



COMMITTEE REPORT

Item Number:

Application Number: S/15/1701

Ward: Ridgeway

Parish:

Bishopstone And Hinton Parva

Proposal: Erection of 1no. dwelling.

Location: Land Off Short Drove, Hinton Parva, Swindon

Agent:

Miss Rose Fox
Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol
BS8 3BA

Applicant:

Mr Martin Wilson
C/o Agent

Officer Report

Background:

0.1 That the application is considered at planning committee due to the implications for the Village, requested by Bishopstone Parish Council. Councillor Gary Sumner also requests that the application is considered by the planning committee.

0.2 This application should be read in conjunction with application S/18/1302, which is also for a new dwelling on this parcel of land. This application S/15/1701, was submitted and some reported comments were made under the 2012 NPPF, but the application now needs to be considered under the revised NPPF 2018. The two applications propose a different design ethos.

Summary of Recommendation:

That planning permission be **REFUSED**

1 The Proposal:

1.1 The proposal is to demolish the existing garage and construct a single detached dwelling. The proposal is for a 3 bed single storey building, with an open plan living, dining, kitchen and separate utility and wc. Parking is proposed off road in front of the house.

1.2 The dwelling is in two wings, at right angles to one another joined by a glazed entrance and is principally timber clad above a masonry plinth. Zinc cladding (grey) is proposed for the roof. The construction will utilise techniques to ensure the building is energy efficient.

2 The Site and Surroundings:

2.1 The site is located 600m from the village centre of Hinton Parva which is located approximately 2.5km north east from Wanborough and 9.5km to the south west of Swindon. The site is accessed from Short Drove/City Corner and is approximately 0.06 hectares.

2.2 The site has is occupied by a prefabricated double garage in a poor condition and a large skip.

2.3 There is a public footpath running adjacent to the southern boundary of the site. The site is accessed from the lane known as Short Drove on the west side and separated from the lane by a mature native hedge and trees.

2.4 There are residential properties in the vicinity including along City Corner and along Short Drove. The character of the area is a rural environment. There is a bus stop, a village hall, church and post box nearby.

3 Representations:

Archaeology:

3.1 No comments.

Landscape Officer:

3.2 Wiltshire and Swindon Biological Centre (WSBRC) - priority habitat; lowland wood pasture and parkland adjacent to grid reference provided. The site also appears to contain Japanese Knotweed, which will need to be disposed of appropriately.

3.3 On balance the Priority habitat is unlikely to be affected by this proposal and particular attention is given to the appropriate disposal of the Japanese Knotweed. Does not consider that the harm accruing from this proposal if granted would be significant, as long as justification is given for the removal of existing vegetation and details of the proposed new planting.

Transport Development: (original comments):

3.4 No overall objections to the proposals, details for the access onto Short Drove are still lacking, particularly details of the visibility splays. Surface water drainage at the access can be conditioned and the tanked system proposed in the FRA would satisfy the LHA, subject to details being agreed.

Revised Plans:

No objection subject to conditions.

Contaminated Land officer:

3.5 This was once the site of a smithy, this often means that smithy sites tend to be associated with a fair degree of contamination and suggest a condition to address this.

Wiltshire Fire and Rescue Service:

3.6 Consideration given to ensure access to the site for the purpose of firefighting is adequate for the size and nature of the development. Consideration needs to be given on the provision of water for firefighting and location of fire hydrants. Provision of domestic sprinklers.

