

REPORT OUTLINE FOR AREA PLANNING COMMITTEES Report No.

Date of Meeting	8 th December 2022
Application Number	PL/2022/04451
Site Address	Land at, Whitsbury Road, Odstock, Salisbury
Proposal	Construction of two residential dwellings, with associated parking and landscaping, and community orchard
Applicant	Mr. D. Canty
Town/Parish Council	Odstock Parish Council
Electoral Division	Cllr R Clewer
Grid Ref	
Type of application	Full
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee

Cllr Clewer has called the application to committee to be determined if recommended for refusal by officers, on the following grounds:

- *Whilst the proposed development is outside of the settlement boundary for the village it is supported by the Parish Council (at the time of call in) and residents and as such I think should be resolved by committee if recommended for refusal. I appreciate the River Avon catchment area may further complicate this.*

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **REFUSED** for the reasons detailed below.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

1. Principle of development, absence of 5 year housing land supply and infill at small villages
2. Scale, design, impact on the character of the AONB and neighbouring amenity
3. Highway safety
4. Biodiversity – Ecology, River Avon catchment and New Forest SPA
5. Drainage and flood risk
6. CIL
7. The Planning Balance

The application generated a letter of support from Odstock Parish Council, one letter of no objection/comment from a neighbour and support from Salisbury and Wilton Swifts.

3. Site description, site constraints and the proposals

The site is on the edge of Odstock, which is defined as a small village without a settlement boundary under Core Policy 1. Manor Cottage to the north is a Grade II listed building and Odstock Manor to the east is Grade II* listed. The site is within the AONB and is classified as Grade 2 agricultural land (best and most versatile). It is within the 13.8km buffer for the New Forest SPA, and within Flood Zone 1 of the River Avon SAC catchment,

in an area susceptible to groundwater flooding, where levels are between 0.5m and 5m below the surface. Whitsbury Road is an adopted unclassified highway and footpath ODST7 crosses to the rear of the site.

219 Whitsbury Road is a residential property which separates the site from the street frontage. A property called Thickets lies to the north and Chalk Pit Cottage lies to the south. Odstock Manor is separated by the fields to the east.



The application site is a section of grassland to the east of 219 Whitsbury Road. The land is positioned between a row of trees which appear to have been thinned to increase the development plot size.

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

The application is essentially a resubmission of the 2016 scheme which was refused by Southern Area Committee (see reasons in history below), with amendments to the scheme. A pair of traditionally styled, semi detached, two storey dwellings are proposed for the site with provision of a 0.2ha community orchard on a field to the east:



The access to the dwellings has been revised in order to maintain the existing right of way at a 2m width and provide better visibility.

The proposed materials for the dwellings include red brick, horizontal dark-stained timber boarding on the dormers and plain clay tile roofs. Bin stores are proposed to the east and

west of the proposed dwellings. Car parking is proposed to the front of each property. Cycle parking is located within the garage area of the dwellings.

The site's boundaries would be reinforced through the planting of native hedgerows and trees. The proposed areas of amenity space would be landscaped with patio areas and lawns to the south of the dwellings. Soft landscaping is proposed to be implemented to soften the proposed built form on site including feature trees which would be planted to enhance the ecological value of the site.

A "community" orchard extending to 0.2ha is to be provided to the east of the site. This orchard would comprise 20 – 30 heritage fruit trees to create a natural area of amenity space for "existing and future" residents to encourage healthy, sustainable lifestyles. The proposed orchard would create views from the public footpath to the north. No details are provided to explain how the orchard would be used and whether the existing and future residents refer to the occupiers of the new dwellings or the wider community of Odstock. The revised plans show the footpath running through the orchard but it is unclear whether it's entire length would be enclosed by a fence.

