

REPORT FOR WESTERN AREA PLANNING COMMITTEE**Report No.**

Date of Meeting	19 August 2020
Application Number	19/02719/OUT
Site Address	Steeple Ashton Kennels And Cattery Edington Road Steeple Ashton BA14 6HP
Proposal	Outline planning application for the demolition of existing buildings/structures, and residential development (Class C3) of up to 9 no. dwellings; with associated car parking, turning, landscaping, private amenity space, access arrangements, and provision of footway - External access not reserved (Re-submission of Application No 18/07416/OUT).
Applicant	Mr & Mrs T McColgan
Town/Parish Council	STEEPLE ASHTON
Electoral Division and Ward Member	SUMMERHAM AND SEEND – Cllr Jonathon Seed
Grid Ref	390,810 156,090
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Jonathon Seed, as the Unitary Ward Member, requested that should officers be minded to refuse this application, it should be brought before the elected members of the western area planning committee for its determination and to specifically consider the visual impact upon the surrounding area, the relationship to adjoining properties as well as the design and highway impacts.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be refused.

2. Report Summary

The main issues discussed in this report are as follows:

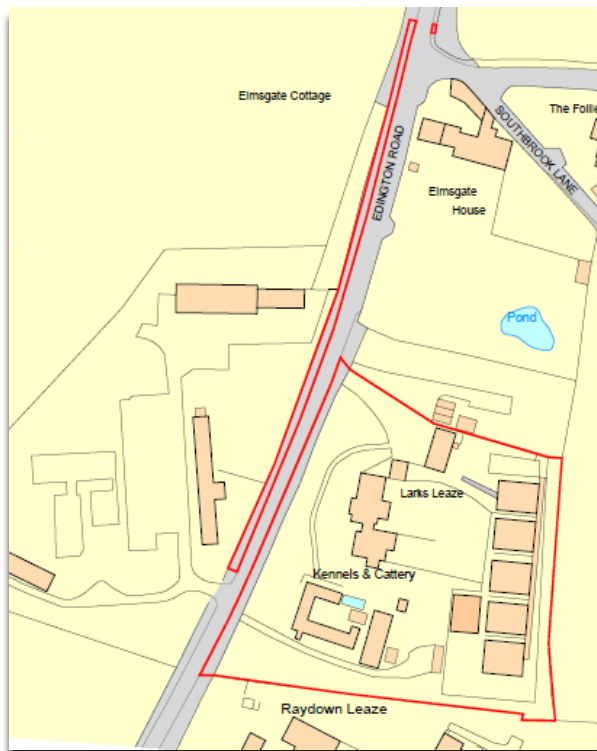
- The Principle of the Development
- Meeting Wiltshire's Housing Needs
- Highway Safety and Parking
- Impact on Landscape
- Impact on Ecology
- Impact on Designated Heritage Assets
- Drainage Matters
- s106/CIL Contributions

3. Site Description

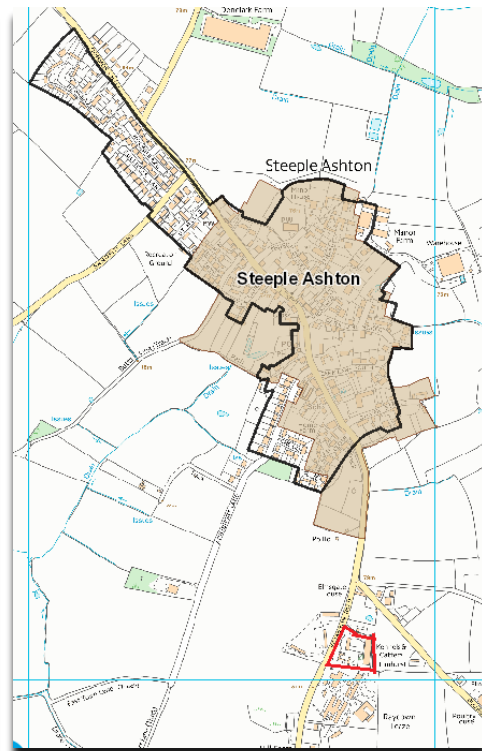
The application site comprises a site area of approximately 0.91 hectares which has a number of buildings including 'Larks Leaze', a residential property and a residential annex, in addition to the numerous dog kennel and cattery outbuildings. There are two existing vehicular accesses to the site, with the main one being located at the northern corner of the site served by Edington Road with the second being located further to the south (which is understood to be mainly used for deliveries). The site area referenced above does not include the land take up for the proposed new pavement along Edington Road.

The application site is located within the open countryside and approximately 450 metres away from the established village settlement boundary limits of Steeple Ashton. The application site

is not subject to any specific land designation (e.g. AONB or Green Belt) but the Council's mapping constraint database indicates that the site is prone to ground water flooding issues.



Site Location Plan



Extract from Wiltshire Core Strategy

The above two inserts reveal the location of the application site in relation to the village limits (identified by the thick black line above right) and the conservation area (illustrated in brown). There is, at present, no pavement on either side of the road serving the application site, and the nearest pavement is located some 115 metres to north and near to the junction with Southbrook Lane (illustrated above left).

To the immediate north of the site, a timber log store business operates along with 'Elmsgate House', a grade II listed building some 80 metres from the site. To the west there is a business unit where bespoke kitchens are made (by Stephen Graver) which also includes a former office unit that benefits from prior approval to convert it into 4 dwellings under Schedule 2, Part 3, Class O of the General Permitted Development Order (under application 17/04002/PNCOU). It should also be noted that the office unit located closest to the application site (to the west, and as illustrated by the above left insert) was refused permission for 10 residential units by application 16/11247/PNCOU due to noise nuisance concerns associated to the adjacent businesses and land uses. Officers duly noted that the Parish Council were opposed to the PNCOU development citing noise, transport and highway concerns. The application was refused for the following reason:

1) The proposal by reason of the impacts of noise from the kennel boarding premises to the east on the intended occupiers of the development would be contrary to paragraph 123 of the National Planning Policy Framework 2012 and due to the provisions within paragraph W, the condition set out in paragraph O.2 of Class O, Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended). The PNCOU refusal was not appealed.

4. Planning History

The annex to 'Larks Leaze' was first granted permission by applications W/74/0429 (which gained permission for a *bungalow to be occupied by the manager of the on-site business*) and

W/75/0578 which had conditions imposed limiting the occupants of the bungalow to either work in the making of dog food (at Larks Leaze) or to manage the adjacent dog kennel business.

Under application W/84/00987 permission was granted for an annexe extension to the bungalow to be occupied by the retiring parents, and upon approving the application the LPA imposed a planning condition linking the bungalow to Larks Leaze to avoid the two being separated.

Additional dog kennels were approved in 1984 under application W/84/00852/FUL and a cattery development was approved in 1985 by application W/85/01182/FUL. Additional cattery related development was approved in 1992 under application W/92/00131/FUL. In 1996 application W/96/00880/FUL was however refused for the retention of two caravans to be occupied for staff accommodation.

More recently, application 18/07416/OUT for 9 dwellings at the Larks Leaze site was withdrawn.

5. The Proposal



Proposed indicative site plan – the accesses are part of the outline application

This outline application seeks permission to demolish all of the dog kennels and cat cabins and to erect up to 9 dwellings (whilst retaining the existing dwelling and annexe identified as the largest building block above) all of which would be served by the two existing vehicular accesses. The indicative plans show that the main existing access (at the northern end of the site) would be used to serve 6 of the proposed dwellings units 3-8. Whilst the existing southern access would serve units 1-2, 9 and the existing Lark Leaze property – with a widened access.

This application has been subject to revisions since March 2019 reducing the number of vehicular accesses from four to two, and providing an 8-10-metre-wide 'reptile and wildlife' buffer along the site boundaries following extensive negotiations with the Council's ecologist.

The applicant also proposes to construct a new pavement link (on the western side of Edington Road) to connect with the existing pavement some 115 metres to the north.

For the avoidance of any doubt this is an outline application, whereby the Council is invited to consider the principle of residential development with the proposed vehicular means of access being the only detailed matter for consideration.

Matters relating to the appearance, layout, scale and landscaping would be 'reserved matters' for future applications, should members resolve to approve this outline application. The plan included on the previous page is therefore indicative and should be treated as being for illustrative purposes only.

As there are no Wessex Water sewers in close proximity to the site, a private drainage system would be required for the site with individual Package Treatment Works discharging to a drainage field at the east of the site. All surface water from within the site would be discharged by soakaways which have been sized based on infiltration rates established during a ground investigation.

The application is accompanied by a Planning Statement, an Affordable Housing Statement, a Transport Statement, an updated Drainage Report, an updated Bat Survey and Ecological Appraisal Report and an updated Arboricultural report.

6. Planning Policy

The Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy); CP2 (Delivery Strategy); CP3 (Infrastructure Requirements); CP15 (Melksham Area Strategy); CP43 (Providing Affordable Housing); CP44 – (Rural Exception Sites); CP45 (Meeting Wiltshire's Housing Needs); CP50 Biodiversity and Geodiversity; CP51 (Landscape); CP57 (Ensuring High Quality Design and Place Shaping); CP58 (Ensuring the Conservation of the Historic Environment); CP60 (Sustainable Transport); CP61 (Transport and Development); CP62 (Development Impacts on the Transport Network); CP64 (Demand Management); CP67 (Flood Risk)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Housing Land Supply Statement – Base Date April 2018 – published August 2019

Wiltshire Housing Site Allocations Plan – adopted February 2020.

Wiltshire Council Groundwater Management Strategy 2016

Wiltshire Council Countryside Character Area Assessments – Avon Vale and Rolling Clay Lowland E5

Wiltshire Council Bat Special Area of Conservation (SAC) Guidance

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

The Habitat Directive and Habitat Regulations

7. Summary of Consultation Responses

Steeple Ashton Parish Council – “No objection with comment.

The PC seeks clarification that the drainage planned for the development is adequate for the number of houses proposed, [and] further clarification is also sought that the footpath, which would be on the internal boundary of the site, would remain accessible to the general public”.

Wiltshire Council Housing Officer: No objection subject to securing a s106

I have reviewed the latest updated Affordable Housing Statement and the layout plan which have now been submitted:

The main affordable housing policy issue regarding this site is that it is outside the settlement boundary and is not being proposed as a 100% AH site under CP44. Instead, the site for affordable housing provision purposes, is being assessed against the NPPF requirements as a site extending to approximately 0.9 ha (which exceeds the 0.5 ha threshold set by the NPPF) which means – where that where there is a demonstrable need – the AH policies of the Wiltshire Core Strategy (namely CP43, CP45 and CP46) should be applied. As there is no Neighbourhood Plan, or even a current Rural Housing Needs Survey for Steeple Ashton, due regard should be given to the Melksham Community Area demonstrable need (which includes Steeple Ashton and the surrounding parishes) using data from our Housing Register(s).

With reference to the update AH Statement (dated November 2019), the applicant now accepts and proposes to provide for 30% on-site affordable housing provision (rounded up to 3 units) to be provided at nil subsidy in line with CP43 and CP45 Core Strategy policies and procedures and requirements.

For indicative purposes only at this stage, it is noted that the submitted revised block plan shows the AH plots as:

- Plot 1 - 1 x 2bed 4-person House (measuring) 83.61 m² - Shared Ownership
- Plot 2 - 1 x 3bed 5-person House (measuring) 99.13 m² - Shared Ownership
- Plot 9 - 1 x 2bed 4-person House (measuring) 83.61 m² - Shared Ownership

This would satisfy the AH policy requirements regarding the number of units and parking bays, tenure type and the minimum sizes required to be provided on site should the scheme be supported and come forward. The mix of tenure advised would need to be reviewed/checked again at the time of any REM application to ensure it remains in line with current demonstrable need at that time - as policy requires. The completed affordable dwellings would be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis. The Local Authority would have nomination rights to the affordable dwellings, secured via a s106 Agreement.

Wiltshire Council Tree Officer: No objection subject to conditions. The revised number of accesses (and the indicative layout) is a far better solution which addresses the initial tree concerns.

Wiltshire Council Highways Officer: No objection subject to conditions and planning informative.

The amended drawings change the scheme significantly. Two vehicular access are now proposed and whilst no visibility splays have been provided, it has been previously established that these can be achieved in both locations and a planning condition could secure these. The

geometry of both accesses is acceptable although full details would be required before any works commence, along with full specification details for the footway.

A proposed new footpath within the Larks Leaze site is shown at a width significantly less than 2m which would serve 4 units and would not be within the public highway and on this basis, the width is acceptable in this instance. The proposed internal footpath would join the public highway adjacent to the northernmost access and would need to be kerbed. At this point, an informal crossing point would be provided across Eddington Road. The footway at this point is angled and would need to be formed using a radius kerb and be of a width of 2m within the public highway, but again, this can be conditioned.

The internal layout is acceptable, with adequate car parking and turning provided for each unit and sufficient width and turning provision provided for a refuse vehicle.

A new footway is also proposed on the opposite side of Eddington Road which would provide a continuous pedestrian route to the village. This provision is very much welcomed and would need to be subject to a s278 Highways Agreement for its construction. The precise construction details of this footway would be dealt with under the s278 process, but it would need to be constructed at 2m width where possible, and have a positive drainage solution along the entire length of the new footway, as currently, the road drains into the adjacent highway ditch.

Wiltshire Council Drainage Officer: No objection subject to conditions. The updated Drainage Statement has addressed the initial drainage holding objection. Conditions would be required to iron out the details to support any subsequent Reserved Matters application. The revised information demonstrates that the site can be drained effectively.

Wiltshire Council Environmental Health Officer: No objection subject to a planning condition.

Wiltshire Council Archaeology Officer: No objection subject to a planning condition.

Wiltshire Council Ecologist: No objection based on the revised site plan and additional information, subject to conditions.

Natural England: No comments. Confirmed and accepted the HRA conclusions of the Council's ecologist.

Wessex Water: No objection but note there are no public sewers in or near the application site.

8. Publicity

A site notice was displayed at the site frontage and 9 neighbour notification letters were posted in the Spring of 2019 when the application was first submitted which led to two third-party representations which can be summarised as follows:

- The development is excessively dense for such a non-urban location. Houses should be reduced and more garden and green spaces made available
- The site is within the impact risk zone of a SSSI which is related to unique geology of this locality. The application does not make any assessment of the potential impact on the underlying geology
- Concerned over the lack of provision for wildlife in the site including swifts. Conditions should be added to ensure that provisions are included

Following the submission of revisions and updated statements in late 2019, a further public re-consultation exercise led to three additional third-party representations comprising two objections and one letter of support which can be summarised as follows:

- There is a drainage waterway on the eastern boundary of the site abutting my property Elmhurst, Southbrook Lane. This waterway floods during periods of heavy rain and throughout winter onto my property and drains into waterway along the frontage. There is a pond which in reality is a swamped area which also spills onto my field where livestock (sheep) graze
- The development must not raise the flood level risk across my land
- The application still proposes the felling of a large number of trees. Given the importance of trees as carbon sinks, shouldn't we be forcing development to provide environmental improvement by increasing the number of trees on large sites such as this to help combat climate change?
- The drainage strategy seems to imply connection to a foul drain along the main road which Wessex Water says doesn't exist?
- It would be incompatible to place surface and foul water discharges in close proximity to each other.

In early 2020 following additional amendments made to the application a further public consultation exercise resulted in 3 further representations (2 objections) and one general comment (noting here that the three public consultation exercises as referenced above, resulted in 4 contributors in total). The most recent public consultation resulted in the following comments:

- The proposed drainage strategy is still not satisfactory
- The s106 should include funds for future drainage maintenance
- The reduction in the site area (but retaining 9 units) makes this too dense a development
- The proposed vehicular access points are not safe or satisfactory
- The ecological recommendations are welcomed but integral swift bricks should be included for each dwelling.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Melksham (CP15) community area.

9.1 Principle of the Development

9.1.1 The adopted Wiltshire Core Strategy (WCS) sets out the agreed 'Settlement Strategy' and 'Delivery Strategy' for development across the County. Core Policy 1 refers to the Settlement Strategy, and identifies four tiers of settlement, namely: 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Steeple Ashton is identified as a Large Village – which are defined as locations with a limited range of employment, services and facilities. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is open countryside., where the Larks Leaze application site is located.

9.1.2 Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' which identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development there is a presumption in favour of sustainable development; but outside the established defined limits, further residential development is discouraged

unless it satisfies other policies of the Plan and can be fully justified, for purposes identified by WCS paragraph 4.25.

9.13 The adopted WCS assert that the limits of development may only be altered through the identification of sites for development through the adoption of Site Allocations Development Plan Documents (DPD) and Neighbourhood Plans. Steeple Ashton does not have a Neighbourhood Plan and the recently adopted Wiltshire Housing Site Allocations Plan DPD did not alter the village limits of Steeple Ashton to include this application site.

9.1.4 Paragraph 4.25 of the Core Strategy sets out a list of 'exception policies' for rural housing outside of settlement limits, which includes an option (where there is a demonstrable need) for 100% affordable housing on rural exception sites) which links with CP44. This is not what the applicant proposes, but instead, has offered three units to be affordable housing as required by CP43 and CP45. The application does not satisfy any of the 'exception policies' and as such, officers find that the application conflicts with the Core Strategy and specifically CP1, CP2 and CP15

9.1.5 Members will however be aware that the Council cannot currently demonstrate a 5-year housing land supply, and in accordance with the NPPF and Government direction, the Council cannot apply full weight to its strategic housing policies, but that is not to say that substantive weight cannot be applied, and moreover established case law, confirms that the weight to be afforded to strategic housing policies (such as CP1 and CP2) is a matter of planning judgement for the decision maker. Whilst the Council's August 2019 published **Housing Land Supply Statement** with a baseline date of 1 April 2018, identified a 5.07 years supply of land for housing for the North & West HMA (which includes the 5% buffer), in early February 2020 pursuant to the appeal at Purton Road (ref APP/Y3940/W/18/3202551), the Council's monitoring and evidence manager confirmed that the Council could not demonstrate a 5-year supply of housing when tested against Local Housing Need for Wiltshire (which became a requirement after 20 January 2020 when the adopted Wiltshire Core Strategy was 5 years old) - when NPPF para 73 became engaged – which establishes the following: -

73. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.*

Mindful of the above, applications involving the provision of housing, must be tested against the provisions set out within NPPF paragraph 11, which requires that: -

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; 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.

For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, 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 proposed⁶; 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.

9.1.6 At the referenced public inquiry, the Council accepted that Wiltshire's deliverable supply of land for housing (when tested against the local housing need) was somewhere between 4.42 and 4.62 – to which, the Purton Road appeal Inspector opined the following:

““Even at the lower end of the range agreed between the parties, there is a relatively modest shortfall in housing land in the Wiltshire Council area. The local housing need derived from the standard method is very similar to the housing requirement contained in the Core Strategy for the relevant five-year period and so there is no reason to think that the strategy will not continue to be effective, particularly in light of recent progress in adopting the Housing Site Allocations Plan”.

9.1.7 Within paragraphs 20 and 29 of the 6 April 2020 Purton Road appeal decision letter, the Inspector argued that despite the modest housing land supply deficit:

“...there remains substantial benefit in maintaining a plan-led system. The overall strategy of the Core Strategy to direct development to the most sustainable settlements remains desirable and accords with the objectives of the Framework” and that “the [Purton Road] appeal site was not located in an area supported by the development plan. It would involve housing development in the countryside, remote from all settlements identified for development in the Core Strategy...[and] there was a clear conflict with policies CP1, CP2 and CP19 (the relevant community area) for the Core Strategy.”

9.1.8 Whilst Officers acknowledge that the Purton appeal was dismissed due in part, to there being a made Neighbourhood Plan in place which allocated land for housing whereby the 3 year housing land supply test was invoked, the above quotation is considered extremely important to maintain the primacy of the development plan and specific to Wiltshire, the calculated housing shortfall was deemed to be ‘modest’ and that there was an over-arching ‘substantial benefit’ in maintaining the hierarchal and plan-led approach of the Core Strategy and that the strategic approach the Council has to directing new housing to sustainable, appropriate locations as set out within CP1, CP2 and for Melksham, CP15, remains very

sound. Whilst Officers appreciate that strategic policies such as CP1, CP2, CP15 and CP57 cannot be given 'full weight' whilst NPPF para 11 is engaged, these policies deserve to be given substantial weight in the planning balance.

9.1.9 In January 2020 the WCS became 5 years old, but as was successfully argued at the Purton Road appeal, the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. It is also of material importance to recognise that this application proposal would only make a very limited contribution to redress the housing supply deficit. It is also of material importance to reflect upon the application physical separation from the settlement limits being approximately 450 metres from the southern edge of Steeple Ashton. In recent months, at the May strategic planning committee, the Council resolved to approve much larger housing development proposals outside of settlement limits at Malmesbury and Lyneham (that would both require s106 agreements), but would provide for upwards of 121 additional dwellings on the outskirts of the two settlements and would not constitute as isolated residential developments. The Larks Leaze residential development would result in 9 additional dwellings being physically detached from the village of Steeple Ashton and the same planning weight afforded to the Malmesbury and Lyneham cases would not be appropriate for this case.

9.1.10 Although the applicant proposes to provide a pedestrian footway along the western side of Edington Road, the village provides limited shopping, employment and leisure opportunities and so, there would be a reliance placed on private motor vehicles, and given that the site is not identified for residential development, it would run contrary to the aims of promoting sustainable development and directing new housing growth to committed and allocated sites as detailed in the WCS and the recently adopted Wiltshire Housing Sites Allocation Plan (WHSAP).

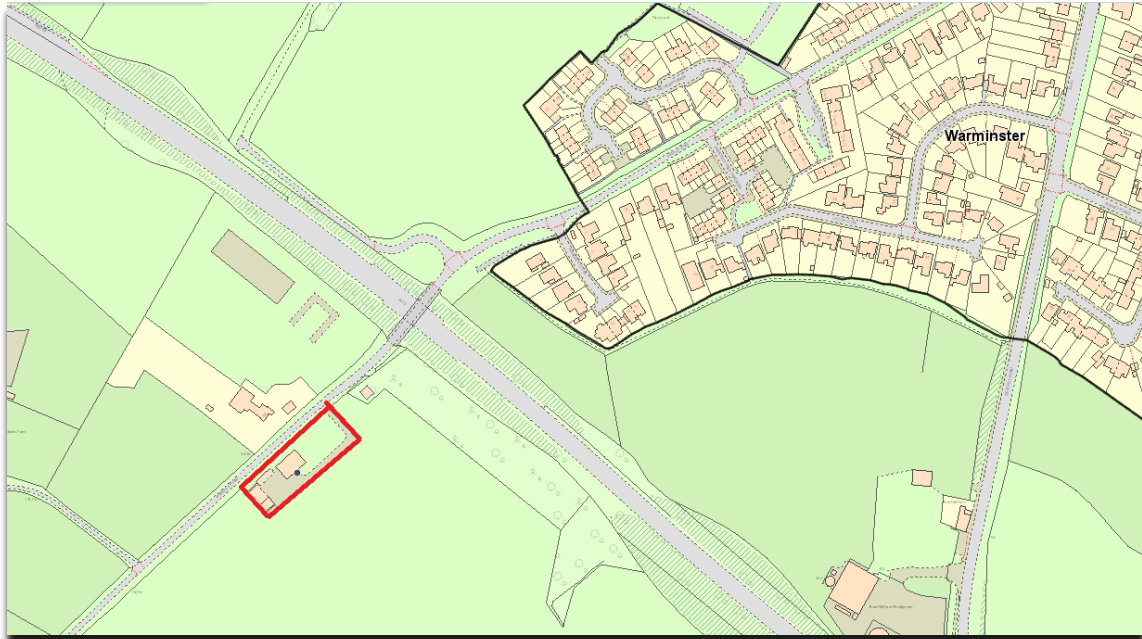
9.1.11 Since the Purton Road appeal decision, appeal reference *APP/Y3940/W/20/3245400* was dismissed on 16 June 2020 by another planning inspector pursuant to the Council's refusal of 19/06023/OUT which sought to demolish commercial buildings and erect 8no. dwellings at a site currently used by A and G Minibuses, Paddock Wood, Bradley Road, Warminster, BA12 7JY. The dismissed appeal further supports the argument that small-scale housing outside of settlement limits would not substantively redress the current housing supply shortfall. Moreover, the Warminster site was 150 metres outside of the town limits of development on a brownfield site that was not considered a suitable and sustainable location for housing.