4 Neighbours; Making some or all of the following points:

3.7 Not opposed to a new dwelling on the site object to the proposal.

- The flood risk assessment is based on the estimate height from July 2007. Don't think the information is based on accurate information.
- The FRA is a draft document.
- The application form states the property is not within 20m of a water course however the FRA states that there is a watercourse 5m west of the site.
- The land available appears too small for a septic tank.
- The D&A states that the property is in keeping with the surroundings, however the modern design is not similar to others in the vicinity.
- The FRA states that to minimise the risk of flooding to the property the finished floor levels should be 150mm above ground level. However, the Cross section diagram still shows the dwelling to be 850mm below the natural ground level.
- The proposal does not enhance the setting nor is it an exceptional development. The current derelict building is single storey and largely hidden by the vegetation.
- The dwelling does not sit well within the street scene.
- The ridge height of the proposal is much taller than the nearest properties. The proposed design will dominate the properties in the vicinity.
- The glass wall creates a privacy issue as it looks directly into four rooms of property and will overlook an area of the garden which is used to the rear.
- There will be a loss of sun light.
- Don't think the site is previously developed, there has not been a habitable dwelling on this site but a garden shed, it was once the garage part of Elm Cottage. The original plot was part of Elmcot the adjacent cottage.
- There is insufficient land for a septic tank.
- Previous applications and appeals have been refused on this site.
- The Core strategy identifies settlements for future development and Hinton Parva is not a settlement identified.
- PPS7 states that any new housing in the countryside requires 'special justification' and needs to be of 'exceptional quality'.
- Flooding may also be an issue.

Revised plans:

4 No. Neighbours: Objections still stand:

3.8 There has never been a dwelling on the site before.

- As a professional archaeologist when the vegetation was removed it is apparent there were no previous buildings on the site, which is confirmed by maps and documents. What is shown on the maps is a garage.
- Note that permission is given for dwellings of a certain size and then after a few years they are hugely extended.
- There should be a permanent restriction of a single storey.
- There is insufficient room to access the site and a substantial length of hedge will need to be removed to again access for larger vehicles.

Bishopstone Parish Council Comments:

3.9 Maintain its 'in principle' objection despite the applicant's attempt to improve the design of the proposed dwelling.

The proposal is contrary to policy SD2; the sustainable Development Strategy as it meets none of the special circumstances required to permit development in countryside locations.

The NPPF states that in order to promote sustainable development, new housing in rural areas should only be located where it will enhance or maintain the vitality of the rural community and so homes in the countryside should be avoided, unless there are special circumstances, such as the exceptional quality or innovative nature of the design of the dwelling. It is not considered that the dwelling is of the highest standard in architecture and significantly enhance its immediate setting.

The site is located outside the rural settlement boundary and is clearly not in a sustainable location, nor is it a brownfield site.

Comments on (Revised Plans)

3.10 The Parish maintain its in principle objection despite the proposed improved design. Reiterate that LPA's should avoid new homes in the countryside, unless there are special circumstances, the Parish do not believe that there are special circumstances in this case. The Parish do not believe that the proposal is truly outstanding or innovative in design and fails the test in the NPPF. Notwithstanding the 5 year land supply, the proposal is contrary to SD2 of the Swindon Local Plan. In addition, the site is not brown field and no leeway should be given in this regard. The FRA identifies the site as unsuitable for any infiltration drainage and the D&A statement suggests a cesspool, it is not considered that the site is large enough and there is a substantial ongoing cost to emptying it. The HGV will need to park on the blind bend on City Corner and transporting the sewage will add to congestion and will produce over a tonne of CO2 per year.

Concerned that this will set a precedent and have implications for our villages and rural areas across the Borough.

Further comments on the revised plans:

The PC have considered the further revisions and maintain it's in principle objection to the scheme. The comments remain as previously stated.

Forward Planning: (original comments) (made before the revised NPPF was published in July 2018).

3.11 Policy SD2 makes a clear distinction between the parts of the Borough in which the principle of development would generally be acceptable (within settlements) and those where it generally would not in the (Countryside). The policy provides exception criteria for permitting development in countryside locations outside the rural settlement boundaries, these are where:

Local needs have been identified and allocated through a Neighbourhood Plan or Neighbourhood Development Order; and/or
It supports the expansion of tourist and visitor facilities in appropriate locations where identified needs are met by existing facilities in a rural service centre;
It is in accordance with other policies in the plan; permitting specific development in the countryside.

3.12 The site is not within a settlement boundary and does not meet any of the criteria above and therefore contrary to policy SD2. However; it is accepted that the Council cannot demonstrate a 5 year land supply.

