
Appeal Decision

Site visit made on 8 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th December 2016.

Appeal Ref: APP/Y3940/W/16/3157162

Land Rear of Wagtails, Southampton Road, Wiltshire SP5 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by 1215 Heritage Homes Ltd against the decision of Wiltshire Council.
 - The application Ref 16/04775/FUL, dated 19 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is described as "demolition of Wagtails and erection of 3 dwellings and associated works".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of Wagtails and erection of 3 dwellings and associated works at Land Rear of Wagtails, Southampton Road, Wiltshire SP5 3AF in accordance with the terms of the application Ref 16/04775/FUL, dated 19 May 2016, subject to the schedule of conditions attached to this decision.

Main Issues

2. The main issues are: (i) whether the proposal would be a suitable form of development in this location, with particular regard to the provision of affordable housing and; (ii) whether the site can be adequately drained and/or serviced with appropriate foul drainage.

Reasons

Location of development

3. The appeal site comprises a parcel of land to the rear of the property known as 'Wagtails', located in the settlement of Alderbury, which is classified as a Large Village in the Core Strategy¹. Within the settlement boundary, there is a presumption in favour of sustainable development that is needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. The existing house is within the defined settlement boundary, however, the proposed houses would be outside of the settlement boundary for the village.
4. The settlement strategy and delivery strategy for Wiltshire, as set out in Core Policy 1(CP1) and Core Policy 2 (CP2) of the Core Strategy, seek to direct

¹ Wiltshire Core Strategy (adopted 2015)

development to the most sustainable locations within the district. Under CP2, development outside of the settlement boundary will only be supported in exceptional circumstances, none of which are relevant to the appeal proposal. The site has not been identified through a Neighbourhood Plan or Housing Sites Allocation Development Plan Document, and consequently, the appeal proposal would be in conflict with CP2.

5. The settlement boundaries were defined by the former District Local Plans and were carried into the Core Strategy and retained as shown on the policies map. The Council has committed to a Settlement Boundary Review to ensure these boundaries are updated to reflect the current built area of settlements. In the meantime the Council continues to apply CP2 on the basis of the existing settlement boundaries. Whilst the settlement boundaries offer protection to the countryside and guard against urban sprawl, there is limited evidence to demonstrate that the boundary in this locality is reflective of the current urban form or that it reflects current local and national policy.
6. The settlement strategy identifies Alderbury as a large village which is defined as having a limited range of employment, services and facilities. The site lies towards the centre of the settlement and the development would be well related to the village. Future occupiers would have reasonable access to its services and facilities, and there is evidence of a public transport service. Overall, I consider the site to be sustainably located.
7. The site is bordered to the north-west by housing and there is a recreation field to the north. There is further development to the south-east, although this is separated from the site by fields. The Council expresses concern about the tandem form of the proposed development and that the development would set a precedent. However, the surrounding development is not linear and there is no consistency of design or layout in the vicinity. The scale of the houses would reflect other residential development in the area and the development would not be overly prominent in views from Southampton Road. Consequently, I do not consider that the development would amount to encroachment into the countryside or urban sprawl, and the wider landscape value of the area would be protected.
8. In terms of precedent, every application or appeal should be determined on the basis of its site-specific merits. In this case, I have taken into account that the site is well located to the village and occupants would have reasonable access to local facilities. I have not found that the evidence supplied by the Council effectively justifies the relevance of the settlement boundary in this particular instance.
9. The wider benefits of the scheme are limited in that the development would only make a small contribution towards the district's housing supply and the development would be open market housing, as opposed to local needs housing which would have a greater social benefit. Nevertheless, I have found that the Council has failed to demonstrate that the scheme would harm the delivery of its settlement strategy, due to the limited information to justify the settlement boundary. Consequently, I find that the proposal would be a suitable form of development in this location.
10. The development would be not comply with Core Policy 48, which allows residential development to meet the employment needs of rural areas on sites outside of the defined limits of development, as an exception, or Policy H28 of

the Salisbury District Local Plan (June 2003) which relates to temporary rural workers dwellings. However, as explained above, the harm resulting from the development would be limited and I find that the proposal would meet the aims of the settlement strategy and delivery strategy set out in CP1 and CP2.

Drainage

11. The Council is concerned that there is insufficient information to demonstrate that the site can be adequately drained and serviced with appropriate foul drainage. Several neighbours have also expressed concerns about drainage, in particular, the effect of the tree loss on groundwater levels.
12. The proposal includes a new connection to the foul sewer on Junction Road with a route across the adjoining property known as "Owlswood". The planning application confirmed that notice had been serviced on the owners of Owlswood, as part of the site encompasses their land. The owners of Owlswood have submitted a signed letter, dated 7 July 2016, giving their consent to the sewer installation and connection. Consequently, I find that the Council's objection in relation to foul drainage has been addressed.
13. The appellant has confirmed that surface water would be dealt with by filter drains and soakaways. The Council advises that the site is in an area of ground water vulnerability, and therefore, any soakaway would need to have its base at least 1m above the ground water level. The Council accepts that further tests to confirm the level of ground water could be secured through a planning condition.
14. To conclude on this issue, I find that the development would meet the aims of Core Policy 57 of the Core Strategy, which seeks to ensure a high quality design, and the requirements of Core Policy 67, which seeks to ensure that new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration.

Other Matters

15. The proposal would involve the loss of a substantial number of trees from the appeal site, some of which are good quality mature trees. It is proposed to fell a number of trees to accommodate the development, and also because they are considered by the Arboricultural Adviser² to be of inappropriate size and scale, or because the trees have an insecure roothold. From my site visit, I saw that a number of the mature trees had been 'ring-barked' (a continuous cut around the stem) which means that these trees are unlikely to survive. I also saw evidence that there is a genuine safety concern as several of the taller coniferous trees have already fallen or are leaning. Consequently, the amenity value of many of the trees in the future is limited.
16. The Tree Protection Plan states that eight trees are to remain, mostly at the front of the site or on the site boundaries, where their amenity value is greater. However, it is not clear from the information before me exactly which trees are to be retained. Also, there is a need for a comprehensive landscaping scheme to compensate for the trees loss. These matters could be addressed through a planning condition.

² Tree Protection Plan, dated November 2015

17. Concerns have been raised in respect of the effect of the development on ecology and protected species. An Ecological Appraisal³ has been submitted which the Council accepts has overcome its previous concerns, subject to appropriate mitigation measures. This could be secured by a planning condition.
18. Concerns have been expressed about highways and the increase in traffic. The Council has not raised any issues in relation to this matter and I note that the Highways Officer confirms the access and parking arrangements are acceptable.
19. The houses at plots 1 and 2 would back on to the rear of the neighbouring properties, known as Sorrento and Little Orchard. The proposed houses would contain first floor bedroom windows facing towards the rear of the adjoining properties. However, due to the separation distances, I am satisfied that any increase in overlooking would not lead to a material loss of privacy. It is important that the boundary treatment is retained and supplemented with planting which would help soften the development in views from the neighbouring properties.
20. The house at plot 3 would back on to the rear garden of Pels House, which lies to the north-east of the site. The garden is not private at present and there is unlikely to be a material loss of privacy as a result of the development. Levels of daylight and sunlight to the neighbouring garden would not be significantly affected due to the separation distances. The boundary treatment would need to be improved and this could be secured by a condition.
21. Concerns have been expressed about increased noise and disturbance in association with the development. Although there would be an increase in cars using the driveway, it is not considered that this would be significant as only two further houses would be provided on the site. The parking and turning areas are a sufficient distance from the neighbouring properties which would limit the adverse effects of vehicular noise, car headlights and air pollution.

Conditions

22. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. I have imposed a condition to restrict the hours of construction and demolition, due to the proximity of neighbouring houses, in order to limit noise disturbance in the evenings and at weekends.
23. I have imposed a pre-commencement condition to require details of the junction to be agreed with the local authority and constructed accordingly. This is necessary to ensure the junction provides safe and suitable access to the site for all people. I have also imposed a condition to ensure the turning area and driveways are constructed, prior to the occupation of the dwellings, to ensure the site can be served by emergency and service vehicles. I have imposed a condition related to site drainage, as explained above.
24. I have imposed material and landscaping conditions to protect the character and appearance of the area. I have imposed a condition to require the works to be carried out in accordance with the ecological survey because, if the proposed scheme were to be implemented without appropriate mitigation, the adverse impacts on nesting birds and hedgehog are likely to be significant.

³ Ecological Appraisal prepared by Malford Environmental Consulting, dated 16/05/16

25. I have imposed a condition to ensure the existing house is demolished in accordance with the plans submitted. I have also imposed a condition to prevent burning of waste material at the site, due to the proximity of neighbouring houses.
26. I have not imposed the Council's suggested condition requiring the bathroom, ensuite and dressing room windows in plots 1 and 2 to be fitted with obscured glazing, as it has not been demonstrated that this is necessary. Also, I have not imposed the suggested condition requiring the removal of permitted development rights as it has been demonstrated that there is a clear justification for doing so.

Conclusion

27. The appellant considers the relevant housing supply policies to be out-of-date because it is claimed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. However, as I have found the scheme to be acceptable for the reasons given above, it is not necessary for me to assess whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
28. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No 11/545/38 (Location Plan) April 2016
 - Drawing No 11/545/25 (Site & Location Plan) April 2016
 - Drawing No 11/545/39 (Site and Location Plan) May 2016
 - Drawing No 11/545/27 (Drainage Layout) April 2016
 - Drawing No 11/545/26 (Emergency Vehicle Turning) April 2016
 - Drawing No 11/545/HT/32 (Elevations 1 Plot 1) April 2016
 - Drawing No 11/545/HT/33 (Elevations 2 Plot 1) April 2016
 - Drawing No 11/545/HT/29 (Elevations 1 Plot 2) April 2016
 - Drawing No 11/545/HT/30 (Elevations 2 Plot 2) April 2016
 - Drawing No 11/545/HT/35 (Elevations 1 Plot 3) April 2016
 - Drawing No 11/545/HT/36 (Elevations 2 Plot 3) April 2016
 - Drawing No 11/545/HT/31 (Floor Plans Plot 1) April 2016
 - Drawing No 11/545/HT/28 (Floor Plans Plot 2) April 2016
 - Drawing No 11/545/HT/34 (Floor Plans Plot 3) April 2016
 - Drawing No 11/545/HT/37 (Street Scene) April 2016
- 3) Demolition or construction works shall take place only between 07:30 and 18:00 on Mondays to Friday, 08:00 to 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) Development shall not take place until details of the junction between the proposed access road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 5) No part of the development hereby approved shall be first occupied until the turning area and car parking spaces, as shown on the approved plans, have been constructed in accordance with the approved details. The car parking and turning areas shall be retained as such thereafter.
- 6) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged

from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 7) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) earthworks showing existing and proposed finished levels or contours;
 - ii) the trees to be retained and methods of protection during construction or demolition;
 - iii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - iv) a full specification of all proposed tree planting (including the quantity, size, species, and positions or density of all trees to be planted), how they will be planted and protected and the proposed time of planting;
 - v) means of enclosure and retaining structures;
 - vi) boundary treatments;
 - vii) hard surfacing materials;
 - viii) lighting and floodlighting;
 - ix) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No development shall commence until details of a habitat mitigation and enhancement scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) a schedule of works to ensure the protection of nesting birds and hedgehog;
 - ii) bird nesting features;
 - iii) bat roosting features;

iv) fencing details to allow mammals to move between gardens.

The habitat mitigation and enhancement scheme shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 11) The existing dwelling, 'Wagtails', shall be fully demolished and all debris removed from the application site prior to the first occupation of the dwellings at plots 1,2 and 3 hereby permitted.
- 12) No burning of waste or other materials shall take place on the site during the demolition/construction phase of the development.