

Date of Meeting	06/04/2017
Application Number	16/12123/FUL
Site Address	Land at Whitsbury Road, Whitsbury Road, Odstock, Salisbury
Proposal	Construction of two residential dwellings
Applicant	Mr Alasdair Jones-Perrott
Town/Parish Council	ODSTOCK
Electoral Division	DOWNTON AND EBBLE VALLEY – Julian Johnson
Grid Ref	414603 126015
Type of application	Full Planning
Case Officer	Matthew Legge

Reason for the application being considered by Committee

Cllr Julian Johnson has called this application into the Planning Committee and has commented: “*The proposed construction of 2 residential dwellings should be considered within the definition of "infill" i.e. the filling of a small gap within the village.*”

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be **refused**.

2. Report Summary

- i) Principle of housing outside the settlement boundary
- ii) Design and impact on character of area
- iii) Impact on amenities
- iv) Highway impacts
- v) Drainage and ecology
- vi) CIL & S106 contributions

One third party letter raising concerns. No response from PC.

3. Site Description

The application site appears to be a section of garden land associated with the application dwelling known as 219 Whitsbury Road. The land is positioned between a row of trees which appear to have been thinned to increase to development plot size and the No. 219 Whitsbury Road.

The site has an existing vehicle access which serves the existing dwelling and permits an access to a rear agricultural field. The site rises in gradient up from the highway but the application site is largely flat with treed boundaries to the north and east and an open boundary to the southern field.

The plot lies within Flood Zone 1. There are no listed buildings in close proximity. There is a bridleway (ODST7) along the northern boundary of the application site.

4. The Proposal

Construction of two residential dwellings with vehicular access and driveway

5. Local Planning Policy

National Planning Policy Framework 2012:

Section 1: Building a strong, competitive economy

Section 3: Supporting a prosperous rural economy

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20th January 2015:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP24 (Spatial Strategy for the Southern Wiltshire Community Area)

CP41 (Sustainable construction and low carbon energy)

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring high Quality Design and Place Shaping)

CP60 (Sustainable transport)

CP61 (Transport and New Development)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

The Community Infrastructure Levy Regulations 2010

Saved Policies of the Salisbury District Local Plan:

H28: Residential Development in the Open Countryside

6. Publicity

Parish Council – None received

WC Spatial Planning – Object

WC Ecology – No objection subject to conditions

WC Highways – No objection subject to conditions

WC Rights of Way – No objection

WC Drainage – No objection subject to condition

1 letter of concern:

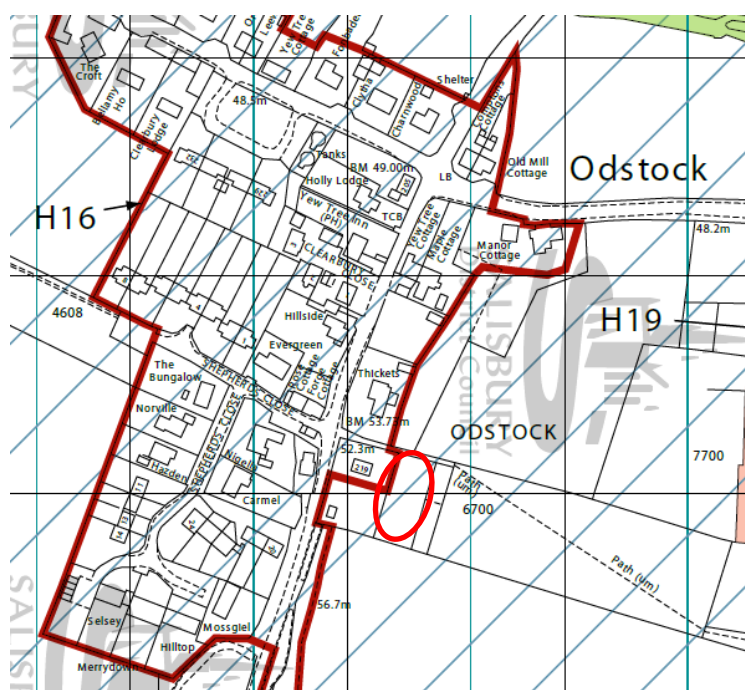
- Loss of views towards woods
- Concern over highway safety. Increased traffic generation on a narrow country lane which is frequently used for larger farm vehicles which takes up the width of the track.

7. Planning Considerations

The applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

Odstock did have a settlement boundary under the former Local Plan. The application site was located adjacent to a housing development area, outside of the settlement boundaries. However, the settlement boundaries for Odstock have been deleted by the Wiltshire Core Strategy (WCS). In planning policy terms, the application site relates to a site in the open countryside.

The application site (as shown by the above red circle) is located out of the centre of the village of Odstock. But the site was previously located adjacent to a housing development area (H16) within the old Local Plan maps. As mentioned above the H16 areas of the former plan have been removed and the WCS have also removed the settlement boundaries for small villages.



