

## **PLANNING COMMITTEE**

**TUESDAY, 9 FEBRUARY 2021**

PRESENT: - Councillors Timothy Swinyard (Chair), John Ballman, Alan Bishop, Nick Burns-Howell, Malcolm Davies, Paul Dixon, Steph Exell, Jenny Jefferies, Vinay Manro, Nick Martin, Jane Milner-Barry, Stan Pajak, Carol Shelley and Peter Watts.

An apology for absence was received from Councillor Vera Tomlinson.

### **41. Declarations of Interest**

The Chair reminded Councillors to declare any known interests in any of the matters to be considered by the Committee.

Councillor Jenny Jefferies made a declaration of interest in respect of application numbered S/18/1783/SASM as she had previously worked with the agent over ten years previously. As the interest was personal but not prejudicial the Councillor remained in the room during the discussion and voted on the application.

Councillor Tim Swinyard made a declaration of interest in respect of application numbered S/18/1783/SASM as he was a season ticket holder at Swindon Town Football Club. As the interest was personal but not prejudicial the Councillor remained in the room during the discussion and voted on the application.

### **42. Minutes**

Resolved – That, subject to Minute 30(d) being amended to read:

“(d) Information from the applicant circulated to Members prior to the meeting, which the Director of Strategic Development advised could not be used as a reason for approval”, the minutes of the meeting held on 8<sup>th</sup> December 2020, be confirmed and signed.

### **43. Public Question Time**

There were no public questions

### **44. S/18/1783/SASM - Erection of 18no. dwellings with parking, open space, landscaping, cycle access and associated works, Twelve Oaks Golf Club, Lechlade Road, Highworth**

In respect of application numbered S/18/1783/SASM - Erection of 18no. dwellings with parking, open space, landscaping, cycle access and associated works, Twelve Oaks Golf Club, Lechlade Road, Highworth the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Director of Strategic Development;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (e) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Councillor Steve Weisinger	Ward Councillor
Councillor Alan Bishop	Ward Councillor
Councillor Maureen Penny	Ward Councillor
Danielle Wyatt Bond	Agent
Julie Murphy	Parish Councillor
Sarah Freeman	Local Resident

Councillors Matthew Courtliff, Nick Martin, Jane Milner-Barry, Stan Pajak and Carol Shelley spoke in respect of this application.

The application can be broadly summarised as:

- The application had been brought before the Committee at the request of Highworth Town Council for the reasons set out within the agenda report.
- The golf course and driving range closed in 2015 and the application sought to re-develop part of the club and construct 18 dwellings with vehicular access from Lechlade Road to the north of the site and separate pedestrian/cycleway access from Lechlade Road.
- A food retail store had been given planning permission to the south of the site and there are two detached dwellings facing Lechlade Road to the east.
- A change of use of land for the siting of 18 holiday let lodges had been allowed on appeal September 2015. The applicant's agent confirmed that this permission has been commenced and remains extant and could be fully implemented although no Certificate of Lawfulness application has been made to confirm this.
- However the appeal decision for the grant of planning permission for the holiday lets was based upon policies for rural tourism development and did not support the creation of housing in this location to which different policies applied.
- The development did not fit in any of the categories for development in the countryside permitted in the countryside by the Local Plan and therefore the principle of development is in conflict with the adopted Local Plan. It was necessary to ask whether any other material considerations outweigh that conflict with local policy and indicate in favour of the grant of permission.
- In relation to residential development in the countryside, Paragraph 78 of the National Planning Policy Framework supports housing in rural areas where it will enhance or maintain the vitality of rural communities. Officers considered that 18 dwellings on this site could contribute to enhancing the vitality of Highworth in terms of supporting local shops, services and schools.
- Paragraph 11 (part d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless, (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- There were no areas or assets of particular importance which provide a clear reason for refusing the development in this location.