3.13 With regard to residential development in the countryside NPPF (2012) paragraph 55 applies, the paragraph seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities. It is considered that this is an isolated position and the nearest services in the villages of Wanborough and in Bishopstone. The applicant has sought to address the exceptional quality or innovative nature of the design of the dwelling. Such a design should:

Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
Reflect the highest standards in architecture;
Significantly enhance its immediate setting; and
Be sensitive to the defining character of the area.

3.14 Previously developed land; the applicant states that the land is previously developed land. However, in the previous application it was stated:

' concerning the status of the site, the building, a garage, is minimal in terms of size, and it is not accepted that the whole of the site can be considered as falling within the curtilage of the building's use. Another building is shown on the 1975 OS map but it is not clear when this was demolished and there appears to be no vestige remaining.'

3.15 Should it be concluded that the site is previously development then this is a material consideration in respect of paragraphs 17 and 111 of the NPPF. Consideration of landscape, design and transport is also required.

3.16 Note a Flood Risk Assessment has been submitted. It goes beyond the requirements of Policy EN6, which only requires a drainage strategy for a site of this site in this location outside Flood zones 1 & 2.

3.17 Although, the site is outside the settlement boundary, because of the provisions of paragraph 49 of the NPPF, this is not sufficient to raise a policy objection in relation to this issue. The key consideration is therefore whether the potential adverse impacts of the isolated location in respect of local services and the landscape character are outweighed by the benefits of providing a high quality designed house that meets the provisions of paragraph 55 of the NPPF and the status of the land in terms of being previously developed.

3.18 Comments on further revisions: subject to confirmation from the urban design officer if the design is considered to satisfy the NPPF criteria, the tilted balance is in favour of the proposal by virtue of meeting the provisions of Paragraph 55 of the NPPF. On that basis a policy objection would not be sustained.

Urban Design comments: (original comments)

3.19 Overall acceptability of acceptability of residential development on the site: The proposal seeks to create a single-storey dwelling on the site in a pitch-roof form. There is an existing mature tree in the site which the proposed dwelling accommodates. The layout in terms of car parking, set back frontage from the street and landscaping is a sensitive approach. The form of the proposed dwelling is sympathetic to its context.

Revised plans:

3.20 Achieving the requirements of NPPF paragraph 55 is a challenge on this site. This proposal is sensitive to its context, responds to its character, is well thought-out in its proposed layout and form, it would create a good level of residential amenity and achieve high standards of sustainability without compromising any existing amenity, it is not currently truly outstanding.

4 Planning History:

12891 – Erection of a dwelling refused September 1969
T89/1130 - Erection of a dwelling (outline) – Refused July 1990
T91/1491 - Erection of a dwelling – Refused February 1962 and dismissed at appeal
S/12/1494 - Erection of a dwelling- Withdrawn
S/14/0971 - Erection of a dwelling - WITHDRAWN
S/18/1302 - Erection of a dwelling – pending – this application is on this agenda.

5 Planning Considerations:

5.1 The planning balance rests on the assessment of potential harm to the character and appearance of the surrounding area and /or the assessment of its merits as an outstanding or innovative design.

5.2 The Swindon Borough Local Plan was adopted by Swindon Borough Council in 2015. The Swindon Borough Local Plan is now part of the Development Plan for Swindon. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal needs to be considered in relation to whether the adverse impact of permitting the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF.

5.3 The relevant policies of the local plan are:

SD1 - Outlines principles to enable sustainable development, includes the principles for development to be of high quality design and the conservation and /or enhancement of the built and historic environments.

SD2 - Sustainable development strategy and where development in the Borough will be concentrated.

DE1 - High standards of design are required for all types of development any proposal needs to look at the context and character of the existing built characteristics, acknowledged features of importance and existing site conditions. Additionally, need to look at the layout, form and function of the development.

TR2 - New development should be located to reduce the need to travel and to encourage the use of sustainable transport;

EN4 - Development will avoid direct and indirect negative impact upon biodiversity, protect and enhance biodiversity and provide net local biodiversity gain.