9.1.12 In paragraph 10 of the Paddock Wood appeal decision the Inspector concluded that:

"I also see no reason to dispute the fact that development that does not comply with Core Policies CP1 and CP2 should be considered unsustainable, and in conflict with the principal aims of the Framework."

And in paragraphs 14 and 15, the Inspector argued that:

"there is no reason to think that the WCS will not continue to be effective, particularly in light of recent progress in adopting the Wiltshire Housing Site Allocations Plan; and that there remains substantial benefit in maintaining a plan-led system" ...[and] that no firm evidence has been submitted to cause me to reach a different view to my colleague Inspector on these matters, and I therefore consider it appropriate to still give significant weight to Core Policies 1, 2 and 31" (the Community Policy for Warminster).



9.1.13 In paragraph 16 the Inspector reflected upon the Paddock Wood appeal site's rural situation (to which to above insert refers) and pedestrian connectivity by arguing that:

“any new housing development on the site would be rather isolated from the settlement of Warminster and the services and facilities within it. Furthermore, although a footway extends from the site towards the town it is not continuous, but ends at the northern side of the A36 overbridge with a gap of close to 50m where only a relatively narrow grass verge exists before the footway resumes. Whilst in some respects this may not be seen as an excessive gap, it could clearly present an obstacle to anyone wishing to walk into Warminster, especially for those with children or pushchairs, or with mobility difficulties.”

9.1.14 The lack of a continuous footpath was a determining factor in terms of dismissing the Paddock Wood appeal, but the appeal also failed because of its physical detachment from the established town limits, and the primacy of the development plan and the adopted strategy to direct new housing in sustainable locations was of materially relevant, and these considerations are apposite for the Larks Leaze proposal – which would be three times the distance outside of Steeple Ashton (at circa 450 metres distant) compared to the unsustainable Paddock Wood site being 150m distant from Warminster.

9.1.15 Officers fully acknowledge that there would be some benefits derived from approving and delivering 9 dwellings, most specifically the provision of three additional affordable housing units and the commitment to construct a new footpath to connect the site with the nearest existing footpath some 115 metres to the north, but these benefits would not outweigh the harm this development would have in terms of compromising the plan-led system and the Council's adopted approach to sustainable development.

9.1.16 Linked with the above, Wiltshire Council has declared a “Climate Emergency” and planning decisions should be based on sustainable development principles. As set out above, this proposal would substantively conflict with the WCS core policies 1, 2 or 15 and none of the exception criteria linked to CP2 or paragraph 4.25 would be satisfied. Furthermore, even with the proposed footpath to allow for a ‘crossing point’ over to the existing footpath on Edington Road, the sites location and with the “*limited range of employment, services and facilities*” would still result in future occupiers depending upon private motor vehicles for most journeys.

9.2 Wiltshire Housing Site Allocations Plan and Neighbourhood Planning

9.2.1 The Wiltshire Housing Site Allocations Plan (DPD) revised some settlement boundaries and allocated new sites for housing but it did not allocate any sites at Steeple Ashton, and it did not amend the village settlement limits to include the Larks Leaze site.

9.2.2 Mindful that there is no Neighbourhood Plan Steeple Ashton, the Wiltshire Housing Site Allocations Plan states that in locations where there may not yet be an appetite to prepare a Neighbourhood Plan, the WHSAP considered whether these communities could accommodate additional sustainable housing and those that could, now have allocated sites, but at Steeple Ashton, no such sites were considered necessary based on need within the wider Housing Market Area.

9.3 Meeting Wiltshire's Housing Needs

9.3.1 The Wiltshire Core Strategy (WCS) sets out in Core Policy 45 that “*new housing both market and affordable must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities*”.

9.3.2 Allied to the above, the applicant was asked to demonstrate how the proposal would satisfy WCS CP45 and in response, an ‘*Affordable Housing Statement*’ was submitted in late 2019 which set out a commitment to provide 3 affordable dwellings within the scheme. However, should outline permission be granted, the applicant would be expected to address the requirements of CP45 in terms of evidencing how the types of houses (which would in detail at REM stage) would meet local housing need.

Plot	Bedrooms	Size (sqm) GIA	Tenure
1	2	83.61	Shared Ownership
2	3	99.13	Shared Ownership
3	4	115.94	Open Market
4	4	136.38	Open Market
5	3	96.99	Open Market
6	3	96.99	Open Market
7	4	136.38	Open Market
8	3	114.27	Open Market
9	2	83.61	Shared Ownership

9.3.3 The insert above is taken from the applicant's Housing Statement which proposes that the market housing would comprise three x 3-bedroom dwellings ranging from 96.99m² to 114.27m²; and three x 4-bedroom dwellings ranging from 115.94m² to 136.38m² all having off road parking and relatively large gardens. It is not known however if this type of housing option would meet any unmet demand within the village and wider community area as this analysis has not been submitted to officers.

9.4 Impact on Highway Safety and Car Parking

9.4.1 The Council's Highways Officer is satisfied that visibility splays of 2.4m x 120m in both directions for both vehicular accesses can be achieved.

9.4.2 Each proposed dwelling would have sufficient off-road parking spaces to meet the requirements of the adopted Council Local Transport Plan and Car Parking Strategy. The development would not lead to adverse impacts on highway safety, and as such, the application would not conflict with paragraph 109 of the NPPF which asserts that:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

9.5 Impact on Landscape

9.5.1 Wiltshire Core Strategy Core Policy 51 titled ‘Landscape’ states that development should protect, conserve and where possible enhance landscape character and requires any negative impacts being mitigated as far as possible through sensitive design and landscape measures. The policy states that proposals should be informed by and be sympathetic to the distinctive character areas identified in relevant Landscape Character Assessment(s) and any other relevant assessments and studies; and proposals need to demonstrate that the following matters have been considered with the landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

9.5.2 Core Policy 57 titled ‘Ensuring high quality design and Place Shaping’ requires new development to, in particular, respond positively to existing townscapes and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its setting. It also requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

9.5.3 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, in particular, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...*“in a manner commensurate with their statutory status or identified quality in the development plan”*; and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services *“...including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.

9.5.4 The West Wiltshire Landscape Character Assessment (dated March 2007) identifies the site forming part of character area E5, which in landscape terms has a *“strong sense of enclosure and tranquillity”*. The recommended *Management Strategy and Objectives* seeks to maintain existing mature hedgerow networks, to conserve the landscape setting of existing settlements and that new development should respect local distinctiveness.

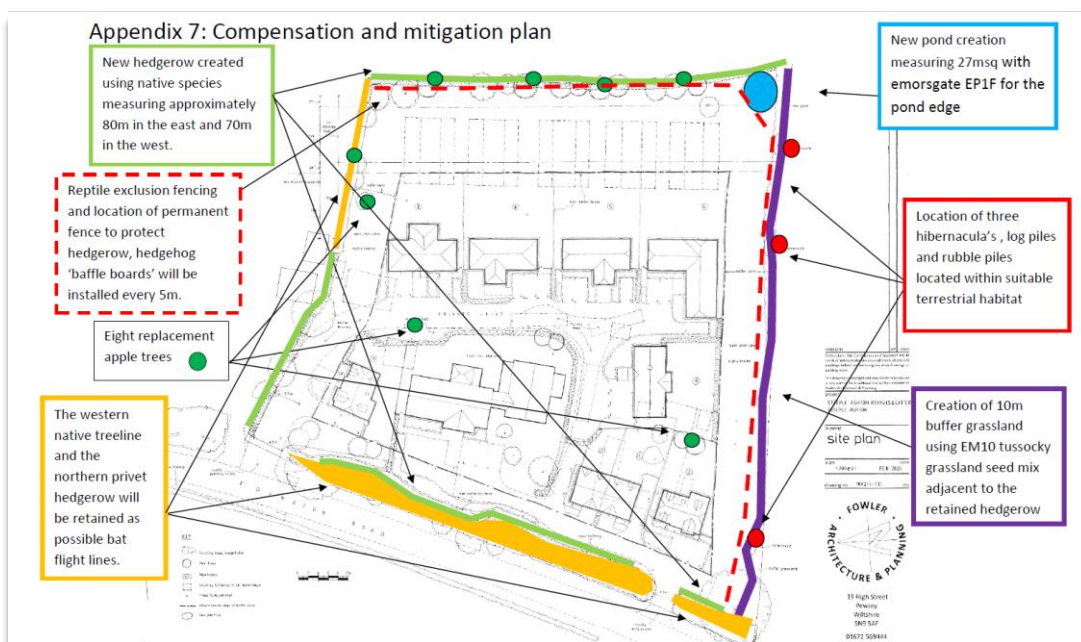
9.5.5 As part of the original submission, four accesses to serve the 9 proposed dwellings and Lark Leaze were proposed which would have resulted in the loss of a significant stretch of the existing mature site frontage along Edington Road to which officers objected.



9.5.6 The photograph above illustrates the current mature landscaped site frontage which would be maintained under the revised submission which seeks to maintain and make use of the two vehicular accesses, although it is acknowledged that the southernmost access would require some rewidening and works to provide for the visibility splays, which would result in some loss of hedgerow, but to an acceptable degree.

9.5.7 The development would also result in a number of trees and shrubs within the site being removed. In terms of WCS CP50 and CP51 requirements as well as NPPF paragraph 170, the application site is considered large enough to accommodate sufficient replacement and additional landscaping as part of any subsequent reserved matters application (should members resolve to grant outline consent).

9.5.8 Officers are satisfied that a planning condition could secure the long-term retention of the western boundary hedgerow along Edington Road and the proposed ecology buffer within the site and that the Council would be able to make a fully informed assessment on any direct impacts at REM stage when the full details and positions of any proposed houses, parking, garaging and accesses are confirmed (should members resolve to approve this outline application).



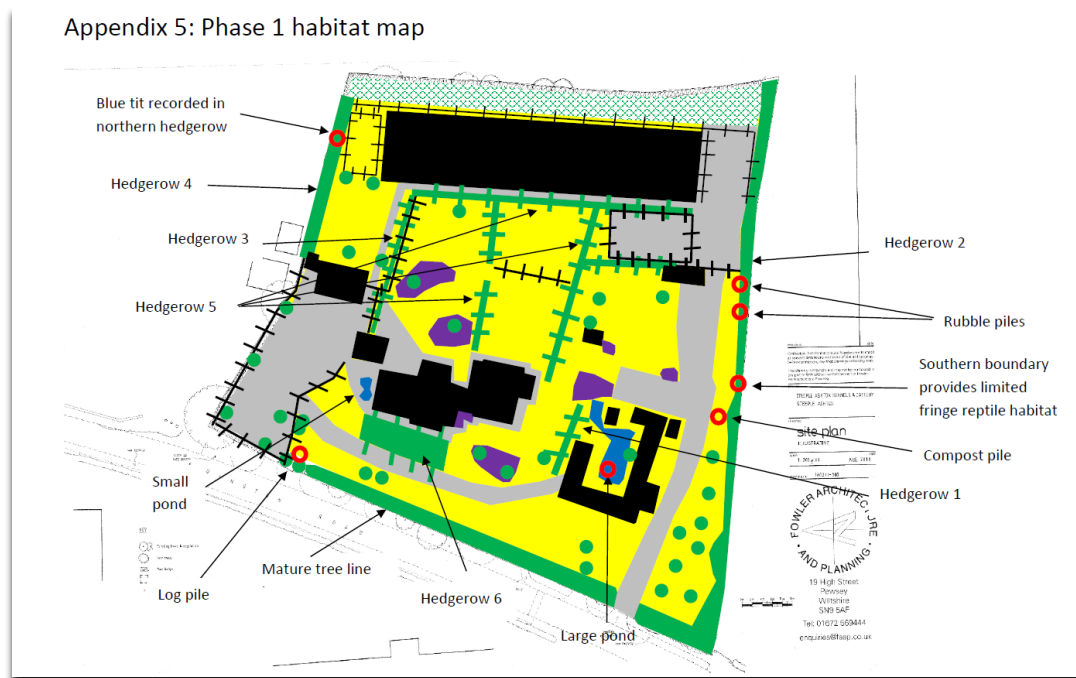
9.6 Impact on Ecology

9.6.1 The applicant's initial Bat Survey and Ecological Appraisal report recommended follow up great crested newt surveys of two ponds which were completed found that great crested newts were absent and that no further surveys were required.

9.6.2 The initial Bat Survey reported that:

"The site was identified to hold moderate potential for foraging and commuting bats due to the availability of habitats on the site, specifically the northern hedgerow, the western tree line and the southern hedgerow and within the immediate landscape. Survey work [would] be required throughout the survey season of 2019 to determine presence/absence of foraging and commuting bats and should high numbers of horseshoe bats be present then additional assessments may be required such as a Habitat Regulations Assessment (HRA)."

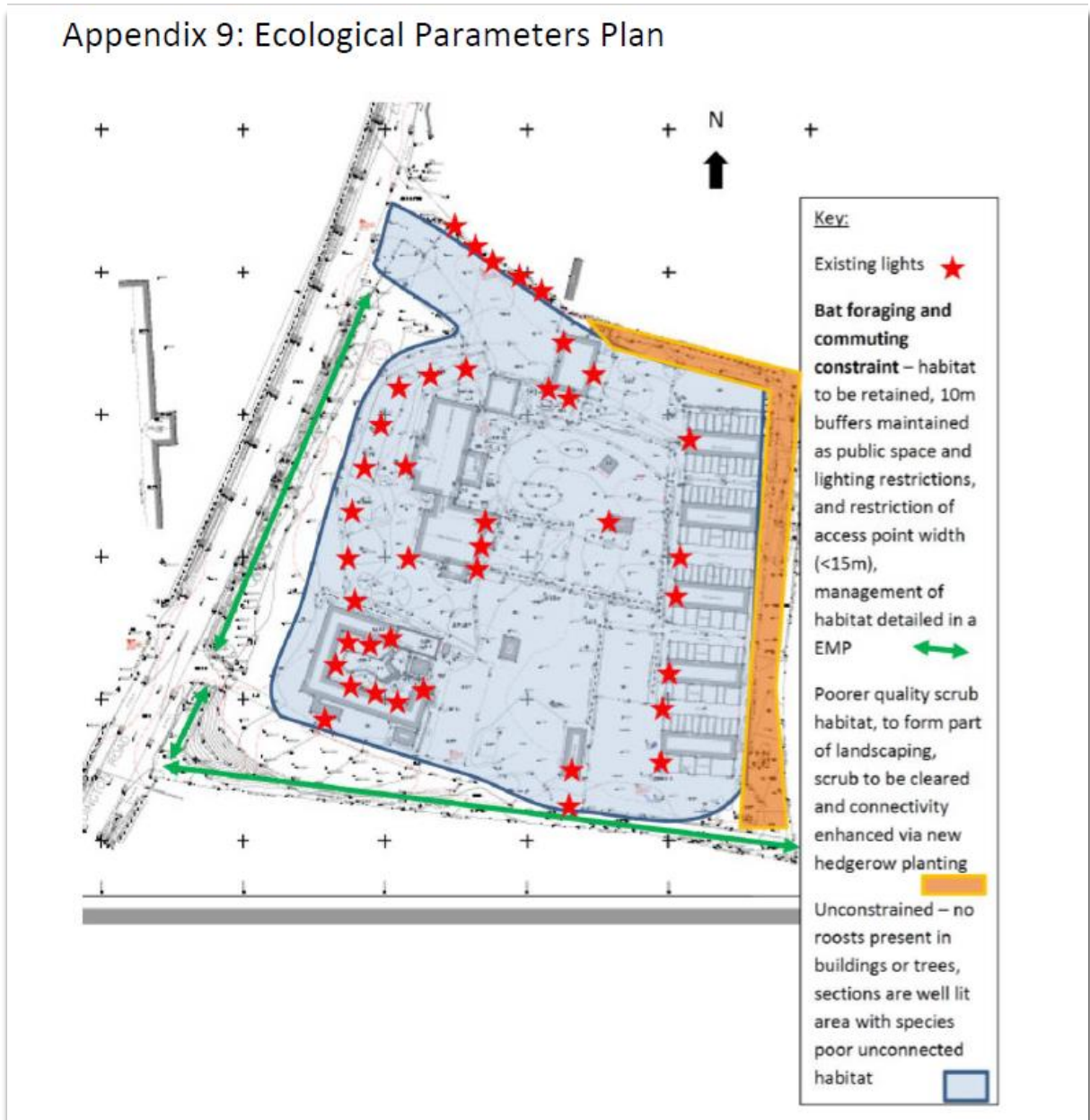
9.6.3 Officers made repeated requests for additional bat survey to be undertaken throughout 2019, which were eventually submitted to the Council after several months delay in March 2020, almost 12 months after the initial submission. The insert below illustrates the phase 1 habitat findings.



