

Date of Meeting	03/07/2014
Application Number	13/00636/FUL
Site Address	Brook Cottages Gasper Stourton Warminster Wiltshire BA12 6PY
Proposal	Construction of three two bedroom affordable houses; one three bedroom affordable house and a structure which would provide garaging for eight vehicles and bike and bin storage.
Applicant	Mr Nick Hoare
Town/Parish Council	STOURTON WITH GASPER
Electoral Division	MERE
Grid Ref	376230 133075
Type of application	Full Planning
Case Officer	Steven Banks

Reason for the application being considered by Committee

The Division Member, Cllr George Jeans, has requested the consideration of this planning application at a Planning Committee if the Case Officer's recommendation is not to grant planning permission for this proposal in order to consider the need for this local housing.

The Case Officer has recommended the refusal of the planning application and therefore the application is to be considered by a Planning Committee.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission 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. The principle of the proposal site being developed as a rural exception site
2. The provision of affordable housing and Wiltshire Council's allocations policy
3. Financial contributions towards the provision of recreational open space
4. The impact that the proposal would have on residential amenity
5. The impact that the proposal would have on the character and appearance of the area surrounding the proposal site
6. The impact that the proposal would have on highway safety

3. Site Description

This application relates to a piece of land which is located to the south of Gasper Street in Gasper. The site slopes gently from north down to south and is relatively overgrown. The surrounding area is predominantly rural in character. Two dwellings exist to the west of the site and further dwellings can be found in positions which are adjacent to Gasper Street. The proposal site falls within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and outside of any Housing Policy Boundary.

4. Planning History

It is not considered that there is any planning history which is of relevance to this application.

5. The Proposal

The proposal is to: Construct three two bedroom affordable houses; one three bedroom affordable house and a structure which would provide garaging for eight vehicles and bike and bin storage.

6. Planning Policy

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

National Planning Policy Framework (NPPF) 2012:

This Framework sets out the Government's planning policies for England. The Framework repeats that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Part 6, delivering a wide choice of quality homes, and part 7, requiring good design, of the NPPF are considered to be particularly relevant to the determination of this application.

The following policies are relevant to the determination of this application and are considered to align with the principles, aims, objectives and intentions of the NPPF. The following policies are therefore considered to carry significant weight.

Salisbury District Local Plan saved policies (which are 'saved' policies of the adopted South Wiltshire Core Strategy):

G2: General criteria for development

C5: Small scale development proposals within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

TR11: The provision of off street car parking spaces

R2: Open space provision

H23: Residential Development outside Housing Policy Boundaries

South Wiltshire Core Strategy:

Core Policy 3 Meeting Local Needs for Affordable Housing

Wiltshire Core Strategy:

Core Policy 44 Rural exception sites

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport and New Development

Wiltshire Local Transport Plan Car Parking Strategy:

PS6 Residential parking standards

7. Consultations

Cranborne Chase and West Wiltshire Downs AONB Partnership Landscape and Planning, in their consultation response, expressed concerns regarding the appearance of the proposed dwellings. The AONB Group further expressed that they would wish to see sufficient internal storage space for household recycling and robust mechanisms to ensure that the properties remained affordable in perpetuity. They also expressed that they would wish to be assured that the proposals would comply with the AONB Group's Position Statement on light pollution.

Wiltshire Council, Land Adoptions Department, Technical Officer, in their consultation response, considered that a financial contribution of £5,800.20 towards the cost of providing public recreational facilities should be sought in line with saved policy R2.

Stourton with Gasper Parish Council, in their consultation response, expressed their support for the application. It should be noted that reference was made to the proposed dwellings remaining available for local people to rent at an affordable price.

Wiltshire Council, New Housing Department, Development Officer, in their consultation response, considered that the proposed method of allocations is contrary to Wiltshire Council's allocation policy and objected to the proposal.

Wiltshire Council Ecologist, in their consultation response, did not object to the proposal subject to the imposition of one condition and the attachment of one informative on any planning permission. The condition related to the retention of the trees and scrub which exists on the proposal site's boundaries and the informative related to protected species.