4. Planning Policy

The following planning policies are considered to be relevant to the determination of this application:

National Planning Policy Framework (NPPF 2021) and the PPG

Neighbourhood Plan status – area designated

Adopted Wiltshire Core Strategy

CP1 Settlement Strategy
CP2 Delivery Strategy
CP24 New Forest National Park
CP23 Spatial Strategy for Southern Wiltshire Community Area
CP57 Design
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP61 Transport and new developments
CP67 Flood Risk
CP69 Protection of the River Avon SAC


Other:

- AONB Management Plan
- Wiltshire Housing Site Allocations Plan adopted Feb 2020:
- Chapter 6 and Appendix A - South Wiltshire HMA (amended settlement boundaries)
- Wiltshire Local Transport Plan – Car Parking Strategy: Chapter 7: Parking Standards
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- The Community Infrastructure Levy Regulations 2010
- National Model Design Code July 2021

- Building for a Healthy Life - A Design Code for neighbourhoods, streets, homes, and public spaces (Homes England June 2020).
- (*) Wiltshire Council INTERIM RECREATION MITIGATION STRATEGY FOR THE NEW FOREST INTERNATIONALLY PROTECTED SITES January 2022
- Wiltshire Local Transport Plan and Parking Strategy
- Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022 identifies 4.72 years of deliverable supply in Wiltshire and 4.88 in South Wiltshire HMA
- Wiltshire Council, Level 1 Strategic Flood, Risk Assessment, May 2019

5. Relevant Planning History:

16/12123/FUL Construction of two residential dwellings Refuse

	<ol style="list-style-type: none"> 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.
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6. Consultations

Highways – no objection subject to conditions

Rights of Way – no objection

Drainage – no objection

Odstock Parish Council – Support

Salisbury and Wilton Swifts – Support subject to conditions *Salisbury & Wilton Swifts (SAWS) welcome the ecological enhancements recommended in section 5.4 of the Preliminary Ecological Assessment, particularly regarding nesting provision for house martins and swifts. SAWS asks that should the application be granted, the nesting provision and Appendix G showing their locations, be conditioned with photographic evidence required for discharge.*

7. Publicity

The application for minor development was advertised by neighbour consultation only.

1 letter of **no objection** received on the following grounds:

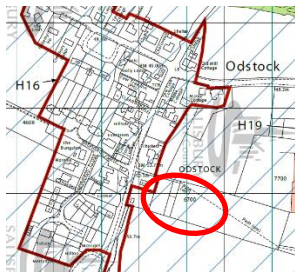
- *No objection, but would be good if the shared drive to the properties and "219" were made solid rather than loose as it currently is, i.e. use tarmac, bricks, stone? With 3 houses the gravel/scalplings that are currently there will quickly deteriorate.*

8. Main Planning Considerations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). 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. The tilted balance and presumption in favour of sustainable development envisaged under paragraph 11 of the NPPF would not apply where development would cause harm to protected sites defined under para 11 footnote 7, including areas at risk of flooding, the AONB and the River Avon SAC.

8.1 Principle of development, absence of 5 year housing land supply and infill at small villages

Odstock previously had a settlement boundary under the Salisbury District Local Plan. The application site is located adjacent to the former settlement boundary:



The settlement boundary for Odstock has been deleted by the Wiltshire Core Strategy (WCS). Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Odstock is identified as a small village under CP1 and CP23 and further to the adoption of the Wiltshire Housing Site Allocations Plan in Feb 2020, Odstock's boundary has not been extended to include the site. Core Policy 2 states:

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement*
- ii) Does not elongate the village or impose development in sensitive landscape areas*
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

Infill

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 this site constitutes a gap in the existing built area and that this repeat application is tantamount to backland development on what appears to be garden land. A previous Inspector's comments on infill for a similar site in the north of Wiltshire (application reference 16/04999/OUT) elaborated on the definition of infill:

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 felt 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 the 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 aim of the policy also intends that the infilling of development is centralised around the core of the settlement which is likely to be better served with facilities. This site is arguably located a distance from any notable centre of the village and the access road to the site is narrow and does not include any footpaths to promote safe pedestrian access through the village. In considering this application site, officers do not consider that the scheme is appropriate as an infill plot and the development would consolidate the sporadic loose knit residential development that forms the village character by expanding into the countryside towards Odstock Manor.

Officers note that 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 new residential development would be acceptable. It is considered that the balance of consideration rests on whether the site fully meets the criteria 1-3 as set out CP2. 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 which lies within the AONB.

