

AGENDA

Meeting: Southern Area Planning Committee

Place: The Pump Room, The Old Fire Station, The Enterprise Centre, 2 Salt Lane, Salisbury, SP1 1DU

Date: Thursday 12 September 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Alexander of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Andrew Oliver (Chairman)

Cllr Sven Hocking (Vice-Chairman)

Cllr Richard Budden

Cllr Sam Charleston

Cllr Brian Dalton

Cllr George Jeans

Cllr Charles McGrath

Cllr Nabil Najjar

Cllr Bridget Wayman

Cllr Rich Rogers

Cllr Ricky Rogers

Substitutes:

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Kevin Daley

Cllr Ian McLennan

Cllr Graham Wright

Cllr Robert Yuill

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 15 August 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 5 September 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 9 September 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 13 - 14*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **Application Number: PL/2022/03103 - Land East of Wagtails, Southampton Road, Alderbury** (*Pages 15 - 46*)

Outline Application for up to 30 dwellings with all matters reserved (except access)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 AUGUST 2024 AT MARLBOROUGH ROOM, THE RED LION HOTEL, 4 MILFORD STREET, SALISBURY, SP1 2A.

Present:

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman),
Cllr Richard Budden, Cllr Brian Dalton, Cllr George Jeans, Cllr Nabil Najjar,
Cllr Bridget Wayman, Cllr Ricky Rogers and Cllr Trevor Carbin (Substitute)

35 **Apologies**

Apologies were received from:

Cllr Charles McGrath
Cllr Sam Charleston – who was substituted Cllr Trevor Carbin
Cllr Rich Rogers

36 **Minutes of the Previous Meeting**

The minutes of the meeting held on 20 June 2024 were presented.

It was;

Resolved:

To approve as a correct record and sign the minutes.

37 **Declarations of Interest**

In relation to item 7, PL/2023/08818, 127 East Gomeldon Road, Councillor Andrew Oliver noted that he had been involved in the production of the Idmiston Parish Council Neighbourhood Plan, and confirmed that he would remain impartial and would consider the application with an open mind after having heard the whole debate on the matter.

38 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

39 **Public Participation**

The committee noted the rules on public participation.

40 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

It was;

Resolved:

To note the Appeals report.

41 **Application Number: PL/2023/08818 - 127 East Gomeldon Road, Gomeldon, Salisbury, SP4 6NB**

Public Participation

Mr Dan Roycroft (Agent) spoke in support of the application

Cllr Kirsty Exton (Chairman) of Idmiston Parish Council spoke in objection to the application.

The Senior Planning Officer, Julie Mitchell, introduced a report which recommended that the application for the conversion of existing barns to form a single storey two-bedroom residential dwelling (Use Class C3) and associated works be approved subject to a s111 agreement to secure mitigation for protected sites.

A minor correction to the applicant's name in the report was noted by the Officer, as the correct spelling was Diffey.

Key details as set out in the report include the principle of development/capability of conversion, visual impact on existing building and surrounding area and the impact upon neighbour amenity.

A series of site photos were explained along with the existing and proposed floor plans and elevations.

A previous planning application on the site had been refused and was then later refused by the planning inspector at appeal. It was noted however that one of the grounds for refusal at Committee had not been supported by the inspector, who was satisfied that the building was capable of conversion development.

Following the submission of a Landscape Visual Assessment, the landscape impacts of the proposed development on the site surroundings were considered as not significant.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the elevation of the site above the road, which was noted as not significant.

The difference in the level of landscape harm now in relation to the previously refused application. It was explained that there were no differences, however the Inspector had felt there was harm but not arising from the building itself but from the associated use. If there was a change of use from agricultural to residential, there was an associated outside change also. The site was outside the main line of domestic properties, therefore the harm still existed, but the landscape assessment had taken a broader view and concluded that the proposal for change of use would not amount to a harm. Officers agree any harm would be very localised.

There were no other similar residential dwellings set back behind the ribbon development, and any application for a new build would not meet the criteria, it was only due to the proposal being for a conversion under CP48 that it was an exception to CP2.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The Agent for the application noted the grounds for refusal by the Inspector and the urgent need for new housing due to the housing land supply.

The Idmiston Parish Council representative spoke in objection, noting the unsuitability of the conversion. A comparison was made to a separate site in the area that had received planning permission for conversion of a barn for a disabled living dwelling, which had included a caveat preventing the future sale of the dwelling. It was questioned why the application for consideration had not been restricted by the same limitations.

The Unitary Division member, Councillor Andy Oliver then spoke to the application, noting that he had called it in following a request to do so by the Parish Council.

Some of the points noted were the small size of the village, that there was no development boundary and that the site was classed as open countryside.

Cllr Oliver further noted the officer's point that the proposal was not considered as infill and that the Inspector had supported the view that the building was suitable for conversion.

Noting the character of the road as a ribbon development with linear rear or front gardens, highlighting that tandem or back land development would be unusual for the road.

The case Officer noted that the main point for consideration was CP48, when looking at conversion.

Councillor Oliver then moved the motion of refusal, against Officer recommendation, stating that the application was unsustainable and back land development.

The motion was seconded by Councillor Trevor Carbin.

The Committee then discussed the application, the main points included that the site was in open countryside, however as the application was not for a new build due to there being an existing building, the development was considered a conversion.

Other points raised were that the development was in an already residential area and would re-purpose an unused building into something of use.

The Officer clarified that demolishing the building had not been sanctioned and that should the building be demolished during construction the applicant may be at risk as the development of a new build had not been granted.