- The Council was unable to demonstrate a 5-year supply of housing; however, this position is under review and was not in itself a reason for approval, rather, those local policies which concern the provision of housing cannot alone be the basis of a refusal, and the proposal has to be assessed against the policies within the National Planning Policy Framework taken as a whole. However, the proposal would make a modest contribution to the Borough's housing supply.
- In this particular instance the element of Policy SD2 referring to settlement boundaries, specifically that pertaining to Highworth, cannot be considered as a reason for refusal alone. The contribution of the additional dwellings to the housing supply has to be balanced against any identified harm.
- Policy HA2 (Affordable Housing) requires 30% affordable housing on sites capable of accommodating 15 dwellings or more; this would require 5 or more affordable housing units and would need to be secured through a Section 106 Agreement. There is therefore some conflict with the Local Plan and National Planning Policy Framework policy in terms of the non-provision of affordable housing and a housing mix which does not respond to local need.
- However the Housing Officer did not consider that this location would be suitable for on- site provision and the type of housing under consideration but that an off- site contribution to affordable housing would be appropriate subject to the conclusions of the independent review of the Viability Assessment.
- Given national appeal decisions the development was not considered as being isolated new homes in the countryside.
- The land immediately to the south of the application site is allocated in the Local Plan for employment development and in part has Planning Permission for a supermarket.
- In addition planning permission for the Swindon Town Football Club Headquarters and Training centre to the north is subject to a resolution to approve by Planning Committee in October 2020 and shared the same vehicular access as the proposed development. Therefore although not adjacent to the development boundary the proposed residential development would not be isolated from the town of Highworth.
- The Inspector at the Hill Cottage, Broad Blunsdon appeal gave that conflict limited weight because of the existence of some transport choices for residents. The proposed development at Twelve Oaks would provide some level of choice to residents, who, through a proposed new footway/cycleway, would be able to walk to destinations in the town, including bus stops.
- In summary it is considered that the development of 18 dwellings would represent a modest contribution to the ability of the Council to demonstrate a five year housing land supply. In addition regarding residential development in the countryside, the National Planning Policy Framework supported housing in rural areas where it will enhance or maintain the vitality of rural communities. It is considered that 18 dwellings on this site could contribute to enhancing the vitality of Highworth in terms of supporting local shops, services and schools. It could also afford an opportunity for the delivery of larger properties on larger plots to meet that part of the market under-provided in the Borough in general. Although very finely balanced in this respect the proposal in principle, in the absence of a 5 year housing land supply, is supported by officers.
- Highway Officers had no objection to the development subject to conditions, including the securing of a contribution to the travel plan through a Section 106 agreement.

- The development comprised 17 five bedroom dwellings and 1 four bed dwelling of traditional appearance comprising of four designs with garages.
- Overall the plan was considered appropriate given its location and the site was not considered suitable for a higher density scheme and was acceptable in respect of residential amenity.
- All matters relating to ecology, archaeology, landscape and drainage had been resolved subject to conditions.
- A viability study had indicated that a contribution in the region of £615,000 was achievable for off-site affordable housing as well as contributions for off-site open space provision.
- It was not considered that the adverse effect of granting permission would outweigh the benefits of granting the application. Therefore subject to the completion of a Section 106 agreement and planning obligations to off-site affordable housing, open space and the satisfactory completion of the travel plan and conditions the application was recommended for approval.

Submissions in support of the application can be broadly summarised as:

- The application had been redesigned to meet the planning requirements of the Council, including space and highways requirements.
- Over the previous eighteen months the applicant had worked closely with planning, highways and ecology officers to secure a positive application and planning permission.
- The application aimed to bring young families to the area, improving the local demographics and would complement neighbouring developments that had been approved.
- Paragraph 20 of the officer's report addressed how the application was in accordance with paragraph 78 of the National Planning Policy Framework and that it would contribute to the vitality of local amenities and business.
- Although the Housing Officer did not consider the location suitable for affordable housing a contribution had been agreed for provision outside of the site in a more appropriate location.
- Paragraph 27 of the report confirmed that the development would not constitute an isolated development and the applicant believed that it would add to the prosperity of the town.
- The development was designed to support young families.
- The Hill Cottage appeal decision indicated that government planning inspectors may be unlikely to consider concerns over access on foot, by bicycle and by public transport to be a reason on their own to withhold planning permission for new housing in these particular circumstances.
- Appropriate financial contributions had been identified through a viability study.
- The four and five bedroom homes would allow growing families to grow without the need to move and helped address housing mix within the Borough.

