

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	11 th March 2015
Application Number	14/11318/VAR
Site Address	Wiltshire Golf & Country Club Vastern Royal Wootton Bassett Swindon SN4 7PB
Proposal	Variation of Condition 1 of 09/01057/S73A To Allow Flexible Use for Retirement Accommodation (Resubmission of 14/08313/VAR).
Applicant	Wiltshire Leisure Village Ltd
Town/Parish Council	ROYAL WOOTTON BASSETT
Division	WOOTTON BASSETT SOUTH- Cllr Hurst
Grid Ref	405165 181235
Type of application	Full Planning
Case Officer	Sam Croft

Reason for the application being considered by Committee

Applications called in by Councillor Hurst to consider the relationship of the development to adjoining properties.

1. Purpose of Report

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

2. Report Summary

The application relates to 30 lodges of which 5 have already been constructed and 25 are yet to be implemented. Accordingly, this report has to consider both of these elements as they are assessed differently in planning terms. In the report it sets out where certain issues are applicable to the each element or not as may be the case. On this basis a recommendation will be provided in respect to both elements at the end of the report.

The main issues relating to the application:

- Principle of development
- Sustainability

- Viability of existing units of accommodation with the currently attached conditions
- Viability and need for development with the proposed conditions
- Highways
- Visual Impact
- Affordable housing

Royal Wootton Bassett Town Council have objected the application.

3. Site Description

The Wiltshire Golf and Country Club is located to the south west of the town of Royal Wootton Bassett. The proposal site lies outside the Limits of Development as shown on the Core Strategy Policies Map, and is therefore considered to be in the open countryside. The main complex at The Wiltshire, including the leisure and hotel facilities associated with the site, is located in a prominent position on the crest of a hill, whilst the tourist lodges are located on lower land in the valley to the north. Development at the site is visible, in part, from Royal Wootton Bassett (to the north east). The site is predominantly surrounded by agricultural fields. The site is detached from Royal Wootton Bassett which is located 650m to the north east of the boundary of the site. The northern edge of the golf course site, between the site and the existing town, is characterized by a swathe of mature trees beyond which are agricultural fields and then the railway line which skirts to the south western edge of the town.

On 25 February 2009 planning permission was granted at appeal (APP/J3910/2076748) for tourism development (Phase 2) comprising 30 units at Wiltshire Golf and Country Club, Vastern, Royal Wootton Bassett, Wiltshire. The development constituted an extension of existing 44 units that had already been constructed at this site, which included a 58 bedroom hotel and leisure facilities. Both permissions were subject to condition restricting the development for holiday accommodation only and that it shall not be occupied from January 31st to February 28th inclusive in any year. Subsequently these conditions were subject to an application for variation (N/09/01056/S73A and N/09/01057/S73A). Following permission, the new conditions it read as follows:

“The development hereby permitted shall be used for tourist accommodation only and the use shall be carried out in complete accordance with the measures included within the Occupancy Monitoring Statement dated 20th May 2009 submitted with this application, or any alternative version of the Statement that may be subsequently approved by the Local Planning Authority in the form of a planning application in that regard.

REASON:

To ensure that the development is only occupied as **tourist accommodation only and not for permanent residential accommodation, which would not normally be permitted in countryside locations such as this.**

Subsequent, applications N/11/04172/S73 and N/11/04174/S73 for the use of Phase 1 and Phase 2 lodges for retirement accommodation were made in 2011, but withdrawn.

It is understood that since the original permission was granted in 2009, 49 lodges have been constructed to date of the 74 consented. This application specifically relates to Phase 2 of the development of which 5 have been constructed and 25 are yet to be built. In addition the

site now accommodates a hotel (58 rooms) and conference and leisure facilities (including gym, swimming pool, sauna, spa etc) and 18 hole golf course and associated 9 hole short course (27 holes in total). It is noted that there is also an extant consent for an extension to the existing hotel to provide a further 50 rooms ultimately delivering net 101 rooms in total.

4. Planning History

N/08/00706/FUL Tourist Accommodation (30 Units)

N/09/01057/S73A Variation of Condition 6 to Planning Permission 08/00706/FUL Relating to Occupation as Tourist Accommodation

5. The Proposal

The application proposal incorporates the variation of the existing Phase 2 permissions for tourist accommodation, in the form of holiday lodges, so that they may also be occupied as accommodation for people in their retirement.

The varied conditions would read:

1. *Each unit of the development hereby permitted shall be occupied only as either:*
 - a) *Tourist accommodation, which is not the occupier/s' primary place of residence; or*
 - b) *By persons aged 55 or over who are not in any paid employment;*
 - c) *By persons living as part of a single household with persons falling into (b) above; or*
 - d) *By persons who were living as part of a single household with persons falling into (b) above, who have since died.*

2. *Prior to commencement of the development hereby permitted, a written register of the names and main home addresses of the occupiers of each unit shall be submitted to the Local Planning Authority. The register shall, thereafter: be maintained in accordance with the details in the applicant's Occupancy Monitoring Statement (OMS) dated 21st August 2014 and; made available to the Local Planning Authority following a written request in accordance with the provisions set out within the OMS.*

REASON:

To ensure that the development is only occupied as tourist accommodation or retirement accommodation for people aged 55 and over, and not for unrestricted permanent residential accommodation, which would not normally be permitted in countryside locations such as this.

The application proposal incorporates the variation of the existing Phase 2 permissions for tourist accommodation, in the form of holiday lodges, so that they may also be occupied as accommodation for people in their retirement.

6. Local Planning Policy

National Planning Policy Framework Sections 1, 6 and 7

Planning Practice Guidance

Adopted Wiltshire Core Strategy

- CP1 Settlement Strategy
- CP2 Delivery Strategy
- CP3 Infrastructure Requirements
- CP19 Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area
- CP43 Providing Affordable Homes
- CP46 Meeting the Needs of Wiltshire's Vulnerable and Older people
- CP57 Ensuring High Quality Design and Place Shaping
- CP60 Sustainable transport

7. Summary of consultation responses

Royal Wootton Bassett Town Council – The Planning Committee objected to the use of these dwellings for retirement accommodation, due to the distance from any amenities and services which may be important to those of retirement age, such as GPs surgeries. Anyone living at the Golf and Country Club on a permanent basis would require a vehicle in order to be able to travel to essential services. It was felt that the use of the existing dwellings as retirement accommodation was not sustainable, and could lead to the isolation of inhabitants who find themselves unable to use a vehicle. Whilst the Committee did not object to the change to use to flexible accommodation, it was felt that utilising these dwellings specifically as retirement accommodation was not suitable and should therefore be objected to.

Highways – No objection.

New Housing – Affordable housing contribution required.

Public Rights of Way – There should be no significant impact on the nearby rights of way network.

8. Publicity

The application was advertised by neighbour letter and site notice and no letters of objection were received from members of the public.

9. Planning Considerations

As previously set out, the application relates to 30 lodges of which 5 have already been constructed and 25 are yet to be implemented. Accordingly, this report has to consider both of these elements as they are assessed differently in planning terms. In the report it sets out where certain issues are applicable to the each element or not as may be the case.

Principle of development

The proposal seeks a variation of conditions restricting occupancy of 30 holiday units, 5 of which have already been built. The proposal is not for the erection of new development and as such the general principle of built form in this location is not available for consideration. The issue for assessment is whether there is justification to amend the condition and allow the units to be used for general housing albeit limited for retirement use. These matters are discussed in detail below.

The Council in determining any application is duty bound to act reasonably and determine the applications that are submitted on the basis of relevant material considerations and circumstances.

In respect to residential development in this location, other than in certain circumstances, WCS sets out that is a clear presumption against development outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Core Policy 2 of the WCS sets out that development outside of the limits of development will only be permitted where it has been identified through neighbourhood plans or a subsequent development plan document which identifies specific sites for development. This development should be adjacent or well related to the limits of development. The site is located 650m from Royal Wotton Bassett and is surrounded by fields and with the nearby railway forming a clear man-made barrier. Accordingly the site would not be considered to be adjacent or well related to the limits of development.

The National Planning Policy Framework (NPPF) was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking.

The NPPF is clear in stating that 'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice.

The NPPF also seek to restrict residential development in the open countryside. Paragraph 55 states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

The rural countryside location of the proposed development would create a physically isolated residential development, given its distance from Royal Wootton Bassett. In addition none of the special circumstances listed under paragraph 55 are met by this proposal. The proposal therefore runs counter to the provisions in the NPPF.

It is noted that the approved tourist accommodation represents the 'fall-back' position for this application and similarly constitutes restricted residential development (Use Class C3) in the open countryside. However, the proposed use as retirement accommodation is considered differently in policy terms, than that of tourist developments as it is in effect general needs housing. The WCS sets out in Core Policy 46 the Strategy's approach to meeting the need of Wiltshire's vulnerable and older people. However, Core Policy 46 is clear that specialist accommodation that may be provided through the policy comprises nursing accommodation, residential homes and extra care facilities encouraging this to be provided at the settlements

within Core Policy 1, such as the principal settlements and market towns. Only in exceptional circumstances, the provision of specialist accommodation outside but adjacent to these settlements will be considered provided they meet relevant criteria listed in the policy. Given that the proposal is not for specialist accommodation, in open countryside as established above, and not adjacent to the settlement of Royal Wootton Bassett, it is clear that it does not meet the specific requirements of the policy.

It is therefore clear that despite permission having been granted for tourist accommodation in the open countryside their use as retirement dwellings would not be considered to be appropriate in terms of the Core Policy 46 of WCS.

Sustainability

In respect to all 30 units the proposed use as retirement accommodation is considered differently in policy terms, than that of tourist developments already permitted. In effect the restriction to retirement accommodation should be considered in the same way as open market housing albeit restricted to use by people over the age of 55.

The proposal site lies outside the Limits of Development as shown on the Core Strategy Policies Map. Core Strategy Core Policy (CP) 2 allows for development outside settlement boundaries where they are permitted by other policies of the plan i.e. CP34, CP37, CP39, CP40, CP44, CP46, CP47 and CP48, or where they are brought forward through a neighbourhood plan or the proposed Wiltshire Housing Site Allocations DPD. The principle of a settlement boundary approach is justified in terms of providing plan led clarity to what development may go where. This approach has been endorsed by the Inspector examining the Core Strategy in his final report and by other Inspectors when considering specific proposals at appeal.

Core Policy 46 the Strategy's approach to meeting the need of Wiltshire's vulnerable and older people does not apply to the current proposal.

As the proposal does not comply with Core Policy 46 it would need to be considered on the basis of open market housing. In such circumstances, Core Policy 2 is clear that that development outside settlement boundaries will only be permitted where they are permitted by other policies of the plan or where they are brought forward through a neighbourhood plan or the proposed Wiltshire Housing Site Allocations DPD. The proposal would not comply with any other of the exception policies and the site is not being brought forward through a neighbourhood plan or Site Allocations DPD. Therefore despite the extant planning permission for tourist accommodation in the open countryside, their use as retirement dwellings assessed as open market housing, would be considered unsustainable in policy terms and in particular contrary to Core Policy 2 of WCS.

The location of the application site, being outside the settlement framework boundary of Royal Wotton Bassett, and therefore in open countryside, is contrary to planning policy whether assessed in the respect to the Core Policy 2 or Core Policy 46 of the WCS.

Viability of existing units

This is only of relevance to the 5 units already constructed. The applicant has not sought to argue that the use for holiday accommodation is unviable, as has been the approach with

similar application across Wiltshire, they merely argue that there is a justification for allowing a wider range of uses on the site and that there is a need for retirement housing within the area. Therefore there is not a “viability argument” to set aside the policy consideration in this case.

It is noted that the intention is that the lodges could be used as either tourist or retirement accommodation. However, evidence relating to why the existing lodges are no longer viable for that permitted use, including marketing to identify demand for the permitted and proposed uses, would be expected to be provided in order to demonstrate that the application is appropriate. This is as a result of the in principle policy position described above that retirement dwellings would not be appropriate in this location. Information has been provided in respect to the need for retirement accommodation in the district which is dealt with in greater detail below.

Viability and need for development with the proposed conditions

The Planning Statement, which accompanied the applications, identifies at paragraphs 6.2 – 6.10 the significant growth in the numbers of the population living longer, and the growth in population resulting from the ‘baby boom’ in the post World War II era. In terms of the growth of population in the over 55 age group, this has been specifically referenced for the Royal Wootton Bassett and Cricklade Community Area and identifies that the overall number of people aged 55 and above in this area and the proportion of the overall population increased significantly between 2001 and 2014 and is projected to continue to do so through to 2026.

The Office for National Statistics (ONS) latest pension trends publication (2012) which shows the proportion of people at each age leaving the labour market. The applicant stated that it shows that there is a wide spread of retirement ages and more specifically shows that 26.1% of women and 16.7% of men had left the labour market before age 60). In addition to this information no marketing identify the demand for the proposed uses has been provided, other than a list of similar developments permitted in the area. Accordingly, the assessment is purely based upon the trends referenced in the Planning Statement.

Despite these trends it remains questionable whether people will fully retire as early as 55; and therefore if it is appropriate to use this figure for assessing the need for further retirement accommodation. While the rise in total number of people in the age groups over 55 in the Royal Wootton Bassett Community Area is acknowledged in the Council’s Joint Strategic Assessment for the area, based on the Census data, this does not mean that there is necessarily a correlation with retirement age. The Joint Strategic Assessment for the Royal Wootton Bassett and Cricklade Community Area shows that it has just above the Wiltshire average percentage of its total population at retirement age and over (21.8%). Nationally, the ONS data shows that for men, the estimate of average age of withdrawal increased from 63.8 years in 2004 to 64.6 years in 2010. For women, it increased from 61.2 years in 2004 to 62.3 years in 2010. In addition the ONS latest pension trends publication (2012) shows that for men the age of labour market withdrawal peaks between 64 and 66 years and for women, the peak is between 60 and 62 years. Therefore, while it would be reasonable to assume that retirement age would be between 61-63 years, setting it at 55 appears to be relatively early, especially as the national population is evidently working

longer based on the increase of the average age of withdrawal in both men and women between 2004 and 2010.

On this basis, there does not appear to be strong evidence which would indicate that people will retire earlier, and that this is the case in the Royal Wootton Bassett and Cricklade Community Area, nor has evidence been provided that there is a specific market demand for these kinds of development. Therefore whilst there is a need for the provision of new housing to meet the specific needs of vulnerable and older people will be required in respect nursing accommodation, residential homes and extra care facilities, as set out in Core Policy 46 of the WCS, the proposal would not be considered to meet the specific needs of the area or Wiltshire as a whole.

Highways

The Highway Authority accepts that the levels of vehicle movements are comparable to the proposed use. Furthermore, the proposal includes a commitment to a door to door bus service and a bicycle pool which further assist in reducing vehicle movements when compared with the existing tourism use. Accordingly, no objection has been raised by the Highways Authority.

Visual Impact

There are concerns that the proposed development could impact upon the visual amenity of the area. The change of use to retirement dwellings, in contrast to a tourist accommodation that is unlikely to be occupied year-round, is likely to give rise to the proliferation of domestic paraphernalia including garden furniture, private vehicles, garden and play equipment and external storage that would not be anticipated as a consequence of the existing use. It may also be the case that occupier under the new condition might seek to alter existing boundary treatments to provide a greater level of privacy. However, it is considered that this could be sufficiently controlled by condition.

Affordable Housing

The Council's New Housing Team have stated that they would require an affordable housing contribution should the application be approved. Core Policy 43 of the WCS requires an affordable housing contribution as follows:

"On sites of 5 or more dwellings, affordable housing provision of at least 30% (net) will be provided within the '30% affordable housing zone' and at least 40% (net) will be provided on sites within the '40% affordable housing zone. Only in exceptional circumstances, where it can be proven that on-site delivery is not possible, will a commuted sum be considered."

The area outside Royal Wootton Bassett falls within the 40 per cent affordable housing zone. Currently, the proposal includes no provision for affordable housing on site nor has it been agreed that the applicant would accept an offsite contribution to affordable housing through the signing of a section 106 agreement and as such cannot be supported.

The new housing team have been in discussion with the applicant throughout the determination period in order to agree an appropriate affordable housing contribution given that some of the units have already been constructed and some are still awaiting construction. It was therefore agreed the applicant would submit evidence confirming the

differential in values between the extant consents and the proposals so that an informed conversation can be had in respect of an off-site contribution towards the delivery of affordable housing. The required information was submitted and was reviewed by the Council's New Housing Team and Properties Team.

On the basis of this information submitted and further discussions between the Council and the applicant it was agreed that an affordable housing contribution payment will be made as follows:

- 3 months after expiry of the Judicial Review period (or once all objections have been properly dealt with) the payment in respect of the 5 units already built which I calculate as amounting to £142,500 plus indexation.
- Occupation or sale, whichever the earlier, of each of the 25 units still to be built

The total sum of £817,500 plus indexation to be paid within 5 years of the grant of planning consent even if all the units have yet to be built. For the avoidance of doubt the total payment will reduce as each affordable housing contribution is made.

Conclusion (The Planning Balance)

On balance, this development proposal by way of variation of condition cannot be supported as it would constitute unsustainable development in the open countryside in the context of the WCS and the NPPF. In general, the provision of accommodation for older people is welcomed; however, this proposal is considered to be contrary to the requirements of Core Policy 46 of the WCS which requires such development to be of a particular type, in suitable locations and assist older people to live securely and independently within their communities.

RECOMMENDATION

Planning Permission be REFUSED for the variation of condition for the following reason:

1. The site is located in open countryside outside of the limits of development defined for Royal Wotton Bassett in Core Policy 2 of the Wiltshire Core Strategy and defined on the Policies Map. Variation of the conditions attached to planning permission reference 09/01057/s73A would in effect lead to additional residential development in an area where this would not normally be considered acceptable. The proposal is not considered to represent sustainable development as it conflicts with the settlement strategy and delivery strategy of the plan as expressed in Core Policies 1, 2 and Core Policy 19 of the Wiltshire Core Strategy.

The proposal conflicts with the Delivery Strategy set out in Policy CP2 of the Wiltshire Core Strategy, which seeks to properly plan for sustainable development of housing sites in Wiltshire to deliver the identified needs in the Community Areas through a Site Allocations DPD and/or a Neighbourhood Plan. The site has not been brought forward through this process. The proposed residential development does not fall to be determined under any of the 'exception policies' explained at paragraph 4.25 of the plan or relate to a site allocated in the development plan for residential use. It has not been sufficiently demonstrated that there is specific need for such development in this location or that the existing is unviable.

The proposal would therefore conflict with Core Policies 1, 2 and 46 of the Wiltshire Core Strategy and the National Planning Policy Framework (particularly paragraphs 7, 17, 47, 50, 54 and 55) and Saved Policy H4 of the North Wiltshire Local plan (Appendix D of the Wiltshire core Strategy)

