



COMMITTEE REPORT

Item Number:

Application Number: S/18/1302

Ward: Ridgeway

Parish: Bishopstone And Hinton Parva

Proposal: Erection of 1no. dwelling.

Location: Land Off Short Drove, Hinton Parva, Swindon

Agent:

Mark Cullen
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/15/1701, which is also for a new dwelling on this parcel of land. As this application and S/15/1701 are both for new dwellings. The two applications propose a different design ethos.

Summary of Recommendation:

That planning permission be **REFUSED**

1 The Proposal:

1.1 The application is for a new 2 storey 3 bedroom dwelling in the form of a 'refurbished barn', with a new access off Short Drove, relocated further away from the junction with City Corner. The proposal has an open plan ground floor and a linked bedroom 'annex' and car port to the side and two bedrooms and a bathroom on the first floor. The proposal, in one and a half storey, and 5.8m in height, within a large plot.

1.2 The design is contemporary with the use of timber, stone , glass and black zinc panels It incorporates features to achieve the equivalent of Code Level 4 under the Code for sustainable Homes (now withdrawn) with a zero rated emission.

1.3 Access and parking are located in front of the building.

1.4 The design is such that the proposal will not overlook or overshadow and adjoin dwelling.

2 The Site and Surroundings:

2.1 The site is located 600m from the village centre of Hinton Parva north east of Wanborough. The site is accessed from Short Drove/City Corner and extends to 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:

3.1 Bishopstone Parish Council: raise an in principle objection to this development. The proposal is contrary to policy SD2, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site is located outside the rural settlement boundary within the open countryside and is not in a sustainable location.

3.2 Paragraph 79 of the NPPF (2018) states that planning policies and decisions should avoid isolated development, unless there are special circumstances; including being outstanding or innovative, reflecting the highest standards in architecture and be sensitive to the defining characteristics of the local area. It is not considered that this dwelling complies with paragraph 79, nor is it isolated. Neither can the design be considered outstanding or innovative. Furthermore in seeking to design a 'sustainable ' and 'energy efficient' dwelling the inevitable result is a dwelling that is alien to its surroundings and insensitive to the defining characteristic of the area.

Further concerns

3.3 1 The stream dries up during the summer and the treatment plant should not be allowed to discharge into the ditch, it may also not be public land.

2 The proposed solar panels face slightly north of east and are not shown on the plans. Given the potential size, shading and orientation they would not be able to achieve the 1.6k Wp claimed.

3 In the sustainability report it states that a 25kW biomass boiler will be installed, no provisions made for this on the plans nor for the fuel store.

The Parish is concerned that this proposal could create a precedent, which could be difficult to resist.

Further comments on the revised plans:

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

Neighbours object to the original scheme:

3.4 - The proposal contains several pieces of contradicting information e.g. the plan shows a 2 storey house, the design statement refers to a single storey smithy style dwelling, the planning statement refers to a style of design proposed like a 'refurbished barn' but no details supplied showing what it will look like. Nothing significant has changed from previous applications to overcome our concerns.

The applicant is trying to get round planning rules by suggesting that there was previously a residential property on the proposed site and it should be of exceptional quality, truly outstanding or innovative and would help to raise standards of design in rural areas.

The application states that the proposal is intended to comply with the best energy and sustainable standards yet provides a sewerage and water disposal which relies on technology not proven over time.

- The existing adjacent property is cut into the bank and is lower than the neighbouring land, so the new house will be taller than the adjacent dwelling. Previous applications were for a single storey dwelling, windows will overlook the adjacent property.
- There is not as much vegetation between the site and the neighbouring property, as shown on the submission.
- The proposal does not comply with policy TR2, in that the site is not in a sustainable location.
- Previous appeals on the site have been refused due to the effect on the 'character of the locality'.
- The proposal is not part of a farmyard development.
- The proposal is not sensitive to the defining characteristics of the local area as required by the NPPF.
- The land is not previously developed land, as evidence submitted has proved.
- Screening should not be included to increase privacy.
- Inadequate, space for the access to allow vehicles to swing into the drive, nor is there adequate manoeuvring space on the site to leave the dwelling in a forward gear.
- Object to the proposed cesspool and the implications to adjacent properties.

- Japanese Knotweed -This needs to be eradicated immediately, irrespective of the planning process.

4 No. Neighbours: Revised Plans

3.5 Further comments:

- The ridge of the proposal has been reduced, however privacy remains an issue. Windows will overlook adjacent properties.
- The building is out of character with present building on City Corner.
- When permission is granted then a few years later it is extended.
- It has been confirmed that the public transport is not certain due to funding issues.
- Can see no evidence that the revised scheme is 'exemplar for rural development' or in keeping with the area. A zinc roof does not appear to be in keeping with the vicinity.

