

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	1 December 2021
Application Number	21/01155/OUT
Site Address	Land at Restrop Road, Purton, Swindon, Wiltshire, SN5 4BP
Proposal	Outline planning permission for up to 47 dwellings with associated landscaping and vehicular and pedestrian accesses off Restrop Road (all matters reserved except means of vehicular access).
Applicant	Hollins Strategic Land LLP
Town/Parish Council	Purton
Division	Purton (Cllr Jacqui Lay)
Grid Ref	408221 187198
Type of application	Outline with all matters reserved except access
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application has been called in by the Ward Member, Councillor Lay, in the event of a recommendation to approve given conflict with the provision of the neighbourhood plan and part of the site being outside the settlement boundary for Purton.

1. Purpose of Report

To consider the development proposed in relation to the policies of the development plan, provisions of national guidance and material circumstances and considerations and the recommendation to approve subject to conditions and the completion of a planning obligation/S106 agreement within 6 months of the date of the Committee meeting.

2. Report Summary

Key issues include:-

- Principle of Development/Development Plan Compliance
- Highways Impact
- Impact on the Character, Appearance and Visual Amenity of the Locality
- Impact on Residential Amenity
- Ecological Impact
- Drainage Impact

A total of 144 objections and 3 general comments have been received from all parties.

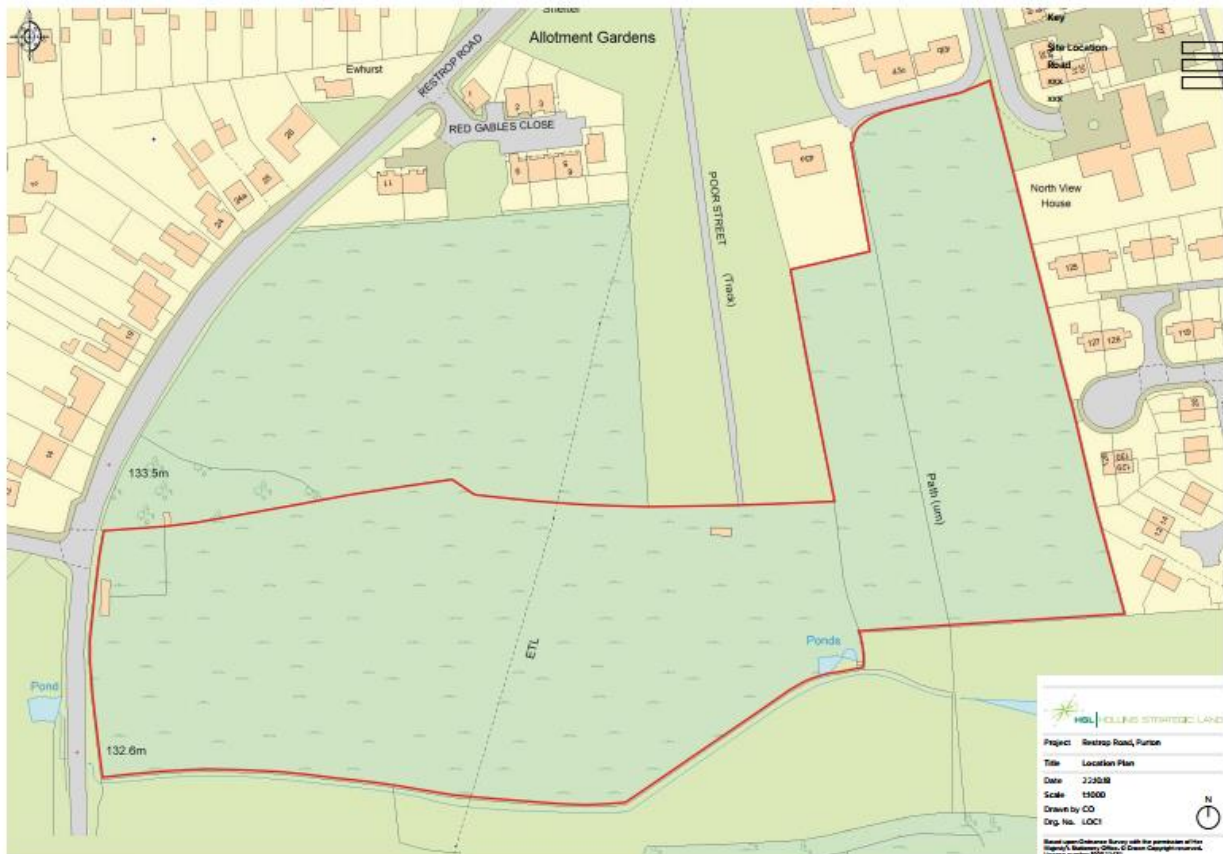
Purton Parish Council Objects to the proposals.

3. Site Description

The site is located on the southern fringes of Purton adjacent to a new area of housing development and other existing areas of the village. The site lies outside but adjoining the defined settlement boundary of the village.

The immediately locality is characterised by a mix of house types using a variety of materials.

Known site constraints in the locality include rights of way, susceptibility to surface water flooding, a watercourse lies adjacent, Grade 3 agricultural land, and MOD Low Flying Zone (Low risk); records of protected species including badgers, slow worms and bats.



