



Appeal Decision

Site visit made on 22 June 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/L1765/W/21/3269888

Belmont Farm, The Lakes, Swanmore, SO32 2PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Country Homes (Guildford) Ltd against the decision of Winchester City Council.
 - The application 20/00970/FUL, dated 9 June 2020, was refused by notice dated 4 December 2020.
 - The development proposed is demolition of existing buildings and redevelopment to provide x32 residential units (net addition x31) (Use Class C3).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by a unilateral undertaking which secures a contribution towards education and the creation of a management company. I comment on these obligations further under other matters.
3. The appellant has provided additional information on highway and access arrangements for the scheme¹. This additional information has overcome the concerns of the Highway Authority, and consequently the Council has withdrawn the third reason for refusal. I do not therefore need to address this issue.

Main Issues

4. The main issues are:
 - the provision of public open space;
 - the scale and layout of the development, having regard to landscaping, relationship between buildings and the living conditions of future occupants;
 - whether the development would be at risk from flooding; and
 - the provision of affordable housing.

¹ Plan 7792_D01_AP21-A.

Reasons

Open space

5. The site forms part of a housing allocation in the Winchester District Local Plan Part 2 – Development Management and Site Allocations (the 'Local Plan'). Policy SW1 of the Local Plan notes the land is allocated for about 140 dwellings and sets out specific requirements that development of the site is expected to achieve.
6. One of those requirements is that a masterplan establishing principles for the disposition of housing, open space, access points and linkages should be submitted, and that any subsequent applications for parts of the site should demonstrate how the proposal will accord with these principles and achieve the form of development intended by the allocation as a whole.
7. A masterplan was submitted by developers for the first phase of the allocation indicating the general site arrangement and layout of development. I accept the appellant's argument that this is an illustrative plan, and that subsequent phases do not need to slavishly follow the road layout or building footprints, particularly as different parts of the site are in different ownerships, and are likely to come forward at different stages. Nevertheless, the masterplan is relevant in establishing the broad layout of development, points of access, and disposition of open space and play areas across the housing allocation as a whole. I place weight upon it with regard to these principles.
8. The masterplan indicates open space along the southern boundary and within the centre/northern part of the site, the latter serving both the appeal site and allocated land further to the north. The proposed scheme provides open space along the southern edge but not within the site or along its northern boundary.
9. An environmental requirement of Policy SW1 is the provision of substantial on-site open spaces running through the site (Natural Green Space, Informal Open Space, Parkland, Allotments and Local Equipped Areas for Play). This has been achieved in the built out part of the housing allocation² where generous public open space is provided both alongside The Lakes and also within the site, linked by retained hedging and trees. It will also be achieved to a lesser extent in the scheme to the west of the appeal site³, which includes public open space alongside The Lakes and was amended during the application stage to provide more generous space around the perimeter of the site and to include an area of open space within its centre.
10. I consider that a similar area of public open space in the centre or along the northern boundary of the appeal site, ideally linked by existing hedgerows to other open spaces within the wider allocation, is necessary in order to meet the environmental requirement of Policy SW1, and accord with the broad principles of the masterplan. The scheme as currently shown fails to achieve this requirement. I do not consider that relying on the housing allocation to the north of the appeal site to provide such an open space to be a satisfactory solution as that is not what is indicated on the masterplan, nor is there any certainty that the neighbouring site would or could accommodate some or all of the space.