EN5 - Development will only be permitted where the landscape and historic landscape are protected.

EN6 - Minimise the risk and impact of flooding.

5.4 The site is not within a settlement boundary location and does not meet any of the criteria in policy SD2 and is therefore contrary to policy SD2 (the Sustainable Development Strategy) of the local plan.

5.5 However, the Council at present cannot demonstrate a 5-year supply of housing in accordance with the NPPF. At the present time the element of Policy SD2 referring to settlement boundaries cannot be considered as a reason for refusal alone.

5.6 Bishopstone does not have a neighbourhood Plan.

5.7 Hinton Parva does have a limited bus service, however there are no other facilities to meet the day-to-day needs of the community. One of the principles of sustainable development as expressed in Policy SD1 is that development should be accessible by walking, cycling and/or public transport.

5.8 With regard to residential development in the countryside NPPF paragraph 55 applied, however since the original application was submitted the NPPF has been revised (2018), and this application now needs to be considered in the context of this revision. This proposal will make a very modest contribution to meeting housing need.

5.9 A consideration needs to be made to the potential harm to the character and appearance of the surrounding area. Policy DE1 support high quality design, amplified through the residential design guide SPD.

5.10 Furthermore NPPF paragraph 130 states:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions."

Furthermore paragraph 131 states

"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

Should the conclusion be that there is no harm to the character of the surrounding area and/or the proposal is of outstanding innovative design, the planning balance weighs in favour of the proposal.

5.11 In addition, consideration needs to be made in respect of an isolated home in the countryside, in March 2018, the Court of appeal confirmed a High Court Judgement into the lawful interpretation of isolated home in the context of para 55, it is considered that the word isolated in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. The parcel of land at Short Drove is adjacent to other dwellings in Hinton Parva and cannot be considered to be in an isolated location.

Design Review Panel:

5.12 During the process of dealing with this application, the applicants requested that the proposal was considered by the Design Review Panel and the Panel made the following comments:

The architectural design approach taken in terms of the proposed building is thought to be carefully considered and of a high quality. The concept of a very simple form that reflects a workshop/smithy, with domestic fenestration and other paraphernalia hidden behind cladding, was supported by the panel. If a simple form is proposed, its design success will also be dependent upon elegant, sophisticated detailing and materials of the highest quality. The Panel supported the 'simple' approach to the architectural form of the building and that the design of the proposed building should not be apologetic and should be bolder and should be taken to the 'nth' degree in order to be considered outstanding.

5.13 They considered that relocating and rotating the building may be beneficial in addressing the sun path to maximise passive solar gain and natural daylight. Thus avoiding impacting on the large trees at the southern end of the site and exploit views, retaining the existing access demonstrated a better responsiveness to the site.

5.14 The applicant, after considering the comments of the Design Review Panel, revised the scheme to the one that is now before planning committee and have

rotated the building, parallel to the northern boundary and the existing site access maintained. A secondary section of building is introduced to provide the separation and create two distinct outdoor areas. The entrance side follows the workshop feel with elements disguised by cladding, whereas the garden side is private with larger areas of glazing to exploit views and orientation. The building remains simple in appearance.

5.15 Local Plan Policy DE1 (High Quality Design) requires high standards of design for all types of development. The policy states proposals will be assessed against a set of design criteria which includes: context and character; layout, form and function; amenity and quality of the public realm.

5.16 It is considered that the proposed dwelling will not fit into the context or the character and appearance of this sensitive rural setting. The property is screened from the roadside and there are trees and vegetation that already exist on the boundary edges of the site. Officer's consider that the relevant policies of the Local Plan have not been satisfied.

5.17 In addition the NPPF requires para 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and para 131 states that great weight should be given to outstanding or innovative designs which promotes high levels of sustainability so long as they fit in with the overall form and layout of their surroundings.

5.18 This is a different criteria from that which was originally considered when the application was submitted under the original NPPF.

