

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>14<sup>th</sup> May 2014</b>
<b>Application Number</b>	<b>14/01293/OUT</b>
<b>Site Address</b>	<b>Oak Hill House Upper Seagry Chippenham Wiltshire SN15 5HD</b>
<b>Proposal</b>	<b>Erection of 6 New Dwellings (Outline)</b>
<b>Applicant</b>	<b>Mr K Lloyd</b>
<b>Town/Parish Council</b>	<b>SEAGRY</b>
<b>Ward</b>	<b>KINGTON</b>
<b>Grid Ref</b>	<b>394604 180829</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Mark Staincliffe</b>

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

The application has been called into committee at the request of Cllr Greenman as the community benefit in terms of underpinning parish sustainability outweighs the negative.

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

To recommend the planning application for refusal

### **2. Report Summary**

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
- Onsite/onsite drainage
- Impact on residential amenity

The application generated 12 letters of objection from local residents. Upper Seagry Parish Council support the planning application

### **3. Site Description**

The site is located on the Eastern outskirts of the village of Upper Seagry, in close proximity to the settlement but beyond the development framework boundary. The land to which the application relates comprises some 0.24ha of residential garden and is otherwise undesignated under the adopted North Wiltshire Local Plan.

The land to the immediate North of the site has been developed to provide a 'courtyard development' consisting of a series of modern terraced properties, whilst the other dwellings within the locality are of various ages and designs, majority of these are set back from but front the highway.

The site itself is very spacious and has numerous mature trees on its boundary. The land to the South and East is characteristically open and consists of allotments, a village hall and open countryside. The characteristic of this part of the village is a transition of semi rural to rural with low density development located on very generous plots. At present vehicular access into the site is taken from Henn Lane adjacent to the rear gardens of The Court Yard.

### **4. Planning History**

N/04/00992/FUL USE OF DWELLING WITHOUT COMPLIANCE WITH CONDITION 2 OF PLANNING PERMISSION 78/0730/OL

N/03/01998/TCA TREE FELLING AND SURGERY WORK

N/04/00992/FUL NEW ACCESS INTO Paddock

N/04/02261/FUL TWO STOREY REAR EXTENSION; ERECTION OF CONSERVATORY AND INSERTION OF DORMERS INTO EXISTING ROOFS

### **5. The Proposal**

The application seeks consent for the construction of 6 new dwellings (3 Affordable Houses and 3 Open Market Houses). The application has been submitted in outline form with all matters reserved.

### **6. Planning Policy**

#### North Wilts Local Plan

C3: Development Control Core Policy

NE15: The Landscape Character of the Countryside

H4: Residential Development in the Open Countryside

H7: Affordable Housing on Rural Exceptions Sites

CF3: Provision of Open Space

#### Wiltshire Core Strategy

CP44 (Rural Exceptions Sites)

CP48 (Supporting Rural Life)

#### NPPF

Section 1: Building a strong, competitive economy

Section 3: Supporting a prosperous rural economy

Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 11: Conserving and enhancing the natural environment

## National Planning Guidance

### **7. Consultations**

Public Open Space I have estimated the cost using a dwelling mix of 3 no. 2 beds and 3 no. 3 beds. This generates a POS requirement of 342m<sup>2</sup> and equates to an offsite contribution of £16,130.

It should be noted that due to the viability concerns I have used a calculation which is based on the cost POS, rather than a profit based calculation. The calculator referenced in Policy CF3 of the local plan would generate a requirement for £30,100.

Drainage: Awaiting comments- These will be reported as a late item.

Seagry Parish Council: Following a very lengthy (but useful) discussion the Parish Council decided (by a narrow majority) to recommend approval to the planning authority.

Indoor Sports Facilities: The Sport England Facilities Calculator estimates the amount of demand a given population creates for swimming pools, sports halls, indoor bowls and artificial turf pitches taking into account known local (in this case North Wiltshire) levels of physical activity and converts this demand on indoor leisure facilities into a financial contribution.

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 6 dwellings:

Halls	£2,660
Indoor Bowls	£276
Artificial Turf Pitches	£309

Arboriculturist & Landscape: I note on Page 10 of the Planning Justification dated February 2014 that reference is made for the retention of trees on site. It states:-

*In all cases the various layouts were guided by the desire to maintain the existing tree boundaries and all new development has been shown outside the surveyed canopies.*

For this reason, I have no objections in principle to this development, but I would request the following information, if a Reserved Matters application was submitted:-

- Full Tree Survey (which is not included in this outline application);
- Plan showing all trees to be removed and retained;
- Plan with all retained trees with their Root Protection Areas
- Arboricultural Method Statement;
- Plan showing position of utility services in relation to trees;
- Details of hard and soft landscaping design.