Housing Land Supply – tilted balance and protected sites

The LPA is unable to demonstrate a 5 year land supply (currently 4.72 years) and the provision of additional housing in sustainable locations is generally supported in principle. CP2 comments that for residential development outside the limits of development, those 'infill' dwellings should meet housing needs of settlements. The current situation in the South HMA (Housing Land Supply Statement April 2021 and published April 2022) is that there is a deficit of 68 dwellings to be provided or 4.88 years' supply.

However, the presumption in favour of sustainable development or tilted balance does not automatically apply to this site under para 11 footnote 7. Footnote 7 includes habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest. This includes the Area of Outstanding Natural Beauty, the River Avon SAC catchment and the New Forest SPA. Therefore, the titled balance is not applicable in this case where any harm is identified to these sites. For decision taking in the absence of a 5 year supply, para 11 requires:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission 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 proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Policy principle summary

In policy terms, the proposal appears to be unacceptable. The site lies outside the existing built area for the small village and conflicts with the overarching sustainable development principles of the Settlement and Delivery Strategies of the WCS. The proposal for a pair of new dwellings in this location is not considered to represent infill development under Core Policy 2. The site is not contained within an adopted or emerging Neighbourhood Plan. It therefore conflicts with the development strategy in the Core Strategy.

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.

In the absence of a 5 year housing land supply, there is normally a presumption in favour of sustainable development. However, for this site, the tilted balance would not automatically apply under para 11 footnote 7 due to its location within protected sites.

8.2 Scale, design, impact on the character of the AONB and neighbouring amenity

The site is undeveloped land within the AONB. CP51 aims to ensure that:

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

With specific reference to the AONB, the policy states:

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

Heritage value, important views, visual amenity, tranquillity and the need to protect against intrusion from light pollution, noise, and motion are all important landscape considerations under CP51.

Para 176 of the revised NPPF 2021 places emphasis on the setting for the AONB and states that great weight *should be given to conserving and enhancing landscape and scenic beauty* in AONBs.

Adopted Wiltshire Core Strategy Core Policy 57 states:

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications

for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire....

CP57 requires development to relate *positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.* It also seeks to ensure that development responds *positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.* Core Policy 51 requires that *any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.*

Whilst no objection is raised to the particular design of the dwellings, the materials or detailing proposed, their presence and their new residential curtilages are considered to be unjustified in policy terms and they represent an unnecessary incursion into the countryside of the AONB, which would be detrimental to its existing open character and setting. Furthermore, the land is currently undeveloped and is Grade 2 agricultural land (best and most versatile). It is further desirable to resist residential development on the site.

NPPF update, Setting of AONB and Dark Night Skies

The 2016 decision was made whilst the NPPF 2012 was in force. The AONB paragraphs have been updated in the latest 2021 iteration. Whilst not previously included as a reason for refusal, Members may also wish to consider the potential impact of the development on the *setting* of the AONB. The issue of *setting* as a consideration has been introduced in government planning policy in 2021 (since the 2016 decision was taken) and NPPF 2021 para 176 regarding AONBs states:

The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

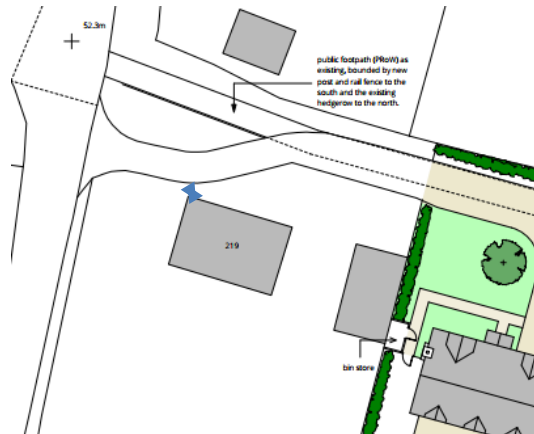
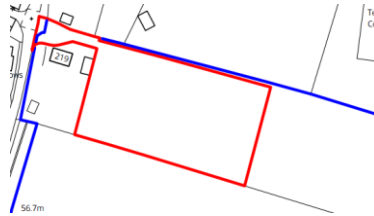
The AONB is a dark night skies reserve and Wiltshire Council has an obligation to reduce light pollution and not just minimise increases. No details have been submitted to show how the proposed dwellings would be compliant with the requirement not to increase lighting levels on and around the site, which lies outside the existing built area and could adversely affect the AONB's setting.

