

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 March 2023
Application Number	PL/2022/03315
Site Address	Land off Melksham Road, Holt
Proposal	Outline planning application for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access
Applicant	Gladmans Developments Ltd
Town / Parish	HOLT
Electoral Division	HOLT – Cllr Trevor Carbin
Type of application	Outline Application
Case Officer	David Cox

Reason for the application being considered by Committee

On 25 January the applicant lodged an appeal against the local planning authority's failure to determine this application within the statutory timeframe (a 'non determination' appeal). The consequence of this is that the decision will now be made by a Planning Inspector and not the local planning authority.

The local planning authority will remain a relevant party in the appeal process, and accordingly must still make a 'decision' in relation to the planning application. The decision will be the authority's reason(s) for either defending the appeal or its reason(s) for not defending the appeal. The decision cannot be the final grant or refusal of planning permission.

The application has been called-in for committee determination by the local Electoral Division Member, Cllr Trevor Carbin, in view of planning policy considerations, and the scale of the development, visual impact upon the surrounding area, relationship to adjoining properties and environmental/highway impact.

This application is before the Strategic Planning Committee because the proposal involves a departure from the policies of the statutory development plan. The recommendation is to delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for a single technical reason relating to the failure of the application to provide/complete a mechanism to deliver essential infrastructure made necessary by the development. The recommendation is to not present other reasons relating to the principle of the development or matters of planning detail.

1. Purpose of Report

The purpose of this 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 which is –

To delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for the following technical reason –

The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development are delivered, these being affordable housing, recreation/open space, education facilities, refuse collection facilities, and highway works / sustainable transport improvements. This is contrary to Policies CP3, CP43, CP45, CP51, and CP52 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009) and paragraphs 8, 34, 56, 64 and 92 of the NPPF.

INFORMATIVE:

This ‘reason for refusal’ may fall away in the event of a suitable mechanism – such as a S106 planning obligation – being agreed and secured as part of the appeal process.

The application has generated objections from Holt Parish Council. It has also generated an objection from Broughton Gifford Parish Council. A total of 234 third party representations have been received – 232 objections and 2 supports.

2. Report Summary

The key determining planning issues are considered to be:

- Principle of development
- Impact on the landscape and spatial context of Holt
- Highway and traffic impacts
- Drainage and flood risk
- Archaeology
- Heritage Assessment
- Impact on neighbouring amenity
- Ecology
- Section 106 Legal Agreement

3. Site Description

The site is an open field covering approximately 3.75 hectares, located on the eastern side of the ‘Large Village’ of Holt. Melksham lies approximately 3.6km to the east/north-east. The land is in equestrian use linked with West Wilts Equestrian Centre, with show jumps evident.

The site is generally flat with the lowest point being 49 AOD in the south-west corner rising to 54 AOD on the eastern boundary. There is a Public Right of Way (HOLT56, shown as the dotted green line on the below

map) crossing the south-eastern corner of the site. The site is bound to the north by the B3107 (Melksham Road), to the east by other fields in equestrian use, to the south by agricultural fields/pasture land and to the west by the built up area of Holt.

The site is surrounded in part by field hedging; however, in places this is not complete and, therefore, clear views are possible into the site from a number of points.

In terms of planning constraints, there are no landscape or heritage designations that cover the site. There are no TPOs on the site and the field is entirely located within Flood Zone 1, and with no mapped surface-water related concerns. The site is located outside of the defined limits of development for the Large Village of Holt and, therefore, in planning policy terms is in the open countryside.



Site Location Plan

The image below shows the limits of development of Holt (black line) and the extent of the application site (red outline).



The red outline of the application site in relation to Holt

4. Planning History

14/12109/OUT - Development of up to 98 dwellings with associated landscaping and open space (Outline application) – Refused for in April 2015 for the following reasons –

- 1 The site is located in open countryside outside the limits of development defined for Holt in the Wiltshire Core Strategy. The proposal would therefore conflict with Core Policies 1, 2, 7 and 48 of the Wiltshire Core Strategy (Adopted January 2015) which seeks to properly plan for sustainable development of housing sites in Wiltshire.
- 2 The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified Limits of Development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or Neighbourhood plan. This strategy is supported by the Wiltshire Core Strategy Inspector and the Secretary of State in several appeal decisions and the site has not been brought forward through either of these processes.
- 3 The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside and with policy CP51 of the Wiltshire Core Strategy.

- 4 The proposal by reason of the inadequate conflicting information in regard to facilitating a robust assessment of surface water drainage and flood risk assessment are contrary to policies CP 3 and CP 67 of the Wiltshire Core Strategy (Adopted January 2015) and the National Planning Policy Framework 2012.
- 5 There is not enough evidence to support the conclusions in the Desk-Based Assessment carried out at the site. Further evaluation is necessary which has not been supplied to date of determination. The Council is therefore unable to properly assess the impact on any potential archaeological remains on the site which would be contrary to paragraph 128 of the NPPF.
- 6 The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, open space, recreation and cemetery provision) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009), Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework.

5. The Proposal

The application is for outline planning permission to erect of up to 90 dwellings (including 40% affordable housing), with a vehicular access point off Great Parks. All matters are reserved except access.

Nonetheless, the application includes the following illustrative masterplan –



This is only an indicative layout but for ecology reasons (discussed later in the report) the areas of development would be limited to the general areas identified in the masterplan.

The initial scheme proposed structural landscaping on both northern and eastern boundaries of the application site. However, following discussions between the applicant and the Council's Urban Design and Landscape Officers, the structural planting along the northern edge has been removed with only trees and hedge planting to fill in existing gaps. The reasons for this are discussed later in the report.

The application is supported by the following documents –

- Site Location Plan
- Development Framework Plan 4363_102_J
- Design and Access Statement (4363_01_G)
- Planning and Affordable Housing Statement
- Statement of Community Involvement
- Waste Audit Assessment
- Preliminary Ecological Appraisal
- Ecological Impact Assessment (February 2023)
- Ecology Parameters Plan
- Transport Assessment
- Transport Technical Note 1 (P21085/TN1) (Dated August 2022)
- Transport Technical Note 2 (P21085/TN2) (Dated December 2022)
- Travel Plan
- Flood Risk Assessment (two parts)
- Landscape and Visual Impact Assessment (4363/02C) and (addendum) dated 12 October 2022
- Arboricultural Assessment
- Site Investigation Contamination Report
- Noise Assessment
- Air Quality Assessment
- Heritage and Archaeology Assessment
- Social Economic Benefits Statement

6. Planning Policy

National Context:

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance (PPG)

Local Context:

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP3 – Infrastructure Requirements; CP7 – Spatial Strategy for Bradford on Avon; CP43 - Providing Affordable Homes; CP45 – Meeting Wiltshire's Housing Needs; CP50 - Bio-diversity and geodiversity; CP51 – Landscape; CP52 – Green Infrastructure; CP55 - Air Quality; CP57 – Ensuring High Quality Design and

Place Shaping; CP58 – Ensuring the conservation of the historic environment; CP60 – Sustainable Transport; CP61 – Transport and New Development; CP64 – Demand Management; CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan

U1a - Foul Water Disposal; U2 - Surface Water Disposal; U4 - Ground Source Protection Areas; I1 - Implementation

Other:

- The adopted 2017 Holt Neighbourhood Plan
- Housing Land Supply Statement – Base date: April 2021 – published April 2022
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- Wiltshire Landscape Character Assessment – Open Clay Vale 12B
- West Wiltshire District Landscape Character Assessment – C2 Semington Open Clay Vale
- Wiltshire’s Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire’s Community Infrastructure Levy – Funding list

7. Consultation responses

Holt Parish Council – Initial comments received on 13 June 2022. Objection for the following reasons –

Conflict with WC core strategy and Holt Neighbourhood Plan

The Wiltshire Local Development Scheme (November 2021) sets out the principal documents comprising the development plan for Wiltshire. Those with a direct bearing on this application are the Wiltshire Core Strategy (WCS), the Wiltshire Housing Site Allocations Plan, and the Holt Neighbourhood Plan.

The Holt community has, through our Neighbourhood Plan (made January 2016, and current for the period 2016-2026), determined where the development boundaries of the village lie. The boundary has been reviewed and is up to date. The proposed development lies outside the settlement boundary.

Core Policy 1 of the WCS is clear that for Large Villages “Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan” (paragraph 4.15). No subsequent development plan document addressing a boundary change exists, and indeed the Wiltshire Housing Site Allocations Plan (adopted February 2020) reaffirms the existing boundary (paragraph A.27). The proposed site is in open countryside outside the limits of development for the settlement. This is in clear contravention of Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or neighbourhood plan. The made Holt Neighbourhood Plan, Housing Objective 3 seeks to “Ensure that the settlement boundary and green

spaces within it are protected". Policy H3.1b makes clear that new development "will not involve the outward extension of the settlement boundary of the village".

In their application, Gladman Developments Ltd argue that the development should be allowed on the grounds of unmet housing need in Wiltshire. However, the proposed development fails to meet any of the exception policies set out in Core Policy 2 of the WCS (paragraph 4.25). As a nonexcepted development, the application, in effect, attempts to circumvent the legally established mechanisms for housing allocation.

Adverse impact on the character and appearance of the village

The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside. This is further emphasized in CP51 of the WCS. This proposal is ribbon development increasing the length of what is already a long narrow settlement by approximately 13%.

Unsustainable pressure on already stressed infrastructure

The proposal would increase the population of Holt by c. 250 people (c. 12%). This would adversely impact the already stressed infrastructure, especially:

- Traffic along the B3107
- Parking within the village (too far for the average person to walk)
- School places – Holt Pre-school is at capacity as are certain year groups in Holt Primary School.
- Access to doctors – local surgeries are struggling to cope with numbers now.

Highways & Traffic

The traffic assessment and highway improvement proposals in this application are inadequate. We comment as follows from local knowledge confirmed by the opinion of many in the village.

- Pre-pandemic physical vehicle counts of movement on the B3107 always registered in excess of 10,000 movements per working day with heavy flows at peak times, and a large proportion of HGV.
- The junction of B3107 and Great Parks is narrow with poor visibility at the point where traffic is failing to slow down, or speeding up, at the entrance/exit of the village. Significant improvement to this junction would be required with a full-scale roundabout being considered.
- The proposed site entrance from Great Parks would inevitably increase traffic through the rest of ,Great Parks and Little Parks which are unsuitable for this purpose.
- The proposed travel plan suggests that cycling would be a chosen method of transport to Bradford on Avon, Melksham and Trowbridge. These routes are often winding, narrow and without verges, with heavy traffic flows. Cycling is only an option for the very brave.
- The proposal also suggests that there are walking routes to the East on the B3107. The road is narrow and, in places without verge, making walking extremely dangerous.

- Walking routes into the village from the proposed site are on footways in very poor condition, which are frequently blocked by parked vehicles due to the lack of kerbs, the narrow roads and the traffic volume. Improvements to this whole route are required to make it safe for pedestrians.

- The village shop and recreation ground are in the centre of the village, and the two village pubs are approximately a mile away. This will inevitably lead to additional traffic and pressure on already difficult parking

Village surveys have always shown that traffic and parking are the major concern of villagers.

Holt has met its share of new housing – The proposal is unsustainable

The NPPF defines sustainable development, as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Holt Neighbourhood Plan set its vision for the future of the community from 2016. Since then, actual development has been as follows:

- Six individual dwellings completed and occupied.
- The Tannery brownfield development of 44 dwellings, which will all be occupied by the end of 2022.
- Firlawn - conversion of existing brownfield buildings to 8 dwellings under construction.
- Star Ground development of 10 affordable homes on a rural exception site approved subject to s106 with two more planned subject to approval.

The Wiltshire Core Strategy sets out clear targets for housing development in the County. Holt is one of the three Large Villages in the “remainder” of the Bradford on Avon Community Area. The Strategy sets a need for a further 76 houses to be provided by the BoA remainder by 2026. Holt will have provided 68 houses by 2026 which is 89% of the requirement for the whole area.

Wiltshire Council conducted a rural housing needs survey for Holt in 2020. This showed a need for affordable housing that will be fully met by the Star Ground development. There is clearly no justified, sustainable need in this community for a further 40 affordable homes as proposed in the Gladman development. Any such excess provision would be in clear contravention of Policy CP43 of WCS and H1.2.c of the Holt Neighbourhood Plan which both call for evidenced need to be demonstrated:

“This Plan supports the provision of affordable housing in Holt on the following basis:

a) the first option for meeting evidenced need within Holt to be the inclusion of such housing within the development of the Tannery site in line with Policy H1.1 criterion d).

b) if additional need within Holt is subsequently identified, the development of the second part of the Jephson site, Star Ground off Station Road shall be considered.

c) other development sites will be expected to meet any affordable housing requirements in line with Core Policy 43 of the Core Strategy and up to date and evidenced local housing needs.”

Specious application

This application is exploiting known inadequacies of current planning rules, whereby presumption is weighted in favour of development when a council falls short of meeting its 5 year land supply target. This has recently been recognised by the Secretary of State and new proposals to change this are planned. Furthermore, the figures on WC land supply fall short of target by a very small amount (4.72 years vs. 5 years), and in any

event are now some 14 months old. Our understanding is that under such circumstances, substantial weight is given to strategic policies and local Neighbourhood plans.

Further objection received on 13 November 2022 –

Minor alterations to the Landscape and Visual Impact Assessment do not alter our view that this proposal, through its scale and location, conflicts with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside. This is further emphasized in CP51 of the WCS. This proposal is ribbon development increasing the length of what is already a long narrow settlement by approximately 13%.

We note the changes to the Great Parks/B3107 junction proposed in the Transport Technical Note. However, these do not fully address our issue from local knowledge that speeding is a problem in this area. A full sized roundabout would be required at this junction. At paragraph 2.8.3 the applicant accepts that the B3107 is unsuitable for cycling between Bradford on Avon and Melksham via Holt and proposes a s106 contribution of £100,000 towards delivery of a suitable cycling route. As the existing carriageway is too narrow to add a cycleway and the distance involved is 5 miles this provision would be extremely expensive. Either this provision should be raised to a realistic sum or the monies be diverted to improvement of general road safety in the village.

As it stands, this proposal remains unsustainable in terms of the NPPF and should be refused.

Broughton Gifford Parish Council – Objection

The council is concerned with traffic increasing through the village. This is already a significant problem for Broughton Gifford and the council recently undertook significant traffic calming measures through the village.

There is also very great concern about the 'infilling' between both Broughton and Holt. This application threatens the distinction between the two villages.

The roads simply cannot cope with such an increase in cars; potentially upward of 200 cars. The B3107 is already very busy, especially during school drop off and pick up when cars often park on the double yellow lines in place causing gridlocks. This will dramatically worsen for both Holt and Broughton Gifford which is also suffering with traffic issues.

Wiltshire Council Spatial Planning Officer – Comments

Principle of Development

The application proposes the construction of 90 dwellings on what is currently agricultural land outside the limits of development at Holt. The site's access point will be off Great Parks, in the form of a T-junction.

The application is in outline form with all matters other than access reserved for subsequent determination. As such, it is only necessary to consider the principle of the proposed development through this planning policy response. Other policies of the development plan considered relevant to the proposal will be addressed by specialist Council consultees, such as ecological, drainage and heritage matters.

Planning history on the site includes a previous outline application 14/12109/OUT for 98 dwellings. This application was refused by Wiltshire Council for 6 reasons. These reasons, alongside how this application

seeks to address these reasons are set out in section 2.2 of the Planning and Affordable Housing Statement submitted. Most notably for the principle of development, the application conflicted with Core Policy 1, 2, 7 and 48.

Wiltshire Core Strategy

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). In this regard, the settlement strategy is set out in Core Policy 1. Holt is defined in Core Policy 1 as a Large Village. The policy states 'Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services, and facilities.'

The supporting text further outlines 'At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries.' Furthermore; 'Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application). Development outside the settlement boundary will be strictly controlled.' The application consists of 90 homes outside of the settlement boundary.

Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development. Proposals outside the limits of development will not be supported unless they arise through a subsequent DPD, community led development documents, such as Neighbourhood

Plans or are in line with one of the exception policies, set out in paragraph 4.25. The site does not meet the criteria outlined in the relevant exception policies (CP44 – Rural exceptions sites and CP48 – Supporting rural life).

Core Policy 2 anticipates that approximately 42,000 new homes will be delivered over the plan period 2006 to 2026, with 595 being directed to Bradford on Avon and 185 within the wider Community Area. The latest Housing Land Supply Statement (published April 2022) shows that 137 homes have been completed, with 94 identified as being deliverable by 2026, leaving the indicative remaining requirement at -46. As such, the proposal to deliver a further 90 homes at Holt would take this exceedance to -136.

Also of relevance to the consideration of this proposal is Core Policy 7 which deals specifically with Bradford on Avon Community Strategy which aims to deliver a modest and sustainable level of development.

Holt Neighbourhood Plan

Holt Neighbourhood Plan (Made January 2017) includes a housing objective which aims to 'provide a limited amount of new housing to meet local needs.' A planning application for 40 homes at the Tannery Site, an allocation within Holt Neighbourhood Plan (Policy H1.1), was approved in 2019. A Planning application for 10 affordable homes at the second part of the Jephson site, Star Ground off Station Road (also supported in the Neighbourhood Plan in relation to an option in case of further need – Policy H1.2) was submitted in 2021.

Policy H2.1 refers to high quality standards of sustainable design and states all new development will: 'be of a scale and size to fit with existing housing (as opposed to commercial buildings) within the village'.

Policy H3.1 refers to infill housing. Although this application would not be seen as infill housing, it is clear from the policy which states development 'will not involve the outward extension of the settlement boundary

of the village' that the Neighbourhood Plan echoes Core Policy 1 and 2 in that limited amount of Development should be allowed within the settlement boundary.

Having regard to the above policies, it is considered that the proposed development would not accord with the strategy and pattern of development anticipated by the WCS. It is a large greenfield site outside of the settlement boundary of a Village. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.

5 Year Housing Land Supply

The Council's current 5-year housing land supply position is set out in the 2021 Housing Land Supply Statement. This indicates the Council can currently demonstrate a 4.72 years supply of housing at a unitary authority level.

It should be noted that;

i) although the Wiltshire Core Strategy (WCS) is over 5 years old, this does not render the plan out-of-date and is still the starting point for determining planning applications.

ii) the current Local Housing Need figure (1,981 dwellings per annum) is broadly similar to the sum of the housing requirements for the three HMAs in the adopted policies of the WCS (2,055 dwellings per annum). This indicates that the housing requirement in the WCS continues to effectively represent the current housing need for Wiltshire.

Paragraph 11 (d) and footnote 8 of the NPPF state that where an LPA cannot demonstrate a 5YHLS of deliverable sites, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In this scenario officers will need to give careful consideration to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

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 to help remedy the current shortfall should also be taken into account in the balancing exercise.

Paragraph 14 of the NPPF makes special provision for areas with 'made' Neighbourhood Plans. For areas with 'made' Neighbourhood Plans officers will need to factor the criteria in paragraph 14 into the 'tilted balance' when considering the appropriate weight to assign to the most important policies.

Conclusion

The proposal is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Holt Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.

However, this must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

Wiltshire Council Highways Officer – No objection subject to conditions and s106 contributions

Wiltshire Council Housing Officer – No objection subject to s106 agreement on tenure mix, unit size mix and minimum size and design standards.

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 Bradford on Avon Community Area. Based on the proposed scheme of 90 residential units, there would therefore be a requirement to provide 36 affordable units on the site.

Wiltshire Council Education Officer – No objection subject to s106 contributions

Wiltshire Council Landscape Officer – No objection subject to conditions

The application proposes the development of 90 new houses on a green field to the east of the village of Holt. The site sits outside the current Settlement Boundary of Holt in the Open Clay vale 12b as noted in the Wiltshire LCA whose condition is declining, strength of landscape character is moderate, and needs conserving and improving. Forces for change noted in the WLCA are:

'Loss of hedgerows boundaries and particularly mature hedgerow trees, plus poor management of remaining hedgerows...

...Pressure for further expansion of settlement and new development threatening the character of the small villages and scattered farmsteads.'

The WLCA notes as broad management objectives:

'Retain and manage the hedgerow network and nurture new hedgerow trees...

...Consider developing guidance for built development to ensure both future construction and changes to existing buildings are designed to integrate with the existing character and structure of settlements.

Consider screening views to intrusive urban edges through planting new woodland.'

Whilst the Neighbourhood Plan does not highlight this site as an area of opportunity the sites already highlighted in the neighbourhood plan are currently being developed. I would note the Neighbourhood plan encourages the development of allotments for residents and this should be included in the masterplan.

The LVIA notes the main impact to be to the PRow HOLT 56 that runs through the site, noted to be 'moderate adverse' at year 15. I would agree with this assessment along with the impact to existing housing that have views over the site along Great Parks also noted as 'moderate adverse' after 15 years. The edge of Holt along the settlement boundary is characterised by the views of existing housing along Great Parks road with limited screening vegetation giving a generally 'built edge' to the settlement boundary here. From a landscape

visual impact perspective further housing whilst it will impact the views of existing residents along Great Parks would not substantially alter the landscape characteristics of the settlement boundary on the eastern edge of Holt.

I am pleased to see the substantial structural landscaping proposed around the boundary of the site which will do much to provide a much stronger vegetated boundary to this edge of Holt and am also pleased to note the area of PoS being used as a central focus on the masterplan design.

Wiltshire Council Urban Design Officer – Comments

The newly included Accommodation Schedule is not quite SHMA-compliant as there are equal proportions of market 4 beds and market 3 beds, but resolving this would not require less space per house, not more space, so it's a tolerable error at this stage.

Still no comment from applicant on whether equipped play will be LAP or LEAP. Appears to be space for both. As far as I can see, the nearest equipped play area for children older than toddlers is beside the Bowls Club, a 15min/1.3km walk from the site. Fields in Trust guidance is that play space should be within 480m, so I suggest that provision must be secured on THIS site, with the appropriate 20m buffer shown, just to be sure that there is space. I assume there is a significant cost difference of LAPs and LEAPS when agreeing s106.

Allotments – I don't see any Open Space officer response so cannot tell that they supported the proposals. A lack of response / objection doesn't mean the plan is OK and other officers (i.e. myself) can point out obvious questions; The West Wiltshire POS calculator indicates that 318sqm of allotment provision are required to be created for 90 new homes. There are currently no allotments (i.e. for potential expansion) in the area showing on the GIS map and I cannot think that why new allotments should be put on other greenfield land no one involved has control over, when THIS land is already being proposed for change and does appear to have capacity to accommodate some within the gross area. Presumably their financial contribution would be the same either way, but planning it now ensures it happens, and perhaps a condition just has to state the provision is expected to be onsite, unless otherwise agreed with the relevant officer.

I stand by my recommendation that a condition on any permission should reference the DAS and the principles agreed within it. I have used a fairly standard one before for Outlines such as this. It is common knowledge that the indicative layout within the DAS is only one way to develop the site, but it is important and is common practice to link that drawing to a permission when a specific Amount and indicative mix is being secured. A suitably worded caveat could be included in the condition to deal with potential for a different approach to access IF adjacent land comes forward later on, but its probably not necessary since its understood that at REM other constraints / opportunities may arise and can be discussed then.

Wiltshire Council Ecology Officer – No objection subject to conditions

Wiltshire Council Environmental Health Officer – No objections subject to conditions

Wiltshire Council Public Open Space Officer – No objection subject to s106 contributions

Open Space- 3,143.52 sq.m = £107,999.24

Play - 159.30 sq.m = £22,939.20

Sports - 2124.00 sq.m =£21,240.00

Wiltshire Council Drainage Officer – No objection subject to conditions

Wiltshire Council Archaeology Officer – No objection

Wiltshire Council Rights of Way Officer – No objection

There is around a 100m section of path on HOLT56 between an old hedgerow and a wooden panel garden fence which we would like to see improved; ideally we would ask for tarmac however we would accept upgrading to a hoggin path. We would also like to replace 4 stile along HOLT56 with kissing gates. The cost of the hoggin path upgrade would be approx.. £5,400 and the kissing gates are £500 each so a total of £7,400.

Wiltshire Council Waste Officer – No objection subject to conditions and s106 contribution of £9,090.

Wiltshire Police Crime Prevention Officer: General comments for reserved matters applications.

Play areas and spaces around the pumping station need better natural surveillance

Wessex Water – No objection

8. Publicity

The application was advertised by a site notice and 8 individually posted neighbour notification letters to residents on Great Parks.

A total of 234 comments have been received with 232 objections and 2 letters of support.

Objections:

- *Contrary to Wiltshire Council and Holt Neighbourhood Plan policies*
- *This will further elongate the village around the busy B3107*
- *Extra housing has already been built in the village*
- *The village will not cope with the extra traffic (predicted to be 200 vehicles)*
- *The nearest shop is 1 mile away, people will drive*
- *Public transport has not improved*
- *Holt's infrastructure cannot cope with this*
- *Traffic is a nightmare in the village*
- *What's different to the last application that was rightly refused?*
- *The village went through the trouble of making a neighbourhood plan. This drives a coach and horse through a well developed plan*
- *Drainage and sewerage concerns*
- *Nothing more than a money making exercise*
- *Gladman's is a company that doesn't have village interests in mind*
- *This development will take years to complete and will cause considerable distress and disruption*

Support:

-This development would be a major asset to the economy of Holt

This development does not appear to adversely impact the local environment, or history. Holt will remain surrounded by the green countryside we all enjoy even with this development. As for the infrastructure issue, this is very much a "what came first, the chicken or the egg?" question.

Therefore considering the downsides are slight, and the massive housing shortage we face in this country (and the huge difficulties it is causing young people), I'd welcome the addition of more homes to the village.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development

9.1.1 The 'tilted balance'

The Wiltshire Core Strategy (WCS) sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. WCS Core Policy 1 defines the Settlement Strategy, and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy (and the Bradford-on-Avon Community Area at Core Policy 7) Holt is defined as a 'Large Village'. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside.

WCS Core Policy 2 defines the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Holt – and further states that housing should not be permitted outside the limits except in the few circumstances explained at paragraph 4.25, none of which apply in this case.

Furthermore, WCS Core Policy 2 also states that the limits of development (and new housing outside the limits) may only be altered through the identification of sites through a site allocations DPD or a neighbourhood plan. This application site is not identified in either the Council's WCS or Wiltshire Housing Sites Allocation Plan (Feb 2020), nor within the 2017 'made' Holt Neighbourhood Plan. Therefore, there is a conflict with WCS policies CP1, CP2 and CP7 and the Neighbourhood Plan.

However, the Council is at the present time unable to demonstrate a 5-year supply of deliverable housing land, and this is a significant material consideration. According to the most up to date Housing Land Supply Statement (dated April 2022 (base date: April 2021)), the number of years deliverable supply is 4.72 years. This means that the 'tilted balance' flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged; it states the following –

"For decision taking this means:

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

d) Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must, therefore, be treated as being out of date. This does not mean that the policies carry no weight, but rather that the NPPF expectation that planning permission should be granted (... *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole*) has effect. And the effect in this case is – in the context of there being no identified adverse impacts outweighing the benefits of the development in terms of it delivering housing – that planning permission should be granted. The other non-‘impacts’ of the development are discussed later in the report.

Regarding the relevance of the Holt Neighbourhood Plan, paragraph 14 of the NPPF provides further commentary concerning Neighbourhood Plans, stating the following –

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:

The Holt NP was made in 2017 meaning that it became part of the development plan more than two years ago. It follows that in accordance with paragraph 14, the Holt NP cannot significantly and demonstrably outweigh the benefits of the proposed development in supplying housing.

9.1.2 Quantum of housing

In its explanatory notes at paragraph 4.15, the WCS states –

“At large villages settlement boundaries are retained and development will predominately take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application).”

The proposal is for 98 units which is higher than the “fewer than 10” referred to in the explanatory notes. However, in a number of relatively recent appeal cases for sites adjacent to other Large Villages, Inspectors have allowed developments of more than 10 dwellings in any event. These cases include;

- St. George’s Road, Semington (APP/Y3940/W/19/3236860) - 20 units;
- Sutton Benger (APP/Y3940/W/21/3285458 & APP/Y3940/W/22/3292118) - 21 and 24 units (total 45 units);
- Webbs Court, Lyneham (APP/Y3940/W/22/3299290) – 56 units;

- Green Farm, Lyneham (APP/Y3940/W/20/3253204) – 200 units.

Notably, in APP/Y3940/W/22/3292118 the Inspector stated –

“However, paragraph 4.15 does not form part of any CS policy and the use of the word “predominantly” indicates that this is not a firm requirement. As such, the failure of the development to comply with the terms of paragraph 4.15 is afforded limited weight.”

The Green Farm decision is considered to be somewhat of an outlier example but does demonstrate that higher numbers of dwellings have been allowed adjacent to Large Villages. It should also be noted that the Green Farm Inspector considered that the 5-year housing supply shortfall at the time of the appeal (at 4.56 years) was a ‘significant’ shortfall.

Objections have also been received regarding the Bradford-on-Avon Community Area already having more housing than previously allocated in the WCS, and that the Holt Neighbourhood Plan has allocated sites for development. However, and as already referenced, in order to benefit from a lesser 3-year supply of housing in a neighbourhood plan area, the neighbourhood plan must be less than two years old. The Holt Neighbourhood Plan was made in 2017, and therefore well before this two-year limit. Therefore, Holt is subject to the 5-year housing supply requirement, with housing need to be considered at a County-wide level and in accordance with the NPPF.

The WCS indicative requirement of new housing development for the Bradford-on-Avon Community Area has been exceeded through completions and commitments. However, planning inspectors have generally given any localised exceedance less weight than the overall 5-year housing land supply shortfall. This has been experienced in cases at;

- Chilvester Hill (APP/Y3940/W/16/3275477)
- Green Farm, Lyneham (APP/Y3940/W/20/3253204)
- Sandhole Lane (APP/Y3940/W/21/275352)
- Filands Road (APP/Y3940/W/21/3278256)
- Park Road (APP/Y3940/W/21/3289757)
- Whychurch Farm (APP/Y3940/W/22/3290305)

So, to sum up on the quantum consideration and locally met need for housing, neither are likely to amount to sustainable reasons for refusing planning permission in this case.

9.1.3 Relevance of 2015 decision

The earlier planning application relating to the site (14/12109/OUT) was refused for six reasons. The key difference between the current application and the earlier refusal is that the Wiltshire Core Strategy had just been adopted at that time, and the Council could demonstrate a 5-year supply of housing. Core Policies CP1, CP2 and CP7 could, therefore, be given full weight with no necessity to apply the ‘tilted balance’. Furthermore, aspects of the Core Strategy – including providing more than the community area based indicative housing requirements and not extending developments outside of Large Villages or allowing major applications at Large Villages – had yet to be tested at appeal.

The other 2015 reasons for refusal related to matters of detail – specifically, visual/landscape impact, archaeology and drainage. In the current application, there are no substantive objections from any of the

key statutory consultees, including WC Drainage, WC Landscape and WC Archaeology. It follows that these earlier reasons for refusal could now not be sustained, and accordingly the ‘tilted balance’ remains tilted in favour of the proposal. The delivery of housing to assist the shortfall in 5-yls in a location which is adjacent to a settlement and where there would be no harmful effects complies with the NPPF as a matter of principle, and it is this which now makes the current proposal acceptable sustainable development.

9.1.4 Principle of development – conclusion

As set out above, the Council does not currently have a 5-year supply of housing, and accordingly WCS Core Policies CP1, CP2 and CP7 cannot be given full weight. In the context of a lack of any detailed objections from statutory consultees, the NPPF ‘tilted balance’ favours the application as “any adverse impacts of granting permission” cannot demonstrably outweigh the benefits, the main benefit being the supply of housing, including 36 affordable units.

9.2 Impact on the landscape and spatial context of Holt:

The previous landscape related reason for refusal in application 14/12109/OUT stated the following –

“The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside and with policy CP51 of the Wiltshire Core Strategy.”

In the current application fewer dwellings are proposed resulting in the development being further away from the boundaries of the site. This allows for larger ‘buffers’ on the northern and eastern sides of the development to accommodate more structural landscaping in these areas.



2014 illustrative plan



Proposed illustrative plan

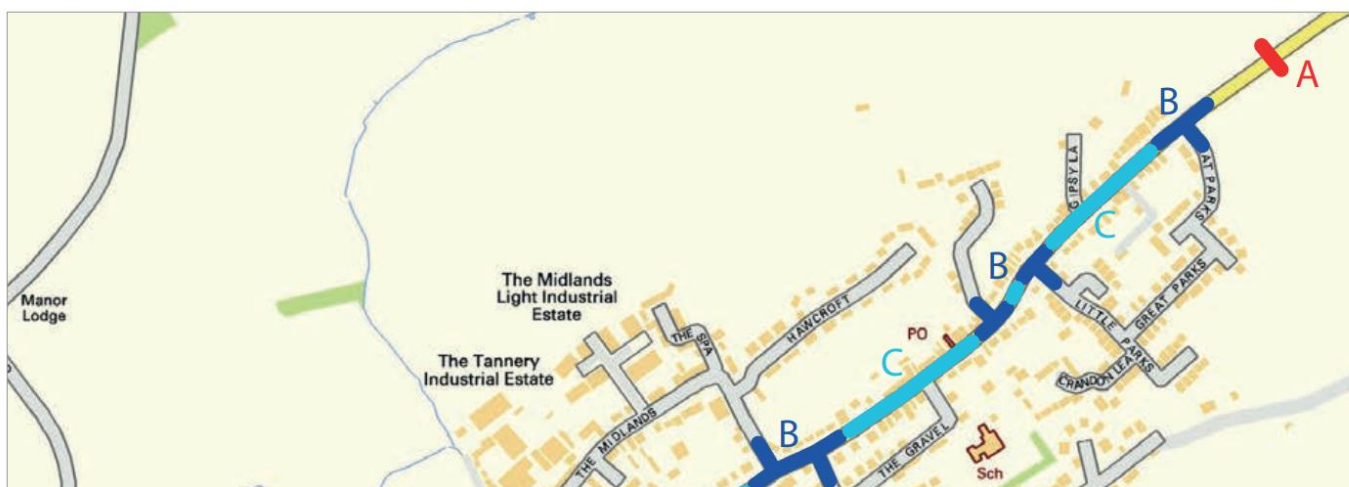
The application site boundary with the B3109 is characterised by a mixture of low/gappy hedgerows and mature trees and hedgerows. In summer the trees and mature hedgerows provide an immediate and

reasonably dense screen although views are still afforded where there are gaps. On approaching Holt from Melksham it is not immediately clear where the existing edge of the settlement is due to this existing landscaping.

The proposed landscaping on the northern side of the site has been changed from more structural planting - which would have largely screened the development – to just infilling of the gaps with additional trees and hedge plants. This would help soften the impact of the proposal, but not completely hide it. The intention of the proposed development is to create an attractive place to live and, so not completely screen it from view when coming into the village.

The Holt Neighbourhood Plan refers to proposals for traffic improvements which include “formal gateway feature” at ‘A’, as shown in the snip image below. It is not known if this is a specifically chosen location but ‘A’ is estimated to be approximately 100-120m away from the ‘Great Parks’ junction (which is approximately half the length of the northern boundary of the application site). If a new ‘gateway’ is to be introduced along the B3107, then it is considered that the proposed development would contribute to the ‘character of place’ of Holt by being visible to a certain extent, and so be part of the ‘gateway’, enhancing it through the proposed northern boundary landscaping.

Suggested proposals for traffic improvements



The Council’s Landscape Officer has no objection to the proposal, agreeing with the conclusions of the Landscape and Visual Impact Assessment. Notably, that the main impact would be on the HOLT56 public right of way. The Landscape Officer also agrees that the impact on the views from HOLT56 over the application site would be ‘moderate adverse’ after 15 years. The Landscape Officer further concludes that *“From a landscape visual impact perspective whilst further housing will impact the views of existing residents along Great Parks, it would not substantially alter the landscape characteristics of the settlement boundary on the eastern edge of Holt.”*

The Parish Council and various third party’s objections also state that it is inappropriate to extend the linear extent of the village by 13%. However, Holt’s spatial character is already long and linear connected closely to the B3107. It is submitted that this proposal would in actuality be in-keeping with Holt’s existing linear character by virtue of being closely related to the B3107 and not extending deep into the open countryside to the south. The application site is 185m deep from the B3107 and would not extend as far to the south as some other parts of the village.

Therefore, it is submitted that the previous landscaping reason for refusal has been addressed, and that there is no sustainable visual or landscape reason for refusing now.

9.3 Highway and traffic impacts

The application is accompanied by a Transport Assessment which addresses the impact of the proposal on the adjoining highway network. This shows that there will not be an unacceptable impact in highways safety terms. The Council's Highways Officer agrees with these conclusions. The proposed site access complies with current standards. In view of this there is no highway safety objection to the application.

A lot of the objections relate to high traffic levels, especially around school drop off and collection times. Any children from this development would be able to walk from Great Parks and into Little Parks with safe use of pavements. At the junction with The Common parents would have to cross the road to reach another pavement on The Common to then cross the road again at 'The Gravel' to then access the school gates. This would constitute an approximate 650m walk from the application site to the primary school which would take approximately 8-10 minutes even taking into account having to cross over roads. It is not considered that this would be an unduly difficult undertaking, and at least in this context the site is sustainably related to the primary school (and pre-school).

The applicants are also proposing to make a new footpath along Bradley Lane, which is accessed via a tarmac path from Little Parks. This would allow for a full footpath access into the back of the school from Bradley Lane, and provide not only a second walking choice from the development but offer a betterment to existing residents in the area as well.

9.4 Drainage and flood risk

The fourth reason for refusal in application 14/12109/OUT was due to inadequate and conflicting information relating to surface water drainage and flood risk assessment. The current application addresses this care of an updated flood risk assessment which satisfies the Council's Drainage Officer. Whilst the Drainage Officer has sought further information and calculations, this can be addressed by condition. It is, therefore, considered that the earlier reason for refusal has been overcome and does not now amount to a reason for refusing planning permission.

Regarding foul water, a pumping station is proposed (shown indicatively in the southern corner on the masterplan) to pump foul water to the foul drain on Melksham road.

9.5 Archaeology

The fifth reason for refusal in application 14/12109/OUT was related to there not being enough evidence to support the conclusions in the Desk-Based Assessment carried out at the site, and that further evaluation would have been necessary.

The further work has now been undertaken to the satisfaction of the Council's Archaeology Officer, and therefore, this reason for refusal has been overcome and cannot now amount to a sustainable reason to refuse planning permission.

9.6 Heritage Assessment

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving Listed buildings or their setting (S16) and to the desirability of preserving the character and appearance of conservation areas (S72).

In this case the site is located just less than 450m away from the Holt Conservation Area. Given the intervening modern housing and infrastructure that exists between the development site and the Conservation Area there will be no intervisibility. As such, it is not considered that there would be an impact to the setting of the Holt Conservation Area or its significance as a designated heritage asset. In terms of the NPPF tests, it follows that there would be no harm to the conservation area.

The nearest Listed building to the site is Oxen Leaze Farm which is Grade II. The Listed building is located 250m away from the development site with intervening hedging and topography. Furthermore, its principal elevations have a north-south orientation and so direct views towards the site would not be afforded. On this basis it is considered that the proposal would not have a significant impact upon the setting of the Listed building or its special interest. In addition to this, modern equestrian buildings lie within the immediate setting of the dwelling. No other Listed buildings are considered to be affected by the proposal given the significant separation distance and the intervening modern built form between them and the proposal site. In terms of the NPPF tests, it is concluded that no harm would be caused to Listed buildings.

9.7 Impact on neighbouring amenity

The scale, layout and external appearance of the proposal are 'reserved matters' for future applications which would then take into account the impact on neighbouring amenity. This said, there is no reason why a neighbourly development could not be achieved based on the indicative master-plan, for both existing and new residents.

9.8 Ecology

The application is supported by an ecological appraisal which identifies two trees having roosting potential for bats. These trees are proposed to be retained and flight corridors are to be protected and retained as set out in the Ecological Parameters Plan.

Reptile surveys identify a small population of slow worm and grass snake on site. Measures to avoid risk of killing or injuring reptiles as well as enhancement measures would be subject to conditions in the event of planning permission being given.

The applicant has also submitted sufficient evidence to demonstrate biodiversity net gain, which would also be secured by condition.

9.9 Section 106 Legal Agreement

Core Policy 3 states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the

Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are that contributions must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposal. The applicant has agreed to provide these:

Highways

£100,000 towards cycling or go towards development of an off-road cycle route between Holt, Melksham, and Bradford on Avon;

£5,000 towards cycle signage

£15,00 towards PT (extra journeys within the existing timetable)

£7,500 Travel Plan monitoring fee (£1500 pa over 5 years); and

£3,000 towards the advertisement (TRO) of the bus stop set down area.

Public Rights of Way

CP52 states "*Development shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD. It is therefore considered that a contribution for nearby Public Rights of Way improvements is justified - £7,400.

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 this Community Area. Based on the proposed scheme of 90 residential units, there would therefore be a requirement to provide 36 affordable units on the site. To meet current demonstrable need the Affordable Housing units should be provided with a tenure mix of 60% (22 units) Affordable Rented, 25% (9 units) First Homes and 15% (5 units) Shared Ownership.

The Council's Housing Officer has also provided further comments in relation to the Parish Council's objection. A Rural Housing Needs Survey was completed in 2020 which (alongside other credible needs evidence i.e. Wiltshire Council's current Housing Register statistics) supported the Rural Exception Site of 10 Affordable Housing units to come forward/be delivered at the Star Ground off Station Road, Holt. This was a WCS CP44 - *Rural Exception Site* where only affordable housing is provided. These affordable homes have now been built out by Stonewater Housing (Registered Provider). The Holt Neighbourhood Plan supported this site to come forward as no Affordable Housing had been secured (due to a viability exercise) on the Tannery site in Holt.

This application is not a Rural Exception Site (CP44) but is a site being dealt with under CP43 and, therefore, allocations would be made to these Affordable Housing units in line with the Council's adopted Allocation Policies & Procedures relating to this policy should permission be granted. This means it would take account of local connection first when allocations are made but then would cascade out to the surrounding Parishes/Bradford on Avon and Melksham etc. This is therefore fully compliant with Policy H1.2c of the Holt Neighbourhood Plan.

The Council's Housing Officer has also checked the Housing Register and can confirm that there are applicants seeking housing in Holt and in the surrounding Parishes. Therefore, the provision of 36 Affordable Housing units on this site would help contribute to this need.

Education

Early years provision - £175,220 but notes; *"However, Holt Preschool cannot be expanded and the contribution would not be sufficient to create a new setting. Therefore, the only way to provide the places needed would be to use the contributions in neighbouring Bradford on Avon (BOA) where they can be combined with other S106 contributions towards the development/expansion of Early Years provision in BOA that supports the village of Holt. (However, it should be noted that provision in BOA would not be within 2 miles walking distance of the development site)."*

Primary School – *"Holt VC can accommodate the expected pupil product of the proposed development within current capacity and forecasts, without the need for expansion. As a result, we have no requirement for a developer contribution towards the 24 places that this development would generate a need for."*

Secondary School - £389,980 *"There is no spare capacity available across the Trowbridge secondary schools. We therefore require a full developer contribution towards the provision of the 17 places that this development generates a need for."*

Refuse

A contribution of £9,090 (£101 per dwelling x 90) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Recreation and Open Space

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision, an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

The proposal does include an area of public open space which is to be managed by a management company, and this is considered to be appropriate in the context of the policies. The site should also be large enough to accommodate on site children's play area and a contribution to Holt recreation ground is also sought.

Open Space Required for 90 dwellings -3,143.52 sq.m = £107,999.24

Play 159.30 sq.m = £22,939.20

Sports – 2124.00 sq.m = £21,240.00

Management Company

The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after.

10. Conclusion

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, permission should be granted in any event.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land; at the time of preparing this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.72 years. With this recognition the strategic policies of the Core Strategy must be considered out of date, and so the tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst the proposed development lies outside of the Holt 'Large Village' boundary and so conflicts with the strategic level policy requirements (CP1 & CP2), this report shows that there are no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would help provide economic benefits by providing work for construction professionals, increase economic activity within Holt and contributions towards off site infrastructure through S106 contributions and CIL.

As already set out, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for growth would bring. The proposal would relate well to the spatial form of Holt using an existing residential road that does not access directly onto the B3107.

Fundamentally the site would make an important contribution to the current identified housing need in Wiltshire without causing other demonstrable harm.

But the above said – and in view of the appeal against non-determination that has now been lodged – it is necessary for an objection to be proffered to the Planning Inspector relating to the failure of the proposal to secure a mechanism to ensure that essential infrastructure made necessary by the development is delivered. It is important to note that this is a technical objection only which could fall away if a mechanism is put in place as part of the appeal process, such as a S106 planning obligation.

To delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for the following technical reason –

The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development are delivered, these being affordable housing, recreation/open space, education facilities, refuse collection facilities, and highway works / sustainable transport improvements. This is contrary to Policies CP3, CP43, CP45, CP51, and CP52 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009) and paragraphs 8, 34, 56, 64 and 92 of the NPPF.

INFORMATIVE:

This 'reason for refusal' may fall away in the event of a suitable mechanism – such as a S106 planning obligation – being agreed and secured as part of the appeal process.