Wiltshire Council highways Officer, in their consultation response, considered that the proposal would represent an unsustainable form of development and objected to the proposal.

8. Publicity

This application was advertised via site notice and letters of consultation.

22 letters of support and 1 letter of objection have been received.

In summary, the grounds of the objection related to the considerations that the proposal would be remote from facilities, public transport and activities, employment opportunities are low in the area, the additional traffic would harm highway safety and the proposed houses do not meet the housing type demand in the area.

In summary, the grounds of support related to the considerations that there is a need for affordable housing for local families, the proposal would be eco friendly, the proposal would use a brown field site and the proposal would have a minimal impact on the local environment.

9. Planning Considerations

9.1 The principle of the proposal site being developed as a rural exception site:

Saved Policy H23 of the Salisbury District Local Plan, Core policy 3 of the South Wiltshire Core Strategy and Core Policy 44 of the Wiltshire Core Strategy are considered to be the relevant policies of which to assess the principle of the proposal site representing a rural exception site.

Saved policy H23 of the Salisbury District Local Plan defines undeveloped land which falls outside of any Housing Policy Boundary as being countryside, where the erection of new dwellings will only be permitted where provided for by policies H26 or H27. Policy H26 relates to the provision of affordable housing and has been replaced by Core Policy 3 of the South Wiltshire Core Strategy, Saved policy H27 of the Salisbury District Local Plan relates to the provision of housing for rural workers. Core Policy 3 of the South Wiltshire Core Strategy expresses that exception sites, where affordable housing is provided outside of any housing policy boundary, should be sensibly and sensitively located within easy access to employment and services.

Core Policy 44 of the Wiltshire Core Strategy permits the development of small sites, which, amongst other factors, are located outside but adjoining the development limits of Local Service Centres and Large Villages, or are adjacent to the existing built area of Small Villages, where employment and services are easily accessible from the site, for the provision of affordable housing as an exception to normal policy where it can be demonstrated that a proposed development would meet a particular locally generated need that cannot be accommodated in any other way.

The piece of land to which this application relates falls outside of any Housing Policy Boundary and is therefore considered to be countryside. Material has been submitted as part of this planning application which expresses that the proposed four dwellings would be classified as affordable. Affordable housing is housing which is, "provided to eligible households whose needs are not met by the market" (NPPF).

The proposal site forms part of the open countryside which forms part of the Hamlet known as Gasper. It is considered that the proposal site does not adjoin the development limits of a Local Service Centre or Large Village where employment and services are easily accessible. It is also considered that the proposal site is not adjacent to the existing built area of a Small Village where employment and services are easily accessible.

The proposal site, by reason of its location, which is remote from services and employment, does not represent an exception site. Consequently, the principle of developing the proposal site as a rural exception site is not accepted. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan.

9.2 The provision of affordable housing and Wiltshire Council's allocations policy:

It is stated in the NPPF that, "Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges where applicable)."

The Council's housing officer is concerned that the applicant proposes that the housing would not have to be registered with Homes4Wiltshire and would not have to be allocated through the Homes4Wiltshire allocations policy. This includes the proposal that the affordable housing could be offered to applicants who fall into the current Bronze band on the housing register, who will no longer be considered in housing need, or be eligible to register or bid for affordable rented properties when the new Allocations Policy takes effect later this year. These two issues do not conform with Wiltshire Council's current or emerging allocations policy. It was further considered that the proposed definition of local connection does not conform with Wiltshire Council's allocations policy.

Therefore, although, the proposed housing maybe offered at an affordable rent, as defined in the NPPF, it is considered that the proposal is contrary to Wiltshire Council's allocations policy.

It is therefore considered that the proposed housing would not function as affordable housing as defined in Wiltshire.

9.3 Financial contributions towards the provision of recreational open space:

On proposal sites where residential development is proposed, a financial contribution, under saved policy R2, is sought towards the provision of recreational open space. Legal agreements are entered into when applicants are willing to comply with the requirements of saved policy R2. As there is no R2 payment or agreement with this proposal. This forms a further reason for refusal.