The current structure of the steel frame building was discussed, regarding the possibility of asbestos removal with and the associated impact on the building should this be required. The Officer clarified that if work started and the building fell down, there was no fall back if it were no longer standing, as the starting point would be that it was no longer a conversion of a building and fall back to CP2.

A point raised was the future need for housing over the coming years and that every area would be looked upon to accommodate some level of development to help meet the targeted numbers across the county.

Councillor George Jeans arrived at the meeting after the Officer presentation and public speakers and therefore did not take part in the discussion or the vote on the application.

At the close of debate, the Committee voted on the motion of refusal, against Officer recommendation, for the reason set out above.

The motion failed.

Councillor Brian Dalton then moved the motion of approval in line with Officer's recommendation, but with the added standard condition regarding hours of operation on the site.

Councillor Sven Hocking seconded the motion.

The Committee then voted on the motion of approval, as set out above.

It was;

Resolved

That planning permission for application PL/2023/08818 be granted subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan PL/0011 ((received 12 October 2023)

Landscape Proposals/Site Plan 1092-MP-01 Rev A dated 10.10.2023 (received 13 May 2024)

Proposed north and south elevation 172.200 Page 01 Rev A dated 10.01.2022 (received 25 March 2024)

Proposed east and west elevation 172.200 Page 02 Rev A dated 10.01.2022 (received 25 March 2024)

Proposed floor plan 172.200 Page 03 dated 19.07.2021 (received 27 October 2023)

Proposed roof plan 172.200 Page 04 dated 19.07.2021 (received 27 October 2023)

External Lighting Plan 100002/LIGHT (received 25 March 2024)

Bat and Protected Species Survey 210510 rev01 dated July 2021

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

3 The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69.

4 The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council New Forest Protected Sites Mitigation scheme has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 34.

5 The proposed package treatment plant and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved, namely the Graf One2Clean Sewage Treatment Plant. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future package treatment plant is of an equivalent or improved standard.

6 External lighting will be installed in strict accordance with the External Lighting Plan (10002/LIGHT). No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

7 The dwelling hereby approved shall not be occupied until the parking and turning areas together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said parking and turning areas shall not be used other than for the parking and turning of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

8 The mitigation and enhancement measures detailed in the following Bat and Protected Species Survey 210510 rev01 dated July 2021, Proposed East & West Elevation. Drawing no: 172.200 Rev A and Proposed North & South Elevation. Drawing no: 172.200 Rev A shall be carried out in full prior to the first occupation of the dwelling. These features shall continue to be maintained as approved for the target species for the lifetime of the development

REASON: To provide mitigation and enhancement for biodiversity

9 The dwelling 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) and shall not be occupied until a water efficiency assessment to ensure compliance with the Building Regulations Optional requirement of a maximum water use has been complied with.

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

10 All landscaping measures comprised in the approved details of landscaping as shown in Landscape Proposals. Drawing no: 1092-MP-01. Rev A. Indigo Landscape Architects shall be carried out in the first planting and seeding season following the first occupation of the dwelling 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.

REASON: To ensure the protection of important landscape habitat features and the protection, mitigation and enhancement of landscape features and biodiversity.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity, character and appearance of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

12 No construction work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity during the construction phase in the interests of the amenity of the area.

42 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 3.40 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

**Wiltshire Council
Southern Area Planning Committee
12th September 2024**

Planning Appeals Received between 02/08/2024 and 30/08/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/11012	Land Adjacent to Kiln Close, Whaddon, Wiltshire, SP5 3HE	Alderbury	Excavation of former railway embankment, erection of 4 x new dwellings, hard and soft landscaping and associated works.	DEL	Written Representations	Refuse	13/08/2024	Np

Planning Appeals Decided between 02/08/2024 and 30/08/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2023/07178	62 St Edmunds Church Street, Salisbury, SP1 1EQ	Salisbury	Replacement of timber framed windows, glazing and front door to front elevation with UPVC double glazed units (Retrospective).	DEL	Written Reps	Refuse	Allowed with Conditions	29/08/2024	None
PL/2023/09224	Prestex House, 7-8 Edison Road, Salisbury, SP2 7NU	Salisbury	Change of use of vacant office to 6 bed dwelling.	DEL	Written Reps	Refuse	Dismissed	12/08/2024	None

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REPORT FOR SOUTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	12 th September 2024
Application Number	2022/03103
Site Address	Land to the East of Wagtails Southampton Road Alderbury SP5 3AF
Proposal	Outline Application for up to 30 dwellings with all matters reserved (except access)
Applicant	1215 Heritage Homes
Town/Parish Council	ALDERBURY
Electoral Division	Councillor Richard Britton ALDERBURY AND WHITEPARISH
Grid Ref	419031 126982
Type of application	Outline Planning
Case Officer	Lynda King

Reason for the application being considered by Committee

This application comes to Committee at the request of the Local Member, Councillor Britton, who considers that the main issues that need to be considered relate to the scale of the development, the relationship to adjoining properties, its environmental and highway impact and car parking. Councillor Britton also raises the issues about the police concerns about the play space allocation, drainage and that the high density does not allow sufficient green space for biodiversity provision to justify the previous loss of habitat from the site.

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 planning application are listed below:-

1. Principle and Policy issues
2. Impact on residential amenity
3. Impact on highway systems
4. Impact on ecology
5. Drainage and flooding issues
6. S106 and viability matters

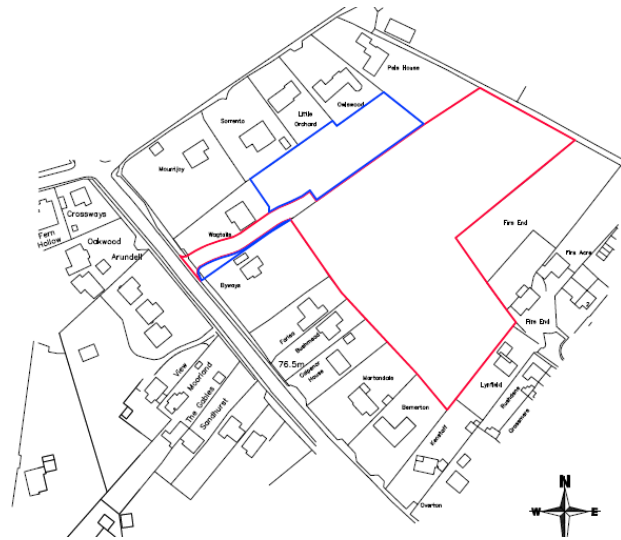
Alderbury Parish Council strongly object to the application and the Council's record system indicates that letters of objection have been received in respect of this application from 42 individuals, with many people writing more than one letter of objection. The concerns raised relate in the main to the principle of development in this location, density of development, loss of trees, drainage implications, impact on wildlife, and impact of traffic and highway safety (see later section of the report)

3. Site Description

The application site constitutes an 'L' shaped parcel of greenfield land of approximately 1.25 hectares, to the north east of several detached properties that front onto Southampton Road, Alderbury. Alderbury is classified as a 'Large Village' within the settlement hierarchy in the current Wiltshire Core Strategy. The site lies outside the existing settlement boundary but directly adjacent to it on three sides.



Excerpt from the WHSAP in which the settlement boundary (WCS 2015) is defined in blue and the revised boundary (WCSAP 2020) is defined in black/red.



Site location plan (above) also showing land edged in blue owned by the applicant with extant consent for 5 new dwellings (currently under construction following grant at appeal for 2 additional dwellings).



Aerial photo of application site with land to the west cleared prior to the construction of 5 dwellings now nearing completion.

The site lies outside but directly adjacent to the existing settlement boundary for Alderbury, as defined by the former Salisbury District Local Plan (adopted 2003) and carried forward and retained into the Wiltshire Core Strategy, which was adopted in January 2015. The Wiltshire Housing Site Allocations Plan 2020 (WHSAP) extended the settlement boundary for Alderbury up to the north western boundary of the site. This has the effect of the site being directly adjacent to the settlement boundary on three sides, rather than two when the previous application (19/03480/OUT) was determined.

A site to the north of the application site, known as Land off Firs Road, Alderbury, was granted planning permission on appeal and is now nearing completion.

The site is currently open in character, as the substantial number of trees that were originally on the land were effectively clear felled in 2018. A few boundary trees remain.

The site is bounded by residential development on four sides, and has a public footpath running along its northern boundary. The land to the north of this footpath is currently being developed for 50 dwellings, a new Guide Hut, and an expansion of the school playing fields, as well as a replacement Pre-school and open space.

4. Planning History

15/11933/FUL – Residential development of 3 dwellings and associated works (Refused 04.02.2016)

16/04775/FUL – Demolition of Wagtails and erection of 3 dwellings and associated works (refused 04.02.2016)

17/03136/FUL – Removal of condition 11 of planning permission 16/04775/FUL to allow retention of Wagtails alongside erection of 3 dwellings to the rear (Approved 24.05.2017)

18/07786/FUL – Revised layout to planning permission 16/04775/FUL to allow for two additional dwellings (Refused 12.10.2018, Appeal dismissed 08.08.2019)

18/10448/FUL – Revised layout application with two additional dwellings following refusal of 18/07786/FUL (refused 20.12.2018 Appeal Allowed 08.08.2019)

19/03480/OUT - Outline application for up to 36 dwellings with all matters reserved, except for access (Refused 02.07.2019)

19/11206/OUT Outline application for up to 32 dwellings with all matters reserved, except for access. (Appeal dismissed 15.06.2021)

(17/04001/OUT - Residential Development of up to 50 dwellings, associated parking and access (off Firs Road), open space and infrastructure, relocated guide hut, new pre-school building, and land to extend primary school playing field. Appeal allowed 7.12.2018. Land adjacent to application site now under construction following a series of Reserved Matters applications)

5. The Proposal

The application, which is in outline with all matters except access reserved, is for the construction of up to 30 dwellings on land to the east of Wagtails, Southampton Road, Alderbury.

Access to the site is proposed off the newly created access from Southampton Road to serve to the site for 5 dwellings recently granted consent at appeal (see history above). These dwellings are nearing completion and the access proposed was in excess of that required to serve this limited number of units, and can accommodate the level of development proposed by the scheme, the subject of this application.



Indicative layout showing dwellings under construction to the west and the layout of the scheme granted on appeal to the north, which is nearing completion.

6. Planning Policy

For the purposes of this application, the following policies are considered most relevant:

6.1 National Planning Guidance

NPPF, NPPG

6.2 Wiltshire Core strategy policies

The Wiltshire Core Strategy was adopted in January 2015.

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

- CP1 Settlement strategy
- CP2 Delivery Strategy
- CP3 Infrastructure Requirements
- CP23 Southern Wiltshire Community Area Strategy
- CP43 Providing Affordable Homes
- CP45 Meeting Wiltshire's Housing Needs
- CP50 Biodiversity and geodiversity

- CP69 Protection of the River Avon SAC

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

- CP41 Sustainable Construction and Low Carbon Energy
- CP44 Rural Exception Sites
- CP51 Landscape
- CP52 Green Infrastructure
- CP56 Contaminated Land
- CP57 Ensuring high quality design and place shaping
- CP58 Ensuring the conservation of the historic environment
- CP60 Sustainable Transport
- CP61 Transport and New Development
- CP62 Development Impacts on the Transport Network
- CP64 Demand Management
- CP67 Flood Risk
- CP68 Water Resources
- Saved SDLP Policy R2
- Saved SDLP Policy C9
- Adopted SPG design guide 'Creating Places'

Wiltshire Council Planning Obligations DPD

Wiltshire Housing Sites Allocation Plan 2020

Wiltshire Design Guide 2024

7. Summary of consultation responses

Wiltshire Council Archaeologist – No objection subject to conditions

Wiltshire Arboricultural Officer – Concerns about layout relative to a tree on the northern boundary. TPO served (officer comment – the scheme has been amended to take account of the location of this tree)

Lead Local Flood Authority – No objection, subject to conditions, to amended details

Wiltshire Council Open space - Object, until additional financial contributions required for impacts of dwellings on play space and equipment provision are provided via a S106 (comment on previous scheme).

Wiltshire Council Housing – Object, until 40 percent affordable housing provided in line with Policy CP43, unless viability assessment indicates that a lesser provision is required. The number of units and housing mix proposed by the developer is policy compliant, subject to securing the provision via a S106 agreement.

Wiltshire Ecology – No objection subject to conditions and contributions towards necessary mitigation for impacts on the River Avon SAC and the New Forest protected areas

Wiltshire Council Education – Objection until financial contributions for secondary provision, and early years provision have been secured via a S106

Wiltshire Crime Prevention – suggestions for the final layout to design out crime, to be incorporated into any Reserved Matters application.

Wiltshire Environmental Health – no objection subject to conditions

Highways England – No objection

Wiltshire Highways – No objection subject to condition

Wiltshire Landscape – no objection, with the site being urban infill

Wiltshire Urban Design – Poor quality design and layout, in particular lack of adequate landscaping, especially to the front of properties, and issues around provision of adequate play space

Wiltshire Waste Management – Object, until financial contributions for the provision of waste and recycling containers has been secured via a S106 agreement

Wiltshire Spatial Planning – The site is outside of the settlement boundary and therefore contrary to the settlement policies of the Core Strategy, however the lack of a 5 Year housing land supply in Wiltshire has to be taken into account when determining the application. (Case officer comment – the Housing Land Supply situation will be updated in the body of the Report)

Dorset and Wiltshire Fire and Rescue – remind applicants of the need to ensure that the development will comply with the relevant Building Regulations.

Environment Agency – No objection subject to conditions

Wessex Water – no objection in principle

8. Third Parties/ Publicity

Alderbury Parish Council resolved to "object" to this planning application for the following reasons: -

1. The site is outside of the housing settlement boundary.
2. The whole of the proposed area was previously covered with a large number of very mature trees (approximately 150) and these have all been removed (ringbarked and cut down) prior to the planning application being submitted.
3. Concern about the drainage of the site as it was previously populated by 150 mature trees. There are severe problems currently affecting several roads and houses surrounding the site which were not evident at the time of the previous application.
4. The proposed development is not in keeping with neighbouring properties (Junction road and Southampton Road). The view of this area previously was of mature trees, a wooded area.
5. Some of the new dwellings will overlook neighbouring properties.
6. All traffic will enter/exit in one place, including the houses from the neighbouring site behind Wagtails and Wagtails itself, which means that potentially more than 40 houses and the associated traffic will come in and out of this site. Volumes of traffic are likely to be high.
7. There are several other roads that exit onto Southampton Road in this area, which concerns residents about Highway safety, the entrance to the Heathers, Lights Lane and Junction Road as well as bus stops nearby, there are many children using the pavements to walk to and from school.
8. Residents' day to day experience on this stretch of road is at odds with the view of the Highways department.

There was a recent accident in the vicinity involving a parked car which we would like to draw their attention to. We would therefore ask if Highways continue to take the view that there is no issue, we would welcome their assurance that an extended traffic survey has been done to justify that position.

9. The application is contrary to Core Policy CP57 in respect of compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants and CP51 as the character of the landscape of the proposed area has been destroyed by cutting down a large number of mature trees which has had a detrimental impact on the environment and associated wildlife.

10. The parish already has two other new housing developments which have been approved, increasing the number of houses locally by over 80 houses. As these have not yet been completed the cumulative effect of traffic from these sites is as yet unknown, on top of current concerns regarding the volumes and speed of traffic using Southampton Road through the village. Recent metro counts have shown that volumes of traffic travelling through the village at peak times is already high. Volumes also increase to avoid traffic problems on the A36 as motorists use the village as a shortcut.

11. There should be a consideration on the rate of growth of Alderbury as a village. It is not sustainable and the risks associated with it should be addressed.

Third Parties - The Council's record system indicates that 42 letters of objection have been received in respect of this application from individuals, with a number of local residents writing in on more than one occasion, many raising concerns about the impact of the development on the surrounding area and the loss of the trees on the site. The issues raised include:

Object.

- No development should be permitted due to the destruction of the trees on the site without permission
- Local wildlife was destroyed when the trees were felled
- More traffic will be dangerous to pedestrians and will discourage walking to school
- Too many houses proposed
- Access onto Southampton Road will be dangerous as it is close to a crossroads and there are 2 bus stops in the vicinity
- Neighbouring properties will suffer disturbance from traffic using the site
- Insufficient car parking
- No compensatory measures to replace the biodiversity lost when the trees were felled
- Drainage concerns, especially of surface water run off
- Meagre proposals to enhance local facilities
- Request retrospective TPOs to replace lost trees
- Concerned about the lack of communication or dialogue with the community by developers prior to the application being submitted
- This and other consented schemes in the village will bring no commensurate improvements in infrastructure
- Density too high
- Development out of keeping with detached nature of surrounding development
- Ecological reports do not relate to this site
- Wiltshire has a 5 Year housing land supply therefore the development is not needed
- Development will put pressure on future school places and the school has no room to expand
- Local properties will be affected by increased water run off

- No biodiversity audit was taken before the trees were felled so biodiversity gain cannot be proven
- Site will be clearly visible from the public footpath which runs from Junction Road to Firs Road
- Proposed tree planting will go nowhere near replacing those lost
- Village infrastructure is poor and cannot accommodate additional development
- The site is outside the defined settlement limits according to the Wiltshire Core Strategy
- No need for additional affordable housing in the village
- No evidence of essential need for this development outside the settlement boundary
- Consent already exists for an additional 80 dwellings in the village and it doesn't need any more

Salisbury and Wilton Swifts as for the provision of suitable swift bricks on the proposed dwellings.

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.

The site was the subject of an earlier planning application, also in outline, for 36 dwellings (19/03480/OUT) which was refused planning permission under delegated powers in July 2019. The application was refused for 5 reasons, which are outlined below:-

- 1) Although no 5 year Housing Land Supply could be demonstrated, it is considered that the development would have an adverse impact on the character of the area, and would give rise to ecological and archaeological concerns.
- 2) Over development of the site and out of character with the area
- 3) Inadequate information to demonstrate that the site can be drained satisfactorily
- 4) Ecological issues arising from the clear felling of the trees on the site
- 5) Insufficient provision for contributions towards affordable housing, public open space and waste and recycling requirements.

A subsequent application, again in Outline, was submitted for the erection of up to 32 dwellings with all matters reserved except for access. (Ref. No. 19/11206/OUT). An appeal was lodged against the non-determination of that proposal. The 5 reasons for refusal Members would have imposed if the application had not been appealed related to the impacts on the European Protected wildlife sites and lack of on-site biodiversity net gain, the impact of the clear felling of the site prior to the submission of the planning applications the lack of provision for affordable housing and other necessary infrastructure to support the development. The final reason related to the impact of the development on the local highway network. No reason for refusal related to the proposed density of the scheme. The subsequent appeal was dismissed.

The Appeal decision is a relevant material consideration in respect of the current application and the issues discussed in the appeal, along with the Inspector's conclusions will be considered in more detail below.

9.1 Principle of development

The site lies outside but directly adjacent to the existing settlement boundary for Alderbury, as defined by the former Salisbury District Local Plan (adopted 2003) and carried forward and retained into the Wiltshire Core Strategy, which was adopted in January 2015. The Wiltshire Housing Site Allocations Plan (WHSAP) (adopted 2020) extended the settlement boundary for Alderbury up to the north western boundary of the site. This has the effect of the site being directly adjacent to the settlement boundary on three sides, rather than two as when the previous application (19/03480/OUT) was determined. A site to the north of Land to the east of Wagtails, Land off Firs Road, Alderbury, was granted planning permission on appeal and is now nearing completion for 50 dwellings and associated facilities (*see below for further discussion*).

Core Policy 2 (Delivery Strategy) states that

“Within the defined limits of development

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

Outside the defined limits of development

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

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

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48) – *see below for further discussion*

The site lies outside but directly adjacent on three sides to the existing settlement boundary for Alderbury. The Wiltshire Housing Site Allocations Plan extended the settlement boundary for Alderbury up to the north western boundary of the site. The emerging Wiltshire Local Plan Review does not amend the settlement boundary to include the newly built development to the north of the application site, although the methodology set out in that document does state that the areas to be included in settlement boundaries include ‘Built and commenced residential and community facilities development such as religious buildings, schools and community halls, that is physically related to the settlement’ (Appendix B to the Wiltshire Local Plan pre-submission draft. September 2023)

Settlement boundaries can also be reviewed by the community through a neighbourhood plan. However, the neighbourhood plan for Alderbury and Whaddon has not progressed beyond the initial stage of area designation, which was granted in April 2014.

The proposed development would need to demonstrate that it is in accordance with the spatial strategy for the Southern Wiltshire Community Area, as set out in Core Policy 23, and other relevant policies as listed above, unless other material considerations apply.

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

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

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

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

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

Status of the development plan

National Planning Policy Framework

The Revised National Planning Policy Framework (NPPF), published in December 2023, presents a presumption in favour of sustainable development at paragraph 11. This forms the basis of a 'golden thread' running through plan making and decision taking.

Paragraph 47 of the NPPF states that '*planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*'.

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

Chapter 2 constitutes what sustainable development means in practice. The sections of the NPPF that are considered relevant to this application, as well as paragraph 11 and Chapter 2, include:

- Chapter 5 - Delivering a sufficient supply of homes

The Development Plan

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

Housing Land Supply

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must now be taken into account. The effects of the changes in relation to this planning application are set out below.

Housing supply and delivery

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
- a) *their adopted plan is less than five years old; and*
 - b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*
77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations*

towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

Current housing land supply position and consequences for the 'planning balance'

The Council's most recent Housing Land Supply Statement (published April 2024; base date April 2023) sets out the number of years supply against local housing need as 4.20 years. This figure exceeds the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is now starting from a 'level' position rather than 'tilted'. With a level balance, and with full/substantial weight now being given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) (namely Core Policies 1 and 2), it follows that planning applications which conflict with the policies should not normally be granted – that is, unless other policies or material considerations indicate that the housing delivery policies should not be followed – and other restrictive policies may have increased relevance.

It has been concluded that the application site was previously a garden. On that basis the site conforms to the definition of previously developed land as set out in the glossary of the NPPF as follows, as the site is not a garden within a built-up area:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Paragraph 123 of the NPPF comments that:

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁹.

Paragraph 124 c comments that planning policies and decisions should: *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land*

The use of previously developed land for development is therefore encouraged by the NPPF.

9.2 Site specific considerations

A previous application on this site (19/03480/OUT) for 36 dwellings was refused in 2019.

A further application in outline for 32 dwellings on the site (19/11206/OUT) was appealed for non-determination, and was dismissed in June 2021.

The Inspector who determined the Appeal considered that the main issues relating to the development were:-

- (i) whether the appeal site offers an acceptable location for the proposed development having regard to national and local planning policy;
- (ii) the effect of the proposed development on biodiversity;
- (iii) the effect of the proposed development on highway safety; and
- (iv) the effect of the proposal on protected habitats.

A copy of that Appeal Decision is attached as Appendix 1 to this Report.

With respect to **issue (i)** the Inspector accepted that the application site lay outside of the settlement boundary of Alderbury and that it was therefore in conflict with both policies CP2 and CP23 of the Core Strategy. However he commented that:-

10. I understand that outline planning permission has been granted for the erection of up to 50 dwellings (and associated matters) along the site's north eastern boundary. I acknowledge that, if built, this would result in the appeal site being surrounded by development on all four sides.

11. However, I noted during my site visit that no substantive works have commenced. If the development goes ahead as currently envisaged, then I agree the appeal site could be considered to be infill. However, at the present time, that remains to be seen. It is not unknown for large schemes to change, before or during implementation, and until the development has progressed further, it seems to me that nothing is yet certain. For the time being, I do not consider this nearby permitted development is sufficient to overcome the objections identified above.

As has been set out above, the development to the north the Inspector refers to has now been substantially completed and the application site is now surrounded on 4 sides by residential development, and in accordance with the Inspector's comments can now be treated as infill.

Issue (ii) – Biodiversity.

The Inspector agreed with the LPA that the level of information submitted with the application was insufficient to be able to conclude that the development would help to enhance biodiversity or result in a biodiversity net gain and was therefore contrary to Policies CP50, CP52 and CP57 and well as the guidance set out in the NPPF.

The Inspector commented that in respect of the previous tree loss from the site that:-

19. Turning then to the Council's concerns regarding the removal of trees, the PPG also indicates that any deliberate harm to biodiversity value which has taken place in the recent past might be a relevant factor in considering whether there are grounds for this to be discounted in assessing the underlying value of the site. While I note the appellant asserts that the felling was not unlawful, it is nevertheless clear that the habitat, and the biodiversity it can support, has altered significantly. In order to ensure that there is no net loss in biodiversity, I consider it necessary to understand the impact that the recent removal of the trees has had on the baseline biodiversity value of the site as well as the current biodiversity value it offers. Without this information, I cannot be certain that the proposal would not result in an overall net loss of biodiversity,

The final comments of the Council's Ecologist with respect to the biodiversity impacts of the proposed development are set out below:-

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024, therefore BNG per se is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 186 d).

The submitted metric predicts a net loss of -2.53 habitat units. In order to demonstrate compliance with Core Policy 50 and deliver 'no net loss of the local biodiversity resource, and secure the integrity of local ecological networks' details of a compensation package that benefits local biodiversity resource is required.

The requested developer compensation strategy has not been forthcoming. In the interest of moving this application forward the council considers that the deficit can be acceptably addressed through financial contribution to a council led scheme at a cost of £30,000 per habitat unit. The contribution must be secured by legal agreement.

As an absolute minimum the Biological Mitigation/ Natural Areas shown on the Amended Site Plan must be delivered in full at reserve matters. A reserve matters application that results in the loss, reduction or fragmentation of Biological Mitigation/ Natural Areas shown on the Amended Site Plan will not be acceptable.

The application is therefore considered to overcome the objections of the Appeal Inspector with respect to Biodiversity Net Gain with contributions towards the Council's own mitigation scheme in southern Wiltshire, in the order of £75,900.

Issue (iii) - Highway safety

The Members of the Planning Committee who considered the previous application added a reason for refusal which related to the increased volume of traffic generated by the proposed development and the impact that this would have on other road users and the character of the area.

Your Highways Officers did not object to the application, the subject of the appeal, and do not object to the current application.

The Inspector who determined the appeal in 2021 commented on this issue that:-

22. However, no robust evidence has been provided which would indicate that the additional traffic generated by the proposal would have any material impact. No concerns have been raised by the Highway Authority and there is nothing before me which would demonstrate that the proposed development would result in unacceptably high levels of congestion or would be detrimental to highway safety. Similarly, there is nothing to suggest that the traffic generated would negatively impact on the character of the surrounding area.

23. As such, I find no conflict with WCS Policies CP57 or CP64. These policies seek to ensure, amongst other things, that all developments make a positive contribution to the character of Wiltshire and are located and designed to reduce the need to travel by car and to encourage the use of sustainable transport alternatives.

The concerns of local residents in this regard are acknowledged, but in light of no objections, subject to conditions, from your Highways Officer and the fact that the Inspector did not find a highways objection to the scheme, no objection on this ground can be made to the proposed development.

Issue (iv) – effect on protected habitats

The Inspector concluded that as he was going to dismiss the appeal for other reasons, namely lack of biodiversity net gain and the site being outside of the settlement boundary, he did not need to address the issue of the effect of the development on protected habitats.

Since that appeal decision was received further policy with respect to the impact of residential development in southern Wiltshire has evolved.

Habitat Regulations Assessment

The proposed development site lies within the 13.8km zone of influence for the New Forest protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in-combination with other plans and projects. Many of the special features of the New Forest protected sites afforded protection are vulnerable to adverse effects associated with an increase in recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019.

Following a Cabinet decision on 7 May 2024, Wiltshire Council's "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £600 (plus legal and admin fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application. Evidence for the revised

approach derives from the New Forest SAMM Report (Footprint Ecology, October 2023) which can be found here: Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority (newforestnpa.gov.uk). The New Forest SAMM Report was commissioned by all the local planning authorities with areas lying within the 13.8km zone, in order to identify and implement a consistent strategic approach to mitigation across the zone of influence.

It will therefore be necessary for developer to fund the contribution of £600 (plus legal and admin fees) to be secured via S111 agreement, unilateral undertaking or S106 agreement for this application to ensure the necessary mitigation is secured. This will enable the Council to conclude, subject to endorsement from Natural England, that the development proposed by means of this application will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects.

River Avon Hampshire Avon Catchment

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The Council's current strategic mitigation approach has now changed following a cabinet report in early February. The Council-led scheme will only be available for planned development where there is a supply of mitigation credits for the relevant sub-catchment, and the credits will only be allocated to applications that are advanced in the planning system. Developer contributions via planning obligations are sought for planning applications that wish to use the Council-led scheme.

A Hampshire Avon Credit Screening Approval Certificate will be supplied to the case officer alongside this response. Once the applicant receives this certificate they can apply to the Council-led scheme via the website Development Applications in the Hampshire Avon.

A phosphorus budget has been submitted and reviewed by Wiltshire Council. **The total annual phosphorus load to mitigate is 2.96 kg TP/yr.**

Compliance with the Council-led scheme, or provision of an alternative approved mitigation package, will be secured via condition (see below). It is considered that this approach delivers the required level of certainty to secure effective mitigation for the phosphorus burdens of this planning application. There will be no in combination effects with other developments, therefore it is concluded that there would be no adverse effect on the integrity of the above European sites as a result of the development.

A strategic Appropriate Assessment is being progressed for applications using the Council-led scheme. The recommendation of 'no objection – subject to conditions' is based on sign off of this Appropriate Assessment which is expected imminently.

The applicants have also investigated alternative off-site mitigation with Burrows Environmental Ltd. A positive Habitat Regulations Assessment will require evidence that this

mitigation has been endorsed by Natural England (NE). This evidence must be provided by the applicant it will not be acceptable to rely on endorsement of the council's own scheme.

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.

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. 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 from the increase in waste water and land use change. The wastewater from this development will be discharging to the River Avon catchment (via the Petersfinger WWTW) and not into the River Test catchment. Given the existing use of the site is already residential (garden), there is no change in land use and no likely significant effect on the Solent protected sites.

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 Regulations. This concluded that given the development discharges outside the catchment and there is no land use change there is no mechanism for adverse effect. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

It can be concluded, therefore, that with suitable mitigation to be secured via a S106 agreement in respect of the New Forest Recreational Area and the River Avon catchment, the proposed development will not have significant impacts on the constituent SAC/SPA and Ramsar sites.

9.3 Other issues

Detailed comments have been submitted by local residents about the potential drainage issues associated with the development of the site as proposed.

The Council's Drainage Engineers have been in detailed discussions with the applicant to ensure that the site can be drained adequately so as not to cause problems to either the application site itself, or to neighbouring properties. Due to concerted concerns from a local resident the Council's Engineers re-visited the proposed drainage strategy for the site in some detail and have concluded that with suitable engineering it is possible to drain the site in a satisfactory manner that will meet all current requirements to attenuate the surface water and foul drainage from the scheme. No objection is therefore raised to the proposal on drainage grounds, subject to conditions.

9.4 S106 Contributions and Heads of Terms

The current application proposes a policy compliant offering of up to 40% affordable housing units of a type and tenure which meet the requirements of the Council's Housing department, and Policy CP45 of the Core Strategy. These dwellings will be provided as a mix of shared equity, affordable rented properties and Starter Homes .

The Council's Open Space team seek a financial contribution towards the provision of casual public open space and youth and adult leisure space within the village totalling £43,230.70 to be secured via a S106 agreement.

The Council's Waste Management team recommend that the applicants agree to contribute £3,030 towards the provision of waste and recycling containers necessary to serve the development, and that this sum is secured via a S106 agreement.

The Council's Education department have assessed that the development needs to make the following contribution towards an educational provision. An Early Years provision of £52,566, and £137,640 towards the provision of Secondary School provision, along with a contribution towards Primary school provision of £150,064.

The Council's ecologists require the applicant to enter into an agreement to secure the necessary mitigation to achieve nutrient neutrality in the River Avon catchment, £75,900 for the delivery of biodiversity units, and the payment of £18,000 towards the New Forest protected sites.

All of the above are also subject to legal fees.

10 Conclusion (The Planning Balance)

This application is an attempt by the applicants to overcome the previous refusal at appeal for 32 dwellings on this site on the edge of the village of Alderbury, which lies outside of the settlement boundary, but which is surrounded on four sides by existing development, including a recently completed residential development to the north which was also granted on appeal outside of the settlement boundary. It is technically previously developed land under the definition in the NPPF, where development is preferred to green field sites.

The Council can demonstrate a 4 Year Housing Land Supply and therefore, under the current terms of the NPPF, the Council does not have to applying the 'tilted balance' to decision making. However, it still has to ensure that it has sufficient dwellings in the pipeline to maintain this housing land supply into the future, and with the likely direction of travel of forthcoming changes to the national planning framework there is a likelihood that the required housing land supply requirements for the County will increase. Therefore it is suggested that to avoid 'planning by appeal' elsewhere in the area, permission should be granted to this development as there is a requirement to take into account all material planning considerations, including the previous Appeal decision into a similar outline scheme for residential development where the appeal was dismissed, but on relatively narrow grounds.

The Inspector commented that if the development to the north (which at the time of that appeal had planning permission but had not commenced) was carried out then the site could be classed as infill within the village. He did not raise objections to the scale or density of the proposed development, which was for two more dwellings than is proposed here. He also did not comment on the drainage issues raised by local residents, and noted that the

provision of affordable housing should be afforded considerable weight and would be of considerable public benefit.

It is acknowledged that the site lies immediately adjacent to the village boundary, and is sited close to local amenities such as the school, shop, playing fields, and that there is a bus stop very close to the site entrance. It is therefore suggested that it is in a sustainable location. It will also provide affordable housing to the village.

The strong material considerations in respect of the adverse impact on the European protected sites of the River Avon, River Test and The Solent, and the New Forest have now been overcome, subject to the applicants entering into a S106 agreement to provide for the necessary mitigation of these harms.

The concerns raised in respect of the biodiversity loss on the site have now been addressed and the Council's ecologist raises no objection, subject to the applicants entering into a legal agreement to contribute to a Council led mitigation scheme.

Consequently it is considered in this case that interpretation of settlement boundaries as expressed by the previous Inspector, together with the benefits provided by the affordable housing and the mitigation package to overcome the impacts on protected wildlife sites in the vicinity have overcome the previous reasons for refusal and the application is therefore recommended for approval, subject to the completion of the necessary S106 agreement as set out above.

RECOMMENDATION

Approve, subject to the completion of a S106 Agreement in respect of the Heads of Terms set out 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 Layout Plan –, received on 13th January 2023

Proposed Vehicular Access - drawing no. 11/545/5/R/1B, received on 5th October 2022

Root Protection Plan- Drawing No WMC/SSR/PSK/HE/WIA/FTS/1, received on 9TH May 2022.

Tree Protective Fencing Plan - Drawing No WMC/SSR/PSK/HE/WIA/FTS/1, received on 9th May 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.

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) The detailed landscaping plans to be submitted pursuant to condition no. 7 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

10) No demolition, site clearance or development shall commence on site until an

Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following :-

§A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;

§A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;

§A schedule of tree works conforming to British Standard 3998: 2010;

§Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

§Plans and particulars showing the siting of the service and piping infrastructure;

§A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

§Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and §Details of all other activities, which have implications for trees on or adjacent to the site.

§Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2 - code of practice for daylighting.

§In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

§Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

11) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation, which amplify the information set out in the submitted Flood Risk Assessment, received 2nd May 2023, 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.

12) The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69.

13) 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) 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.
 - d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - e) 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.

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.

14) 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.

15) Prior to the start of construction, a Reptile Mitigation and Enhancement Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include long term objectives and targets, management responsibilities and maintenance schedules for reptiles and their habitat 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.

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

16) 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.

17) 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 the development 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.

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) 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.

- 21) 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.

22) No development shall commence until:

- 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 by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

The programme of archaeological work should comprise the following elements:

- i) Exploratory archaeological investigation through trial trenching prior to the commencement of development
- ii) The archaeological investigation of any areas of archaeological interest identified by the exploratory investigation. This may comprise further investigation prior to the commencement of development in the areas of archaeological interest or monitoring during development.
- iii) A programme of assessment, analysis, and publication commensurate with the significance of the archaeological results.

REASON: To enable the recording of any matters of archaeological interest.

- 23) Prior to commencement of the development hereby approved, detailed drawings showing the access arrangement including kerbing, junction radii, and footway extension; together with drainage details and surface material specification, cross sections and longsections, shall be submitted for further approval of the LPA. The work shall be carried out in accordance with the approved details prior to first occupation.

REASON: In the interests of Highway safety.

24) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To reduce the risks associated with land contamination

25) No dwelling shall be occupied until details of the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse and recycling storage shall thereafter be maintained in accordance with the approved details.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

Informative Notes

1) Reference to S106 Agreement

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 applicant should note that archaeological mitigation required by Condition 22 will include the excavation of a number of areas within the site in advance of development, followed by the assessment, analysis, reporting, publication and archiving of the results. The applicant should not under-estimate the programme and resources required to undertake the full programme of archaeological work, and they may wish to seek the advice of their archaeological consultant in this respect, especially in relation to the post-fieldwork assessment, analysis and reporting stages of the programme.

A mitigation strategy could be prepared and agreed in advance of the determination of this application so that the applicant is fully aware of the programme of archaeological work required and the programme and resources required to achieve it. It should also be noted that this site is in a location that is prominent to the general public and passers-by, and it therefore provides an opportunity to engage the local community with the archaeological programme.

- 4) A water efficiency calculation will be needed to discharge condition 17. 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) To meet the requirement of condition 23 above, the applicant will be expected to enter into a S278 Agreement with the Highway Authority before commencement of works hereby approved.
- 6) Evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.
- 7) The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Appendix 1 – Appeal Decision in respect of Planning Application 19/11206/OUT

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