reserved Matters on Outline Permission 04/02024/OUT - Redevelopment of Site for Housing (30 Units)- <b>APPROVED</b>
13/05915/VAR	Residential development (extension of time limit for implementation of planning permission 04/02024/OUT)- <b>APPROVED</b>

## 4. The Proposal

Residential development of up to 8 dwellings with all matters reserved apart from access.

## 5. Local Planning Policy

Wiltshire Core Strategy Jan 2015:  
 Core Policy 1- Settlement Strategy  
 Core Policy 2- Delivery Strategy  
 Core Policy 13- Spatial Strategy for Malmesbury Community Area  
 Core Policy 41- Sustainable Construction and Low Carbon Construction  
 Core Policy 43- Providing Affordable Housing  
 Core Policy 48- Supporting Rural Life  
 Core Policy 50- Biodiversity and Geodiversity  
 Core Policy 51- Landscape  
 Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment  
Core Policy 61-Transport and Development  
Core Policy 63-Transport Strategies  
Core Policy 64- Demand Management  
Appendix D  
Appendix E  
Appendix G

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)

Chapter 7-Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 8-Promoting healthy communities (Paragraph 75)

Chapter 11-Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

H4- Residential development in the open countryside

T5- Safeguarding

Great Somerford Neighbourhood Plan – this plan has advanced to the stage where it has been independently examined and considered to be suitable to move forward to a referendum. The plan allocates this site for approximately 8 dwellings (policy GSNP6, as amended by the Examiner). The Neighbourhood Planning Act requires the Council as local planning authority to have regard to a post-examination neighbourhood plan as a material consideration in the determination of planning applications. Although the plan has not yet been made, and therefore has not yet been tested at referendum, the weight that can be attached to it at this stage is significant as the plan including this policy has been examined and found to meet all the statutory requirements.

## **6. Summary of consultation responses**

Great Somerford Parish Council- object on the following grounds -

The present Brook Farm development site was passed on the S106 agreement that there were to be no more than 30 dwellings built. The proposed development of 8 dwellings adjoining the existing development site with access through it will in fact increase this overall site to 38 dwellings which is contrary to the initial agreement.

A proposal to develop this site has already been rejected by the Parish Council at the time of the initial development of the Brook Farm site.

The proposed development is on a green field site when there are brown field sites in the village that are available for development.

Two of the dwellings are sited on the disused railway track. This is part of the village's historic environment and was excluded from the initial development site as shown on the plans. The village wishes to keep this feature as part of its heritage in accordance with the Wiltshire core strategy 3.8 protecting and enhancing natural, historic and built environment.

The proposed development does not take into account anticipated effects of climate change with potential increase of flood events Wiltshire core policy 3.10.

Concern was also raised regarding the infrastructure ie sewerage, storm water (Frog Lane has flooding problems) and roads will be able to cope with the increase of building proposed for the village.

Wiltshire Council Drainage - Revised FRA has been received and no objection is now raised subject to conditions

Wiltshire Council Highways - No objection

Wiltshire Council Archaeology - No objection

## **7. Publicity**

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

The application has generated 8 representations, all objecting to the proposal. A summary of the representations is set out below:

- The application should be determined at committee not under delegated powers
- Premature to grant permission, should await the outcome of the referendum
- Site outside framework boundary
- Housing not needed
- Too many houses on this site
- Traffic concerns
- Flooding issues
- No more than 10 dwellings in total should be built- Site will be for a total of 38
- Over development of the site

## **8. Planning Considerations**

### 8.1 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Area. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The Neighbourhood Plan has not yet gone to referendum but has been subject to a public hearing and the examiner's report has now been received. Paragraph 216 of the NPPF states:

*decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

Significant weight can therefore be afforded to the neighbourhood plan as it has been examined and found to be appropriate, subject to the amendments required by the

Examiner. The full weight appropriate to a development plan cannot be afforded to the plan at this time until it has been approved at referendum.

Wiltshire Core Strategy CP1, CP2 and CP13 and Saved Policy H4

CP1, CP2 and CP13 deal with the broad issues of settlement strategy and delivery. Other relevant policies of the Development Plan are otherwise discussed later in the report under topic heads.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as one of the three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and beyond. Chippenham is to be a focus for development (Core Policy 1). The principal settlements will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.

Within this Policy Great Somerford is identified as a Large Village, which are defined as settlements with a limited range of employment, services and facilities. Development at Large and Small 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.'*

Some residents are concerned that the proposal equates to more than 10 units (due to the previous approval for 30 units adjacent to the site). The reference to 10 units in the supporting text of CP1 is to "small housing sites within the settlement boundary". This does not mean that a Large Village like Great Somerford is only earmarked for 10 units in the plan period – the full text reads:

*"At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries."*

Not only is this a "guideline" figure, it is not a total or aggregate figure for a village. There is no cap on the number of small housing sites that can come forward. Therefore a large village might be expanded by a number of smaller developments. The figure of 38 units in total is not disproportionate as far as Great Somerford is concerned. It is a large village with a wide range of facilities.

Core Policy CP2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development and would be in conflict with CP2 of the Core Strategy.

The proposal does meet one of the exceptional circumstances identified in WCS paragraph 4.25 but as the Neighbourhood Plan is well advanced and contains a policy allocating this site for development of this 'approximately 8 dwellings', it can be given significant weight.