4 No. Neighbours additional comments:

- Making many of the points as previously made and some additional points.
- The revised plans appear to show a dominant black barn style that is not sensitive to the defining characteristics of the local area. Seem to have partly taken on board the planners comments but ignored the idea about making it relevant to the site and the concerns about the height of the ridge.
- The access is not suitable for vehicles to turn into.
- The new supporting documentation continues to have errors within it.
- The current argument is that materials to be used in this build are similar to "Warren Farm". This is not the correct name for the location pictured. Local residents were not consulted before planning permission was given to West Hinton Cottage – the property actually pictured. West Hinton Cottage is, in our opinion, out of keeping with the village, and allowing further properties to look similar will just "urbanise" the village further. Two wrongs definitely don't make a right in our opinion.
- Objectionable that notified was send over Christmas, was this a deliberate ploy to slip in some planning permission without the knowledge of interested parties?

Comments on further revisions:

1 Neighbour: Treatment plant discharge this should be situated at least 10m from any dwelling. The proposal to discharge the waste water into neighbouring properties, and no discussions have taken place.
The stream does not dry up seasonally as suggested.

Contamination Officer:

3.6 The site was once a Smithy, experience shows that as a 'metal working' facility there tends to be a fair degree of contamination and suggest a condition.

Transport Management

3.7 No Highway objection be raised subject to conditions.

County Archaeologist:

3.8 No objection.

Drainage Officer

3.9 considers the scheme to be acceptable subject to conditions.

Urban Design (original) comments:

3.10 The challenge on this site in planning policy terms is the need to fulfil the requirements of paragraph 79 of the NPPF (2018):

And in particular, from a design perspective that:

"e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

The proposal in architectural terms does not achieve a design that is of exceptional quality, cannot see any proposal that push the boundaries for innovation. The proposal would be acceptable in design terms in an urban area, it needs to be a scheme which pushes the boundaries of architecture in making it 'truly outstanding or innovative'.

In terms of innovation, there is no truly outstanding level of innovation in this application either. There are only generally good approaches to sustainability, which is welcomed, however not at the level required to satisfy paragraph 79. Does not see the design approach achieved here as resulting in either of these requirements (outstanding or innovative) in order to render this acceptable in design terms.

Urban Design Comments on revised plans:

3.11 The extra drawings and visualisations are helpful in articulating what the building will look like. The material choice / palette is appropriate, much better having less materials and express the building's design through a simple form.

We still cannot truly see how the proposal fits into its existing context in 3D, but appreciate that the proposed form itself is of an agricultural disposition, and the choice of a dark material and almost inactive edge to the rural lane is appropriate given this expression and relationship to the lane.

The scale of the proposal seems large in the 3D visualisations, however in actual height terms is shown as lower than the existing properties opposite in section / elevation.

Landscape Officer:

3.12 The proposal should be considered under paragraph 79 of the NPPF (formerly para 55 of the 2012 NPPF), which sets out very specific criteria.

Whilst there is some logic to a residential scheme on this site, it is not considered that the proposal is of a design that one could consider innovative and certainly adds nothing to its surroundings. The application lacks any landscape elements or site plan to show how this might happen.

The site is currently unkempt and contains Japanese Knotweed. The design and the submission fall well short of what would expect to see for a para 79 scheme. Can see no landscape proposals to actually demonstrate how it might actually enhance its setting. Whilst there might be potential to develop an exceptional scheme on this site, overall the scheme does not meet the standards required for a para 79 application and is therefore not acceptable in its current format.

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/15/1701 - Erection of a dwelling - pending.(also on this agenda)

Planning Policy:

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.

5.1 The Swindon Borough Local Plan was adopted by Swindon Borough Council in 2015. The Swindon Borough Local Plan (2026) 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 the whether the adverse impact of permitting the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF.

5.2 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.

5.3 The site is not located within a defined settlement boundary 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.

5.4 However, the Council at present cannot demonstrate a 5-year supply of housing in accordance with the NPPF. Paragraph 11 (part d) of the revised NPPF states that where there are no relevant development plan policies, or policies which are most important for determining the application are out of date (including where there is not a 5 year supply of housing land), permission should be granted unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- 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.

5.5 Bishopstone does not have a neighbourhood Plan.

5.6 Hinton Parva does have a limited bus service, however there are no other any 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.