² Horders View/Holywell Close (David Wilson Homes)

³ 19/02421/FUL (Persimmon Homes)

Scale and layout

11. In terms of scale, the reference in Policy SW1 to 'about 140 dwellings' gives some discretion as to the exact number of dwellings proposed for the whole allocation, subject to it according with the requirements of Policy SW1 and other policies in the development plan. However, it does serve to emphasise that a relatively low density is envisaged for this particular housing allocation, given its location on the edge of the settlement and provision of mainly family housing. In terms of layout, the masterplan indicates an approach based on a series of discrete perimeter blocks with housing facing outwards enclosing private garden spaces within each block. Along the southern edge, a less dense, more landscaped approach is envisaged to provide an appropriate transition to the countryside.
12. Having regard to these design principles and comparison with the built-out or resolved-to-be-permitted parts of the housing allocation, I consider the proposed scheme would appear cramped and overdeveloped.
13. The development along the southern edge facing The Lakes would result in a hard building line with car dominated frontages, failing to provide an appropriate transition to the countryside beyond. There would be few visual breaks between buildings. Even the side garage projections alongside each of the detached units would be two storeys in height. Little room would be left for landscaping in front gardens as these would be occupied by parking spaces and driveways. This would even apply to most of the detached units where the sizes of plots 22 and 30 preclude parking at the sides or rear. There are examples of frontage parking facing The Lakes in other parts of the housing allocation, but not to the same extent as proposed in the appeal scheme.
14. Within the site, plots 5/6/7 and 8/9/10 facing one another would appear cramped when compared to the better space left in front of other dwellings. Plots 18 and 19 fail to follow the perimeter block layout generally found elsewhere in the allocation. This would lead to their rear gardens backing directly onto publicly accessible space, reducing the sense of privacy and security that a perimeter block layout provides.
15. I also share the Council's concerns about the position of plots 31 and 32, which are overlooked on all sides; and the overbearing nature of these two dwellings on what are very small rear gardens to plots 12 and 29, and to a lesser extent plots 13 and 26. The Council does not have specified minimum garden sizes or separation distances between dwellings, but the cramped nature of this part of the scheme would result in poor living conditions for the future occupants of these dwellings.
16. I conclude that the scale and layout of the proposed scheme would appear cramped and overdeveloped and would therefore harm the character and appearance of the development. It would consequently conflict with Policy CP13 of the Winchester District Local Plan Part 1 – Joint Core Strategy (the 'Core Strategy') and Policies SW1, DM15, DM16 and DM17 of the Local Plan, which require new development to be locally distinctive, and meet set design criteria and site development principles.

Flood risk

17. The southern part of the site lies within an area liable to flood. The layout of the scheme avoids siting dwellings within this area, and the finished floor levels of the dwellings would be raised to further reduce the risk of flooding. However, part of the access road would be in the area liable to flood, and the Environment Agency has advised that if further design testing showed it to be too low it would need to be raised to ensure safe access in times of flood, with a consequent need for flood plain storage compensation.
18. Policy SW1 also requires a surface water drainage assessment to be undertaken to inform the implementation of a sustainable drainage system for the new development. Such systems are reliant on the temporary storage and controlled release of surface water. Hampshire County Council as the lead local flood authority has requested further details of how surface water drainage would be handled on the site.
19. The appellant has responded with some additional information⁴, and believes any further detailed design work could be made the subject of conditional requirements.
20. Having regard to the correspondence between the appellant and the relevant bodies it is likely that flood risk and surface water drainage can be satisfactorily accommodated in principle on the site. However, the solutions to these matters may result in changes, including additional surface water storage, raised slab levels for some units, and the possible need for additional flood storage compensation, that would have knock on effects on other aspects of the scheme including its appearance and landscaping. I therefore consider it necessary that such detailed assessments are carried out at this stage, rather than be left to the submission of conditional details, so that any changes consequent on those assessments may be identified and considered as part of the whole proposal.
21. In the absence of such information, I conclude that the proposal would conflict with Policy CP17 of the Core Strategy and Policy SW1 of the Local Plan in being unable to demonstrate that the site would not be at risk of flooding from fluvial or surface water.

Affordable housing

22. Policy CP3 of the Core Strategy requires 40% of the gross number of dwellings on housing developments to be affordable housing, unless this would render the proposal economically unviable.
23. The appellant has submitted a viability appraisal⁵ that concludes that residential development of the site, whether compliant with the affordable housing policy, or wholly market housing, would not be viable when compared to the benchmark land value.
24. The Council has raised concern with elements of the appraisal and the inability of the scheme to afford at least an element of affordable housing. The areas of concern relate to some of the abnormal costs assumed in the appraisal, including piled foundations, a pumped drainage system, and excessive surface

⁴ The Civil Engineering Practice, planning appeal statement, 23 February 2021.