4. Planning History

The site lies adjacent and adjoining existing residential properties many of which have been subject of applications. None are considered of direct relevance to the application site and proposals.

The site itself has been the subject of a previous application which was refused and is now the subject of appeal with confirmation of timeframes and hearing date in abeyance whilst this current application is determined.

- N/03/00860/FUL - Retention of access including new gate and posts and retention of hardstanding to form parking area - Approved with Conditions

- 19/03731/OUT - Outline planning permission for up to 61 dwellings with associated landscaping, pedestrian accesses towards High Street and through Reids Piece, and vehicular access off Restrop Road - Refused and currently subject of Appeal.

The land immediately adjacent to the north has the following planning history (excluding applications to discharge conditions) –

- 16/10513/FUL - Residential development of 38 dwellings including access, car parking, landscaping and other associated infrastructure - Approved with conditions
- 19/11981/106 - Modification of planning obligation for planning 16/10513FUL (residential development of 38 dwellings including access, car parking, landscaping and other associated infrastructure) - Not yet determined.

5. The Proposal

The description of development is set out above. This is a revised description from that originally submitted. The revisions reduce the quantum of development proposed and allow for a revised site layout. As noted, this is an application in outline with all matters except access reserved. The proposal is now for up to 47 dwellings with associated landscaping and vehicular and pedestrian access. This revision has sought to address the concerns and objections of officers with the intention of achieving an acceptable development and so allowing the current appeal to be withdrawn.



Indicative Layout Plan

6. Planning Policy

Wiltshire Core Strategy

- Core Policy 1 – Settlement Strategy;
- Core Policy 2 – Delivery Strategy;
- Core Policy 3 – Infrastructure Requirements;
- Core Policy 19 – Spatial Strategy for the Royal Wotton Bassett and Cricklade 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

North Wiltshire Local Plan 2011(saved policies)

- Saved Policy H4 - Residential development in the open countryside
- Save policy NE14 – Trees and Development the Control of Development
- Saved Policy NE18 – Noise and Pollution
- Saved Policy CF3 – Provision of open space

Purton Neighbourhood Plan 2017 (PNP) - 2026 Made November 2018

- Purton Policy 4 - Ecological Enhancements
- Purton policy 5: To Protect key local landscapes
- Purton Policy 6 - Settlement Identity
- Purton Policy 13 - Development Principles
- Purton Policy 14 - Development outside settlement boundary at Restrop Road

Wiltshire Housing Site Allocations Plan (HSAP) adopted February 2020

Settlement Boundary Review

Site allocations in the North and West HMA at Table 5.2 – sites H.2.1 – H.2.11 at Trowbridge, Warminster, Chippenham and Westbury - a total of 1250 dwellings

Supplementary Planning Guidance

The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015)

Emerging Development Plan Documents

Wiltshire Local Plan 2016-36

The Council agreed via Cabinet on 1st December 2020 the next steps for the Wiltshire Council Local Plan Review to set out the requirements for the level of growth that each area needs to accommodate up to 2036. This includes agreement of the Local Development Scheme (LDS), including consultation on the Local Plan Review to inform the details of the draft Plan.

The July 2020 LDS anticipates adoption of the Local Plan in quarter 2 of 2022.

The following sections of the National Planning Policy Framework 2021 are relevant to the consideration of this application:

- Achieving sustainable development – paragraphs 2, 3, 7, 8 and 11, 12, 13, 14, 16, 29
- Decision-making – paragraphs 47, 55, 56, 57
- Delivering a sufficient supply of homes – paragraphs 74, 77
- Promoting sustainable transport – paragraphs 105, 110, 111, 112, 113
- Making effective use of land – paragraph 120
- Achieving well designed places – paragraph 126, 130, 134
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 159, 160, 161, 162, 167, 169
- Conserving and enhancing the natural environment – paragraphs 174, 180, 175, 177, 185, 186

7. Consultations

The application has been the subject of two consultation exercises and the following is a summary of the position reached following these exercises. This is a summary and does not purport to be a full recitation of all comments made.

Purton Parish Council – Objection. Conflicts with the development plan NWLP H4; WCS CP1 CP2 CP19; PNPP Policy 14 in principle. Also traffic generation/movement WCS CP60 CP61. Harm to character appearance and visual amenity of the locality in conflict with WCS CP51 CP57.

Lydiard Tregoze Parish Council – Objection based on increased traffic movement in the village

Wiltshire Council Spatial Planning – No objection raised but Officers consider that the proposals result in some level of conflict with the provisions of the development plan being outside the settlement boundary. Core policies 1, 2 and 19 in the adopted Wiltshire Core Strategy, and saved policy H4 in the North Wiltshire District Local Plan. It is also contrary to the Purton Neighbourhood Plan. Officers however note that the site is in the area of search for housing sites in the PNP and that the shortfall in the housing land supply in Wiltshire is a significant material consideration.

Wiltshire Council Highways – No objections subject to planning obligations.

Wiltshire Council Rights of Way – No objections subject to provision PROW provision an enhancement include through planning obligations.

Wiltshire Council Urban Design – Previous objections addressed, excepting some concern remaining on use of materials.