Neighbouring amenities

Policy CP57 (vii) also considers neighbouring amenities: *Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).*

The previous 2016 scheme was refused on amenity grounds, including the potential for overlooking into 219 Whitsbury Road and its garden and disturbance to the occupiers from increased vehicles using the new access. The 2016 included side elevation first floor windows, and these have been omitted from the latest scheme. However, the development still includes south facing dormer windows which would enable a degree of oblique overlooking into the southern portion of the neighbouring garden. Whilst this is a material consideration for the application, the level of harm is not considered to be sufficient to raise an objection on this ground.

The second issue relating to the *very* close proximity of the new driveway to the corner of No 219 has not changed. Members may consider that this harm is undesirable and potentially unacceptable, although it is noted that the site and No 219 are all in the applicant's ownership:



A noise impact assessment has also been submitted which concludes:

6.3 An assessment of noise from car movements associated with the proposed site has been undertaken. A recommendation has been made for a perimeter barrier, in order to reduce noise levels from vehicle movements created by the new development.

6.4 With the barrier in place as specified, calculations show that noise levels from car movements, as assessed at the nearest residential property, will be significantly lower than existing ambient noise levels and hence unlikely to cause disturbance.

On balance, it is noted that the revised scheme would require a noise barrier and the scheme as a whole could still cause a small degree of harm to the existing amenities of the occupiers of No 219 through overlooking and disturbance from the proximity of the new access. However, in the absence of any objections from the occupiers and the land all being under one ownership, no objection is raised under CP57 (vii).

8.3 Highway Safety and Rights of Way

Core Policies CP57, 60 and 61 are relevant to the application and the highways officer has stated:

I note the proposed provision of two new 3 bedroom dwellings. I also note that a new access is proposed for the site, to enable improved visibility splays to be provided. A similar application (16/12123/FUL) previously proposed the same access arrangements and these were previously accepted by my former colleague to serve two new dwellings and the existing dwelling. I concur that the proposed access arrangements would be sufficient for the development at the scale proposed.

I note that an existing public rights of way runs through the site and will, to some extent at least be affected by the proposals. I recommend that you consult the Council's Public Rights of Way team directly on this application.

Therefore, I recommend that no Highway objection is raised, subject to the following conditions and informative being added to any consent granted.

The Rights of Way officer initially objected to the scheme which affects an existing public footpath running through the proposed community orchard:

The path should be accommodated on the line shown below at a minimum width of 2 metres. If bounded by trees, fences or hedges it should be a minimum width of 3 metres. The applicant will also need to confirm how they intend to accommodate the section of path that runs along the existing access drive (between the road and the proposed new access drive). This should include details of width and surfacing and any proposed fences or hedges.

Revised plans have been received and the rights of way officer has removed their objection.

Therefore, no highway safety or rights of way objections are raised under Core Policies CP57, 60 and 61.

8.4. Biodiversity

Ecology

Core Policy 50 of the WCS states:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development should seek opportunities to enhance biodiversity.

A Preliminary Ecological Assessment has been submitted and has been welcomed by the Salisbury and Wilton Swifts group. In summary, the PEA concluded:

- A phase 1 survey was undertaken in October 2021 which found no evidence of protected species or habitats on the site but there is potential for reptiles and nesting birds at the site perimeters.*
- The plot was mainly short grass with sub-optimal habitat for reptiles. There was a section of ruderals at the west side of the plot which was suitable for reptiles.*
- No uncommon or rare plant species were found.*
- No evidence of protected species was found on site or nearby.*
- The potential for nesting birds should be considered when removing any scrub or hedging.*
- The proposed works are unlikely to affect any protected species.*
- Enhancement measures have been recommended and these will be implemented to increase the habitats and achieve a net biodiversity gain.*
- As part of the development, 0.2ha of the adjoining paddock will be turned into a community orchard with heritage tree species and wildflower areas. This will also help increase the net biodiversity gain*

Appendix G contains the proposed biodiversity enhancement measures for the elevations of the dwellings. However, detailed planting plans for the community orchard have not been included and this matter should be the subject of a condition if Members are minded to approve the

scheme with the community orchard included. A condition should also be attached to any planning application to secure the biodiversity enhancement measures contained in the PEA.
River Avon SAC catchment

This site falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all **planned** residential development, both sewered and non sewered, permitted during this period.

