

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	31 May 2018
<b>Application Number</b>	18/01233/FUL
<b>Site Address</b>	Land adjacent to Kings Farm Livery Road Winterslow Salisbury
<b>Proposal</b>	Two dwellings and associated access, car parking and landscaping
<b>Applicant</b>	Mr R Hewlett
<b>Town/Parish Council</b>	WINTERSLOW
<b>Electoral Division</b>	WINTERSLOW – Cllr Chris Devine
<b>Grid Ref</b>	423289 132069
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Warren Simmonds

**Reason for the application being considered by Committee**

The application has been called-in by Cllr Devine if officers are minded to refuse.

**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 for the reason(s) set out below.

**1. Report Summary**

The issues in this case are:

- The principle of residential development in this location;
- Scale, design, materials and impact on character of the area;
- Highway safety;

The publicity has generated three letters in support of the application. Two representations were received objecting to the proposal on grounds of undue overlooking of a property opposite and concerns in respect of the maintenance and rights to use the access track to plot 3. One representation was received which made comments in respect of the use of the track, but was neither in support or opposition to the proposed development.

Winterslow parish council – No objections

The Winterslow Neighbourhood Plan Steering Group has submitted a 'position statement' in respect of the current status/progress of the Neighbourhood Plan (details in report below and attached to this report at Appendix A).

## 2. Site Description

The application site is an open area of land that it is understood has previously been used for the growing of vegetables and flowers. It has an existing access from Livery Road.

The site is on the east side of Livery Road with open farmland to its west and south sides. To its east side (on the other side of Livery Road) are residential properties within West Winterslow.



SDLP map provided for information



Site outlined in red

In planning policy terms the site lies within the countryside, being outside of the housing policy boundary (defined limits of development) of West Winterslow (the boundary runs along the opposite edge of Livery Road). The site also lies within a Special Landscape Area (saved local plan policy C6 refers).

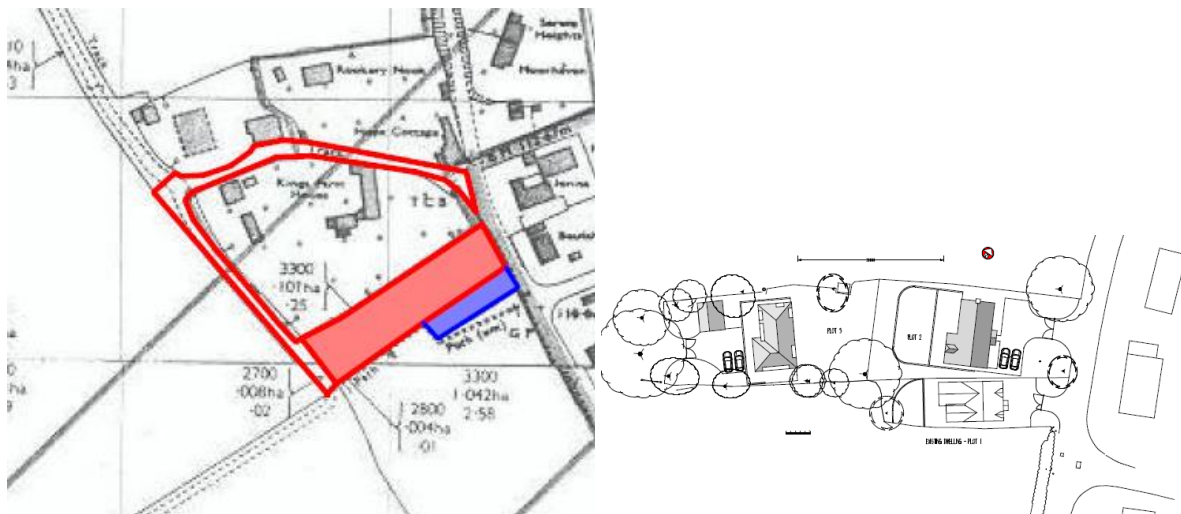
## 3. Planning History

13/02775/FUL Erect 3 bed dwelling and alterations to existing access (Refused)

- 13/04550/FUL      Erection of 3 bed detached dwelling and alterations to existing access (Refused)
- 16/04668/FUL      New dwelling and alteration to existing access and parking (Approved with Conditions 15.08.16)

#### 4. The Proposal

The application proposes the development of the land by the erection of two detached four bedroom dwellinghouses with associated access, car parking and landscaping. One of the new dwellings (referred to as plot 2) is to have an access directly off Livery Road, the other (plot 3) is to be accessed via a private track (byway) extending from Livery Road westwards, then joining the right of way (WSLO113 – footpath) and running south east to the top of the site for plot 3:



#### 5. Local Planning Policy

The Wiltshire Core Strategy (WCS) was adopted in January 2015 and constitutes the primary planning document. Also of relevance are the NPPF & NPPG and the emerging Winterslow Neighbourhood Plan.