Wiltshire Police Crime Prevention Design Advisor – No objections but concerns raised in respect of specific design / layout details.

Wiltshire Council Landscape – No objections raised

Wiltshire Council Trees Officer – No objections – additional information needed to inform reserved matters proposals.

Wiltshire Council Drainage Support subject to conditions

Thames Water No objection but highlight issues around existing infrastructure and easements.

Wiltshire Council Archaeology – No objections. The proposed development site has been subject to a programme of comprehensive archaeological investigation which accurately assessed the sites archaeological potential. It is my opinion that no further archaeological mitigation would be required on site.

Wiltshire Council Ecology – No objection subject to conditions

Wiltshire Council Public Protection – No objections subject to conditions.

Wiltshire Council Waste & Recycling Team – Support subject to contributions toward waste and recycling facilities

Wiltshire Council Public Open Spaces Team – No objections subject to contributions and play space requirement:-

The following open space and play provision is required and is to be calculated when the dwelling mix has been confirmed:

*1 x 1 bed = 30m² of public open space
1 x 2 bed = 45m² of public open space, 3m² of play
1 x 3 bed = 60m² of public open space, 6m² of play
1 x 4+ bed = 75m² of public open space, 9m² of play*

Due to a LAP providing little play value, we would prefer this to be substituted for a LEAP or a trim trail. This can be addressed at Reserved Matters application stage.

The open space and play provision must be secured in perpetuity and Wiltshire Council will not adopt the POS.

An off-site sports contribution of £12,972.00 is required to be used towards the cost of providing or upgrading Purton Cricket Club Pavilion and/or playing pitch provision within the vicinity of the land.

Wiltshire Council Affordable Housing Team – No objection to the revised proposals:-

The proposal is for 47 residential dwellings on a site totalling 3.56ha.

There is therefore a requirement to provide 19 affordable units within a scheme of 47 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in Purton where there is a high level of demand for both affordable rented and shared ownership housing.

To meet current demonstrable need the Affordable Housing units should be provided with a tenure mix of 60% of the units (11 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership.

Unit Size Mix:

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. There is currently a need for all sizes of affordable accommodation in Purton. An indicative mix which would reflect current need would be:

Affordable Rented:

20% - 2 x 1 bed, 2 person flat, in a maisonette / house style, or bungalow
20% - 2 x 2 bed, 4 person house
20% - 2 x 2 bed, 4 person bungalow* to be provided as adapted units
35% - 4 x 3 bed, min 5 person house
5% - 1 x 4 bed, min 6 person house

Shared Ownership:

50% - 4 x 2 bed, 4 person house
50% - 4 x 3 bed, min 5 person house

NB: The Shared Ownership homes should be provided in semi-detached pairs with in-curtilage side parking bays to aid marketing / sales of this tenure and not directly connected to the Affordable Rented units in pairs or terraces rows.

Wiltshire Council Education – No objections subject to financial contributions to Early Years/Nursery Education provision.

8. Publicity

The application was advertised by press notice, site notice, publication to the Council's website, neighbour notifications, and notification of interested local organisations and parties. The application has been the subject of two consultation exercises and the following is a summary of the position reached following these exercises. This is a summary and does not purport to be a full recitation of all comments made.

147 representations from members of the public have been submitted raising objections and a range of general comments. This include multiple submissions by the same persons and multiple instances of this occurring reflecting the multiple periods of consultations. The following is a summary of the objections raised.

- Previous application at this site for the same development refused; Conflict with the development plan WCS CP1 CP2 CP19.
- Inadequate services and facilities in Purton to serve the development.
- Housing requirement already met. Overdevelopment of the village.
- Increased risk of flooding.
- Outside defined settlement for the village which has already accommodated required development.
- No safe pedestrian access to and from the site and poor relationship with neighbouring development / inaccessibility / unsafe accesses.
- Inaccessible by public transport/poorly related to public transport services.
- Harm to Public Rights of Way.
- Increased traffic and inadequate road network, traffic congestion and hazards created. Vehicles cannot access the site easily/constrained access.
- Conflicts with and contrary to the Neighbourhood Plan.
- Harm to residential amenity of neighbouring properties, loss of privacy.
- Harm to residential amenity and the local environment through noise, disturbance and air pollution from the additional traffic.
- Harm to ecological habitat and wildlife.
- Inadequate consultation.
- Play space poorly related to existing and proposed development
- Loss of greenspace and visual amenity not adequately mitigated.
- Development proposed is not sustainable.

- Revised proposals do not address concerns raised previously.

CPRE object. Shortfall in housing land supply does not override conflict with the development plan. Case Law cited.

9. Planning Considerations

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

In accordance with the provisions of the EIA Regulations 2017 there is a requirement to assess whether the proposal would have significant environmental effects as a result. The proposal would fall into category 10b of schedule 2 in that it is an urban development project. The site would not exceed the applicable thresholds and criteria set out in column 2 of Schedule 2 as it relates to the provision of dwellings, so the 1 Ha site area does not apply, the proposal would not exceed 150 dwellings and the overall site area would not exceed 5 Ha. Therefore, in accordance with paragraph: 017 Reference ID: 4-017-20170728 of the Planning Practice Guidance projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development. The site is not within a SSSI, National Park, World Heritage Site, SAM, AONB or any other European Designated site. Nonetheless by virtue of its limited scale, known site constraints and the likely assessed impacts of development individually and cumulatively at this site it is not considered to constitute EIA development for the purposes of Town and Country Planning (Environmental Impact Assessment) Regulations 2017 so no Environmental Statement is required to be submitted with the application.

Principle of Development

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, 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), The Wiltshire Housing Sites Allocation Plan and the Purton Neighbourhood Plan ('Made' November 2018)

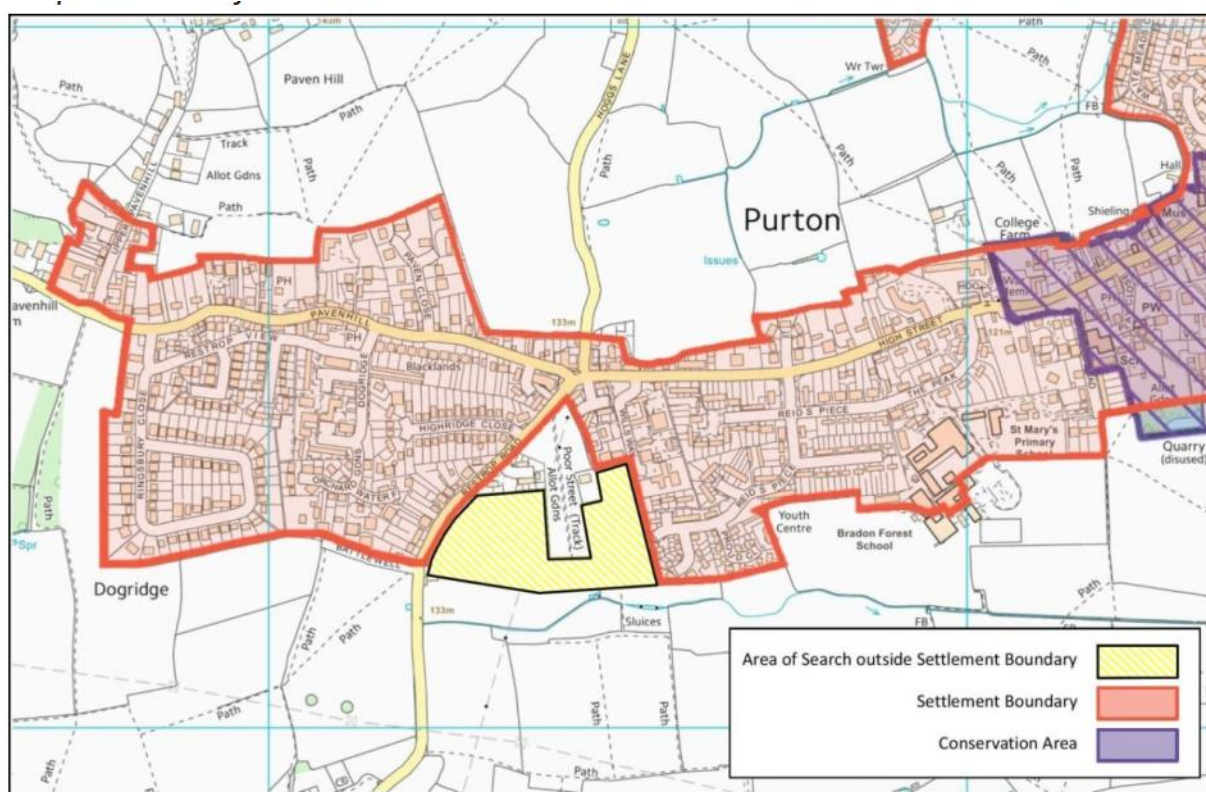
The application site is outside the defined settlement of Purton and the defined limits of development and so is in the open countryside for planning purposes. The site partially falls within the designed area of search for development of up to 40 dwellings under PNP policy 14. The Core Strategy defines a settlement hierarchy for Wiltshire throughout which the assessed development requirements are distributed. The nearest settlement recognised in the strategy is Purton. Purton is defined as a Large Village in the WCS.

Core Policy 1 states that large villages have a limited range of employment, services and facilities. The policy goes on to state that 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. Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026. This policy sets out how development will be considered both inside and outside the defined limited of development. This policy advises that development will not be permitted outside the limits of development as defined on the proposals maps other than in the circumstances set out in paragraph 4.25 which defines exceptions to this restriction. This clearly demonstrates that Core Policy 2 is not a bar on all development outside the settlement boundary but that there are exceptions where such development will be permitted. The development proposed does not meet one of the exceptions to the development strategy of the plan as set out at para 4.25 of the WCS or under the provisions of saved policy H4.

Core Policy 19 which deals specifically with the strategy for the Royal Wootton Bassett and Cricklade Community Area. Purton falls into the remainder of the community area. Pertinent to the proposal, the supporting text to Core Policy 19 at para 5.102 bullet 6 notes that the long established policy of protecting the distinct character and identity of the villages and settlements remains a priority for local communities.