Submissions opposing the application can be broadly summarised as:

- The application was for the development of land outside of that allocated in the Neighbourhood Plan and within the Thames Valley Landscape Area and would adversely affect the area's perception of remoteness.
- Following the approval of a nearby equestrian centre and a football training centre, when added to by this development would increase traffic excessively.

- Should approval be given no work should be permitted on residential properties until work on the equestrian centre and a football training centre had been completed to ensure that those works were undertaken.
- The Parish Council had been unanimous in objecting to the application and its rationale was set out in paragraph 6 of the officer's report.
- The Borough Council had recently refused an application for a single dwelling, adjacent to a plot of 70 houses (elsewhere) and accessing the site from the same road because, it was outside of the Neighbourhood Plan and the Local Plan.
- Football related traffic and residential traffic would access the A361 from the same point and with a 50mph speed limit this would be potentially hazardous.
- The Local Government Association supported affordable housing and this development provided none on site contrary to Policy HA2 of the Local Plan, and the £615,000 contribution for off-site only went part way to meeting the affordable housing obligation.
- The applicant, Swindon Town football Club, was effectively seeking permission for a free standing footballer's village of eighteen large dwellings.
- The mix of dwellings did not respond to local needs and was situated well away from the existing residential built-up area of Highworth.
- The Town Council was disappointed with the positive recommendation and had serious concerns relating to the proposal; these reasons were set out within the report.
- The Town Council's concerns regarding the development included its location outside of the development boundary, the site not being allocated within the Neighbourhood Plan, the application running contrary to the Borough Council's Local Plan, the creation of an urban sprawl detracting from the hilltop status of the town, its isolation and lack of accessibility to the town, the additional scale of traffic on a busy and dangerous road, the visual impact on the landscape and setting of the town, and the development provided no benefits to the local community.
- The development was contrary to Local Plan Policies SD2, TR2 and EN5.
- The development was justified on the basis of other developments coming forward (a supermarket, business park and training facility) although there is no guarantee all of these will be built.
- Access to the site was questionable from a safety standpoint and therefore failed to meet Policy TR2.
- The replacement of holiday lets (supporting rural tourism) with large houses was not acceptable from a visual and landscaping perspective and was a harmful intrusion into the countryside and failed to protect the local landscape in accordance with Policy EN5 changing it forever.
- Should the application be granted, any Section 106 monies should be ring fenced to Highworth.
- The development was not sustainable and did not protect the rural character of the landscape and in line with national and local policies should not be granted approval. It would not add to the vitality of Highworth.
- The diverse nature and number of reasons opposing the application should support its refusal under Policy SD2.
- No travel plan had yet been produced for a busy, unlit and dangerous road and traffic from the site would further stretch the limited parking available in the town centre and local road infrastructure.

- The traffic survey was undertaken at a time that was not reflective of the peak usage, nor were the number of accidents in the vicinity reflected in the report.
- The Infrastructure Plan that is due to be presented to the Planning Committee suggests the infrastructure in Highworth is stretched and this development will add further demand.

### Summary

Members raised questions about the lack of affordable housing and why it could not be provided on site and questioned whether Councillors have sufficient grounds to refuse the application. The officer referred to the Viability Assessment and discussions with the Housing department in respect of finding a suitable site where the S106 monies could be spent elsewhere in the town. Councillor Courtliff stated that whilst young families may not be able to afford the proposed dwellings growing families may be able to do so. Councillor Milner-Barry raised the issue of it being outside the settlement boundary and accessed off a dangerous road and contributions not compelling.

Resolved - That the Director of Strategic Development be authorised to grant Planning Permission subject to:-

- (a) the completion of a legal agreement to secure planning obligations in respect of affordable housing and off-site open space and to secure the satisfactory completion of the Travel Plan, and
- (b) The planning conditions set out in this report, with delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary.

(Councillor Jenny Jefferies made a declaration of interest in respect of this application as she had previously worked with the agent over ten years previously. As the interest was personal but not prejudicial the Councillor remained in the room during the discussion and voted on the application.)

(Councillor Tim Swinyard made a declaration of interest in respect of this application as he was a season ticket holder at Swindon Town Football Club. As the interest was personal but not prejudicial the Councillor remained in the room during the discussion and voted on the application.)