9.4 The impact that the proposal would have on residential amenity:

Criterion (vi) of saved policy G2 of the Salisbury District Local Plan and criterion vii of Core Policy 57 of the Wiltshire Core Strategy are considered to be the relevant criterion of the policies against which to assess the impact, that the proposal would have on residential amenity.

Criterion (vi) of saved policy G2 requires new development to avoid harming the amenity of the occupants of adjoining dwellings and uses and criterion vii of Core Policy 57 of the Wiltshire Core Strategy requires new development to have regard to the compatibility of adjoining buildings and uses, the impact that the development would have on the amenity of existing occupants and to ensure that appropriate levels of amenity are achievable within the development itself.

The proposed structures, by reason of their size, in terms of their height, width and depth, and the separation distance between the proposed structures and the nearest properties and the views which would be possible from the proposed openings, would not harm the amenity of the occupiers of the properties nearest to the proposed works.

The proposed structures, by reason of their size, in terms of their height, width and depth and their positioning in relation to each other and the views which would be possible from the proposed openings, would ensure that appropriate levels of residential amenity would be achievable within the site.

The proposal is therefore considered to be in accordance with criterion (vi) of saved policy G2 and criterion vii of Core Policy 57 of the Wiltshire Core Strategy

9.5 The impact that the proposal would have on the character and appearance of the area surrounding the proposal site:

Good design forms an important theme in the NPPF. Paragraph 56 of the NPPF states that, "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 of the NPPF further states that, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Saved policy C5 of the Salisbury District Plan permits development within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty which would be sympathetic with the landscape, criterion (iv) of saved policy G2 of the Salisbury District Local Plan requires new development to respect the physical environment and criterion (i), (ii), (iii) and (vi) of Core Policy 57 of the Wiltshire Core Strategy requires new development to respect the physical environment.

The proposed development, by reason of its design, size, positioning and materials, would not undermine the character of the area.

The proposal is therefore considered to be in accordance with criterion (iv) of saved

policy G2 of the Salisbury District Local Plan, criterion (i), (ii), (iii) and (vi) of Core Policy 57 of the Wiltshire Core Strategy and saved policy C5 of the Salisbury District Local Plan

9.6 The impact that the proposal would have on highway safety:

Part (i) of saved policy G2 of the Salisbury District Local Plan states that new development will be assessed against the provision of a satisfactory means of access and turning space within the site. Reference is also made to the provision of a sufficient level of parking. Saved policy TR11 of the Salisbury District Local Plan requires the provision of a sufficient level of off street parking spaces for development proposals, Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy Document provides minimum residential parking standards and criterion ii of Core Policy 61 of the Wiltshire Core Strategy requires proposals to be capable of being served by a safe access to the highway network. Wiltshire Council's Highways Department did not object to the proposal on the grounds of an unsatisfactory means of access and turning space or an insufficient level of proposed parking and it is considered that a satisfactory means of access and turning space within the site and a sufficient level of parking is proposed. It is consequently considered that the proposal would not conflict with saved policy TR11 of the Salisbury District Local Plan, part (i) of saved policy G2 of the Salisbury District Local Plan, Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy Document or criterion ii of Core Policy 61 of the Wiltshire Core Strategy.

10. Conclusion

The proposal site, by reason of its location, in the open countryside, which is remote from services and employment, does not represent an exception site. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

The proposal, by reason of the lack of a financial contribution towards recreational open space, is contrary to saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

11. RECOMMENDATION

Planning Permission should be REFUSED for the following reasons:

1. The proposal site, by reason of its location, in the open countryside, which is remote from services and employment, does not represent an exception site. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).
2. It is not intended to register the housing with Homes4Wiltshire, or to allocate the housing through the Homes4Wiltshire allocations policy and the proposed

definition of local connection, is contrary to Wiltshire Council's allocations policy. The proposal is therefore contrary to Wiltshire Council's allocations policy and it is consequently considered that the proposed housing would not function as affordable housing as defined in Wiltshire. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

3. The proposal, by reason of the lack of a financial contribution towards recreational open space, is contrary to saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

Informatives:

1. In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

2. It should be noted that the reason given above relating to policy R2 of the adopted Local Plan could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement contributing to recreational open space provision.