The settlement boundaries for Purton were reviewed through both the Purton NP and more recently the Wiltshire Housing Site Allocations Plan, adopted in February 2020 and the site remains outside the settlement boundary of Purton.

The Neighbourhood Plan allocates land for development and allows for development within the defined settlement of Purton in accordance with the strategy of the plan as defined by WCS core policies CP1, CP2 and CP19. Additionally, an area of search for 40 dwellings under policy 14 of the plan applies to a large part of the site and the majority of the proposed built area of development within the site layout. The housing requirement for the Royal Wootton Bassett and Cricklade Community area as set out in WCS CP19 has been met and exceeded. Development has already been consented and is under construction on the policy 14 area of search land to the north for 38 dwellings. As such the proposal is at least partially in conflict with the development strategy of the plan as defined in this locality by CP1, CP2 & CP19, which must be read together alongside the relevant provisions of the PNP.



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Extract from Purton NP
(Yellow area – land designated as Area of Search under PNP Policy 14)

It is however necessary to consider what, if any, material considerations would justify a decision otherwise than in accordance with the strategy of the plan. In this context there are several matters that must be taken in account. Firstly, the Council cannot currently demonstrate an NPPF compliant available and deliverable supply of land of housing for the requisite 5 year period plus buffer. The latest Housing Land Supply Statement (HLSS) identified that the shortfall is 4.56 years. As such the policies of the plan most relevant to the determination of the application are

considered to be out of date and para 11(d) of the framework is engaged. In this context the PNP is over two years old so the relevant period for HLSS provision remains 5 years and not 3 and para 14 of the framework is not engaged.

As set out in Supreme Court of Appeal decision *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37, even where paragraph 11(d) of The Framework is triggered through a lack of five year housing land supply, the weight to be given to the relevant development plan policies and the NPPF remain questions of planning judgement for the decision-maker. The weighting of those will vary according to the particular circumstances of each case. This can include consideration of the extent of the shortfall of housing supply, as confirmed most recently by *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808; the actions being taken by the local planning authority to address any shortfall, and/or the particular circumstances of the restrictive policy. In these respects, it must be noted that the shortfall is relatively limited as was confirmed by the Planning Inspector considering the Purton Road appeal (Ref APP/Y3940/W/18/3202551; 17/08188/OUT) which was tested through the courts and found to be sound by multiple justices. It is also material to note that the Council has an action plan in place for addressing the shortfall and is taking steps to do so. Importantly this has included granting permission for development on sites where no significant site specific harm arises; there is reasonable access to services, facilities and employment opportunities by virtue of good connectivity by a range of modes of transport and proximity to major settlements; and the scale of development proposed is proportionate to adjacent settlements. Indeed this plan of action has already resulted in the grant of consent on other sites in this community area and elsewhere in this Housing Market area as set out in the latest HLSS. These permissions include:-

Site reference	Site Address	HMA	Number of units (net)	Status	Status date
18/07128/FUL	Manor Farm The Street Grittleton SN14 6AN	North & West	14	Full permission	01/04/2019
18/10554/FUL	Former Margaret Stancomb Infant School British Row Trowbridge BA14 8PB	North & West	21	Full permission	06/06/2019
18/03338/FUL	BROWNFIELD The United Church & Community Buildings Church Street Trowbridge Wiltshire BA14 8DZ	North & West	23	Full permission	28/06/2019
18/04202/FUL	BROWNFIELD Woodlands Social Club Woodland Park Calne SN11 0JX	North & West	18	Full permission	10/10/2019
19/00537/FUL	Land to the East of A345 and West of Old Sarum Salisbury Wiltshire SP4 6BW	South	65	Outline permission	12/11/2019
18/02346/FUL	Timber Yard Real World Studios Mill Lane Box Corsham Wiltshire SN13 8PD	North & West	20	Full permission	06/12/2019
18/12068/FUL	BROWNFIELD 141 Castle Street Salisbury SP1 3TB	South	66	Full permission	20/12/2019
19/06378/FUL	Marden Court Quarr Barton Calne Wiltshire SN11 0EE	North & West	16	Full permission	06/03/2020
19/11569/OUT	Land south of Filands, Malmesbury	North & West	71	Resolution to grant	27/05/2020
20/02387/OUT	Land at Pound Farm, South View, Lyneham	North & West	50	Resolution to grant	27/05/2020

A team of officers meets regularly to keep under review other potential sites. Other actions include dedicating additional resource and priority to unlocking stalled strategic allocated sites such as Rawlings Green, Chippenham with decision to approve now issued. The Wiltshire Housing Sites

Allocation Plan has also been adopted since the Purton Road appeal decision identified the shortfall in housing and this will deliver additional sites in this housing market area.

Housing Supply

Through the determination of the appeal at Purton Road the Council's Housing Land Supply position was considered and tested. At that time it was agreed that the five year housing supply figure was between 4.42 and 4.62 years See Inspector's decision letter paragraph 21, where he considered that even at the lower end of the agreed range there is a relatively modest shortfall in housing land in the Wiltshire Council area. The Council has since then published the Housing Land Supply Statement December 2020 (base date April 2019) which states that the Council can demonstrate 4.56 years of supply of housing at the unitary level. This is at the midway point in the range of supply considered by the Inspector, and higher than the lowest end of the range which the Inspector considered and yet still attached significant weight to the conflict with the development plan policies 1, 2, 19, and moderate weight to saved policy H4.

It should be noted that the Wiltshire administrative area is one of the largest in the country in terms of geographical area. Therefore, in accordance with the spatial strategy in the CS there is also a need to consider both the housing market area and community areas to fully comprehend the spatial distribution of homes in the administrative boundary. Although there is a deficit in housing provision within this HMA this is due to the under-provision in other community areas namely Corsham, Trowbridge and Warminster, all of which are substantial distances from the application site.

The latest Housing Land Supply Statement published December 2020 (base date April 2019) shows that in the remainder of the Royal Wootton Bassett Community Area, 428 dwellings have been completed, with a further 254 units identified as being developable by 2026. This means that the indicative requirement has been exceeded by 297 dwellings (when the indicative requirement is 385 dwellings). There is also a surplus in Royal Wootton Bassett itself. This clearly demonstrates that the spatial strategy is delivering the required housing requirement to meet the housing needs in a sustainable manner in this Community Area.

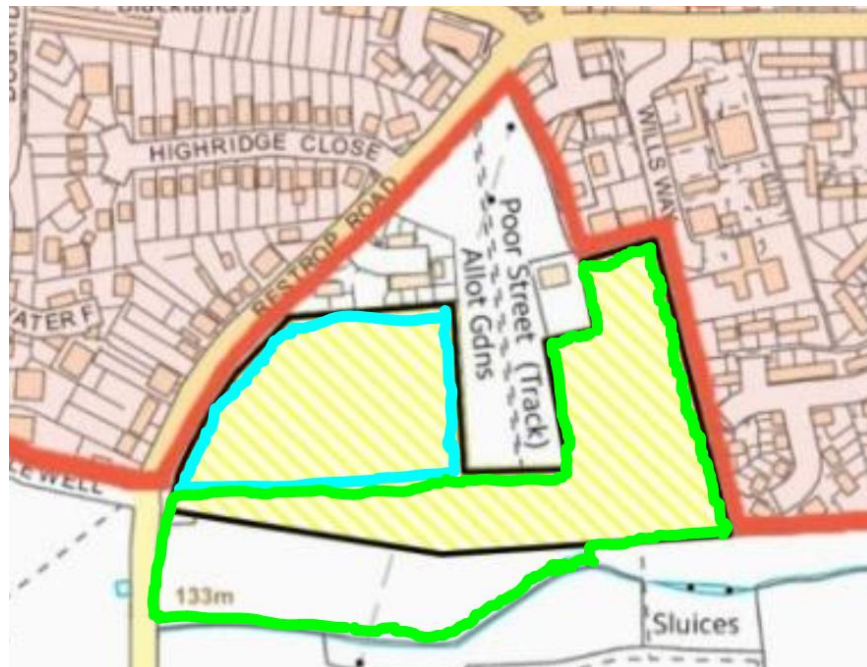
It is also material to note that the Council cannot demonstrate that affordable housing needs in Wiltshire and in this locality are being met.

As such the Council cannot demonstrate the available and deliverable supply of land for housing that is required by the NPPF and the tilted balance under para 11d is engaged. The site whilst in the open countryside lies directly adjacent to the large village of Purton and so cannot be considered remote or isolated. The scale of development is limited at 47 dwellings and this is considered reasonably well related to the scale of the settlement itself. The neighbourhood plan is now more than 2 years old and as such the provisions of para 14 are not engaged. That is not to say that the plan does not carry weight - it still does - but reduced in the context of the tilted balance.

Importantly and as already noted, the majority of the proposed development area and a major portion of the site as a whole falls within the defined area of search for the allocated 40 houses under policy 14 of the PNP. The revision to the scheme proposals have addressed some of the concerns in this regard drawing a greater proportion of the built form into the area of search. Whilst consent has already been granted for 38 dwellings on a part of this area of search the land in question has been assessed as broadly acceptable and sustainable in housing development terms. Two of the 40 dwelling allocation remain to be approved. The Council is committed under its action plan to finding and supporting development sites that broadly accord with the strategy of the plan in order to address the accepted shortfall in the housing land supply that exists. This site and proposal would achieve that aim which could then be used in evidential submission in

respect of other appeals on less sustainable housing sites. There are multiple such appeals in hand at the current time.

In this context there is an appeal relating to this site, registered but currently on hold whilst this application is determined. Approval should allow the appeal to be withdrawn.



Enlargement of PNP Policy 14 plan
Blue overlaid line – approx position of permitted housing site (16/10513/FUL)
Green overlaid line – approx position of current application site & live appeal site (19/03731/OUT)

In summary, though the proposals do have some conflict with the development plan in terms of the principle of development in this location, this is considered to be limited and there are material considerations of substantial weight that should be considered in the planning balance. These are considered, together with the planning balance, below –

Highways & Parking

It is noted that substantial and significant local concerns are raised as to the adequacy of the road network service providing access and egress to the site and pedestrian accessibility and safety. A significant proportion of representations submitted in respect of the application proposals raise concerns as to the road conditions, conflicting vehicular movements and lack of parking in the locality, lack of public transport access and the lack of safe pedestrian accessibility and linkages with the village, the highway network and neighbouring development.

The Council's Highways Officers, Public Rights of Way Team and Waste and Recycling officers have all been consulted in respect of the current proposals as revised. As is set out in the summary sections above none raise objections subject to the use of conditions and planning obligation, all agreed by the applicant team.

In this context and whilst the sale and force of concern and objection is recognised it is not considered that a refusal on the basis of inadequate site access/egress, including pedestrian accessibility; creation of a highways hazard; harm to highway safety; harm to PROW; or

increased traffic congestion can be identified such that the proposals could be defensibly refused on this basis.

As such the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

Residential Amenity

It should be noted that the application proposals are submitted in outline with all details as to layout and form of development reserved for future consideration. However, revised illustrative scheme proposals have been submitted on the basis of a reduced number of dwellings. This is important as the submission now demonstrates that the site is capable of delivering the quantum of development proposed in an acceptable form which would not harm existing residential amenity and would secure an adequate level of amenity for future occupants. In the latter respect, in particular, significant concerns arise from the original illustrative plan submission based on the larger quantum of development then proposed. The revisions are considered to have now substantively addressed these concerns.

As such the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

Character, appearance & Visual Amenity of the Locality

As with residential amenity considerations it must be noted that landscaping details are reserved for future consideration. The revised illustrative proposals are however considered to demonstrate and confirm that an acceptable and appropriate layout in landscape terms can be achieved.

Whilst the site is greenfield outside the limits of development and the proposal result in an irrevocable change in the character of the site through urbanisation and in a visually prominent location, it must be noted and considered that much of this land is identified as an area search for housing development in the PNP. To a large degree the impact identified has been accepted by the plan policy designation.

The Council's Landscape Officers were consulted in respect of the scheme proposals and supporting submissions but have not raised any comment, objections or made any recommendations. Similarly the Council's Trees officers raise no objections.

It is considered that on this basis the proposals accord with relevant policies of the plan and provisions of the framework

Drainage

Submitted representations from interested parties raise drainage impacts and flood risk as a concern. The site is one with some limited records of flood risk. The Council's Drainage Team raised initial objection on the basis of inadequate information provision in support of the proposals, albeit it was considered that the matters were capable of being addressed by use of condition.

Following the revision of the scheme proposals the Council's Drainage Team has revised its position and confirmed support for the scheme proposals subject to the use of condition. These are agreed by the applicant.

It is considered that on this basis the proposals accord with relevant policies of the plan and provisions of the framework

Design

Again it must be noted that the design and layout of the scheme are matters that are reserved for future consideration. However, Council's Urban Design Officer has reviewed and assessed the revised proposals including the revised Design and Access Statement. In their further consultation response, they identify that the vast majority of concerns raised in response to the initial scheme proposals have been addressed by the revisions. Concern remains as to the use of materials but officers do not raise objection on this basis and agree that the latter is capable of being addressed through determination of reserved matters details and applications.

As such the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

Ecology

The revised application proposals and supporting submissions have been the subject of consultation with the Council's Ecologists. No objection is raised subject to use of conditions. These are agreed by the applicant.

On this basis it is not considered that significant harm arises from the proposals that is incapable of mitigation such that conflict with the relevant policies of the plan or provisions of the framework arises and the application could defensibly be refused on this basis.

Other Matters

S106/Planning Obligations

- Waste & Recycling Facilities – £4,277
- Early Years / Nursery education provision – £105,132
- Open Space SUDS Management & Maintenance Provisions
- Off Site Sports Contribution £12,972.00
- PROW Enhancement contributions including £60K for the up-grade of the surfacing of PURT89 from its junction with the main road to where it meets its currently blacktopped length.
- PROW future maintenance funding £6,000
- Traffic Regulation Order funding £6,000
- Affordable Housing Provisions:-

19 units with a tenure mix of 60% of the units (11 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership.

Affordable Rented:

20% - 2 x 1 bed, 2 person flat, in a maisonette / house style, or bungalow

20% - 2 x 2 bed, 4 person house

20% - 2 x 2 bed, 4 person bungalow* to be provided as adapted units

35% - 4 x 3 bed, min 5 person house

5% - 1 x 4 bed, min 6 person house

Shared Ownership:

50% - 4 x 2 bed, 4 person house

50% - 4 x 3 bed, min 5 person house

Triggers – all prior to the commencement of development.

All agreed by the applicant.

10. Conclusion

The site lies outside the defined limit of development for the village of Purton. The development proposed is not one of the exceptions to the strategy of the plan that would be supported in this location. The identified requirement for housing in this community area envisaged under the strategy of the plan has been met and exceeded.

The site has been the subject of similar application proposals which were refused and are now subject of an appeal. The appeal is currently in abeyance whilst this application is determined.

It is important to consider that the Council is not able to demonstrate an available and deliverable supply of land for housing so the tilted balance at para 11d of the framework is engaged; the WCS has passed 5yrs in age and has not yet been reviewed and so housing requirements are assessed on a Wiltshire wide basis; and the Purton Neighbourhood Plan has also passed 2 years in age and has not yet been reviewed and as such the provisions of para 14 of the framework are not engaged.