5.19 Officers do not consider that the scheme as submitted is of an innovative design or of an outstanding design, nor is there a high level of sustainability due to the location of the building and lack of sustainable features apparent on the proposal.

Comments on the Parish Councils concerns:

5.20 The Parish are concerned that the proposal cannot be justified on the basis of it being of exceptional quality.

5.21 It is not a planning issue that there is insufficient room on the site for a septic tank as this issue could be addressed in other ways.

Comments on the neighbours' concerns:

5.22 Since the planning application was initially submitted the scheme has been evolved.

5.23 There was never a dwelling on the site, it is not clear to officers whether there was a dwelling on the site, and currently there is a garage.

5.24 There is nothing that the LPA can do to prevent later applications being submitted to further extend the dwelling, these would need to be considered on their merits.

5.25 The FRA will be carefully considered by the relevant officers.

5.26 The design of the dwelling has been amended by the applicant during the process of dealing with the application.

Other Matters

5.27 It is considered that in the absence of contrary evidence, adequate drainage arrangements (policy EN6) can be made in respect of this development to ensure flood risk is minimised, and that if considered acceptable there is scope to secure biodiversity enhancements (policy EN4). Both can be addressed by appropriately worded conditions.

5.28 The site is adjacent to the boundary of the North Wessex Downs AONB, but the development on this site at this scale is unlikely to have affects its intrinsic character (policy EN5).

CIL Liable development

5.29 The proposal is considered under the Community Infrastructure Levy which has been adopted by the Borough Council. This application now constitutes CIL liable development.

Concluding Comments:

5.30 Following lengthy discussions with the agent several sets of revised plans have been supplied and the NPPF has been revised so the proposal is now considered under a different NPPF (2018). However, it is not considered that the proposed dwelling improves the character and quality of the area and para 131 (NPPF), states that great weight should be given to outstanding or innovative designs which promotes high levels of sustainability so long as they fit in with the overall form and layout of their surroundings.

5.31 The council does not have a 5 year supply of housing land and it is acknowledged that the scheme will make a very small contribution to that shortfall. However, for the reasons given above, the adverse impact of development is considered to weigh against the scheme such that the harm outweighs the (albeit small) benefits.

Recommendation

That planning permission be **REFUSED**

1. In the opinion of the Local Planning Authority the proposed dwelling, located outside a defined settlement boundary does not represent development that is of exceptional quality or is an outstanding or innovative design that improves the character and quality of the area in which it is situated. It therefore comprises

unsustainable development that does not fit in with the overall form and layout of its surroundings, is harmful to amenity contrary to policies SD1, SD2 and DE1 of the Swindon Local Plan 2026 (2105) and the NPPF.

2. This refusal shall be in respect of

Drg. No. 1281 001 - Location Plan (1:1250@A4)

Drg. No. 1281 002 - Existing Site Plan (1:200@A3)

Drg. No. 1281 003 - Proposed Site Plan (1:200@A3)

Drg. No. 1281 004 - Proposed Floor Plan (1:100@A3)

Drg. No. 1281 005 - Proposed West Elevation (1:50@A3)

Drg. No. 1281 006 - Proposed South Elevation (1:50@A3)

Drg. No. 1281 007 - Proposed East Elevation (1:50@A3)

Drg. No. 1281 008 - Proposed North Elevation (1:50@A3)

Drg. No. 1281 009 - Proposed Sections AA and BB (1:100@A3)

Drg. No. 1281 010 - Proposed Sections CC and DD (1:100@A3)

Drg. No. 1281 011 - Proposed West and South Context Elevations (1:100@A3)

Drg. No. 1281 012 - Proposed East and North Context Elevations (1:100@A3)

Drg. No. 1281 020 - Perspective view from site entrance (NTS)

Drg. No. 1281 021 - Perspective view from garden looking west (NTS)

Drg. No. 1281 022 - Perspective view from garden looking north west (NTS)

Updated Design and Access Statement

Updated Flood Risk Assessment

Updated Landscape and Visual Appraisal received by the Local Planning Authority on 5th June 2017.

Informatives

1. CIL Liable Development

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued.