

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	5th November 2014
<b>Application Number</b>	14/05120/FUL
<b>Site Address</b>	Land North Of 3 Goose Street Southwick Wiltshire
<b>Proposal</b>	Change of use and development of 3 residential single storey dwellings with private access drive (Re-submission of W/13/00647/FUL)
<b>Applicant</b>	Mrs H O'Brien
<b>Town/Parish Council</b>	SOUTHWICK
<b>Ward</b>	SOUTHWICK
<b>Grid Ref</b>	384260 154924
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Prickett for consideration of the scale of development, the visual impact upon the surrounding area, relationship to adjoining properties, and environmental/highway impact. The request was for Committee consideration only in the event that refusal is recommended.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

### 2. Report Summary

This is a resubmission of an application refused under planning reference 13/00647/FUL for the following reasons:

*1 The proposed residential development is located outside of the defined village policy limits in an area of open countryside. No rural occupation or other exceptional circumstances have been presented which would outweigh the harm associated with the development. The proposals therefore constitute an unwarranted extension of urbanisation into the countryside to the detriment of the visual openness and quality of the countryside contrary to policies C1, H19 and H22 of the West Wiltshire District Plan 1st Alteration (2004).*

2        *The proposed unit to "Plot C" would, because of its design, siting, and poor relationship to the dwelling to the south "Berryfield Farm", have an un-neighbourly impact on that dwelling as well as on the future occupiers of "Plot C" due a sense of lack of privacy and an unnecessarily cramped situation. The proposal is therefore contrary to Policy C38 of the West Wiltshire Local Plan 1st Alteration 2004.*

3        *The proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paras. 29, 30 & 37) and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.*

The key issues therefore are whether or not the revised plans address the reasons for refusal, and whether or not there has been any change to the Policy environment that indicates that the decision should be revisited.

**Southwick Parish Council** - Supports the proposals for the reasons cited within section 7 below.

**Neighbourhood Responses:** Three letters of objection were received.

### **3. Site Description**

The application site of approximately 0.49 ha in extent is located to the south of Southwick and to the east of "Goose Street" (the road to North Bradley). It is agricultural land, roughly rectangular in shape and is fairly level.

The site lies outside of Village Policy Limits. To the east is open countryside. To the west on the opposite side of the road there is linear development within VPL, whilst to the south there are two dwellings. To the north is the "Lewis Court" development, within VPL.

### **4. Planning History**

79/00102/HIS : Detached dwelling : Refused : 10.04.1979

W/13/00647/FUL : Change of use and development of 3 residential single storey dwellings with private access drive : Refused : 03.06.2013

### **5. The Proposal**

The proposal is for the development of three single storey dwellings of fairly substantial footprint (2 at just over 200m<sup>2</sup> and 1 at +-300m<sup>2</sup>). The +200m<sup>2</sup> units would comprise four bedrooms, two reception rooms, - a "study", kitchen and utility room plus an integral double garage. The 300m<sup>2</sup> would provide for similar levels of accommodation but with larger floor areas (in general) to the rooms.

Access would be via a centrally located private driveway serving all three units, off of Goose Street.

### **6. Planning Policy**

West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004

C1 - Countryside protection

C31a- Design

C32 - Landscaping

C38 - Effects of development on neighbouring properties  
H17 - Village Policy Limits  
H19 - Housing in the Countryside  
H22 - Rural Exception Sites

National Planning Policy Framework

Emerging Wiltshire Core Strategy

## **7. Consultations**

### Southwick Parish Council

Supports the proposal on the grounds that it is appropriate in-filling of the site and the proposed dwellings will add to the variety and mix of dwellings in Southwick.

In addition to the Parish comments, Councillor Prickett called the case in to Committee, but only in the event that refusal was recommended.

### Highways

The Officer notes that this is a re- submission of the previous application 13/00647/FUL. The site is located outside of the Housing Policy Boundary and the proposal is therefore contrary to the sustainability policies contained within the National Planning Policy Framework, the Adopted Wiltshire and Swindon Structure Plan 2016 and the emerging Core Strategy for Wiltshire, which aims to reduce the need to travel, especially by private car. Refusal is recommended on sustainability grounds.

However, if the application is permitted due to Policies that may be in favour of the development and over-ride the above refusal reason, then I would require the following:-

1. The access road shall be 4.5m for the first 5m and thereafter can be reduced to 4m, this shall be illustrated clearly on a scaled drawing.
2. The submitted Site Plan suggests a visibility splay of 2.4m by 120m is achievable; a indicative plan shall be submitted to illustrate the splay..
3. In line with Wiltshire Council's Parking Strategy, 3 spaces are required per dwelling (please note that garages are not considered to be car parking spaces).

### Ecologist

The ecologist notes that no ecological assessment or tree survey has been submitted. The DAS states that all boundary hedgerows (apart from the one adjacent to main road) and a tree within the site, will be retained as part of the proposed development. A tree survey is recommended so that a management strategy can be prepared for the protection of trees and hedgerows. The officer suggests that this is done prior to permission, with conditions as follows to be attached:

1. *Prior to the commencement of works associated with the development hereby approved, protective fencing shall be erected in locations to be agreed in writing with the local planning authority and shall be retained until the completion of all building operations on the site.*

REASON: in order to safeguard hedgerows and trees worthy of retention.

2. *Prior to the commencement of the development hereby approved, details of the replacement hedgerow, including its species composition, structure, aftercare maintenance and management, shall be submitted to the local planning authority for*

*approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development.*  
REASON: to compensate for the loss of the roadside hedgerow

3. *Prior to the commencement of work associated with the development hereby approved, a hedgerow management plan, which shall include details of timing of its implementation, shall be submitted to the local planning authority for approval. Management shall be carried out in accordance with the approved plan.*  
REASON: to ensure the longevity of existing hedgerows

With regard to Protected Species the Ecologist recommends informatives.

#### Housing Officer

Officers note the locality outside the existing Housing Policy Development Boundary for Southwick. The usual expectation would therefore be that this site could only be developed as a rural exception site i.e. only developed for 100% affordable housing, subject to demonstrable affordable housing need. In the event that the site has widespread local support and is considered suitable for housing development rather than an exception site, officers believe that under the West Wiltshire Local Plan rural H2 policy a 50% affordable housing contribution at nil subsidy would have been sought. However, officers also note that a revised housing policy has been prepared for the CS which recommends that on sites of 1-4 dwellings no affordable housing contribution will now be sought. Although this policy has not yet been adopted it does define the Council's intended direction of travel on affordable housing based on up-to-date evidence. Officers understand that this is the policy that is now being implemented on planning applications submitted from 28th February 2014 onwards. The proposal is for the development of 3 new dwellings and therefore, under current approaches, officers would not now be seeking an affordable housing contribution. It is finally noted that the latest Housing Register statistics show households in priority need as: Wiltshire wide: 11,209; Southwick: 25

#### Wessex Water

No objection but notes that new connections would be required.

#### Wiltshire Fire and Rescue

Invite attention to fire protection and safety considerations.

### **8. Publicity**

3 Neighbour responses were received, containing the following objections/observations:

- There have been two previous refusals, one in 1979 and one in 2013 and circumstances and the proposals are little changed;
- The site is outside village settlement limits and encroaches on green belt land. This is at odds with Government policy not to develop land designated as green belt.
- Hedge management as currently undertaken won't be possible since a tractor with attachment currently carries this out. Who would be responsible for this in future.
- Loss of privacy where boundary hedge would be retained, but no fencing would provide privacy during winter months. The existing use is limited and does not affect privacy – a new bungalow would.
- Direct overlooking from property "B" onto 5 Lewis Court.
- The loss of open field forever and a significant section of the natural hedgerow adjacent to the road will also be lost.

- Error in orientation of north arrow.
- Little change to plans from what was previously refused other than relationship to Berryfield Farm.
- Approval would set a precedent for development outside of Village Policy Limits.
- The dwelling to the south east is not a modern building but is in fact a barn conversion.
- No evidence that this type of development is required in Southwick (CS Policy 44 and 45).
- There does not appear to be local support for this. Greater pressure on local school and increased traffic.
- No employment increase beyond building stage (CP1);
- CP29 aims at avoiding development between villages and Trowbridge;
- The land is designated as Agricultural land;
- Harmful effect on Berryfield Farm due to impact on kitchen which is “hub of family life”. Plans are not geo-referenced so developer may alter positions. Trees planted by developer do not mean that future residents won't remove them. The annex could potentially be harmed by planting too close to the historic foundations. It is understood that Berryfield Farm has no right to a view and that as the conservatory, which links the kitchen to the annex, has a poly-carbonate roof, no right to light can be claimed, should the developer place a fence and hedge close to the windows that overlook the proposed development. Nevertheless a reduction in quality of life would result as the room provides the informal living space, link to the back door and safe play area for children.
- Support by the Southwick Parish Council is erroneous confusing the strict definition of 'infill' land an interpretation of 'land that is between other things'. This view means that all green land between villages and towns would disappear. Infill land is 'land within a built up area that can be considered for further construction.' The site is designated for agriculture, is not in a built up area and there is no existing construction. A change of use should be refused.
- Application is a minor alteration to the plan submitted last year that was also rejected. Same objections apply again, including those of Cllr Prickett; and
- The guiding policy document (WWDP) disallows applications such as this.

## 9. Planning Considerations

*Policy Considerations: Reasons 1 and 3 of refusal issued under reference 13/00647/FUL*

The Local Planning Authority is required to determine planning applications in accordance with the policies of the development plan, unless material considerations indicate otherwise.

The application site lies outside of Village Policy limits and by definition in the Open Countryside.

Currently Local Plan policies constrain new residential development to being within Town or Village Policy limits (Policies H1 or H17 of the West Wiltshire District Plan, 1st Alteration 2004 respectively) or to rural exception sites for affordable housing under Policy H22, or for bona fide agricultural or forestry related dwellings (Policy H19). The proposal is for market housing and would be in conflict with the development plan in this locality where no affordable housing or agricultural/forestry justification exists.

With regard to the emerging Core Strategy, Core Policy 1 (Settlement Strategy) read in conjunction with Core Policy 2 (Delivery Strategy) seeks to define where development will be the most sustainable across Wiltshire. Southwick is classified as a "Large Village" in the CS.

The NPPF states that "... 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], and the extent to which there are unresolved objections to relevant policies [the less significant the unresolved objections, the greater the weight that may be given] and the degree of consistency of the relevant policies in the emerging plan with the NPPF."

Under the supporting text to Core Policy 1 it is stated that: "At Large Villages the existing settlement boundaries will be retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries. 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 identified through a community-led planning policy document, such as a neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing needs of that community*" (Writer's emphasis).

There is thus specific scope within the Core Strategy for the amendment to boundaries but this *"will be the prerogative of the community to carry out this review through an appropriate planning process which might include a neighbourhood plan"*. This in turn aligns with the NPPF emphasis on community involvement and the presumption in favour of sustainable development in that context: "66. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably." The CS also makes provision for 100% affordable rural exception sites under CP47 which *"...allows for the allocation of or granting of planning permission for small sites comprising of affordable housing only as an exception to normal policies."*

It is also the case that the appointed Planning Inspector for the CS examination concluded that existing settlement boundaries are out of date and should be reviewed. Council is therefore undertaking a review through the preparation of the "Wiltshire Housing Site Allocations Development Plan Document (DPD)." This process is still however under way, with consultations having recently closed (22 September 2014). Policy officers will be taking this forward towards the preparation of a series of maps that detail initial proposals for revised settlement boundaries, with an adopted DPD being the aim. Until adoption however there remains no clarity on whether or not the application site would be included in within any revised Southwick development limits. From the perspective of the proposed DPD therefore, there is also no policy justification for the development of the site for residential use at present.

