

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 August 2023
Application Number	PL/2022/09532
Site Address	Land at Romsey Road, Whiteparish, Salisbury, Wilts
Proposal	Outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, opens space, landscaping and drainage
Applicant	Macra Ltd.
Town/Parish Council	Whiteparish Parish Council
Electoral Division	Alderbury and Whiteparish – Cllr Richard Britton
Type of application	Outline
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee as it represents a significant departure from the policies of the development plan, and which is recommended for approval.

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 approved.

2. Report Summary

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

- Principle
- Highway Safety
- Drainage
- Layout and Housing Mix
- Ecology
- S106

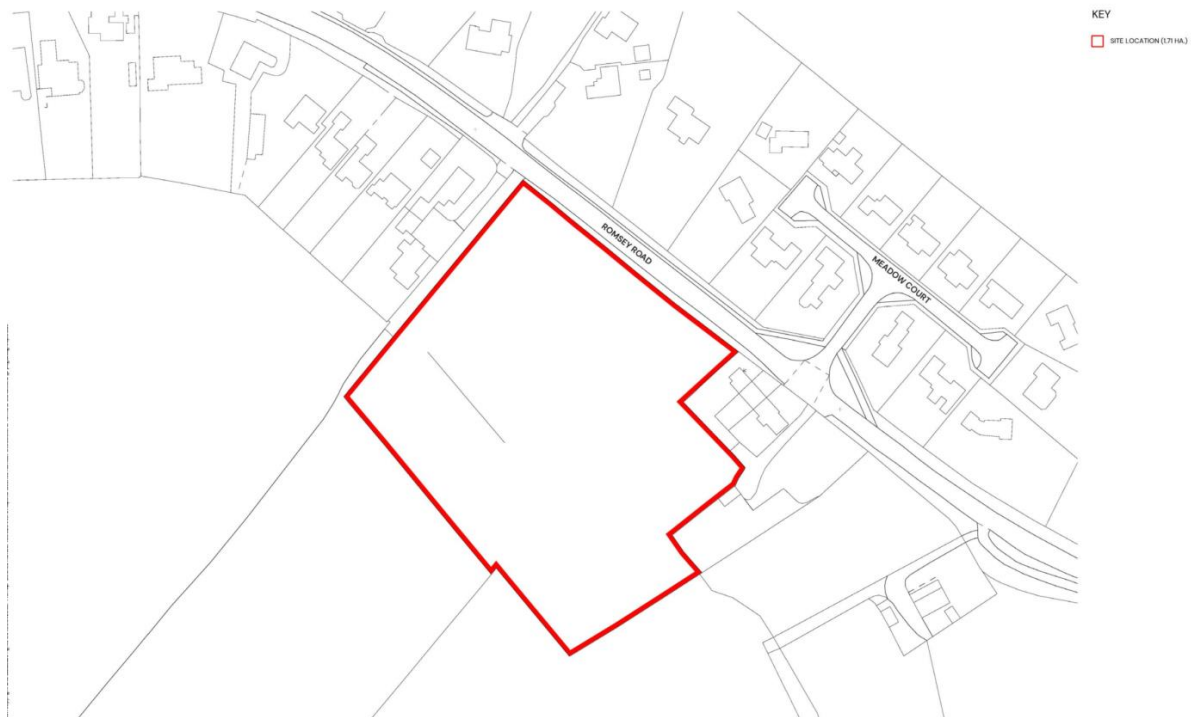
The application has generated an objection from Whiteparish Parish Council, which was qualified and will be referred to later in the report, as well as 26 letters of objection and 6 of support from third parties.

3. Site Description

The site lies on the eastern edge of the village of Whiteparish, to the south of the Romsey Road (A27) which passes through the settlement.

It consists of a grassy field, which gently slopes downward in a south-westerly direction. The land level is slightly higher than the adjacent main road, and there is a substantial hedge along the field edge. To the east and north-west are residential properties and there is a small cul de sac of 14 large dwellings known as Meadow Court to the north-east across the Romsey Road.

The site contains a small number of trees on what look to be old hedgerow lines, as well as an area of scrub. Hedgerows also define the boundaries adjacent to the neighbouring dwellings. There is a low voltage power line that crosses the site from north to south. Running parallel to the north-south boundary adjacent to the two dwellings to the west is a Public Right of Way (footpath WHIT7), which lies outside of the application site. There is a bus stop on the north side of Romsey Road, along with a footpath that runs into the village centre.



Location plan

4. Relevant Planning History

S/1984/0625 – Outline 13 detached dwellings, access and garages. Refused 27.06.1984. Appeal dismissed.

S/1986/0833 – Outline 19 dwellings with garages and construction of estate road and access. Refused 17.06.1986. Appeal withdrawn.

5. The Proposal

This application, which is in Outline with all matters reserved except for access, proposes the construction of up to 25 dwellings with access off Romsey Road, and associated parking, open space, landscaping and drainage.

6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021)

Manual for Streets 2 (2010)

Wiltshire Core Strategy:

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 - Infrastructure Requirements

CP23 – Spatial Strategy: Southern Wiltshire Community Area

CP43 – Affordable Housing

CP45 – Meeting Wiltshire's housing needs

CP50 - Biodiversity and Geodiversity

CP51 - Landscape

CP57 - Ensuring High Quality Design & Space Shaping

CP60 - Sustainable Transport

CP61 - Transport & Development

CP62 - Development Impacts on the Transport Network

CP64 - Demand Management

CP67 – Flood risk

Wiltshire Housing Site Allocations Plan (2020)

7. Summary of consultation responses

Whiteparish Parish Council – Support (caveated)

..... resolved, with 7 councillors in support and 1 against, to comment that they are aware the development is contrary to provision of policies CP1, CP2, CP23, CP51, CP57, CP60 and CP61. However, given the need in Whiteparish for more affordable housing the Parish Council would be prepared to support this scheme providing the level of affordable housing is increased to a minimum of 50%. This would potentially enable the village school and other

local businesses to become more sustainable. Should such a change in the development balance between market and affordable housing not be forthcoming the Parish Council will not support further planning applications on this site.

WC Archaeology – No objections, subject to condition, following the receipt of a geophysical survey of the site.

WC Climate Change – continues to encourage the applicant to be more ambitious in their approach to the NPPF's aims of delivering sustainable development, tackling climate change and radically reducing greenhouse gas emissions.

WC Drainage – The application has been supported with a Site Specific Flood Risk Assessment, and subject to conditions no objection is raised.

WC Ecology – No objection to additional submitted material, subject to conditions and the need for a legal agreement to secure the necessary mitigation for the additional nitrogen burdens from the development. This equates to £227,700

WC Education – No requirements for contributions towards Early Years or Primary educational needs. Evidence shows the availability of 66 places in the All Saints CE Primary school, compared to an overall capacity of 147 places. There is a requirement towards the provision of Secondary Education at Trafalgar School in Downton of £114,700 to be secured by legal agreement.

WC Highways – No objection subject to conditions.

WC Housing Enabling Team – Core Policy 43 of the Wiltshire Core Strategy (as amended by the National Planning Policy Framework) sets out a requirement for 40% on-site affordable housing provision within the 40% Affordable Housing Zone, on all sites of 10 or more dwellings. There is therefore a requirement to provide 10 affordable units within a scheme of 25 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing. The proposal to provide 10 affordable housing units therefore meets the policy requirement.

WC Public Open Space – No objection to the amount of open space shown to be provided on site. In addition, there is a requirement for a contribution towards off site sports space of £17,100 to be secured via a legal agreement. Details of how the on-site play space will be managed in perpetuity with also be covered in the legal agreement.

WC Public Protection – No objection, subject to conditions regarding noise assessments due to proximity of A27.

WC Rights of Way – no comment received.

WC Spatial Planning – The proposal is not supported in principle as it does not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principal aims of the National Planning Policy Framework.

Other material considerations may apply, the most pertinent of which is the current housing land supply position. Whilst the Council is unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case

basis. This will need to include consideration of what weight to assign to the most important policies.

WC Urban Design – Object. The design would not accord with Core Policy 57.

WC Waste and Recycling – no objection subject to condition and contribution to be collected via S106 of £2,525.

Wessex Water – No objection.

8. Publicity

This application was advertised through a site notice and letters to neighbouring properties.

26 Letters of objection were received raising the following issues:

- The site is outside the currently defined settlement boundary of Whiteparish, and therefore is contrary to the Core Strategy, particularly CP1, CP2, CP23, CP51, CP57, CP60 and CP61.
- The location of the access is not safe
- There is a range of wildlife that uses the site and the immediate area
- Concerns about the capacity of the local sewage system to cope with additional housing
- Over development of the site.
- Overlooking of existing dwellings to the north, and also blocking their light.
- Village facilities such as the Doctor's Surgery are already oversubscribed.
- Village has little public transport so the development will result in more cars on the road.
- The land is prone to being waterlogged.
- The development would lead to the loss of valuable agricultural land.
- There is no footpath on this side of the A27.
- Is there adequate space for all the car parking to be on site, not on the A27.
- The 30mph speed limit on the A27 in the vicinity of the site is not adhered to.
- If the verges and recreation area are re-wilded then they may be a fire risk in the summer.
- A similar application was refused on appeal in 1984, and an application refused in 1986 and the same reasons apply today.
- Concern about the loss of habitat for both flora and fauna.
- There are brown field sites that could be used instead.
- Strain on local infrastructure, including the school.
- There is no parking in the village to serve the school or shop and parents would take their children to school by car as the footpaths are inadequate.
- The existing power line that crosses the site would have to be re-located.
- The electricity demand will increase due to the need for charging points and heat pumps, which will be noisy.
- Overspill parking from the site could take place in Meadow Court.
- Design will be out of keeping with this edge of settlement location.
- The train station at West Dean can only be reached by car.
- Affordable housing is in the wrong part of the village.
- Who will pay to maintain the open space and play equipment on the site? The village has sufficient play areas and sports facilities at the moment.
- The development will lead to light pollution.

6 letters of support were received, raising the following points:

- Affordable housing is needed so that young people can stay in the village
- New residents will be able to support the village facilities such as the shop, school pubs etc. All these facilities could be in danger of shutting.
- School numbers are dropping and the school could be in danger of shutting.
- Detailed letters of support have been submitted by the Headteacher and the Chair of Governors of the local school explaining that the school is currently in a vulnerable position due to falling pupil numbers and it is considered that the development of family housing would in fact greatly benefit the school in terms of pupil numbers and sustainability moving forward.
- The price of the average house in the village is out of the range of most local young people and the provision of affordable housing would allow people to live locally, get on the housing ladder, and for those houses to continue to benefit the local community.
- The lack of affordable housing in pushing local people out of the village.

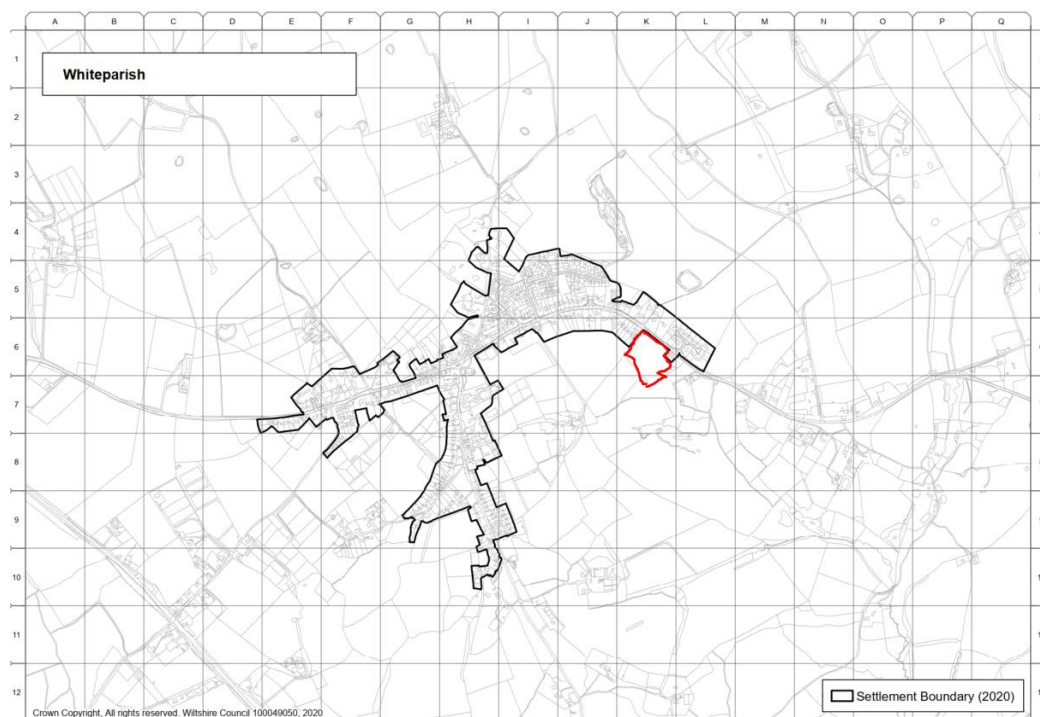
Salisbury and Wilton Swifts - require the installation of swift bricks and bat roosting features as part of the development.

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.

9.1 Principle of development

The application site lies outside of the settlement boundary of Whiteparish, as defined in the 2020 Wiltshire Housing Sites Allocations Plan, shown on the plan below:-



The village is defined as a Large Village in Policy CP23, and Policy CP2 states that within the limits of development, as defined on the Policies map, there is a presumption in favour of sustainable development in such a location, which is limited to that needed to help meet the housing needs of the settlements and to improve employment opportunities, services and facilities. (CP1).

The supporting text for CP1, at para 4.15 of the Core Strategy, comments that:-

At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Sites Allocations DPD as set out in the council's Local Development Scheme, in order to ensure that they remain up to date and properly reflect building that has happened since they were first established. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application).

Therefore, this proposed development is contrary to the provisions of the current Development Plan as it lies outside of the settlement boundary of the settlement and is of a scale not normally considered appropriate within a Large Village. The implications of this policy position with regards to the considerations to be given to such an application where the Council cannot demonstrate a 5 Year Housing Land Supply situation are discussed in more detail in the section on the Planning Balance below.

9.2 Highway safety

The Council's Highways Officers have commented that the site is located outside of the existing village policy boundary and the proposal is therefore considered as contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, it is acknowledged that a policy objection may not be appropriate in this instance.

The proposed point of access will be located within the 30mph speed limit, the speed limit changes to 40mph around 150m to the east of the site. The submitted Transport Statement contains an assessment of the speeds of vehicles passing the site and has resulted in a requirement for the upper most visibility splays in Manual for Streets of 2.4m by 59m in both directions. This is agreed and accepted. The splays can be achieved in land within the ownership of the applicant or highway land. There is a strip of vegetation to the west of the access which contains an oak tree which is to remain, in order to protect the visibility splay in this direction the vegetation will be cutback 0.5m behind the visibility splay. This is acceptable although it is essential that the visibility splay is maintained particularly in seasons of growth and must be conditioned accordingly.

The presence of the oak tree has influenced the route of the footway across the frontage to the west which will be setback from the edge of carriageway behind the vegetation and oak tree and re-joins the edge of carriageway further to the west. This is an acceptable layout. A footway is also proposed in the eastern direction to the existing cottages.

It is noted that the access road is shown as 5.5m in width with 2m footways continuing into the site, together with 6m junction radii.

There is no highway objection subject to a recommendation for conditions to be attached should permission be granted.

Therefore, the concerns expressed by local residents about the adequacy of the access to accommodate the development have been addressed satisfactorily by the Highways Officer. The matter of whether the site is a sustainable location for development are addressed further in this Report.

9.3 Drainage

The site lies in an area of potential for Ground water flooding, as set out in the Council's Strategic Flood Risk Assessment 2019. However, this document contains a disclaimer which in effect comments that the mapping of areas at potential risk of flooding from groundwater is indicative only and that further site specific investigations should be carried out to establish whether there is a specific risk to development from groundwater.

The site is not at risk of flooding from any other source, such as fluvial or surface water according to the SFRA, which is more robust on these areas of flood risk.

The NPPF and NPPG guidance was updated in 2021 to ensure that LPA's took account of all sources of flooding when considering planning applications for developments, such as dwellings. The guidance seeks to direct development away from areas of high flood risk, from whatever source (paras 159 and 161 of the NPPF). Paragraph 162 affirms that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

To establish if there are reasonably available sites with a lower risk of flooding than the application site, the applicants were required to undertake a Sequential Test, as required by the NPPF. This Test looks to see if there are any other development sites that could deliver the same quantum of development, either as part of a single large site or an amalgam of smaller sites, as proposed by the application within an area to be agreed by the LPA.

In this instance the guidance set out in the NPPG was followed, which states that:-

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.

Due to the acknowledged concerns expressed by the Headteacher and Chair of Governors of the local school regarding the needs of the local school for more pupils (set out in the representations submitted in respect of this application and substantiated by the Council's Education Department), it was agreed that the area of search could be the Parish of Whiteparish, which equates to the current catchment area of the school.

The subsequent Sequential Test submitted by the applicants, and examined by your Officers, concluded that there was no alternative area within the Parish, either as a single

site or a conglomeration of smaller sites, that would deliver the quantum of development proposed as part of this application.

National guidance goes on to consider that even if a site passes the sequential test, it should be accompanied by a site specific Flood Risk Assessment to establish that there is no risk of flooding without mitigation from the development.

The application is accompanied by a detailed Flood Risk Assessment which has carried out detailed analysis of the site's conditions and has concluded that there is no risk of groundwater flooding. The Council's Drainage Consultants have examined this document and its supporting information and have concluded that the development will not be at risk from any source of flooding, and that the proposals to deal with surface water from the site are acceptable, subject to conditions requiring more details at the Reserved Matters stage.

On that basis it is concluded that the development will not present a flood risk to existing or proposed residents and that no objection be raised to the scheme on flood risk grounds.

9.4 Layout and Housing Mix

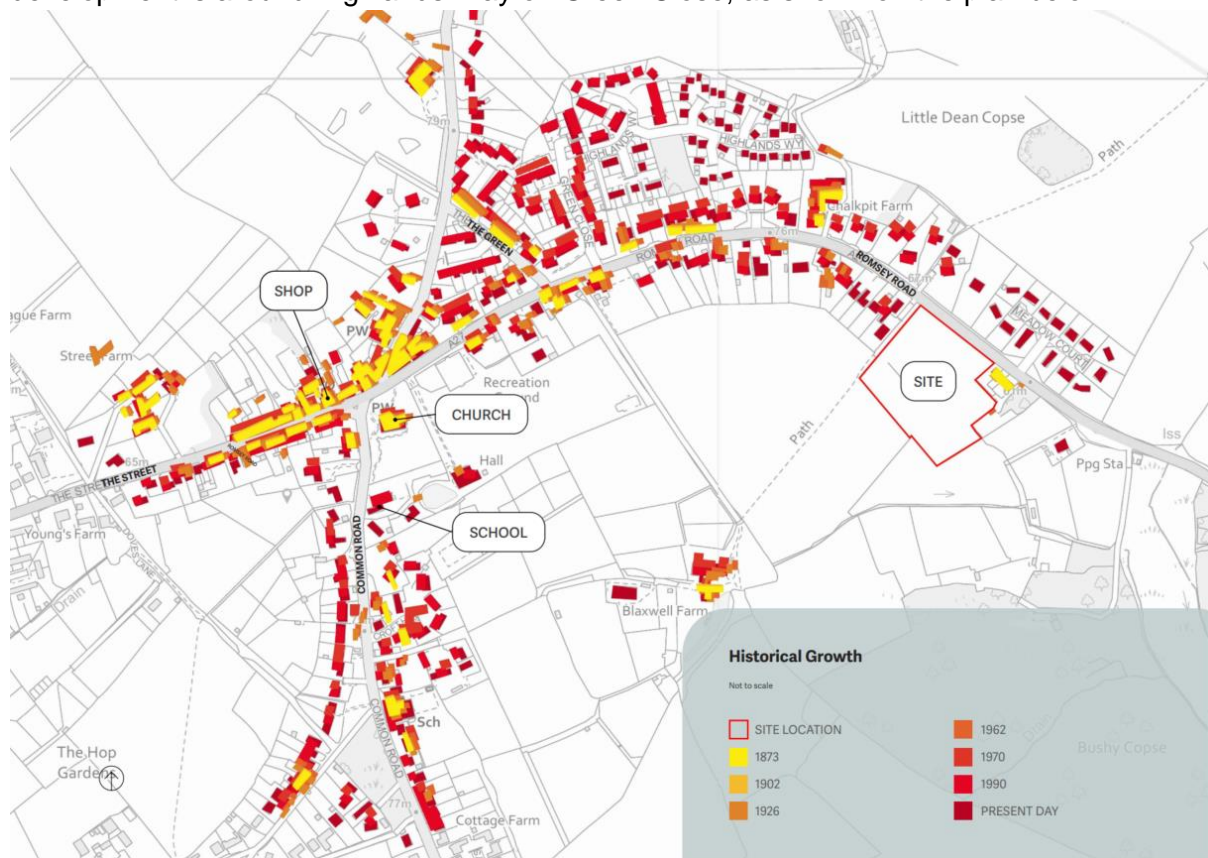
The scheme, which is in Outline only with all matters other than the point of access reserves, does contain an illustrative Master Plan. The plan, and the indicative schedule of accommodation and unit mix are set out below:-



The Council's Urban Design Officer has concerns about the proposed layout in that it is felt that a development of this scale on the edge of the village will not enhance local distinctiveness and does not relate positively to its landscape setting and the existing pattern of development, as required by policy CP 57.

The comments of the Urban Design Officer are noted. The application is accompanied by a detailed Design and Access Statement that assesses the development patterns across the whole of the village, as well as the immediate surroundings of the application site. The village historically developed in a linear fashion along the line of the Romsey Road, and later along Common Road, to the south of this road. The village continued to expand to the east and west of the village centre in the late twentieth century, including the cul-de-sac of

Meadow Court to the north of the application site. The largest area of non-linear development is around Highlands Way off Green Close, as shown on the plan below:-



The indicative masterplan of the application site, as set out at the beginning of this section, seeks to provide a layout which provides a clear landscape setting to the site on the edge of the village with the provision of an area of open space on its southern edge, where the dwellings will then face this space so as to not present the rear gardens and associated means of enclosure when viewed from the adjacent footpath, as well as structural planting within this area. The indicative layout within the site is linear in form and aligns with the existing dwellings to the south east (a terrace of bungalows) and the larger dwellings to the north west. The southern boundary of the development is to be defined by the access road serving the dwellings fronting it, which will give a clear edge to the built form in this location.

However, it should be noted that this is an outline application with all matters reserved and the final layout and form will be considered under any subsequent reserved matters application, if this outline application is approved. An informative note can be added to the decision to request that the reserved matters application closely follows the Illustrative Masterplan, and the application also includes a Parameters Plan, which indicates the areas to be developed for housing, and as areas of open space. This plan can form part of the approved plans for the scheme.

This application seeks to provide a housing mix that meets the requirements of the village, in particular the need to provide additional affordable housing, which is recognised by the comments of the Parish Council and others as lacking in Whiteparish.

Policy CP43 requires that 40% of the dwellings on the site should be affordable, and the Council's Housing Enabling Officer has confirmed that the current proposals meet the requirements of this policy, with the provision of 10 affordable units to be secured via a S106

agreement. The comments of the Parish Council, which seeks a higher proportion of the site to be affordable, are noted, but there is no policy mechanism to provide a greater proportion of the site to be affordable than is proposed by this scheme.

Policy CP45 requires that the type, mix and size of both market and affordable housing is designed to address local housing needs. The Council's Strategic Housing Market Assessment identifies that there is the greatest need for 2 and 3 bedroom properties. This application indicates that about 60% of the total dwellings will be 2 or 3 bedroom, with 80% of the affordable units being 2 or 3 bed, and 2 being 1 bed. This housing mix is compliant with the requirements of policy CP45.

9.5 Ecology

Policy CP50 requires development to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. The application was accompanied by a Preliminary Ecological Appraisal and Construction Environment Management Plan. In addition, CP50 requires all development to seek opportunities to enhance biodiversity.

Major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Ecological enhancements of the site are proposed, as explained within the Net Gain Assessment and recommendations within the Ecological Appraisal.

The Council's Ecologists have concluded that the proposal complies with the requirements of Policy CP50, subject to conditions to secure the details of the proposed enhancements and their implementation and retention.

The site also lies within the zone of influence for the New Forest protected sites which includes the New Forest SPA, New Forest SAC and New Forest Ramsar site. It is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone and in-combination with other plans and projects.

The Council has adopted a mitigation strategy for the above impacts, and it has been concluded that this development will comply and deliver the required mitigation via CIL, and that the scheme will not lead to adverse effects on the New Forest Protected sites.

The application site is located within/adjacent to the statutorily designated (Mottisfont Bat SAC –Barbastelle 7500m SAC Parcel Buffer). A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that, given the scale and nature of the development combined with the bat survey results and separation of more than 6km between the closest SAC unit, there is no mechanism for adverse effect/any temporary construction impacts and operational impacts would be de-minimus. This test of significance has been undertaken using the outline application. Given the layout at RM may differ the HRA for the Mottisfont Bat SAC will be repeated at that stage.

The site also lies within the River Test Catchment, and whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test

catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020) from the increase in waste water and land use change. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required.

Wiltshire Council has now agreed a mitigation strategy to counterbalance the nitrogen burdens from planned development, and the above application would be applicable to enter into a S106 agreement to contribute towards the necessary nitrogen credits, to the sum of £227,700.

9.6 S106

To enable the application to comply with local planning and Council policies which relate to development on this scale and in this location, the applicants are required to contribute towards the provision of necessary infrastructure via a legal agreement under S106 of the Planning Act. In accordance with the CIL Regulations 122 any planning obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The applicants have agreed that the S106, if planning permission is resolved to be granted, that the Heads of Terms of the legal agreement should cover the following:-

- 40% on-site provision of affordable housing in accordance with the requirements of Policy CP43, including an appropriate mix of tenure and house sizes;
- £227,700 towards Nitrate mitigation (nutrient neutrality);
- £114,700 towards the provision of 5 secondary school places in the catchment;
- Provision of specified on- site equipped play space and casual play space, and a financial contribution of £17,100 to be used for formal sports within Whiteparish;
- £2,525.00 towards the provision of waste and recycling containers for 25 dwellings;
- A contribution towards the Council's costs of drafting the Agreement.

10. Conclusion (The Planning Balance)

'Tilted balance'

This planning application proposes the construction of up to 25 dwellings outside of the settlement boundary of the Large Village of Whiteparish, and is therefore considered contrary to the settlement policies of the Development Plan, namely CP1, CP2 and CP23.

However, as Members are aware, the Council cannot currently demonstrate a 5 Year Housing Land Supply and the revised Local Plan is not far enough advanced towards adoption to carry significant weight in the determination of this application.

The lack of a 5 year supply of housing land is a significant factor that need to be taken into account when considering this application.

Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan '*unless material considerations indicate otherwise*', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan.

Paragraph 11(d) of the NPPF, relating to the presumption in favour of sustainable development, states that:-

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

'Foot note 8' comments that policies can be considered to be out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

This means that the housing land supply shortfall in effect results in the development plan policies that are most important in determining the application being deemed to be out-of-date. Moreover, the NPPF para 11(d) adds that in such a situation planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Members will be aware of the *5 Year Housing Land Supply and Housing Delivery Test Briefing Note No22-09* (the Briefing Note) which seeks to outline how the Council can restore its 5-year Housing Land Supply in the face of an acknowledged shortfall (which currently stands at 4.59 years). In this regard, a 3-pronged strategy is outlined in paragraph 6.1. The third of these says the Council will *Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.*

An Inspector in a recent Appeal decision in respect of 90 dwellings on the edge of the Large Village of Holt, near Melksham, where the appeal was allowed, (Ref PL/2022/03315) stated that (para 54) –

When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council's position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future.

He also commented, at para 65 of his decision letter, that –

If housing land supply cannot be achieved within the defined settlement boundaries then, as the Briefing Note implies, housing may need to be accepted, contrary to the development plan, on sites outside of those boundaries where there are no other major policy obstacles to the decision. Such instances may well mean the development occurs on a field with a consequent effect on the landscape. It is also fair to assume there is an acceptance that, in such a situation, the new housing would often be more distant from the services than the housing within the settlement.

This is a similar situation to the application under consideration here. The site lies on the edge of the village, a little distant from the facilities within the settlement, although the footpath network in the vicinity of the site does allow for access to the village school, for example without having to use village roads. It would result in the loss of a small field on the edge of the village, but would not have a great impact on the landscape setting of Whiteparish due to the existing (and largely to be retained) vegetation along the road frontage and the topography of the site, being at a slightly higher level than the surrounding road. No objection to the scheme has been raised by the Council's Highways Authority, Ecologists, Archaeologists, Drainage Engineers, Education Department or Housing Enabling Officers. Strong support for the scheme has been put forward by the Headmaster of the Village school as there is a current shortfall in pupil numbers locally, and this situation has been substantiated by the Education Authority's information on low pupil numbers.

Applying the 'tilted balance', it is considered that the conflict with the spatial strategy with regard to the location of the proposed development does not demonstrably and significantly outweigh the benefits of delivering up to 25 dwellings, 40% of which would be affordable, on this site. The application is therefore recommended for approval.

RECOMMENDATION

Grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to above, and subject to the following conditions:-

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;

The layout of the development;

The external appearance of the development;

The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4) Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 December 2022
- Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022
- Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 5) No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7) No development shall commence on site until a scheme of hard and soft

landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

The CEMP shall also address the following:-

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;

- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

- 14) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point

2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

- 18) There shall be no burning undertaken on site at any time.

REASON: In the interests of the amenities of local residents.

- 19) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of the amenities of local residents.

- 20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L_{Amax} between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

- 21) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority.

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of the amenities of local residents.

- 22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

- 23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

Informative Notes

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.
- 2) The development hereby approved could be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
- i) an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
 - ii) Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
 - iii) A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.
- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.
- 6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.
- 8) The layout for the Reserved Matters application shall broadly follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).