#### 5 Year Housing Land Supply

On 3<sup>rd</sup> March 2017, the Council published an update to its 2016 Housing Land Supply Statement. This confirms that the Council can currently demonstrate a five-year supply of deliverable housing sites as well as the requisite buffer. This has been tested at several appeals, including "Forest Farm, Chippenham" and "The Grange, Hilperton" appeals.

As the Council can demonstrate a 5 year housing land supply it is considered that policies CP1 and CP2 are up to date and can be afforded full weight in the determination of the application.

#### Neighbourhood Plan

The Neighbourhood examination took place on 22 March 2017 and the subsequent report was received on 21 August 2017. The Inspector concluded that the Plan, if amended in line with his recommendations, meets all the statutory requirements including the basic conditions test and it is appropriate that the Plan, as amended, if successful at referendum, be made.

As set out above, Paragraph 216 of the NPPF states:

*decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

Significant weight can now be afforded to the neighbourhood plan as it has passed the examination stage.

Policy GSNP1 allocates land for approximately 35 new dwellings on four sites. One of these sites is identified as NP4 - Land adjacent to Brook Farm suitable for approximately 8 dwellings. The application site forms part of that site. The proposed development is broadly in accordance with the specific policy GSNP6 that applies to this site and seeks a contribution of 40% affordable housing.

It is considered that the proposal would be broadly in accordance with this policy and this is a material consideration that must be afforded significant weight in the planning balance.

#### Affordable Housing

Core Policy 43 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of 5 or more dwellings. The applicant has agreed to provide 40% onsite affordable housing with a 60% affordable rent and 40% shared ownership tenure split. The provision secured by the planning obligation accords with the policy and meets the relevant tests set out in the CIL regulations. The proposed

development therefore accords with Core Policy 43 and this is a matter which weighs in favour of the proposal.

### Urban Design & Layout

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 Council and Neighbourhood Plan Inspector did not raise concerns to the principle of the allocation. For this reason and the reasons given above it is considered that though it would change the rural character of the area it is not so harmful as to conflict with local and national planning policies.

### Impact on residential amenities

The application has been submitted in outline form with all matters reserved, the layout of the development is therefore not fixed. However, the applicant has submitted an indicative layout to demonstrate how the level of development may be accommodated within the site.

Having analysed the submitted plans it is considered that the development will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy. Whilst it is acknowledged that there will be an impact on the outlook from some properties, the separation between existing and proposed dwellings would be sufficient to ensure that there will not be a conflict with CP57 and the NPPF.

### 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.

### Flood Risk & Drainage

The Council's drainage team raise no objection to the proposed scheme, subject to conditions. It is considered that the development is acceptable with regards to this matter. The development therefore accords with Core Strategy Policy CP67.

### S106 Contributions

The following will be required:

- A contribution for householder bin/recycling facilities (£91 per unit = £1274)
- 40% affordable housing units

### Prematurity

PPG advice on the issue of prematurity is as follows:

*“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, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or*

*phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” (PPG 21b/14)*

If the Examiner had come down against the proposal to allocate and develop this site for approximately 8 dwellings, then there would be sound reasons for not taking this application forward. However, given that the Inspector has found the policy to be appropriate, and given the relatively small scale of this development (8 dwellings), it is not considered that there are grounds to refuse the application for prematurity reasons.

## **9. Conclusion (The Planning Balance)**

It can be seen from the analysis above that the proposal sits outside the current limits of development, but on an area proposed to be allocated for approximately 8 dwellings in the Great Somerford Neighbourhood Plan, which has been examined and found to be appropriate by an independent examiner. Significant weight can be given to the Neighbourhood Plan at this stage, although not full weight as it is not yet part of the development plan. Nevertheless, refusal at this time on the grounds of being outside of the limits of development would be difficult to defend in these circumstances.

There are benefits that will be derived by granting planning permission for this development. In particular, the development would bring forward much needed market and affordable housing. Some more limited weight should also be attached to the economic benefits immediately associated with the proposal in terms of job creation and/or maintenance and spend in the local economy and new homes bonus.

Set against these benefits there is some harm to landscape and visual impact, although the area has no special landscape designation. However, it has to be acknowledged that there is likely to be development on the edge of the settlement and in this location as outlined in the neighbourhood plan. Any development on a green field site will inevitably result in some harm to landscape and visual amenity if development needs are to be met. In this case the harm is not so great as to justify refusal.

The village is a relatively thriving place, with facilities and a strong community life. Like many places, it has a problem with affordability, and with general unavailability of units. This scheme would have a positive impact on the way the settlement looks and functions, indeed the neighbourhood plan is seeking to allocate this land for residential development. Those benefits would not come at the cost of unacceptable landscape harm, harm to heritage assets or ecology.

Ultimately, granting planning permission would not damage the objectives of the development plan or disrupt any settlement hierarchies; they would not make Great Somerford noticeably less sustainable. The scheme would represent sustainable development, which the NPPF confirms there should be a presumption in favour of.

## **RECOMMENDATION**

**Subject to all parties entering into an agreement under s106 of The Act in respect of bin/recycling facilities and affordable housing, then planning permission be GRANTED, subject to the conditions set out below.**

**In the event of failure to complete, sign and seal the required section 106 agreement within the originally defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-**

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Ecology and is therefore contrary to Policies CP3 CP43 & CP50, CP57 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

**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: [DELETE as appropriate]

- (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;
- (e) The means of access to 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 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 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 building(s) 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.

- 5 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 6 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating

sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

UD01

Transport Statement

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