Following the Cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021.

Essentially, plan-led development that complies with *in principle* policies in the Wiltshire Core Strategy includes the following:

- (i) Allocations within the development plan - Wiltshire Core Strategy (including saved policies listed at Appendix D), Wiltshire Housing Site Allocations Plan and Neighbourhood Plans (Core Policy 2)
- (ii) Proposals within settlement boundaries and infill at Small Villages (Core Policy 2)
- (iii) Rural exception sites (Core Policy 44) [NB. this is only those defined by Core Policy 44 and not entry level exception sites in paragraph 71, NPPF]
- (iv) Outside settlement boundaries - only specialist accommodation, gypsy and travellers, rural workers dwellings, conversion and re-use of rural buildings consistent with policy (Core Policy 46,47 and 48)

It does not cover speculative residential development and this would require a bespoke AA, with mitigation funded by the developer.

For the reasons set out in this report, the site is not considered to lie within the existing built area of the small village and for this reason, it would be considered to be "speculative" residential development and not "planned" development for the purposes of the strategic Appropriate Assessment agreed with Natural England. In conclusion, as this application falls outside the scope of the mitigation strategy and strategic appropriate assessment, it is concluded that it could lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC, contrary to CP50 and CP69.

New Forest Special Protection Area, SAC and Ramsar

Applications for new residential development and visitor accommodation within the New Forest SPA buffer zone have potential to lead to a significant adverse effect on the SPA on account of additional recreational/visitor pressure upon the SPA which is likely to detrimentally impact qualifying features of the SPA, namely ground nesting birds. It can be expected that even a single unit could give rise to impacts in-combination with other plans and developments.

As such the application is screened into Appropriate Assessment and adequate mitigation will be required before the assessment can be concluded favourably, and the application can be lawfully approved.

The ecology team has drawn up an interim mitigation strategy(*) and the mitigation for developments of under 50 dwellings would be secured through CIL funding towards Strategic Access Management and Monitoring (SAMM). The Appropriate Assessment can therefore be concluded favourably on this matter. As this application would fall within the scope of the mitigation strategy and generic appropriate assessment, it is possible to conclude that it will not lead to adverse impacts alone and in-combination with other plans and projects on the New Forest SPA.

8.5 Drainage and flood risk

The site is within Flood Zone 1 of the River Avon catchment, in an area a low risk of groundwater flooding, where levels are between 0.5m and 5m below the surface. The guidance in the Strategic Flood Risk Assessment for this flood zone describes it as *having a risk of flooding to subsurface assets but surface water manifestation of groundwater is unlikely*. The LPA is required to consider the potential for flood risk from all sources of flooding under para 162 of the NPPF. As the site is shown to be at low risk from groundwater flooding, a sequential test and exceptions test are not considered to be required for this site as it would be located in an area with a lower risk of flooding, in compliance with para 163 of the NPPF.

However, the LPA is still required to consider the potential risks of flooding on the development and ensure that it does not increase the risk of flooding elsewhere under Core Policy 67 and NPPF para 167. The Drainage team initially commented:

While I can understand the applicant's logic with regards to groundwater levels likely to be significantly below the ground level of the site, however from what was submitted in support of this application, no borehole logs to confirm the applicant's claims have been provided (they state that there are logs to the East and West of the site which have recorded levels in February and June).

In addition, there needs to be a plan showing that the soakaway testing has been carried out in the area of the proposed soakaway, and that a plan needs to be provided to demonstrate where the soakaway will be positioned.