5.7 It is unclear why this application has been submitted whilst application S/15/1701, for a new dwelling, on this site, is still pending, other than to propose an alternative design. The application has been submitted without consultation with officers. Before the initial 21 day consultation period had expired, further revised plans were submitted, again without discussions with officers.

5.8 The proposal needs to be considered in relation to the whether the adverse impact of permitting the development would significantly and demonstrably outweigh the benefits when assessed against the policies development plan and the NPPF.

5.9 Footnote 7 of the Revised NPPF confirms that for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, then policies which are most important for determining the application are out-of-date. The lack of a demonstrable 5-year housing supply is 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 NPPF taken as a whole.

5.10 The applicants have sought to meet the provisions of the former NPPF paragraph 55, (now para 79) in respect of an isolated home in the countryside that is of 'exceptional quality or innovative nature of design of the dwelling'.

5.11 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.

5.12 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.

5.13 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 former NPPF 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.

5.14 Therefore, the consideration is whether the benefits of the proposed development in terms of supporting services, contributing to house types in the area, and making a contribution to the delivery of housing would outweigh any adverse impacts in respect of design.

The Inspector then goes on to say:

"In the circumstances, there was no need for "special circumstance" to be identified to justify a development of "new isolated homes in the Countryside". This was not such a development."

5.15 Applying this to the Short Drove site, a similar conclusion can be drawn with dwellings to the immediate north and west of the site and others in close proximity. Therefore following the Court of Appeals lead the proposal cannot be regarded as

isolated and the justification for the proposal under this part of NPPF paragraph 79 of the Revised NPPF falls away.

5.16 There are other parallels with application at Short Drove. There is a bus stop and other limited number of facilities at Hinton Parva, however the nearest school is in Wanborough and policy SD1 states that development should be accessible by walking; cycling or public transport. The consideration is within Overall Balance and Sustainable Development, which is a matter of planning judgement. In terms of planning balance the development would make a very modest contribution to meeting housing need. A minor economic benefit would arise from the construction and the economic activity of those occupying the dwelling.

5.17 With regards to paragraph 79 of the NPPF (2018)

e) the design is of exceptional quality, in that it:- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

5.18 The other current scheme (S/15/1701) (also on the agenda) has been considered by the design review panel and this is a further result of an interpretation of the design panels comments. It is not considered that this scheme achieves a design which is of exceptional quality, changes have been made to respond to neighbours comments and the result cannot be termed 'exceptional' or to 'push the boundaries for innovation'.

5.19 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. 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."

Sustainable Homes

5.20 The application has been submitted with a sustainable homes report and it has been considered to demonstrate that the proposed development. This report was published in August 2013 and does not appear to have been updated to take account changes which have been made to the scheme. The current scheme does not include eg a photovoltaic array; recovered slate.

Comments on the Parish Councils concerns:

5.21 The Parish are concerned that the proposal cannot be justified on the basis of it being of exceptional quality, officers concur with this point.

5.22 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 resident's concerns:

5.23 Whilst there are concerns expressed regarding the proposed access to the site the highway officer is satisfied that the proposal is suitable. Various revisions have been made to the scheme by the applicant to address the perceived overlooking issue.

5.24 The agent states that they have addressed concerns made by local residents, as they were concerned about the height of the building the design has been amended to have a ridge no higher than the property to the north and 1.7m lower than the ridge to the house to the west.

5.25 The proposed form is common to a rural farm building, using local construction methods. The roof will be pitched at 20 degrees suitable for a sheet metal material. In this case pre weathered standing seam zinc sheeting is proposed, similar to agricultural buildings. Window openings attempt to avoid overlooking, which gives the public elevation to the west is more 'workshop-like' echoing the site's history.

Other Matters

5.26 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.

5.27 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

5.28 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:

5.29 As stated above, there is nothing truly innovation in the design, only a good approach to sustainability, which is not at a level required to satisfy paragraph 79. The design approach does not result in a scheme which is innovative nor outstanding, in order to render this acceptable in design terms. The agent advises that the proposal is designed to be exemplar for rural development, fitting into its context, be highly sustainable and economical to run, however, officers do not agree with this. 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.

5.30 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.

1 This refusal shall be in respect of plan nos
10968-100-01;
Core for sustainable homes pre assessment;
Design and access statement;
Ecology Survey
Flood Risk Assessment
Foul sewage and utilities assessment
Landscape and visual appraisal
Planning statement received 2 August 2018;

(20) 001 rev F
(20) 002 rev F
(20) 003 rev C
(20) 004 rev C
(20) 005 received 29 November 2018

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.