⁵ Sturt & Company, viability assessment, 26 February 2021.

water drainage costs. This concern is expressed notwithstanding that the Council's Estate Officer accepted the conclusion of the appellant's viability appraisal. I have not been provided with any explanation as to how the Estate Officer reached that view, but nevertheless I consider there is merit in the concerns raised by other officers on behalf of the Council.

25. While the viability appraisal was updated in February 2021, and further relevant points have been made⁶, it does not directly address these specific concerns. To them, I would add the valuation of the site including a commercial workshop and chalet, despite these not being acknowledged as separate lawful uses on the site.
26. It is surprising that while neighbouring developments in the same housing allocation and providing similar housing products can support 40% affordable housing, the appeal site cannot support any. I acknowledge that the existing use value of the appeal site does need to include the existing dwelling and its ancillary outbuildings, but I find it difficult to believe that difference in value alone accounts for the inability to provide affordable housing as part of the scheme.
27. It may be that the appellant can provide a sufficiently robust explanation to allay the concerns raised by the Council and that which I have added above. However, as it stands the updated viability appraisal does not do that, and I am therefore unconvinced that the scheme cannot provide some element of affordable housing, even if that were not to be fully compliant with Policy CP3. Consequently, I conclude that the development conflicts with the aims of Policy CP3 and would not adequately address the need for affordable housing in the area.

Other Matters

28. The unilateral undertaking submitted by the appellant would secure a contribution towards education at the Swanmore College of Technology. This responds to one of the points raised in the first reason for refusal and I place weight on the obligation in satisfactorily addressing the need for such infrastructure as required by Policy SW1.
29. The unilateral undertaking would also ensure the creation of a management company to maintain the common parts of the scheme that are not intended to be in private residential or public ownership. Given the need to ensure a well maintained public realm I place weight on this obligation in helping to maintain the quality of the environment for occupants of the site.
30. Natural England has expressed concern at the possible adverse effect of nutrient pollution from waste water on nearby sites of ecological importance, which are designated as special protection areas under the Conservation of Habitats and Species Regulations 2017. The Council has undertaken an appropriate assessment and is satisfied that, subject to mitigation measures which could be secured by a Grampian condition, any adverse effect on the special protection areas would be avoided. While that may be the case, given my conclusions on the main issues I have not carried out my own appropriate assessment as I have not needed to consider this matter in any further detail.

⁶ Teal Planning, response to appeal statements and submissions, 10 June 2021.

31. The provision of a net increase of 31 family dwellings to the local housing stock is a planning benefit, as is the economic benefit arising during the construction period. While the Council is able to demonstrate a housing land supply in excess of 5 years, that does not negate the benefits of such additional housing supply and the role it would play in meeting housing demand.

Conclusion

32. I have found that the scheme does not contain sufficient public open space as envisaged by Policy SW1 and the masterplan for the housing allocation. It would also result in a layout that would appear cramped and overdeveloped when assessed against the requirements for the development of the site.
33. Although it is likely that flood risk and surface water drainage concerns can be overcome, there is insufficient information to demonstrate that is the case at present, and that solutions to those matters would not adversely affect the layout or design of other parts of the scheme. I am also unconvinced that the site cannot support at least some element of affordable housing. As a result of these issues I consider the development would conflict with the development plan.
34. Other matters relating to contributing to local education provision and future management of the site are satisfactorily addressed by the unilateral undertaking. These matters are neutral considerations in my decision.
35. The provision of additional dwellings is of planning benefit, as is the short term economic benefits arising from their construction. However, I do not consider these benefits outweigh the harm I have identified above and the conflict with the development plan when taken as a whole.
36. I therefore conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR