

REPORT FOR STRATEGIC PLANNING COMMITTEES

Date of Meeting	23 rd February 2022
Application Number	21/01950/FUL
Site Address	Land at Broadfield Farm, Broadfield Farm, Great Somerford, SN15 5EL
Proposal	Proposed development of 21 residential dwellings, vehicular access from Broadfield farm, ancillary works and associated infrastructure
Applicant	Gleeson Strategic Land Limited
Town/Parish Council	Great Somerford
Electoral Division	Brinkworth – Councillor Elizabeth Threlfall
Grid Ref	396419 182443
Type of application	Full Planning
Case Officer	Alison Williams

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 subject to completion of the S106 agreement within 6 months of the date of the Committee meeting.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of proposal
- Design, character and appearance
- Impact on heritage assets
- Impact on residential amenity
- Highway impacts
- Sustainability
- Drainage/flood risk
- Ecology
- S106 contributions

As a result of the consultation exercise, 137 letters of objection and 5 letters of comments were received. The Parish Council also raised several concerns regarding the application.

4. Planning History

17/00861/FUL - Erection of Two Dwellings with Associated Garaging and the Construction of a New Double Garage for No. 4 Broadfield Farm (refused)

17/00846/FUL - Residential Development of 39 Dwellings Together with Associated Infrastructure, Public Open Space and Landscaping (refused)

17/12502/FUL - Demolition of existing vacant buildings and redevelopment of site for 20 residential dwellinghouses and associated infrastructure (approved)

19/10153/VAR - Variation of Conditions 08, 10 and 19 of planning permission 17/12502/FUL (Demolition of existing vacant buildings and redevelopment of site for 20 residential dwellinghouses and associated infrastructure) (approved)

5. The Proposal

The application seeks full planning permission for the development of 21 residential dwellings, vehicular access from Broadfield Farm, ancillary works and associated infrastructure. It would include sustainable urban drainage systems, open space and new planting within the western field to provide biodiversity net gain. The site extends to approximately 1.6 hectares and the development would provide 13 open market dwellings and 8 affordable homes. These would comprise of no. 1 one bedroomed maisonette (affordable), no. 4 two bedroomed houses (affordable), no. 6 three bedroomed houses (2 affordable and 4 open market), no. 8 four bedroomed houses (open market) and no. 1 five bedroomed house (open market). The development would consist of a mix of detached and semi-detached dwellings spread across the central field.



6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 13 – Spatial Strategy for the Malmesbury Community Area

Core Policy 43 – Providing Affordable Homes

Core Policy 45 – Meeting Wiltshire’s Housing Needs

Core Policy 46 – Meeting the Needs of Wiltshire Vulnerable and Older People

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape

Core Policy 55 – Air Quality

Core Policy 52 – Green Infrastructure,

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and Development

Core Policy 64 – Demand Management

Core Policy 67 – Flood Risk

Great Somerford (incorporating Startley) Neighbourhood Plan (made 2017): GSNP2 (affordable housing) GSNP3 (Broadfield Farm), GSNP7 (Local Green Spaces)

North Wiltshire Local Plan 2011:

H4: Residential Development in the open countryside

NE14 Trees and the control of new development

NE18 Noise and Pollution

CF3 Provisions of Open Space

National Planning Policy Framework 2021

Paragraphs 2, 8, 10, 11, 12, 14 (Sustainable Development), Paragraph 47 (Determining Applications), Paragraph 55, 56, 57, 58 (Planning Conditions and Obligations), Paragraphs 61, 62, 63, 65, 66, Paragraph 68 (Identifying land for homes), Paragraph 79, 80 (Rural housing), Paragraph 100 (Public Rights of Way), Paragraph 107 (Parking Standards), Paragraph 110 – 112 (Considering Development proposals), Paragraph 124 (Achieving appropriate densities) Paragraph 126, 127 and 130, (Well designed places), Paragraph 153, 154 (Planning for Climate Change), Paragraph 174 (Conserving and enhancing the natural environment), Paragraph 179, 180 (Habitats and Biodiversity), Paragraphs 190, 191, 192, 194, 195, 197, 199, 200, 201, 202 (Heritage)

The Wiltshire Housing Site Allocations Plan (WHSAP) was adopted 25 February 2020.

Wiltshire Council Waste Core Strategy 2009

WCS6 – Waste Reduction and Auditing

Supplementary Planning Guidance and Other Relevant Documentation

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4
- Open Space provision in New Housing Developments – A Guide
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement April 2018 (published August 2019)

- Wiltshire CIL Charging Schedule May 2015
- Wiltshire Planning Obligations SPD May 2015

7. Summary of consultation responses

Great Somerford Parish Council

Objection raised. The site is outside of the settlement boundary and is not included in the neighbourhood plan. If the development is approved the neighbourhood plan would become null and void, leaving the village open to further speculative development.

The land is grade 1 agricultural land and it would be inappropriate to develop it. Any decision to grant permission would be in contradiction to the requirements of the NPPF, guidance from Natural England and the government's stated aim of protecting prime agricultural land.

There is no need for new housing in the village. Many new dwellings have been approved recently and an additional 21 dwellings would constitute an unreasonable rate of expansion for a medium sized rural village.

The design and density of the development is not in-keeping with the village. The village does not have sufficient infrastructure to support the proposed development. Roads are minor and narrow and struggles to support the existing level of traffic. It could not support 21 additional homes safely. The sewerage system is at full capacity.

The application was previously refused.

Natural England

No comment

WC Arboricultural Officer

No objection subject to conditions

WC Public Protection

No objection subject to suggested condition with respect to construction hours.

WC Affordable Housing

Outlined the affordable housing requirements should the development be supported. This included advice about the tenure and unit size mix. They noted that the parking bays for plot 4 are located at the rear of the property. However, they advised that this would be acceptable as long as the vehicles are still viewable from that property i.e. not obscured by a solid wall or fence.

WC Education

The education team advised that this development would generate a need for 4 secondary school places, which would attract a total cost of £91,760.

WC Urban Design

No objection to amended scheme subject to design and detail conditions relating to the elevations of the dwellings and the SUDS design.

WC Archaeology

The Archaeologist initially objected to the application due to a lack of information as no field evaluation had been undertaken. However, the Archaeologist later advised that they would be willing to agree to the site being made the subject of a trial trench evaluation which could be secured via a condition attached to any planning permission.

WC Drainage

No objections subject to conditions.

WC Spatial planning

The proposals conflict with Core Policies 1, 2 and 13. However as the Council cannot demonstrate a five year supply of deliverable housing sites, the adverse impacts of granting consent need to be weighed against the benefits. The extent of the housing shortfall and how much this proposal provides a remedy to it limits the benefits of the scheme. Permission would distort the amount of homes being built compared to that envisaged in the development plan and it would deprive the community of its say on shaping and delivering sustainable development by neighbourhood plan. It would undermine public confidence in the development plan process and therefore significant weight should be attached to the proposal's failure to comply with the area strategy of the WCS and Great Somerford Neighbourhood Plan.

In the context solely of the principle of development, there are adverse impacts that weigh against this proposal's benefits. Adverse impacts expressed in terms of national planning policy are:

- the imprudent irreversible loss of greenfield site when there is no urgent need (NPPF paragraph 8c);
- serious harm to public confidence in a plan-led system (NPPF paragraph 15).

Both impacts may be considered serious and demonstrable and these considerations should be part of the overall balancing undertaken by the decision maker.

WC Highways

No objections to amended scheme subject to conditions.

WC Waste collections

Support subject to conditions. Outlined the financial contributions required.

WC Landscape

No objection subject to conditions.

WC Public Rights of Way

The footpath south from the hard surfacing to where there is a link into the site should be surfaced with tarmac to an adoptable standard and a width of 3m. The link into the site should be 3 metres wide and for both walkers and cyclists. They advised that it would also be desirable to have a

footway by the side of the road to allow access to the shop and services in the village. *Addressed in the body of the report.*

WC Conservation

Object to the proposals - The proposal would urbanise the rural edge of the village and views between the proposed houses. Harm to the setting of the Great Somerford Conservation Area. *Addressed in the body of the report.*

Wessex Water

No comment

WC Public Open Space

The proposal would trigger the need for 1404m² of public open space onsite including 129m² of equipped play. Although the area of planting to the west would meet the requirement for public open space, there is no equipped play provided. Therefore, an off-site contribution of £18,576 would be required to upgrade the playing field at Winkins Lane. They confirmed that there is also a requirement for 579.6m² sports pitches, equating to a contribution of £5,796

WC Ecology

No objections subject to conditions.

8. Publicity

The application was advertised by a press advert, public notice erected outside of the site as well as by way of neighbour notification letters, publication to the Council's website, notification to the Parish Council and Local Ward Member .

Public consultation

140 letters of objection were received during the public consultation period. The main points raised were as follows:

- Contrary to the neighbourhood plan
- Involves the development of Grade A agricultural land.
- Along with other developments in locality, would threaten existing infrastructure e.g. water, internet, drainage, sewerage, school places, roads.
- Many other new houses are being built in the village
- Development is not needed
- Site is outside of the settlement boundary
- Nothing has changed since the previous refusal
- Would alter the nature/character of the village
- Concern about the way in which the public consultation was carried out and the public's ability to make comments
- Highway safety issues
- Proposal does not include sustainability measures and does not advance Wiltshire's aim to be carbon neutral.
- Concern about the developer's pre-submission engagement with the community
- The proposed housing will not be affordable
- Would exacerbate/increase flood risk

- Harm to protected species/wildlife
- Concern about other development taking place on greenfield land
- Would increase congestion
- There is little public transport in the area
- Loss of visual amenity and loss of countryside views
- Lack of amenities to support further development in village
- The density of development would not be in-keeping with the surrounding dwellings.
- Road infrastructure in the vicinity isn't suitable
- Inadequate open space and leisure provision
- Scale, design and form of development is not in-keeping with the area.
- The affordable housing should be available to purchase rather than going to housing associations or shared ownership
- Harm to the conservation area
- Increased light pollution
- The proposed access is not suitable.
- In conflict with need to reduce carbon emissions and address climate change
- The Council's reasons for refusing planning permission for Purton (20/10523/OUT) also apply here.
- Harm to neighbour amenity including loss of light, overshadowing, overbearing impact and erosion of privacy
- Harm to neighbour amenity through noise and disturbance associated with the construction phase.
- Increased noise pollution
- Impact on resident's quality of life should be considered.
- Concern that affordable housing will not be constructed.
- Concern that works have been carried out without planning permission
- Concern about loss of existing vegetation
- Proposed replacement landscaping lacks detail.
- The Wiltshire Local Plan 2036 should be taken into account.
- Concern about loss of access to the footpath along the river
- Concern about lack of pedestrian connectivity to existing village
- Concern about the accuracy of the road traffic survey
- Would result in increased air pollution

James Gray MP

Objection raised

CPRE

Along with approved development, Broadfield farm would accommodate 41 houses which would be described as a 'new estate' and contrary to the wishes of local residents as expressed through the neighbourhood plan. Unclear where all of the new residents would be employed. Concern that, the proposal would lead to a commuter community with increased car journeys.

Would expect the new units to demonstrate the highest levels of energy efficiency and energy generation.

North Wiltshire Swifts

Welcome the recommendation of the Ecological Impact Assessment to incorporate swift boxes into new buildings. Recommend that the Council follows the 1:1 next brick per dwelling guidance and provide 21 integrated swift nest bricks. Suggested a range of conditions in this respect.

9. Planning Considerations

EIA

The proposal is for 21 dwellings covering 1.6 hectares. The proposal is not:

- (i) development that includes more than 1 hectare of urban development which is not dwellinghouse development; or
- (ii) development that includes more than 150 dwellings; or
- (iii) development that exceeds 5 hectares. greater than 5 hectares or consist of 1 hectare on non dwelling housing development.

The proposal would not therefore fall within any of the criteria set out within Schedule 2, subsection 10(b) of The Town and Country Planning Environmental Impact Assessment Regulations 2017. As such, an Environmental Impact Assessment is not required in this case.

Background

Permission was previously refused in May 2017 (17/00846/FUL) for the construction of 39 dwellings on the site. This application sought to develop a large proportion of the land which now forms part of the current application, albeit in a slightly different form and layout to that currently proposed. The 2017 application was refused for the following reasons:

1. *1.5ha of the proposed development is outside of the framework boundary for Great Somerford, is not brownfield land and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015) or draft Great Somerford Neighbourhood Plan. The development fails to meet any of the special circumstances for the creation of additional residential units in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. Therefore, the proposal is contrary to Core Policies 1, 2, & 19 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and paragraphs 14, 17 & 55 of the NPPF. As such, the proposal fails to promote a sustainable pattern of development and is contrary to the aforementioned local and national policies.*
2. *The proposal is premature to the progression of the Great Somerford Neighbourhood Plan and to the sustainable plan led approach to development in this Large Village. The application is premature in terms of the overall quantum of housing in Great Somerford and the resultant out-commuting which might arise. Furthermore, the proposal seeks the use of Class 1 agricultural land, with alternative sites of poorer land quality being considered for allocation as part of the Neighbourhood Plan process. Therefore, it is considered that planning permission should not be granted having regards to Core Policy 1, 2, 13 & 60 and guidance in paragraphs 14, 17, 112, 183, 184, 185, 196, 209, 210, 211, 212, 214, 215, 216.*
3. *The proposals as shown would harm the character, appearance and significance of the designated heritage asset of the Great Somerford Conservation Area though the introduction of over-large, densely sited and inappropriately designed development that does not reflect the vernacular scale and plot sizes. The harm associated to this is considered to not be outweighed by any public benefit, including securing the optimum viable use for the site. Therefore, the development is considered contrary to Core Policy 58 of the Wiltshire Core Strategy and paragraphs 132, 134, and 137 of the National Planning Policy Framework.*
4. *The proposed development would, by reason of the dense form of development, loss of an open agricultural field at the edge of the settlement, creation of a significant*

access road through the existing fields at the edge of the site and poor design and layout of the dwellings, result in unacceptable harm to the visual amenities of the surrounding area. Therefore, the development is considered contrary to Core Policies 51 & 57 i) & iii) of the Wiltshire Core Strategy.

- 5. The proposed development would, by reason of failure to provide a safe walking route into the village centre, result in unacceptable risk to pedestrian safety and result in an unacceptable increase in the use of private motor car to access the facilities within the village. As such, the development is considered contrary to Core Policies 60 & 61 of the Wiltshire Core Strategy and Paragraph 32 of the National Planning Policy Framework.*
- 6. The proposed development, by reason of the failure to demonstrate a right to discharge the water into the adjoining lake in the manner proposed and failure to provide plans showing sufficient capacity for surface water drainage systems, has failed to demonstrate that measures to reduce the rate of rainwater run-off have been included as part of the development. Therefore, the development is considered to be at risk of increasing surface water flooding and is contrary to Core Policy 67 of the Wiltshire Core Strategy.*
- 7. The proposed development does not make any provisions for securing affordable housing on the site; financial contributions towards secondary school provision, open and play space and waste facilities. The application is therefore contrary to Core Policies 3, 43, 45 and Saved Policy CF3 of the Wiltshire Core Strategy.*

Concern was raised during the public consultation period that nothing has changed since this refusal. Notwithstanding the fact that the two proposals are not identical in terms of the number, form, design and layout of dwellings proposed, a number of material considerations and circumstances have changed since the previous decision. Therefore, whilst the previous refusal is a material planning consideration in itself, it is important to assess the current application on its own merits and in relation to all current material circumstances and considerations.

Since the most recent refusal permission has been granted for the construction of 20 dwellings on the adjacent site (17/12502/FUL and 19/10153/VAR). This development is currently under construction and the physical backdrop of the site has therefore changed and the edge of Great Somerford is now more residential in character.

Moreover, the case officer's report accompanying application 17/12502/FUL makes clear that at the time the application was determined, the Council had 5.73 years of land supply. In contrast, the Council is now only able to demonstrate 4.41 years of housing land supply and therefore the tilted balance set out in paragraph 11 of the NPPF is engaged. As a result, the development plan policies which are most important for determining this application are considered to be out of date and planning permission should be granted unless the adverse impacts of doing so would outweigh the benefits. This position has been confirmed in several very recent appeals decisions in this locality:-

Land at Green Farm Lyneham 19/03199/OUT. APP/Y3940/W/20/3253204

Filands, Malmesbury 21/01641/OUT; 20/05470/106; 21/01363/OUT - 3278256, 3282365 and 3278923

Land to the south of Chilvester Hill, Calne 20/06684/OUT; APP/Y3940/W/21/3275477

In addition, the Wiltshire Core Strategy is now also more than 5 years old, and the Great Somerford Neighbourhood Plan has now been formally made and forms part of the development plan but is more than 2 years old and so cannot be considered fully up to date and attracting full weight.

The Wiltshire Housing Sites Allocation Plan (WHSAP) was adopted in February 2020. The purpose of the Wiltshire Housing Site Allocations Plan is to revise, where necessary, settlement boundaries in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages and allocate new sites for housing to ensure the delivery of homes across the plan period in order to help demonstrate a rolling five-year supply in each of Wiltshire's three HMAs over the period to 2026. The settlement boundary for Great Somerford was not amended as part of the WHSAP.

Principle of proposal

a) Compliance with policy

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006), Policies of the Great Somerford (incorporating Startley) Neighbourhood Plan (2017) and the Wiltshire Housing Sites Allocation Plan (February, 2020).

Wiltshire Core Strategy Policies CP1 and CP2 alongside community area based policies, CP13 in this instance, define a hierarchy of settlements based on the range of services infrastructure and facilities in those locations and seeks to direct most new development to the most sustainable locations in this hierarchy. In the Malmesbury Community Area, in which the site is located, the most sustainable location to which most growth is directed is Malmesbury with the large villages of Ashton Keynes, Crudwell, Great Somerford, Oaksey and Sherston being identified as able to accommodate some growth within existing settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy states that in line with Core Policy 1, the delivery strategy seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes, with a minimum housing requirement for the North and West Wiltshire HMA (which contains Great Somerford) of 24,740 dwellings for the plan period. Core Policy 2 also states that sites for development in line will be identified through subsequent Site Allocations DPDs and by supporting communities to identify sites through the neighbourhood planning process.

Core Policy 13 of the Wiltshire Core Strategy states that over the plan period (2006 to 2026), approximately 1,395 new homes will be provided of which about 510 should occur in the wider community area. The latest housing land statement, published August 2019, shows that on 1 April 2019: of the 510 homes requirement for Malmesbury, 402 homes had been completed and there were 179 homes committed and deliverable by 2026. As such, the wider community area is set to exceed the requirement by circa 71 homes.

The Great Somerford Neighbourhood Plan became part of the development plan on 27th November 2017 and is now more than 3 years old. The Great Somerford Neighbourhood Plan allocates land for the construction of 35 dwellings across four sites including 18 dwellings at Broadfield Farm. However, the current site falls outside of the designation for Broadfield Farm as outlined by Policy GSNP3 and the development of twenty dwellings on this adjacent site has already been approved (17/12502/FUL) and this development is currently under construction.

Therefore, in this case the site is located in the open countryside given its position outside of, but adjacent to the settlement boundary for Great Somerford. Core Policy 2 of the Wiltshire Core Strategy states that other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The site falls outside of the limits of development for Great Somerford and does not comply with any of the exception policies listed under paragraph 4.25 of the WCS. Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions set out in that policy also. Moreover, the site is not allocated for development by the Neighbourhood Plan.

The proposed development seeks to provide 21 residential units on land which is outside of the settlement boundary for Great Somerford and has not been allocated for residential development under the Great Somerford Neighbourhood Plan. Therefore, the development is contrary to Core Policies 1, 2, & 13 of the WCS and it would not comply with the provisions of the Great Somerford Neighbourhood Plan. This is a matter which weighs against granting consent in this case but as identified by statute, NPPF and case law it is necessary to consider what if any considerations would indicate that a decision otherwise than in accord with the plan are material to the proposals and this site. This addressed further below and in the planning balance set out in the conclusion.

b) Sustainability

Concern was raised during the public consultation period that the application is not sustainable, that it would increase carbon emissions and that it does not advance Wiltshire Council’s aim to become carbon neutral. It was highlighted that there is little public transport in the village and that the locality does not have extensive services and facilities.

The development plan does set out a settlement hierarchy and seeks to direct most new development to the most sustainable locations in this hierarchy. Great Somerford is a large village, and large villages are defined by core Policy 1 as *‘settlements with a limited range of employment, services and facilities. Small Villages have a low level of services and facilities, and few employment opportunities.’*

Therefore, it is acknowledged that future occupants of the proposed dwellings would be required to travel to higher-order settlements in order to access many of facilities and services required in day-to-day living. It is also noted that due to the rural location of the site, the public transport offer is limited and therefore many of these vehicle movements will take place via private vehicle. This was highlighted by the Council’s Highways Officer who noted that the proposal would be contrary to sustainability objectives including Core Policies 60 and 61 of the Wiltshire Core Strategy. This is a matter which weighs against granting consent in this case.

c) Type of dwellings proposed

It is also important to consider whether the proposal satisfies the requirements of Core Policy 45, which requires that housing type and size reflect the demonstrable need for the community within which the site is located. In this case the development would provide 13 open market dwellings and 8 affordable homes. The mix and tenure is as follows:

Number of bedrooms	Number of open market homes	Number of affordable homes
1 bed maisonette	0	2
2 bedroom dwelling	0	4
3 bedroom dwelling	4	2
4 bedroom dwelling	8	0

5 bedroom dwelling	1	0
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The Neighbourhood Plan states that the Rural Housing Needs Survey 2014 identifies a need for one, two and three bedroomed homes in the area in the form of subsidised rented housing, shared/low cost home ownership and sheltered housing for older individuals. The Neighbourhood Plan also confirms that there are two households seeking affordable rented accommodation in Great Somerford along with one household seeking sheltered accommodation. The Neighbourhood Plan emphasises the need for affordable housing in the parish and it explains that although 47 homes were permitted in Great Somerford between 2006 and 2015, at the time of writing only 7 affordable homes had been permitted and these homes had not yet been constructed.

The proposal would provide 8 affordable homes in the form of one, two and three bedroomed dwellings. This accords with the requirements set out in the Neighbourhood Plan and therefore it is considered that the proposal broadly complies with Core Policy 45 of the Wiltshire Core Strategy. This is a matter which weighs in favour of granting consent in this case.

d) Development of agricultural land

Paragraph 174 of the NPPF states that planning decisions should recognise the benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land. In this case the land concerned is classified as Grade 1 agricultural land, which is the highest quality of land as set out by the Agricultural Land Classification (ALC). Members of the public objected to the application on this basis and such concerns were also raised by the Parish Council. The site area falls below the 20ha trigger for consultation with Natural England.

Footnote 58 confirms that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The Agent has submitted a soil report which recognises the inherent limitations with the ALC as it was designed to provide general strategic guidance on agricultural land quality as opposed to an assessment of individual fields. The report explains that the site extends to 1.6 ha, of which 1.3ha is agricultural land. It highlights that the site is located at the northern edge of a larger field parcel, which extends to approximately 20 ha. The soil report examines the soil conditions on site and determines that 0.6 ha (38%) is Grade 1 quality, 0.7 ha (44%) is Grade 2 quality, and 0.3 ha (18%) is non-agricultural.

It is clear from the soil report provided that the proposal would involve the development of very good quality agricultural land. This is in general conflict with the provisions of paragraph 174 and footnote 58 of the NPPF and this is a matter which weights against granting consent in this case.

e) Material considerations relevant to the principle of development

The Core Strategy was adopted in January 2015 and is now more than 5 years old. Both the Courts and Planning Practice Guidance make it clear that the policies of a development plan do not become out-of-date automatically after passage of 5 years. However, the NPPF makes it clear that housing land supply must now be assessed against Local Housing Need for the whole of Wiltshire, rather than the previous Housing Market Areas, as per para 74 of the NPPF 2021.

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing land supply. The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP1, CP2 and CP13 in relation to limits of

development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This was the position of the Planning Inspector who considered an appeal at Purton Road.

Following recent appeal decisions, it has been established that Wiltshire has 4.41 years of housing land supply. In these circumstances, NPPF Paragraph 11d advises that policies which are most important for determining the application should not be considered up to date. As a result the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged so that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal is within an area covered by a Neighbourhood Plan. Paragraph 14 of the Framework applies in situations where paragraph 11d is triggered because a proposal conflicts with a Neighbourhood Plan. In these circumstances paragraph 14 advises that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided 4 criteria apply. These are examined below.

NPPF paragraph 14 states;

“in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) the local planning authority’s housing delivery was at least 45% of that required over the previous three years.”*

As the Great Somerford Neighbourhood Plan is more than two years old it fails criteria a). Therefore, the policies relating to housing in the Great Somerford Neighbourhood Plan are considered out of date and it is for the decision maker to assess the weight of the neighbourhood plan in decision making.

It can be seen therefore that Core Policies 1, 2 & 13, saved Policy H4 and the housing policies of the neighbourhood plan are all important for determining the application and under the provisions of the NPPF are all to be considered out of date so do not attract full weight in decision making.

As noted above, it is acknowledged that recent planning approvals and commitments mean that the indicative housing requirements for the wider Malmesbury community area (up to 2026) have been met. However, it is important to consider that housing supply, consistent with the NPPF, is assessed at the Wiltshire wide level – where, as set out previously, the Council cannot currently demonstrate an adequate supply of housing. Whilst the fact that the indicative requirements have been met in this community area is a consideration, given the circumstances of this application, including the scale of development proposed and the identification of Great Somerford as a Large Village in the settlement hierarchy, it is not considered that this can be determinative in this instance. Again, this is reflected in recent appeal decisions including those listed above.

Case law has examined the interpretation and operation of national policy with regards the ability to demonstrate a five-year housing land supply, and the presumption in favour of sustainable development. Court judgments have established that:

- (i) Policies that are considered to be out-of-date as a result of a shortage in the 5-year housing land supply are still capable of carrying weight in the planning balance. The weight to be attributed to those policies is a matter for the decision-maker (most recently in *Suffolk Coastal District Council v Hopkins Homes Ltd.* [2017] UKSC 37).
- (ii) The extent of any shortfall in the 5-year housing land supply is capable of being a material consideration (most recently in *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808).

The implications of the Council's 5-year housing land supply position, and the weight to be attributed to the development plan policies, must be taken into account in the determination of the application. The extent of the 5-year housing land supply shortfall, and the potential for the proposal to deliver housing in the current 5-year period of 1 April 2018 – 31 March 2023 to help remedy the current shortage in deliverable supply, need to be taken into account in the balancing exercise.

It is noted that the Council is endeavouring to redress its limited housing shortfall in several ways. The actions being taken include bringing forward the latest HLS statement to establish the up to date position; establishing a team of officers to review current applications and appeals to consider which could potentially be supported in a tilted balance situation and then taking any that could be forward to Committee with recommendations for approval; allocating extra resources to officers dealing with major strategic allocation sites and others that have experienced delays to resolve issues arising and accelerate permissions; where possible liaising with landowners/developers to bring forward sites allocated in the WHSAP; consents being issued with shorter delivery timeframes controlled by condition; additional effort, resources and focus being afforded to discharge of conditions work and planning obligation drafting and completions.

Appeal and court decisions confirm that ultimately it will be up to the decision maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date'. Therefore, consideration of the weight which can be provided to the above policies is considered in the balancing exercise at the end of this report.

Impact on landscape character

Core Policy 51 of the Wiltshire Core Strategy requires that development should protect, conserve and where possible enhance landscape character. It states that development should not have a harmful impact upon landscape character and that any negative impacts should be mitigated as far as possible through sensitive design and landscape measures. This is reflected by paragraph 174 of the NPPF which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Concern was raised during the public consultation period that the proposal would result in loss of visual amenity and countryside views. The site sits within the Avon Vale Countryside Character Area, and as outlined above it is outside of the settlement boundary of Great Somerford. The site is also near Great Somerford conservation area and the Great Somerford Gravel Pits County Wildlife site is immediately to the east.

The Council's Landscape Officer noted that the primary impact that the development would have on views is from the south (viewpoints 8/9 in the LVA). Although the Landscape Officer noted that the settlement edge is predominantly vegetated with mature trees and hedges interspersed with

low lying bungalow developments, they explained that pylons are visible which reduce the rural nature of the landscape in this location. The Landscape Officer also noted that the housing development currently being constructed on Broadfield Farm to the north would likely further reduce the rural nature of viewpoint 8/9.

The Landscape Officer noted that the proposal would increase the scale of housing visible from the south, and this visibility would not be significantly reduced by the soft landscaping proposed. Although they raised concern about the adverse impact the development would have on the landscape character of this area, they also recognised that the construction of the adjacent development (19/10153/VAR) is reducing the settlement edges predominantly vegetated character to one of mixed built and vegetated form. Therefore, they advised that they were unable to object to the proposed development as it would present a continuation of the vegetated built edge which has already been permitted. On this basis it is not considered that the proposal would cause significant harm to landscape character such that the application could reasonably be refused and defended at appeal on this basis.

In terms of detailed matters, the Landscape Officer highlighted that the landscaping scheme was not sufficiently detailed and this was also echoed in objections received during the public consultation period. Whilst this is acknowledged, further detail could be secured in this respect via condition and it would not be reasonable to refuse the application on this basis.

Whilst a comment received during the public consultation period raised concern about existing vegetation, which would be lost as a result of the proposal, the site is currently a greenfield site which contains minimal established planting. The plans indicate that the majority of the existing boundary treatments would be retained and enhanced and as outlined above further details of the proposed landscaping scheme can be secured via condition.

The Landscape Officer also requested that thought be given to how some of the character of free gardens, fields and paddocks, which is a central part of the landscape character of Great Somerford, could be incorporated into the master plan. For instance, they suggested that this could include reviewing the boundary detailing for the plots to allow for the use of Cotswold stone walls. The application has been accompanied by an enclosures plan which confirms that a mix of close boarded fencing, larch lap fences, brick screen walls and post and rail fences were proposed. Such boundary treatments are not considered to be high-quality or characteristic of this rural settlement. Therefore, to ensure that high-quality development is achieved, it is recommended that the submitted enclosures plan is not referenced in any approved plans condition. A further condition could then be added to require the submission of revised boundary treatments, which would allow the Local Planning Authority to ensure that boundary treatments with an appropriate character and appearance are utilised.

Concern was raised during the public consultation period that the proposal would increase light pollution. It is acknowledged that the proposal would result in a degree of additional light spill through the provision of new dwellings which would all be lit internally during hours of darkness. However, the site is not located in a designated area such as an area of outstanding natural beauty and it is immediately adjacent to existing residential development which also has a degree of light spill. The erection of new external lighting can also be controlled via condition and this would help to mitigate its impact. Given these factors it would not be reasonable to refuse the application on this basis.

Design, character and appearance

Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new development and it states that development should create a strong sense of place by drawing on the local context and being complimentary to the locality. This is reflected in section 12 of the NPPF

which requires at paragraph 130 that development is visually attractive and sympathetic to local character including the surrounding built environment and landscape setting.

Concern was raised during the public consultation period that the density of the development would not be in-keeping with the surrounding built form. It was also felt that the scale, design and form of development would not be in-keeping with the locality.

It is acknowledged that the proposed development would be of a higher density than the original complex of dwellings which were associated with Broadfield Farm. However, the proposed site plan indicates that the proposed development would be of a similar density to the approved development which is currently under construction to the north (19/10153/VAR). The proposed development is not considered to be cramped or contrived and the proposed site layout plan indicates that there would be sufficient space for parking, SUDS, boundary treatments and open space. The proposed density of development is therefore considered to be acceptable.

Turning to the scale and design of the proposed dwellings, the building heights plan indicates that all of the dwellings would have two storeys and that the proposed garages would be of a single storey only. It is acknowledged that the dwellings immediately adjacent to the north are single storey bungalows, however, the dwellings which are currently being constructed to the north have two storeys as does much of the other housing within Great Somerford. On this basis, the scale and form of the dwellings proposed would be in-keeping with the wider area.

A total of 7 house types are proposed, and this variety will help to introduce visual interest across the development. The layout of the site will also generally avoid the introduction of blank side elevations in visually prominent locations, with dwellings on corners containing windows in their side elevations to reduce their overall bulkiness and to introduce passive surveillance. With respect to the proposed materials, a mix of render and stone is proposed. Although the Urban Design Officer advised that all visible items such as materials and colours should be annotated on the proposed plans, it is not necessary to request this information prior to the determination of the application as it can be conditioned. Such a condition will enable the Local Planning Authority to ensure that the materials and detailing proposed have an appropriate appearance. As outlined in the landscaping section above, further details of the soft landscaping scheme and the boundary treatments can be secured via condition to ensure that these aspects of the proposal are also appropriate. The hard surfacing materials shown on the proposed site layout plan are not considered to be sufficiently detailed and it would also be reasonable to apply a condition to further control this matter.

Based upon the information submitted and subject to conditions controlling matters of detail, it is considered that the proposal would secure high-quality development and it would therefore comply with Core Policy 57 of the Wiltshire Core Strategy and the provisions of the framework.

Impact on heritage assets including archaeology

The site is approximately 70 metres to the south of the conservation area. The Great Somerford conservation area does not appear to have an appraisal setting out the reason for its designation or its unique significance. However, the Neighbourhood Plan confirms that the conservation area was first designated in 1975, covering the heart of the village. The conservation area was then extended in 2006 to include the former railway station complex, junction of the World War 2 defences at Pillbox, the Free Gardens and part of Dauntsey Road which is defined by historic allotment boundaries. Notwithstanding the fact that there is no conservation area appraisal for this designation, the conservation area is significant in heritage terms and this significance is likely to arise primarily from its aesthetic (fortuitous) value and historical (illustrative) value.

The Council's Senior Conservation Officer raised an objection to the proposal. They considered that the number of units proposed was too high for the site, and that the proposed detached garages

would block the views between the proposed houses. They felt that the quantity of houses proposed would urbanise the rural edge of the village and the views between the conservation area and the surrounding countryside. The Conservation Officer considered that the proposal would cause harm to the setting of the conservation area, however they consider that the harm would be at less than substantial.

Whilst the Conservation Officer's concerns are noted, as outlined in the landscape section above, the visual appearance of this edge of the settlement has been permanently altered by the residential development which is currently being constructed to the north (19/10153/VAR). There is very limited intervisibility between the site and the conservation area and at present it is only possible to gain very limited views of the conservation area from the site and the adjacent public right of way. Moreover, as acknowledged by the Landscape Officer, much of the site is hidden from sensitive views from the conservation area by the intervening built form and vegetation. It must also be noted that the conservation area already encompasses substantial areas of land that form the setting to the historic core of the settlement and much of the land adjacent to the Conservation area and between it and the application site is not subject of designation or protection for its historic value. For these reasons it is considered that impact of development would be neutral but if harm were to be considered to arise to the setting of the conservation area it would be at the lowest end of the less than substantial scale.

Core Policy 57 sets out that "a high standard of design is required in all new developments". With section (i) setting out that development should "enhance local distinctiveness by responding to the value of the natural and historic environment, relate positively to its landscape setting, existing pattern of development. It should also and respond to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced"

It continues at section (vi) making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. The wording of CP58 and the supporting text to the policy is quite clear that if harm is identified, no matter what the level, it is in conflict with the policy. However, failure of the proposed development to comply with CP58 is not necessarily fatal to the acceptability of the scheme. 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 NPPF is a material planning consideration and paragraphs 197, 199, 202 are relevant to the determination of the application. Paragraph 202 provides: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

In this case there are significant public benefits associated with the development. The proposal would provide economic benefits through the provision of jobs during the construction phase, the spending of new residents, as well as additional council tax and CIL payments. Eight affordable homes would also be provided, for which the neighbourhood plan identifies there is a particular need. More importantly, the proposal would provide 21 new dwellings which would help to meet the demand for housing across Wiltshire where a shortfall in supply is identified.

These are public benefits of the scheme to which significant weight should be afforded and it is considered that these benefits clearly and demonstrably outweigh the less than substantial harm that may possibly be considered to arise from the development. Given this conclusion, in the context of the paragraph 202 balancing exercise, it is considered that the proposals are not in conflict with the NPPF and this is a material consideration of sufficient weight to indicate that in this instance a decision otherwise than in accord with the development plan is justified and planning permission can be granted.

Turning to the impact upon buried heritage assets, the Archaeologist initially objected to the application due to a lack of information as no field evaluation had been undertaken. They advised that the heritage assessment and the results of the geophysical survey indicated that there is some potential for sub-surface remains of former field systems dating from the medieval or post-medieval periods to survive within the site. Ideally, they advised that they would like to see this potential ground-truthed via a trial trench evaluation of the site prior to consideration of the application which would allow the Council's archaeology team to offer an informed opinion on the value and extent of the archaeological resource that would be impacted by the development. However, the Archaeologist advised that they would not be willing to defend a refusal of planning permission on the evidence currently available to them and therefore on this occasion they were willing to agree to the site being made the subject of a trial trench evaluation which could be secured via condition. However, they advised that the Applicant should be aware that if the evaluation finds archaeological features and/or deposits of unexpectedly high value, this may have cost implications in terms of mitigation work or project re-design.

Impact on residential amenity

Core Policy 57 of the Wiltshire Core Strategy requires development to have regard to its impact upon the amenity of existing occupants. Concern was raised during the public consultation period that the proposal would cause harm to the amenity enjoyed by neighbours in terms of loss of light, overshadowing, overbearing impact, and erosion of privacy.

The proposed development would border nos. 2, 3, 4, 5 and 6 Broadfield Farm. Due to the position of the proposed residential gardens, the proposed dwellings would generally be off set from the boundary line with these neighbouring properties. The gable end of would be located in closest proximity to the boundary line. However, given the position of this dwelling in relation to nos. 2 and 4 Broadfield Farm, its overall scale and the orientation of the site; it is not considered that the proposed development would give rise to such significant overshadowing that the application could reasonably be refused on this basis, nor would the proposed development appear as significantly overbearing features for these existing occupiers. Any overshadowing caused by the development is considered to be within an acceptable limit.

The plans indicate that there would be no first-floor windows within the side elevation of plot 13 which would look out towards nos. 2 and 4 Broadfield Farm. The back-to-back distance between plots 21 and 20 and no. 3 Broadfield Farm would be approximately 35 metres. This separation distance is considered to be substantial and acceptable and would be protective of privacy.

There would be a separation distance of approximately 24 metres between the rear of plots 11 and 12 and the approved development to the north. This off-set distance is also considered to be acceptable and would generally ensure that the occupants of both developments would have an appropriate degree of privacy. It is considered that the relationship between the approved and proposed developments is acceptable more generally.

Turning to the amenity achievable within the site itself, the proposal is not considered to constitute an unacceptably dense form of development and it is considered that the private amenity space associated with each dwelling is of an acceptable size. The proposed pumping station is sufficiently distanced from the proposed residential properties to ensure that no significant disturbance would be experienced by future occupiers through noise or vibration. Subject to conditions requiring the use of obscure glazing within the southern side elevations of plots 13, 14 and 15, it is considered that occupants of future dwellings would enjoy an adequate standard of privacy.

It is acknowledged that the construction phase of the proposal has the potential to cause disturbance to the amenity enjoyed by the existing dwellings in this area. Such harm can be

controlled and mitigated by requiring the submission of a construction method statement via condition. Subject to this condition it is not considered that the construction phase would cause such significant disturbance to neighbour amenity that the application could reasonably be refused and defended at appeal on this basis.

Highway impacts

Several letters received during the public consultation period raised concern regarding the impact of the proposal upon the surrounding highway network. It was felt that the road infrastructure in the vicinity of the site is not suitable to support the development nor was the proposed access. Concern was also raised about the accuracy of the road traffic survey and it was felt that the proposal would increase air pollution and congestion in the wider area.

With regard to pedestrian connectivity, the Highway Officer noted that as a result of the approved development on Broadfield Farm a footway link to the village has been conditioned. The Highway Officer considered that this link would help to provide pedestrian access to the village and bus stop.

Moreover, the Highway Officer considered that subject to the delivery of the agreed access arrangements for Phase 1, they had no objection to the proposed access arrangement. Similarly, they raised no concern regarding the trip generation and survey details which had been provided. They did originally raise concern regarding the number of grass verges proposed and they considered that an extended footway was required, which they suggested should stretch from plot 1 of Phase 1 to plot 17 of the current application, this has now been provided and therefore have overcome the highways objection in this response. Although concern was raised during the public consultation period regarding the access to the footpath along the river, the Highway Officer raised no objection in this respect.

The Public Right of Way Officer requested that the footpath should be surfaced with tarmac to an adoptable standard and width of 3 metres, and that the link into the site should be 3 metres wide and for both walkers and cyclists. They advised that it would also be desirable to have a footway by the side of the road to allow access to the shop and services in the village. In response to these comments, the Agent advised that they had investigated the feasibility of providing a hard surfaced foot/cycle path to the housing site link. However, they advised that the path is in regular use by heavy farm machinery and is the only access to the large agricultural fields to the south of the site. They advised that the path runs adjacent to a row of mature trees and a new hard surface path of sufficient grade to withstand heavy vehicle use would result in an unacceptable impact to the preservation of the trees adjacent to the path. They noted that the path is already covered by gravel and is usable year-round as a public right of way. With regard to the footway to the village shop, the Agent advised that this had already been secured through the earlier consented scheme for 20 units at Broadfield Farm (17/12502/FUL and 19/10153/VAR).

On the basis of the above, and as the public right of way is already available for use throughout the year, it would not be reasonable to refuse the application on this basis.

Turning to waste collections, whilst the Waste Collections team did not raise any objection to the application, they noted that plots 13 and 14 have a joint collection point which would be 25 metres distant from the location where it could be loaded onto the collection vehicle. This exceeds the greatest distance which a waste collection operative should move as set out in the Council's Waste Storage and Collection SPD. The collection point will need to be moved closer to the main road so that the collection operative only moves 10 metres from the refuse vehicle this can be secured by condition.

Drainage/flood risk

Concern was raised during the public consultation period that the proposal would exacerbate flood risk. However, the site is located in an area of low flood risk, being outside of critical flooding areas for surface and ground water and as it is outside of flood zones 2 and 3. The Council's Drainage Engineer initially raised an objection to the proposal on the basis of lack of information. The advised that calculations were required in support of the proposed pipework, that to demonstrate 20% betterment over pre-development discharges, pre and post development run of rates were required as well as a plan showing the exceedance routing for the site.

The Council's drainage team later confirmed that the further details required could be secured via condition. The condition suggested by the drainage team stipulates that the 20% betterment over pre-development discharges must be met, and in this respect it will ensure that the development complies with policy. Based upon the information available, the Council's drainage team considered that to ensure that 20% betterment is achieved it may be necessary for the developer to increase on site attenuation to accommodate the reduction in site discharge rates.

Ecology

Concern was raised during the public consultation period regarding harm to protected species/wildlife. The Council's Ecologist has reviewed the application and identifies that the closest designated site is 15m east of the site, Great Somerford Gravel Pits County Wildlife Site, which could potentially be damaged during the construction phase, however it is considered that this risk could be managed and controlled through sensitive working methods. The Ecologist continues that the site is adjacent (south) (known as Phase 1 Broadfield Farm which has been completed. Surveys for the 2017 application were also completed by EAD Ecology. This site (approximately 1.43ha) for Phase 2 Broadfield Farm was dominated by arable and poor semi-improved grassland fields, bordered by species-rich and species-poor hedgerows (with trees. Three hedgerows H2, H3, H4 were recorded as being 'important' under the hedgerow regulations. There was a small area of plantation coniferous woodland along the eastern boundary, and patches of tall ruderal, ephemeral/short perennial, scattered scrub, bare ground and hardstanding.

A series of surveys were completed in 2016 and updated in 2020, as follows:

- Great crested newts (GCNs).

eDNA analysis and population size assessment. There are 6 ponds within 250m of the application site and GCNs recorded, although there are no ponds on-site. The proposed development scheme has been accepted under the District Level Licensing (DLL) Scheme and the completed and signed GCN DLL Impact Assessment & Conservation Payment Certification (AICPC) has been received.

- Bats (foraging/commuting)

Transect and static surveys - at least five species were recorded during the 2020 transect surveys. Common pipistrelle (most frequently recorded species), soprano pipistrelle, noctule, serotine/*Nyctalus* species, *Myotis* species, unidentified pipistrelle and *Plecotus* species. Most activity was recorded adjacent to private gardens on the northern side of the site (common and soprano pipistrelle, noctule). *Myotis* bats were recorded alongside the hedgerows that run north to south. With respect to static surveys, at least eight species were recorded during earlier surveys updated in 2020 with overall activity classed as moderate, including light-sensitive species, lesser horseshoe, *Myotis* bats, barbastelle and *Plecotus* bats. Two mature oaks were

recorded as having a low potential to support roosting bats and both trees will be retained and protected throughout construction.

- Reptiles

Presence/absence surveys. Low populations of slow worm and grass snake present on the site within the conifer plantation and potentially in the poor semi-improved grassland and tall ruderal vegetation. A precautionary approach to clearance of areas where reptiles were recorded/likely to be present is proposed to minimise killing/injury of reptiles.

- Birds

Trees and hedgerows within the site provided suitable nesting habitat for a limited range of common passerine bird species, potentially including widespread notable species such as house sparrow and song thrush. No notable 'farmland' species such as skylark or yellowhammer were incidentally recorded during site surveys.

- Badger

No setts were recorded within the site during the 2016 and 2020 surveys. A badger latrine was recorded during the 2020 survey, confirming that the species may forage/pass through the site, at least on an occasional basis.

- Dormouse

Dormouse surveys have been completed according to best practice and no evidence recorded.

Other species

There are habitats either on-site or adjacent to that could potentially support harvest mouse, hedgehog, brown-hare and mitigation measures are provided to minimise impacts.

Biodiversity Net Gain

The Defra Biodiversity Net Gain spreadsheet has been submitted and shows the development can provide a measurable biodiversity gain in line with planning policy (CP 50 and NPPF (2019)).

The Council's ecologist raises no objection to the proposals subject to conditions requiring a Landscape and Ecology Management Plan (LEMP), Construction Environment Management Plan (CEMP), Biodiversity Net Gain Plan and a lighting condition. As such, subject to conditions, it is considered that the proposals accord with CP50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Other matters

Concern was raised during the public consultation period that the proposal would threaten existing infrastructure in the area such as water, internet, drainage, sewerage, roads and school places. Whilst these concerns are appreciated, there is no evidence to indicate that any infrastructure would be harmed by the proposal. The Council's Drainage Team raised no objection to the application subject to conditions and Wessex Water also raised no objection which indicates that the proposal would have an acceptable impact upon water supply, drainage and sewerage. The Highway Officer raised no objection to the impact of the proposal upon the surrounding roads, and there is no evidence that the proposal would affect internet provision in the locality. Although the proposal would likely bring additional children to the area, who would require a school place, the impact of this can be offset by requiring the provision of financial contributions.

Comments received raised concern about the way in which the public consultation associated with this application was carried out. The application was advertised via press advert, a site notice and neighbour notification letters; parish Council notification, Local Ward member notification and publication of details to the Council's website. Members of the public were given at least 21 days to comment on the proposal. This satisfies the Council's duties to advertise the application and consult the public as set out by the Town and Country Planning (Development Management Procedure) (England) Order 2015. The way the application has been managed and processed in this respect is therefore appropriate.

Regarding the affordable housing proposed, concern was raised that it would not be affordable and it was felt that it should be available to purchase rather than going to housing associations or being offered for shared ownership. It is the Council's policy for affordable housing units to be transferred to the Council or to a Registered Provider which has been approved by the Council and this approach is considered to be appropriate. Provision of the affordable units will be secured via a s106 agreement.

Concern was raised that works have been carried out on the site without planning permission. If members of the public have concerns about unauthorised works, they are advised to report these to the Council's Planning Enforcement team for investigation.

A comment received suggested that the proposal would provide inadequate open space and leisure provision. The Council's Public Open Space team reviewed the proposal and raised no objection. They considered that the planting to the west of the site would meet the public open space requirement, along with financial contributions for equipped play and sports pitches. Therefore, the proposal is considered to be acceptable in this respect.

Comments received suggested that the Wiltshire Local Plan 2036 should be taken into account in the determination of the application. However, the emerging local plan is still at an early stage and the draft Local Plan has not yet been published. Given that the proposal is at such an early stage, it cannot be afforded weight in the determination of this application.

Concern about the developer's pre-submission engagement with the community. While engagement with the community is encouraged this is not ground for refusal of an application given that the community had the opportunity to comment during the public consultation for the application.

8. S106 contributions

Wiltshire Council has a Planning Obligations Supplementary Planning Document. This should be read in conjunction with the Wiltshire Core Strategy (primarily Core Policy 3) and the Wiltshire CIL charging schedule. The SPD identifies the planning obligations that will be sought by the Council for the development that generates a need for new infrastructure and should be a material consideration in planning applications.

The Council is also mindful of the tests for s106 legal agreements that are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:

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

Any requests that do not meet the above tests will not be actively sought by the Council.

Recreation Provision

The Public Open Space Officer advised that the leisure requirement would be for 1,404m² of public open space which could be met utilising the planting proposed in the western section of the site and would be secured by the S106. However, as no equipped play is provided, a contribution of £18,576 would be required to upgrade the field at Wilkins Lane; as well as a contribution of £5,796 for sports pitches at Wilkins Lane. This would be required upon the commencement of development, which has been agreed.

Education Provision

The Malmesbury Secondary School has no space capacity, and the Council intends to expand this school. Therefore, a s106 contribution towards the 4 places that the application generates would be required. Using the current cost multiplier of £22,940 per school place, this would equate to £91,760. This would be required upon the commencement of development which has been agreed.

Waste and Recycling Infrastructure

The proposal would require the provision of waste storage containers for 21 individual dwellings. The required contribution per house is £91 and therefore a total contribution of £1,911 would be required. This would be required upon the commencement of development which has been agreed.

Affordable Housing

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 40% Affordable Housing Zone, which the site is within. There is therefore a requirement to provide 8 affordable units within a scheme of 21 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in the Malmesbury Community Area.

The mechanism for delivery of affordable housing is set out in Core Policy 43 where it states that it will be subject to an appropriate legal agreement. Such a legal agreement is considered to meet the CIL tests.

The affordable housing would be provided on the following basis:

Affordable Rent (60%) x 5 units
2 x 1 bed 2 person flats (Plots 7 and 8)
2 x 2 bed 4 person houses (Plots 2 and 3)
1 x 3 bed 5 person houses (Plot 1)
Shared Ownership (40%) x 3 units
2 x 2 bed 4 person houses (Plots 9 and 10)
1 x 3 bed 5 person houses (Plot 4)

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council on a nil subsidy basis. This would be required upon completion of 60% of the market dwellings which has been agreed.

9. Conclusion (The Planning Balance)

As stated above, in the determination of planning applications the first issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS and MNP). If it does not then the issue arises as to whether material considerations, including relevant policies in the NPPF, mean that the development can be regarded as sustainable and that permission should be granted despite conflict with these policies. Ultimately it will be up to the decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out of date' and attract reduced weight, and the NPPF guidance intended to boost housing land supply where the development can be judged sustainable.

Importantly, paragraphs 11d and 14 of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and the weight given to such policies is not dictated by the NPPF and, as noted above, will vary according to circumstances on a case by case basis. It is also important to consider the extent to which the land available for housing in Wiltshire falls short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall.

It is noted that the Council is endeavouring to redress its limited housing shortfall in several ways. The actions being taken include bringing forward the latest HLS statement to establish the up to date position; establishing a team of officers to review current applications and appeals to consider which could potentially be supported in a tilted balance situation and then taking any that could be forward to Committee with recommendations for approval; allocating extra resources to officers dealing with major strategic allocation sites and others that have experienced delays to resolve issues arising and accelerate permissions; where possible liaising with landowners/developers to bring forward sites allocated in the WHSAP; consents being issued with shorter delivery timeframes controlled by condition; additional effort, resources and focus being afforded to discharge of conditions work and planning obligation drafting and completions. Moreover, in their decision on the Purton Road appeal the Inspector noted that the shortfall is modest (para 21).

In the assessment of the previous application in 2017, the officer refused the application due to conflict with the emerging Neighbourhood Plan and the Wiltshire Core Strategy. At the time the Council was able to demonstrate a 5 year land supply and the application was refused as it was felt that the proposal was premature to the progression of the then emerging Neighbourhood Plan.

However, the context for the current application is materially different, as the Council is no longer able to demonstrate a 5 year land supply, as the Wiltshire Core Strategy is now more than 5 years old and as the Great Somerford Neighbourhood Plan has now been formally made and forms part of the development plan. Paragraph 14 criteria a) of Framework requires the Neighbourhood Plan to have become part of the development plan two years or less before the date on which the decision is made for its housing related policies to be considered up to date and for conflict with the Neighbourhood Plan to be considered to significantly and demonstrably outweigh any benefits. In this case, not only has the Great Somerford Neighbourhood Plan been made, but it is also over three years old. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged so that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Therefore, of key consideration are the benefits and harms associated to the development and the level of weight which may be attributed to them in the planning balance.

Benefits

In summary the Council considers the benefits as follows:

Provision of Affordable Housing

Additional affordable homes in Wiltshire is afforded substantial weight.

Provision of open Market Housing

The Council cannot currently demonstrate a 5-year land supply. However, it is acknowledged that the shortfall has been described as 'modest' and that the Council is taking steps to reduce the shortfall and continues to issue consents in this respect. It is also acknowledged that the area is set to exceed its housing requirement as set out in the development plan. Notwithstanding these factors, the provision of 21 new dwellings represents a benefit through its overall contribution to addressing the Council's housing shortfall and therefore this benefit is afforded substantial weight.

Homes to match demand

Given the current 5-year land supply position in Wiltshire it is considered 21 dwellings is afforded substantial weight.

Additional open space

The proposal includes on-site open space, along with off-site financial contributions towards play areas and sports pitches. There is a requirement to provide public open space on major housing developments and this would be secured via a s106 agreement. It is not therefore a benefit of the scheme but rather mitigation against the impacts of the development i.e. to provide recreation space for the occupants of the development.

Net biodiversity gain

The Defra Biodiversity Net Gain spreadsheet has been submitted and shows the development can provide a measurable biodiversity gain in line with planning policy (CP 50 and NPPF). This is a matter of policy compliance as opposed to a benefit and therefore attracts no weight.

Creation of construction jobs

In the context of housing construction 21 dwellings is a small development and therefore, will not generate substantial amounts of construction jobs over a long period of time. There will be a short-term gain. Limited positive weight is given to this point.

Council tax

Limited positive weight is given to this

Harm

In summary, the Council considers that the harms associated with the proposal are as follows:

Heritage Harm

The proposal is considered to result in a neutral impact to the setting and significance of the conservation area. However, even in the event that harm is considered to arise this harm is less

than substantial and at the lower end of that scale. There are public benefits associated with the proposal which would clearly and demonstrably outweigh the less than substantial harm caused. Therefore, if conflict with Core Policies 57 & 58 of the Wiltshire Core Strategy is considered to arise, the proposal would still comply with paragraph 202 of the NPPF. As such, any harm caused to heritage assets is afforded limited weight in the overall planning balance.

Loss of agricultural land

The proposal would result in the development of Grade I agricultural land which is below the 20ha trigger. Given that a large proportion of the agricultural field would be retained in an agricultural use, this harm is afforded limited weight.