With regards to construction of soakaways within chalk, the below is an extract from the CIRIA Guidance. I would suggest that the applicant needs to provide the GI to demonstrate the density of the chalk if they wish to construct a soakaway within 10m of buildings / public highways.

Please note that we would be able to condition the application once we have received copies of the above requested information: borehole logs to substantiate the applicants claims, soakaway testing location plan

Infiltration testing was duly carried out on site and the results were submitted in a report, which concluded:

The soakage rate identified is (as to be expected in chalk) a high rate and confirms the suitability of soakaways which can be a minimum of 10m away from any building or road, and which will not intercept the water table as a means of draining the development.

On this basis it is clear that there is no impediment to providing an infiltration based surface

water drainage solution for this planning application and, as such, it would be entirely appropriate for any planning permission to be conditioned with a standard planning condition requiring the surface water drainage arrangements to be submitted and approved prior to development commencing.

The Drainage team as LLFA are content with the report findings and raised no objection.

It is noted that a package treatment plant is proposed to serve the dwellings which would comply with para 020 of the NPPG. There is sufficient space within the applicant's ownership to accommodate a PTP and this should be conditioned as part of any permission, along with surface water disposal.

8.6 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. All development containing at least 100 square metres of new build is chargeable, although residential extensions which are built by 'self builders' are exempt from CIL. An informative would be placed on any permission to advise the developer regarding CIL.

8.7 Conclusion and Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks consent for two dwellings outside the existing built area for the small village of Odstock, in the AONB, the New Forest SPA, SAC and Ramsar and the River Avon SAC catchment. The tilted balance would not automatically apply under para 11 footnote 7 where harm is identified to these protected sites.

The Wiltshire Core Strategy and the NPPF set out the policy considerations for the application and the LPA cannot currently demonstrate a 5 year housing land supply. Irrespective of the extent of such shortfall, this means that the WCS policies relating to the delivery of housing are out of date. Paragraph 11(d) of the NPPF is therefore engaged, which says planning permission should be granted unless 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 or the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The development would secure two additional dwellings. Para 60 of the NPPF seeks to significantly boost the supply of housing and encourages a variety of land to come forward. This can be afforded some limited weight in the determination as the development would have only a very modest impact on housing supply in the South HMA. However, this modest benefit is considered to be outweighed to the harm that the development would cause by undermining the settlement and delivery strategy policies of the WCS for infill at small villages.

The provision of biodiversity enhancement measures as part of the scheme can also be afforded modest weight, although it is unclear at this time how the community orchard could be secured in perpetuity for wider community benefit and no unilateral undertaking has been offered to secure this. There would also be some harm to the setting of the AONB as a result of the development in this open part of the settlement, and contrary to the aims of the Dark Skies Reserve initiative which actively seeks to reduce light impact in the AONB.

The development is unlikely to cause significant material harm to neighbouring amenities and the highways and rights of way matters have been addressed. Drainage and flooding matters have been considered and can be suitably conditioned to ensure that the dwellings can be adequately served by on site infrastructure.

The River Avon catchment area is a European site and every permission that results in a net increase in foul water entering the catchment could cause further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. Significant weight is attached to this potentially adverse impact at the present time.

Therefore, officers consider that the planning balance weighs against the development at present due to the identified harm to a protected site and the likely harm that would be caused to the settlement and delivery strategies in CP1 and CP2 of the WCS, which would be undermined by approving this proposal as an infill development at a small village.

9 RECOMMENDATION: REFUSE for the following reasons:

1. The proposal is located on the edge of a small village within the AONB, which the Wiltshire Core Strategy identifies as having a limited level of services and facilities. This proposal for two dwellings does not meet the definition for infill development within small villages and the development would result in the creation of backland development in an open area, contrary to the established linear pattern along the eastern side of Whitsbury Road and to the detriment of the setting of the AONB. The development would 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 being reliant on the use of the private car for day to day activities and journeys. Therefore, the proposed development is considered contrary to Core Policies 1, 2, 44, 51 and 60 of the Wiltshire Core Strategy and paragraphs 11(d) and 176 of the NPPF.
2. The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 11d(i), 180-182 of the National Planning Policy Framework.