#### 6. Summary of consultation responses

- WC Highways – Support, subject to Conditions
- Spatial Planning – Advice provided (see detailed response below)
- Rights of Way officer – No objections
- Wessex Water – Standard letter of advice for non-sewered area
- Winterslow parish council – No objections

The Winterslow Neighbourhood Plan Steering Group has submitted a 'position statement' in respect of the current status/progress of the Neighbourhood Plan (details in report below and attached to this report at Appendix A).

#### 7. Publicity

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated three letters in support of the application. Two representations were received objecting to the proposal on grounds of undue overlooking of a property opposite and concerns in respect of the maintenance and rights to use the access track to plot 3. One representation was received which made comments in respect of the use of the track, but was neither in support or opposition to the proposed development.

## **8. Planning Considerations**

### 9.1 Principle of development and policy

The principle consideration in the planning decision for this application is the policy context for the proposal, being outside of the defined limits of development. The defined limits of development for Winterslow as set out within the adopted Wiltshire Core Strategy policies maps include the land on the opposite side (East) of livery road, but the application site itself is excluded. The former SDLP H19 Housing Restraint Area used to extend to the North as far as including the curtilage of the adjoining property 'Kings Farm' but did not include the application site. Policy H19 ceased to exist in January 2015 when the WCS was adopted (former H19 areas are now considered countryside where they are outside of the defined limits of development as described by the WCS policies maps).

The Council's Spatial Planning officer has assessed the proposal and provides the following consultation response:

#### **Site status**

The site is situated outside the current settlement boundary for Winterslow, as defined by the former Salisbury District Local Plan (adopted 2003) and carried forward and retained into the Wiltshire Core Strategy, which was adopted in January 2015.

Core Policy 2 (Delivery Strategy) states that

#### ***“Within the defined limits of development***

*Within the limits of development, as defined on the policies maps accompanying the Core Strategy, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns (including Westbury), Local Service Centres and Large Villages.*

#### ***Outside the defined limits of development***

*Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25 (of the adopted Wiltshire Core Strategy), development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans”.*

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)

- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48) – *see below for further discussion*

The settlement boundaries are currently being reviewed as part of the Wiltshire Housing Site Allocations DPD, as set out in the council's Local Development Scheme, to ensure that they are up to date and can adequately reflect changes which have happened since they were first established. The DPD will also identify additional sites to ensure the delivery of housing land across the plan period in order to maintain a five year land supply in each Housing Market Area. A draft Plan was published for consultation between July and September 2017. The current published timetable for the Wiltshire Housing Site Allocations DPD will see the Plan submitted to the Secretary of State for an independent public examination in spring 2018. It will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan.

### **Spatial strategy for the Southern Wiltshire Community Area (Core Policy 23)**

The overall strategy for the Southern Wiltshire Community Area is to provide for balance growth of both housing and employment to deliver sustainable communities and help address the shortfall in affordable housing.

Development will need to take into account the Community Area's location within a nationally designated landscape, i.e. the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and the New Forest National Park. It will deliver a modest and sustainable level of development with the overall objective of conserving the designated landscapes.

Specific issues to be address in planning for the Southern Wiltshire Community Area include:

- strategic growth would be inappropriate, partly due to congestion on the A36
- transport assessments required for all major applications proportionate to the scale of development, which must include an assessment of congestion on the A36
- some managed growth is necessary to support ongoing business growth and development, to ensure the existing strong employment opportunities in the area are maintained
- limited development will also help to address the shortfall in affordable housing in the area
- the New Forest National Park is an important resource and so protecting the natural environment is a priority
- ongoing protection and enhancement of the stone curlew and calcareous grassland habitat at Porton Down
- development in the vicinity of the River Avon (Hampshire) must incorporate appropriate measures to ensure that it will not adversely affect the integrity of this Special Area of Conservation

Development within the Community Area will need to conserve the designated landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics.