Odstock is identified as a small village in the WCS which has limited services and is reliant on Local Service Centres and is not the most sustainable location for new growth. As mentioned above Core Policy 1 of the WCS has removed the housing policy boundary of Odstock. The delivery strategy defines the level of growth appropriate within the built up area of small villages as being limited to infill.

The relevant paragraph in the Core Strategy defining infill is 4.29. It states the following:

"...For the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs."

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that at Small Villages such as Odstock development will be limited to infill within the existing built area where it seeks to meet housing needs of the settlement or provide employment, services and facilities and provided that the development:

1. *Respects the existing character and form of the settlement*
2. *Does not elongate the village or impose development in sensitive landscape areas, and*
3. *Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

Infill is defined in the Core Strategy (relevant paragraph in the Core Strategy is 4.29) as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.

Officers do not consider that there is a gap in the built form for the site and that this application is tantamount to back land development on what appears to be garden land. A recent Inspectors decision on a similar site in the north of Wiltshire (application reference 16/04999/OUT) commented that:

As 'infill' is defined in CP2 as the filling of a small gap within the village, it is reasonable to give those words their everyday meaning. A 'gap' implies a break or space between something. In this case there is a field, albeit a small one, immediately adjacent to the site to the west. Furthermore, though there is a school playing field, there is no built form to the immediate north and mainly garden land to the south. Therefore, I disagree with the appellant's view and do not consider that the proposal could be classified as infill within the existing built area.

The Inspector was clear that a 'gap' implies a break or space between something. In this case the only gap in the street form is for a vehicle entrance which serves a rear agricultural field and existing dwelling house. Officers do not consider that there is an obvious development gap in the built form (as intended by the WCS infill allowance). The aims of the policy also intends that the infilling of development is centralised around the core of the settlements which are likely to be better served with facilities. This site is arguably located a distance from any notable centre of the village and the access roads to the site are narrow and do not include any footpaths to promote safe pedestrian access through the village. The village mass is largely located in ribbons of residential development along highways and clusters of residential development at highway junctions. In considering this application site Officers do not consider that the scheme is appropriate as an infill plot and the development will consolidate the sporadic loose knit residential development that is the village.

Officers note that this scheme has not been supported by any local representation and note that the Parish Council has not objected to the scheme. It is also noted the Village does not have a Neighbourhood Plan or any plan in draft where sites can be locally identified for development and as such the village has not expressly identified where residential development would be acceptable. It is considered that the balance of consideration rests on the whether the site fully meets the criteria 1-3 as set out CP2. Officers consider that the village could indeed be characterised by the loose knit development and that the open gaps in residential ribbons and clusters do help to reinforce the rural organic character of the village.

CP2 comments that for residential development outside the limits of development those 'infill' dwellings should meet housing needs of settlements. The current interpretation of this is that the remaining housing needs to be provided in the Southern Wiltshire Community Area by 2026 (Housing Land Supply Statement April 2016 and published March 2017) is an indicative remaining requirement of 0. Due to the absence of housing need Officers consider that there is no local need as expressed in CP2 as such this application fails to fully meet the requirements of CP2.

remainder ¹⁵	425	361	88	0
Southern Wiltshire CA ¹⁵	615	428	214	0
Tisbury	200	167	9	24

Appendix 6 of the Housing Land Supply Statement April 2016 and published March 2017

The latest housing figures for the South Wiltshire Housing Monitoring Area reveal that the Council is able to demonstrate a 5 year housing land supply with the required 5% buffer. The latest housing figures for the county are set out in the Housing Land Supply Statement (base date of April 2016) and updated in March 2017. These latest figures demonstrate that the South Wiltshire HMA has a housing land supply of 5.69 which is in excess of the required 5.25 years (with the required 5% buffer).

As such in policy terms, the proposal is unacceptable. The site lies outside the centralised built area for any defined settlement and conflicts with the overarching sustainable development principles of the Settlement and Delivery Strategies of the WCS. Neither is the site subject of an adopted or emerging Neighbourhood Plan. It therefore comprises unsustainable development and, as such, is unacceptable in terms of the Core Strategy and the NPPF.

The NPPF states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there appear to be no material considerations which outweigh the policy presumption against unacceptable unsustainable development.

The core strategy includes exception policies (as set out under Paragraph 4.25) under which development *may* be acceptable outside of the settlement strategy – for example, sites which would deliver a high percentage of affordable units. Again, none of the exceptions policies appear to apply in this case. The proposal should be refused as there are no material considerations which merit making an exception to adopted planning policy in this case.

Highways

The vision and policies of the Wiltshire Core Strategy seek to concentrate new residential development in areas well served by local services and facilities so as to reduce the needs for travel. The Core Strategy thus sets a presumption against development outside villages in rural areas unless for a number of excepted circumstances, none of which apply in this instance.