Phase 1 habitat map key

Habitat type	Habitat map symbol
Improved grassland	Yellow square with 'A'
Scrub	Green cross-hatch pattern
Species poor hedgerows (boundaries)	Thick green line
Species poor hedgerows	Thin green line with cross-ticks
Building	Black square
Fence	Black line with cross-ticks
Target note 1 (brush pile)	Red circle
Ornamental planting	Purple square
Hardstanding	Grey square
Scattered trees	Green circle
Standing water	Blue circle

9.6.4 This led to the submission of the Ecological Parameters Plan (EPP) which is contained within Appendix 9 of the 2020 Bat Survey and Ecological Appraisal that inter alia provides for a 10m buffer around the edges of the development to be maintained as communal space where there would need to be lighting restrictions in place and its management covered by an ecological management plan (EMP). Officers note that the proposed vehicular access roads would be within the buffer zones, but this in itself is not objectionable. The Council's ecologist is satisfied that the majority of the existing landscaping and the main bat commuting corridors would be maintained and protected. The EPP is reproduced on the following page.



9.6.5 The Council's Ecology Officer has completed a Habitat Regulation Assessment (HRA) and Appropriate Assessment (AA) and is satisfied that the requirements of both have been met. Natural England have also confirmed that the AA has been carried out appropriately.

9.7 Drainage Matters

9.7.1 The site lies within an area classified as Flood Zone 1 which is land having the least risk of being subject to fluvial flooding. However, the immediate area is known to be prone to

groundwater flood risk and the Council's drainage team (LLFA) have spent a significant amount of time securing and reviewing additional drainage information from the applicant which included a revised drainage strategy to which the LLFA find acceptable and support the application, subject to conditions.

9.8 Impact on Designated Heritage Assets

9.8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.



9.8.2 Elmsgate House as shown above, is a detached early 19th century Grade II listed building located at the northern end of its plot facing onto the junctions of Edington Road, Southbrook Lane and Spiers Piece. Elmsgate House is considered a landmark building with a 3m tall brick wall on its northern boundary with the property benefiting from wide open countryside views. The property has a very modest almost unassuming vehicular access served off Edington Road with substantial landscaping, much of which is illustrated in the above site photo.

9.8.3 the above right map insert reveals the grounds and curtilage associated to Elmsgate House which is quite considerable with the listed building being positioned approximately 63 metres from its southern boundary and adjacent timber log business to the south and some 83 metres from the application site.

9.8.4 It is submitted that the setting of Elmsgate House does not end beyond its southern boundary and therefore the potential impact of the application on its setting would be very limited. Officers accept that there would be some views of the proposed development from Elmsgate House's garden, but officers are satisfied that two-storey dwellings could be accommodated at the application site without harming the historic setting of Elmsgate House. The Council would be able to fully assess the impacts at REM stage when the full details and appearance of the 9 proposed dwellings would be confirmed. As far as this outline application is concerned, officers are satisfied that the principle of erecting 9 dwellings to replace the existing range of cattery and kennelling would not harm to the historic significance of Elmsgate House.

9.9 s106/CIL Contributions

9.9.1 This application is considered a 'major' application due to the application site area exceeding 0.5 hectares, and in accordance with the NPPF, should members resolve to approve outline planning permission, the local planning authority should seek to secure 30% onsite affordable housing provision through a s106 legal agreement.

9.9.2 The applicant's revised application proposes 3 A/H dwellings (identified as units 1, 2 and 9) that is acceptable to the Council's Housing officer who also accepts the proposed mix which would necessitate specific clauses within a s106.

9.9.3 Should members resolve to grant this outline application, the 'off-site' footpath should also be enshrined within the s106 to secure a more substantive means of securing its delivery along with the standard requirements that the applicant will cover the Council's legal expenses in preparing the s106 and the resulting monitoring fee.

9.9.4 Tariff style developer contributions cannot however be secured (for education, public open space, public arts etc) by virtue of the application proposing less than 10 residential units.

9.9.5 The development would be CiL liable – which would be based on confirmed residential floor area – which would be confirmed at REM stage. 15% of the CiL total would be directed to Steeple Ashton Parish Council (25% is a Neighbour Plan is in place) to be spent on local infrastructure projects.

10. Conclusion (The Planning Balance)

The application proposal is in conflict with the Council's adopted Core Strategy and the established Settlement and Delivery strategies. The application does not satisfy any of the exemption policies, and whilst the development would deliver some social and economic benefits, officers cannot support it for the reasons explained within section 9.1 above.

11. RECOMMENDATION: Refuse for the following reasons

1. The application site is located in the open countryside outside of the established village limits for Steeple Ashton as defined by the adopted Wiltshire Core Strategy. The proposal does not satisfy any of the Council's adopted exemption policies and thus conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out by Core Policy 2 of the Wiltshire Core Strategy. The proposal would therefore be contrary to Core Policies 1, 2, 15, 60 and 61 of the Wiltshire Core Strategy and would conflict with NPPF paragraph 79 which sets out the adopted approach to directing new housing growth to sustainable locations.