Conflict with the development plan

The proposal would involve new residential development in the open countryside contrary to Core Policies 1, 2 and 13 of the Wiltshire Core Strategy and the provisions of the Neighbourhood Plan. However, the site is well related to the built form of the village and proportionate in scale to the size of the settlement. The tilted balance is engaged by virtue of the established shortfall in the supply of land for housing so full weight cannot be afforded to these policies. This harm in this instance is considered to have moderate weight.

Sustainability of location

Given the location of the site, future residents would be required to travel to higher-order settlements to access many facilities, and such journeys in most cases will take place via private vehicle. This is contrary to Core Policies 60 and 61 as well as sustainability objectives including those related to carbon reduction. It is noted that the site, although outside of the settlement boundary, is immediately adjacent to a range of existing residential development. Moreover, the harm caused in this respect can be mitigated by requiring the submission of a sustainability statement setting out any energy efficiency measures which would be employed such as electric vehicle charging points, the use of water butts etc. As such this harm is afforded limited weight.

Harm to landscape character

The proposal would cause some harm to landscape character by urbanizing the edge of Great Somerford. However, it is immediately adjacent to existing residential development which is permanently changing the character of this locality. Moreover, the harm caused can be limited through the provision of a suitable soft landscaping scheme. Therefore, this harm is afforded limited weight.

Given the conflict with the policies of the development plan, the key test is whether the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. The latest housing land supply position shows a modest shortfall that will in part be met by this development and an affordable housing need in Great Somerford which will be directly addressed by this development. Conditions placed upon this permission and Section 106 contributions ensure the scheme is fully mitigated to ensure infrastructure is in place to support the development.

On balance, it is considered that the adverse impacts identified do not significantly and demonstrably outweigh the benefits that the development would provide. Accordingly, it is recommended that planning permission be granted, subject to the prior completion of a Section 106 legal agreement.

RECOMMENDATION

It is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a Planning Obligation/Section 106 legal agreement covering the areas outlined below, within six months of the date of the resolution of this Committee.

In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6 month period under delegated authority:-

The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing and landscape and drainage maintenance and management) required to mitigate the direct impacts of the development and thereby fails to comply with CP3 CP43 & CP52 of the Wiltshire Core Strategy, Saved policy CF3 NWLP, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework.

Heads of Terms for Section 106 legal agreement to secure the following:

Affordable housing

40% of development in the following breakdown

Affordable Rent (60%) 5 units

2 x 1 bed 2 person flats (Plots 7 and 8)

2 x 2 bed 4 person houses (Plots 2 and 3)

1 x 3 bed 5 person houses (Plot 1)

Shared Ownership (40%) 3 units

2 x 2 bed 4 person houses (Plots 9 and 10)

1 x 3 bed 5 person houses (Plot 4)

Waste

Total contribution £1911 (see attachment for full details)

Public open space

On site provision of 1,404sqm of Public Open Space.

Off-site contribution of £18,576 to upgrade the playing field at Winkins Lane (a designated local green space in the neighbourhood plan).

Requirement for 579.6m² sports pitches which would equate to an off-site contribution of £5,796.00.

Education

SECONDARY CONTRIBUTION REQUIREMENTS

£22,940 per place: 4 x £22,940 = £91,760.

- This will be subject to indexation and secured by an S106 to which the Council's standard terms will apply.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of two 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 listed in schedule

P1675.02 Rev D – Materials Layout
 P1675.04 Rev D – Tenure layout
 P1675.01 Rev F – Planning Layout and Location Plan
 P1675.05 Rev D – Parking Layout
 P1675.03 Rev D – Building Heights layout
 P1675.SUB.01 Rev A – Substation plans
 P1675.GAR.01 – Single garage Plans
 P1675.GAR.02 – Double garage plans
 P1675.CS.01 – Cycle Storage Shed Details
 P1675.06 Rev D – Refuse Layout
 P1675.07 Rev E – Enclosures layout

P1675.A.02 – House Type A Elevations
 P1675.A.01 – House Type A Floor and Roof plans
 P1675.B.02 - House Type B Elevations
 P1675.B.01 - House Type B Floor and Roof plans
 P1675.C.02 - House Type C Elevations
 P1675.C.01 - House Type C Floor and Roof plans
 P1675.D.02 – House Type D Elevations
 P1675.D.01 – House Type D Floor and Roof plans
 P1675.1.02 – House Type 1 Elevations
 P1675.1.01 Rev A - Type 1 (Render) Floor & Roof Plans
 P1675.2.01 – House Type 2 Elevations, Floor and Roof plans
 P1675.3.01 – Rev A - Type 3 (Stone) Plans & Elevations

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. Scheme details shall include any required off-site capacity improvements needed to allow the site/phase to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

4. 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;
- means of enclosure;
- car park layouts;
- 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.

5. 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.

6. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: 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 the proper management of the landscaped areas in the interests of visual amenity.

7. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

8. Prior to the construction of external walls and roof details and samples of the materials to be used for the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority 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.

9. Notwithstanding the approved plans prior to the installation of the eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies details shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter 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.

10. Prior to the installation of the garage doors details including finishes shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority 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.

11. Notwithstanding the approved plans, prior to the installation of the SUDs structures, details of the appearance of any above ground structures (i.e. inlets, barriers, retaining structures) or amenity features (i.e. seating, natural play, bridges, recreational platforms), including a section drawing of the SUDs structures shall be submitted to and approved in writing by the local planning authority.

REASON: In the interest of the character and appearance of the area and in the interests of security and safety.

12. No development shall commence on site until a Sustainability Statement has been submitted to and approved in writing with the Local Planning Authority, which shall detail what features are included. The development shall then be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, in the interests of sustainability.

13. Before the development hereby permitted is first occupied the first floor windows in the southern elevations of plots 13, 14 and 15 shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

14. No development shall commence on site (including any works of demolition), until a Construction Management Statement (CMS), together with a site plan, has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- measures for the protection of the natural environment;
- hours of construction, including deliveries;
- pre-condition photo survey;
- Vehicle Routing Plan;
- Traffic Management Plan (including signage drawing(s));
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network;
- number of staff vehicle movements;
- details of temporary / permanent Traffic Regulation Orders.

The approved CMS shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMS without the prior written permission of the Local Planning Authority.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

15. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, road sewers, road drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, swept paths, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and laid 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 highway safety to minimise detrimental effects and dangers to highway safety.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any Order revoking or re-enacting or

amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To ensure that adequate provision is maintained for parking in the interests of highway safety and amenity.

17. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before occupation, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: In the interests of highway safety

18. No dwelling on the development hereby approved shall be occupied until the allocated car parking space 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 space shall not be used other than for the parking 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.

19. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

20. The development shall be carried out as specified in the approved Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Tree Source dated 18th February 2021. and shall be supervised by an arboricultural consultant.

Reason: To prevent trees on site from being damaged during construction works.

21. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

22. No development shall commence on site until:

- a) A written programme of archaeological investigation for trial trenching to be undertaken has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been 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, to enable the recording of any matters of archaeological interest.

23. 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, in line with Figure 5 (The Ecological Constraints and Opportunities Plan) and Appendix 12 (Biodiversity Net Gain spreadsheet calculations) of the Ecological Impact Assessment (EAD Ecology, February 2021) 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.

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

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.

- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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.

25. Prior to commencement of development, details of all biodiversity enhancements must be provided. This should include the numbers/specifications and exact locations of all features (e.g. bat/bird boxes, planting, including plant species/mix/densities and design of the SuDS/planting of SuDs etc) in line with Figure 5 (The Ecological Constraints and Opportunities Plan) and Appendix 12 (Biodiversity Net Gain Calculations spreadsheet) of the Ecological Impact Assessment (EAD Ecology, February 2021). This must be provided on a stand-alone plan.

Development shall be carried out in strict accordance with the approved Biodiversity Net Gain Plan.

REASON: To provide ecological enhancements at the site with the objective of biodiversity gain in accordance with paragraph 118 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006 and CP50 of the Wiltshire Core Strategy (Adopted January 2015).

Informatives:

The council will only operate waste collections on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please

submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.