Core Policy 60 provides that the Council will use its planning powers to help reduce the need to travel particularly by private car through measures such as planning development in accessible locations. Odstock is identified in the Core Strategy as having a low level of services and facilities, and few employment opportunities. Therefore it is considered that the occupants of the dwellings would likely be heavily dependent on the use of private cars for day-to-day activities and journeys. The site location thus does not contribute towards the aims of sustainable development and therefore contrary to the key aims of Core Policy 60 and as such Highways have recommended that the application be refused.

Wiltshire Council Highways have considered the revised scheme and has determined to raise no highway objection to the proposed visibility splays/horizontal alignment of the proposed driveway or to the surface water drainage details.

Neighbouring Amenity

The construction of two dwelling houses in a back-land location to the side/rear of the application dwelling would introduce direct overlooking from the proposed developments side elevation windows and direct overlooking of the neighbouring dwelling's primary outdoor amenity space. The proposed dwelling house would also introduce overlooking of the rear amenity garden area from the numerous rear dormer windows to the detriment of the amenity currently enjoyed by the application dwelling.

The revised vehicular entrance has brought the vehicular entrance way closer to the front elevation of the application dwelling. The closer proximity of the vehicle entrance will result in the increased comings and goings of vehicles associated with the 2 proposed dwelling houses which will introduce harm to the amenity of the application dwelling by virtue of the close proximity of vehicular engine noise and associated car lights. The back-land development is considered to result in undue harm to the amenity of the application dwelling (No.219 Whitsbury Road)

Ecology

A Wiltshire Council Ecologist has looked at the submitted information which includes an Ecological Survey. WC Ecology has not objected to the scheme (subject to conditions) having commented:

"The Ecological Survey report stipulates: 'A phase 1 survey was undertaken in October 2016 which found no evidence of protected species or habitats on the site but there is potential for nesting birds at the site perimeters.' The report goes on to state:

- *'There were no buildings or structures within the application site which would provide bat roosting opportunities but the trees to east of the site provided suitable foraging and commuting habitat.*
- *There was a section of trees and scrub at the east of the site with some potential to support nesting birds.*

The Ecological Survey report puts forward mitigation regarding the clearance of vegetation/trees that may afford nesting opportunities for birds. The report also proposes enhancement measures for bats, birds and landscaping to be implemented for the purposes of increasing the ecological value of the site."

Given the ability to impose conditions to mitigate harm to protected species, Officers do not consider that this application will result in undue harm to protected species.

Drainage

Given the recent amendments to the application a Wiltshire Council Drainage engineers has raised no objection to the application subject to a condition:

"Prior to any start on site the applicant shall submit a detailed storm water drainage scheme which if soakaway disposal is proposed to include full details of the soakaways and their relationship to ground water levels and location to roads/buildings and structures to the LPA for approval, and shall construct the system as approved prior to occupation"

8. CIL & S106 contributions

This development is subject to the Community Infrastructure Levy. Wiltshire Council has adopted a Community Infrastructure Levy (CIL) charging schedule on 18th May 2015. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

Whoever has assumed liability for the development would be liable to make payment to Wiltshire Council for this type of development.

9. Conclusion

It is considered that the application site is outside the built up area of the village, would not comprise infill development and would consolidate the existing sporadic, loose knit development along Whitsbury Road. The principle of residential development in such a location is therefore contrary to the vision and policies of the Wiltshire Core Strategy for sustainable development, and the policies for protection of the open countryside. The development would also introduce harm to the amenity of the occupiers of the application dwelling house. The proposal is contrary to saved policy H28 of the Salisbury District Local Plan and; CP1, CP2, CP44, CP48, CP57 and CP60 of the Core Strategy for Wiltshire and Sections 1, 7 and 11 of the National Planning Policy Framework.

RECOMMENDATION

1. The proposal is located within a small village which the Wiltshire Core Strategy identifies as having a low level of services and facilities. This proposal for two dwellings does not meet the definition of permitted infill development within small villages and the development will result in the creation of back-land development contrary to the established linear pattern of development along the eastern side of Whitsbury Road. The development will consolidate the existing loose knit sporadic development along Whitsbury Road and the proposal fails to promote a sustainable pattern of development with the resultant occupiers dependent on the use of private car for day-to-day activities and journeys. Therefore, the proposed development is considered contrary to Core Policies 1, 2, 44, 48 and 60 of the Wiltshire Core Strategy and paragraph 14 of the National Planning Policy Framework.

2. The creation of two back-land dwelling houses would result in the introduction of direct overlooking to the side elevation of the application dwelling known as No.219 Whitsbury Road and undue overlooking across the rear garden area to the detriment of the privacy currently afforded to the neighbouring dwelling. The creation of the realigned vehicular entrance will bring an increased number of vehicles within close proximity to the front elevation of the neighbouring dwelling to the detriment of amenity. The proposed development is considered contrary to Core Policies 57 of the Wiltshire Core Strategy and paragraph 17 of the National Planning Policy Framework.