### **Status of the development plan**

#### National Planning Policy Framework

The National Planning Policy Framework (NPPF) presents a presumption in favour of sustainable development at paragraph 14. This forms the basis of a 'golden thread' running through plan making and decision taking.

The NPPF states that *'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*.

Therefore, proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The core planning principles are set out in paragraph 17 of the NPPF. Paragraphs 18-219 constitute what sustainable development means in practice. The sections of the NPPF that are considered relevant to this application, as well as paragraphs 14 and 17, are:

- Delivering a wide choice of high quality homes

#### The Development Plan

In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Wiltshire Core Strategy

The Wiltshire Core Strategy was adopted in January 2015.

The main policies relevant to the consideration of this application include:

- CP1 Settlement strategy
- CP2 Delivery Strategy
- CP3 Infrastructure Requirements
- CP23 Southern Wiltshire Community Area Strategy
- CP43 Providing Affordable Homes
- CP45 Meeting Wiltshire's Housing Needs
- CP48 Supporting Rural Life

Other policies may also need to be taken into account in relation to the proposed development, including the following:

- CP41 Sustainable Construction and Low Carbon Energy
- CP44 Rural Exception Sites

- CP50 Biodiversity and geodiversity
- CP51 Landscape
- CP52 Green Infrastructure
- CP56 Contaminated Land
- CP57 Ensuring high quality design and place shaping
- CP58 Ensuring the conservation of the historic environment
- CP60 Sustainable Transport
- CP61 Transport and New Development
- CP62 Development Impacts on the Transport Network
- CP64 Demand Management
- CP67 Flood Risk
- CP68 Water Resources

### **5 year housing supply**

NPPF paragraph 47 requires that, to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. NPPF paragraph 49 identifies relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing.

The proposed development lies within the South Wiltshire Housing Market Area (HMA). The latest published evidence (the Housing Land Supply Statement (HLSS), base date April 2017, published March 2018) indicates that a 5 year (and 5% buffer) land supply exists for this HMA. Specifically, Table 2 of the HLSS March 2018 indicates that there is a 5.68 years of deliverable supply in the South Wiltshire HMA. The supply is made up of qualifying permissions, existing saved Local Plan, Wiltshire Core Strategy, Chippenham Site Allocations Plan, and Neighbourhood Plan allocations, and also includes the proposed allocations sites in the emerging Wiltshire Housing Site Allocations Plan.

Appendix 6 to the HLSS March 2018 sets out the indicative remaining requirement in the Southern Wiltshire Community Area<sup>1</sup> for the rest of the Core Strategy period, up to 2026, which is 0 dwellings (Downton Town) and 0 dwellings (Southern Wiltshire Community Area remainder), with an overall requirement of 0 dwellings.

Further information about the five year housing land supply can be found in the [Housing Land Supply Statement \(HLSS\) March 2018](#), which is available on the Wiltshire Council website, or by contacting Chris Roe, Monitoring and Evidence Manager, on 01225 713979.

### **Spatial Planning Officer's Summary**

The proposed development site comprises undeveloped land, situated outside the current settlement boundary of Winterslow, with Livery Road to the east, Kings Farm to the north and further open fields/ countryside to the west and south.

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The site is situated outside the current settlement boundary for Winterslow. The settlement boundaries are currently being reviewed as part of the forthcoming Wiltshire Housing Site Allocations DPD to ensure they are up to date. The current published timetable for the DPD will see a draft Plan submitted for examination in 2018. Settlement boundaries can also be reviewed by the community through a neighbourhood plan.

The proposed development would need to demonstrate that it is in accordance with the spatial strategy for the Southern Wiltshire Community Area, as set out in Core Policy 23.

The latest published evidence (the Housing Land Supply Statement (HLSS), base date April 2017, published March 2018) indicates that a 5 year land supply exists for this HMA.

The Wiltshire Housing Site Allocations DPD will also identify additional sites to ensure the delivery of housing land across the plan period in order to maintain a five year land supply in each Housing Market Area.