Whilst noting that the Parish Council has supported the proposal, the application documentation confirms that the proposals are not for a rural exception site under the WWDP, and makes no reference to any engagement towards proposed incorporation of the site within policy limits in terms of a "community-led planning policy document" as envisaged by the emerging Core Strategy CP1. There is therefore no justification in terms of existing or emerging policy to allow the proposals. The objections received furthermore indicate opposition to the proposals from the local residents in the immediate environs.

At present the Village Policy limit coincides with the northern boundary of the site with the "Lewis Court" development lying beyond that boundary. To the east are open fields and to the south is the "Berryfield Farm" dwelling and a residential conversion of a farm building. To the west on the opposite side of the road lie the dwellings at No 4 and 6 Goose Street, also within Village Policy limits. In policy terms the site however remains greenfield land outside of any defined settlement boundary. Albeit that the site is bounded by settlement limits to

the north and west it would still result in the loss of the open countryside, extending urbanisation to the south of the village limits..

The proposal is for market housing with the supporting document suggesting the possibility of a "negotiated commuted sum towards affordable housing" being mooted in the supporting document. No exceptional circumstances have been demonstrated to indicate why the proposal should be considered contrary to development plan policies. In this context the proposal cannot be seen as infill and does not meet rural exception site criteria. Furthermore the Highway Officer has again recommended refusal on the basis of the transport and highway implications of the site being outside of Village Policy Limits without any exceptional justification and thereby, by definition, being contrary to policies aimed at confining development to sustainable locations. In the light of these factors, it is considered that Reasons 1 and 3 of the previous refusal have not been overcome.

#### *Reason 2 for previous refusal*

With regard to neighbouring amenity, Reason 2 of the previous refusal referred specifically to the relationship between the development that was proposed on "Plot C" and the dwelling to the south, "Berryfield Farm". The siting and consequent relationship were considered to have the potential to be harmful to both the existing and proposed dwellings.

The revised plans would relocate the unit on "Plot C" eastward by some 7m, so that the building would not, as before, be directly in front of the "Berryfield Farm" (3 Goose Street) dwelling north facing elevation. The neighbour has again objected in terms of potential impacts on amenity, but it must be accepted that the applicant could outside of this planning application erect boundary treatments or extend hedging to the site that would obscure any low-level views to the north from the dwelling. The re-location has furthermore resulted in no windows to habitable rooms (which would in any event be at ground-floor level) facing directly towards the existing dwelling. The new single storey dwelling on Plot C would be to the north of the "Berryfield Farm" curtilage, with no unacceptable overshadowing therefore arising.

The proposed design and siting for the dwellings on the other two plots would achieve wholly acceptable separation distances between the proposed units and the Lewis Court Development, so that no unacceptable overshadowing or loss of privacy would arise within that group of dwellings. The new units would also be single storey in height, therefore having no potential for overlooking from any upper storey level. Neighbours raise concerns with potential visibility through hedges during winter, but this would be a matter that could be dealt with by way of a planning condition. Primary windows to the existing dwellings to the north face at 90 deg to the application site in the case of units closest to the boundary and no unacceptable harm in terms of privacy would therefore arise for future occupants of the new sites.

It is considered that the reason 2 for the previous refusal has been overcome.

#### **10. Conclusion**

The revised proposals do not constitute a rural exception site in accordance with the WWDP or the emerging Core Strategy, and the land is not being considered under a community-led planning policy document as envisaged under the CS. The revisions have however addressed the issues of the relationship between the proposed unit on Plot C and the property to the south. Whilst Reason 2 for the previous refusal has been overcome, Reasons 1 and 3 are considered to still apply.

## **RECOMMENDATION**

Refusal for the following reasons

- 1        The proposed residential development is located outside of the defined village policy limits. No rural occupation or other exceptional circumstances have been presented which would outweigh the harm associated with the development. The proposals therefore constitute an unwarranted extension of urbanisation into the countryside to the detriment of the visual openness and quality of the countryside contrary to policies C1 and H19 of the West Wiltshire District Plan 1st Alteration (2004), and Core Policies 1 and 2 of the emerging Wiltshire Core Strategy.
  
- 2        The proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paras. 29, 30 & 37) and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

### **Appendices:**

#### **Background Documents Used in the Preparation of this Report:**