Housing: This application is outside the framework boundary of Seagry. This application could be considered under Policy H7, but only as an affordable housing site, no open market.

Policy H7 “Affordable Housing on Rural Exceptions Sites” states:

As an exception to normal planning policies small affordable housing developments will be permitted outside and adjoining the Framework Boundaries of all villages in the District provided that:

- i) There is a demonstrable local need for affordable housing which cannot otherwise be met; and
- ii) The scheme must be capable of implementation and proper management to ensure that the benefits of the provision of affordable housing to meet local needs will be held in perpetuity.

I have reviewed the housing register and there are currently 13 households seeking an affordable home in Seagry and the adjoining villages as a 1st preference, not including bronze band (people who are adequately housed, but may be interested in a shared ownership product). To support any exception site a rural housing need survey is required, to demonstrate point (i) above.

Highways: The site location is outside the planning policy boundary for Upper Seagry and could be seen to be the equivalent of buildings in the open countryside.

However, I am mindful of the actual built limits and the pedestrian and public transport facilities. Upper Seagry has limited community facilities and work/shopping facilities but does have a school. As such the location of the proposal does raise highway concerns in regards to sustainability.

If this policy objection is set aside I am minded to make the following comments:

- Adequate access can be created to accommodate the vehicle movements associated with 6 dwellings.
- The access road should have a width of no less than 5.5m and visibility of 2.4m x 43m in each direction.
- Internally the applicant should be designing car parking spaces with adequate visibility. From the indicative plan it looks as if the corners of the buildings could negatively affect the necessary visibility.
- The parking standards should meet current adopted standards of 2 spaces (no garages ) per 2-3 bed and 3 spaces for a 4 bed and above.
- Adequate turning should also be provided.
- I would think that it is unlikely we would be looking to adopt the development as it does not offer any particular highway benefit and as such there should be a provision of an adequate bin storage area for road side pickup.
- If we are not to adopt the development the applicant shall be expected to enter in to a S220 notice with the Highway Authority and a S106 agreement detailing a management company for the road.

## **8. Publicity**

12 letters of objection were received. The objections are summarised below:

- The density is too high and out of character with the surrounding area
- The entrance to the site is too close to the junction Henn Lane and is therefore dangerous.
- Insufficient car parking proposed
- Flooding occurs near the proposed access, this issue should be resolved
- The development is likely to result in the loss of the trees on site

- Has the look of a commercial suburban development
- The development is outside the village boundary
- The justification is based on a perceived need for affordable local housing, based on an outdated study and takes no account of recent developments in the local area.
- The increase in hard surfaces will increase run off and flooding.
- Housing will be located very close to the plot boundary; this will overshadow and overlook back gardens and habitable windows.

## **9. Planning Considerations**

### Background

The proposal relates to the erection of six dwellings, each with associated access, parking and domestic curtilage. At this outline stage, no design details are provided, although the indicative plans would indicate three detached and 3 terraced family houses of a relatively urban layout and appearance.

Each is to be positioned towards the extremities of the site fronting onto the new access road with a parking area immediately to the front of each property. The single private access from the adjacent highway will serve these properties as well as the existing dwelling on site.

Three plots will be of comparable size and three having a small curtilage. The built development will not address the street, with rear and side elevations being the predominant feature when viewed from public vantage points. The larger detached dwellings would appear to have detached garages and the terraced dwellings will have allocated parking spaces. As with all other details, the design of the dwellings is a reserved matter. However, the indicative plans would indicate two-storey dwellings.

### Policy

It is considered that the proposed development fails to accord with either of the settlement strategies defined in the adopted Local Plan or emerging Core Strategy in respect of the provision of new housing. Similar applications have recently been refused on the grounds that they represent development of open market housing outside of the development framework boundary.

The proposal cannot be regarded as a rural exception site under Policy H7 of the adopted Local Plan. In this instance, there is no evidence to suggest that the site has been selected by a sequential process, that the proposed units relate to local demand nor, crucially, that proposals have been generated in conjunction with the Parish Council and a housing association or other suitable provider.

For the reasons given above, the proposal can only be considered in relation to Policy H4 of the Local Plan, which refers to residential development outside of framework boundaries. Clearly the proposed dwellings fall outside of the village framework boundary and lack any other material justification for their erection.

### Flooding

Local residents have raised concerns relating to flooding adjacent to the site and the implication of the new development on this identified issue.

It is important to note that the site is not within a flood zone, a flood risk assessment is therefore not required. For the avoidance of doubt, comments have been requested from the Council's drainage Officer to determine if there is an issue.

Should planning permission be granted for the development it is likely that a condition relating to the need to provide details of a sustainable urban drainage system would adequately overcome the concerns raised by local residents. Comments relating to drainage will be reported as a late item.

### Layout

Although the scheme for the whole site was submitted in outline, The indicative layout highlights strong reservations that the overall design would fail to meet the requirements of local and national policy and The Urban Design Compendium 2 to achieve a high quality of design and layout in all new developments. Policy C3 of the local plan requires, amongst other things, development to respect the local character and distinctiveness of the area with regard to design, size, scale, density, massing, siting and layout. This policy is consistent with section 7 of the NPPF and should therefore be afforded full weight when determining this application.

In broad terms, the desire to accommodate six dwellings would dominate this semi rural site, such that the housing layout would inevitably appear squeezed onto this small plot. This in itself is likely to create other problems of residential amenity, poor layout, inadequate amenity space, frontages dominated by hardstanding and parking.

The applicants' desire to accommodate the number and size of units proposed, with frontage parking and very little landscaping results in a disjointed parcelling of this land resulting in a cramped illustrative residential layout. The pattern of development shown on the indicative plans does not reflect the grain or character of the area and is at odds with it.

Furthermore, the scheme would introduce an unwarranted suburban appearance to the immediate surroundings. It is likely that the proposal would introduce large areas of hardstanding, new kerbs and lighting detrimentally affecting the established character of the area. The indicative layout plan also indicates a disappointing lack of variation that exacerbates this generic, suburban effect with little regard for the traditional pattern and character of typical local properties and the layout of the area. These concerns are echoed and significant reservations are held as to the degree of sympathy afforded to the local context by the current approach.

### Settlement Boundary

The emerging Wiltshire Core Strategy (CS) would remove the Framework Boundary for Upper Seagry and designate it as a 'small village'. CS Policy CP2 would support development meeting local housing needs but limit development to infill within the existing built area subject to considerations of existing character and form of development. However, only limited weight can be attached to the Core Strategy because it is awaiting an Inspector's report following examination.

### 5 Year Land Supply

In accordance with the NPPF (para. 49), the Wiltshire Core Strategy must provide a five year supply of housing against housing requirements.

The applicants claim that the Council is unable to demonstrate a five year supply of deliverable housing land and argue that this is a reason to override policies of the local plan. The Council can demonstrate a sufficient supply of land for new housing for the North and West Wiltshire Housing Market Area. There is no shortfall in provision. Far from it, current proposals boost significantly the supply of housing. There appears to be no justification on this basis to set aside well founded Development Plan policies aimed at protecting the countryside and managing the use of greenfield sites.

Furthermore, the development proposed is unlikely to have any significant impact on the delivery of housing towards the Council's five year land supply.

## 10. Conclusion

For reason of the inadequacy of the proposal to come forward as a robust affordable housing exception scheme and unacceptability as new residential development outside of the framework boundary in any other capacity, under the current adopted Local Plan or emerging settlement strategy, it is considered that the proposal is unacceptable in principle.

The indicative scheme also appears to bear other negative implications for the character of the immediate area, the scheme is likely to introduce a suburban appearance to this characteristically rural-fringe setting. Methodology on how the scheme has evolved was submitted with the application and this fails to overcome the concerns set out above. Until indicative plans are submitted demonstrating a comprehensive layout and design that would accord with the character of the area, reservations are held in this respect also.

## RECOMMENDATION

Planning permission is **REFUSED** for the following reasons:

The proposed development, by reason of its location, siting and lack of justification as a rural exception site represents an unwarranted residential development outside of the development framework boundary contrary to Policies H4 and H7 of the adopted North Wiltshire Local Plan 2011 and Policies CP2, CP10 CP44 and CP48 of the emerging Wiltshire Core Strategy.

The development, by reason of its layout and aspect represents a detrimental intrusion into the adjacent countryside and fails to accord with Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011 and Sections 6, 7 and 11 of the National Planning Policy Framework.

In accordance with the NPPF there is a deliverable 5 year supply of land for housing in place and there are no other material considerations that outweigh this position. As such, the balance of considerations is such that planning permission should not be granted having regard to policies H1 & H4 of the North Wilts Local Plan and CP2, and CP10 of the Draft Wiltshire Core Strategy and guidance in the National Planning Policy Framework, in particular at paragraphs 12, 14, 17, 47, 49, 150, 183, 184, 185, 196, 209, 210, 211, 212, 214, 215, 216.

The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards open space on the site, community facility, indoor leisure provision. The application is therefore contrary to Policies C2, H5 and CF2 & CF3 of the North Wiltshire Local Plan 2011.