### 9.2 The status of the draft Winterslow Neighbourhood Plan

The draft Winterslow Neighbourhood Plan (NP) remains at an early stage in the adoption process. The draft plan has not yet been through Regulation 14 Community Engagement or Consultation and consequently carries very little weight.

Additionally, the draft Winterslow NP is currently in a state of 'flux' whereby according to the Winterslow NP Steering Group's recent update (April 2018 – included in full as Appendix A to this report), all site allocations have now been removed from the draft NP:

*"The Steering Group, having removed the proposals for the remaining 2 large 15 unit sites, are now considering how to construct an NP that continues to provide the dispersed small site developments that the community has supported from day one.*

*You will recall that, in addition to the 3 large sites, we proposed 7 small sites. 4 of these sites have already received planning permission.*

*Our original proposals would have delivered about 56 homes over a long period. As time has passed about 50 homes have already been approved in the Parish and several more are currently in the 'pipeline'.*

***As such development is proceeding faster than we ever envisaged we have also decided to remove all Site Allocations from the draft NP."***

Therefore, for the reasons set out above, the proposed development is considered unacceptable in planning policy terms .

### 9.3 Design and Impact on area and amenity

The proposed dwellinghouses are considered generally acceptable in terms of their siting, scale, design and materials and would not result in undue impacts on the existing character of the surrounding area or the wider landscape.

It is considered that by reason of the siting, orientation and general relationship between the proposed dwellings and the closest existing neighbouring dwellings, the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

A representation from the occupier of the existing property 'Beulah' was received raising concern/objection to overlooking from the proposed development. Proposed dwelling plot 2 is the closest to the objector's property – officers have carefully considered the impact of the



proposal on the amenity of neighbouring properties. Plot 2 is set back from the road slightly further than existing plot 1. Whilst there would be a degree of inter-visibility between the fronts of proposed plot 2 and Beulah, this would be mitigated by the distance and relationship between the two properties (being on opposite sides of Livery Road) and it is considered, would not result in *undue* overlooking to the detriment of amenity.

#### 9.4 Highways matters

The application proposes the development of the land by the erection of two detached four bedroom dwellinghouses with associated access, car parking and landscaping. One of the new dwellings (referred to as plot 2) is to have an access directly off Livery Road, the other (plot 3) is to be accessed via a private track (byway) extending from Livery Road westwards, then joining the right of way (WSLO113 – footpath) and running south east to the top of the site for plot 3:



Byway indicated by brown line, footpath indicated by purple line

The applicant has demonstrated legal vehicular access rights to use the footpath. The Highways officer has provided the following comments:

*“I note that plot 2 is shown with access directly from Livery Road whereas plot 3 would gain access via the byway known as Back Drove.*

*I have no particular highway safety issue with the access from Livery Road as sufficient sight lines are achievable based on splays of 2.4m by 43m. The parking and turning is acceptable even allowing for three vehicles to be parked as per the current parking standards for a 4x bed dwelling.*

*On the basis that vehicular access rights do exist along footpath WSLO113, I am in a position to support the use of the footpath and byway to serve the proposed development of plot 3.*

*I regret that I am not in agreement regarding the condition of the track. I have visited the site and I note the representations made by local residents. The surface of the track is poor and requires some improvements prior to occupation. I also suggest that a Construction Method Statement is submitted to ensure that the developer considers the impact of construction on the local environment.”*

#### 9.5 S106 contributions

None relevant

## 10. Conclusion

It is considered that the proposal is contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. Therefore officers raise a policy objection to the application at this time.

**RECOMMENDATION: That the application be REFUSED,** for the following reason:

The application site is situated outside of the defined limits of development as set out within Core Policies CP1, CP2 and CP24 of the adopted Wiltshire Core Strategy and the associated policies maps. Whilst the application site had been included in the emerging Winterslow Neighbourhood Plan, however the Neighbourhood Plan is not yet formally part of the development plan for the area and the most recent update from the Neighbourhood Plan Steering Group is that all housing site allocations that were previously included in the draft NP have been removed.

The proposal is therefore considered contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. The proposal is therefore contrary to Core Policies CP1, CP2 and CP24 of the adopted Wiltshire Core Strategy, the emerging Winterslow Neighbourhood Plan, and the aims of the NPPF, which advocates a plan-led approach.