The consequence of this change in circumstances is that the policies of the development plan most relevant to the determination of the application proposals cannot now be given full weight.

The benefits of development include the boost to the supply of land for housing; and the provision of affordable housing both of which can be afforded substantial weight given the submitted housing delivery statement. In addition, the proposals result in some economic benefits through construction and the additional spending of the new population supporting services and facilities in the locality and these can be afforded limited weight. The harm arising for the proposals remains the conflict with the strategy of the plan as to the location of new residential development. This can still be afforded substantial weight as the plan represents the local expression of sustainable development, is considered to remain in accord with the framework and the shortfall in the housing land supply is limited with requirements in this community area met and exceeded.

However this harm and plan conflict is reduced by the majority of the site and the built area of development falling within the identified area of search for policy 14 of the PNP for housing development. Whilst consent for the majority of that housing allocation in the plan has already been issued on part of the area of search the site has been largely identified as having development potential. No other site specific harms that are incapable of mitigation are identified. Approval of the revised scheme would implement the Council's action plan for addressing the Housing Land supply shortfall.

On balance the harm arising is limited and the benefits clearly and demonstrably outweigh the harm identified in weight and number.

Therefore, in accord with the provision of paras 11 and 12 of the framework permission is recommended.

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:

Waste & Recycling Facilities – £4,277

Early Years / Nursery education provision – £105,132

Open Space SUDS Management & Maintenance Provisions

Off Site Sports Contribution £12,972.00

PROW Enhancement contributions including £60K for the up-grade of the surfacing of PURT89 from its junction with the main road to where it meets its currently blacktopped length.

PROW future maintenance funding £6,000

Traffic Regulation Order funding £6,000

Affordable Housing Provisions:-

19 units with a tenure mix of 60% of the units (11 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership.

Affordable Rented:

20% - 2 x 1 bed, 2 person flat, in a maisonette / house style, or bungalow

20% - 2 x 2 bed, 4 person house

20% - 2 x 2 bed, 4 person bungalow* to be provided as adapted units

35% - 4 x 3 bed, min 5 person house

5% - 1 x 4 bed, min 6 person house

Shared Ownership:

50% - 4 x 2 bed, 4 person house

50% - 4 x 3 bed, min 5 person house

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved

REASON: To ensure a prompt delivery of the site to contribute towards the identified shortfall in housing land supply and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- (a) The scale of the development;
- (b) The layout of the development,
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The layout of footpath links with the neighbouring development and highway.

Detail to be informed and supported by:-

- Updated Tree Survey;
- Plan to show trees to be retained and removed;
- Plan to show all trees to be retained along with the canopy spread and root protection areas shown on the proposed layout;
- Arboricultural Method Statement (if required);
- Tree Protection Plan.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

3. An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

REASON: To ensure a prompt delivery if the site is to contribute towards the identified shortfall in housing land supply and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- Topographical Survey
- Site location Plan
- Site Access Arrangement
- Site Access Arrangement with traffic calming

All Received 03/02/2021

- Indicative Masterplan
- Parameter Plan

Received 19/10/2021

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

5. Notwithstanding the details set out in the description of development, the development hereby approved shall comprise of no more than 47 dwellings.

REASON: The maximum number of dwellings is required to be stated in order to ensure the development can be provided in an acceptable manner.

6. 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, or in accordance with any phasing agreed in writing with the Local Planning Authority; 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.

7. No development shall commence, except ground investigations and remediation, until infiltration testing, groundwater monitoring (including seasonal variation) and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

The developer should provide the following information to discharge the condition:

Drainage Strategy

- A drainage layout plan with the proposed location of SuDS features.
- Confirm the drainage strategy approach (e.g infiltration or discharge to watercourse, or blended approach).
- Soakaway and/or network drainage calculations.
- A revised discharge rate with 20% betterment on greenfield run of rates (if discharge to watercourse is proposed)
- A groundwater flood risk assessment.
- A plan showing the finished floor levels of the properties.
- A plan showing the exceedance / overland flow routes.

Ground Investigations

- Infiltration testing at the location and depth of proposed soakaway features.
- Groundwater monitoring taking into account seasonal variation.

Ownership and maintenance

- Indicative ownership and maintenance regime of SuDS features.

Construction

- A construction management plan showing how surface water will be managed during the construction phase.

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.

8. The Indicative Masterplan which is included in Parameters Plan (received 19/10/2021) will be adopted as an Ecological Parameters Plan, with all features marked for the protection or benefit of ecology carried forward to Reserved Matters where the layout will be expected to fit within these parameters without erosion or overlap. The Ecological Parameters Plan will not be altered without agreement from the LPA's ecologists.

REASON: To ensure adequate volume of habitat is retained within the site to support mitigation and management for ecological receptors and to maintain the integrity of the ecological function of the retained and created habitats within the site.

9. 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.

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

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

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

11. No external light fixture or fitting will be installed within the application site until a lighting strategy, including lux plot, has been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate that a level of 0.5 Lux or less can be achieved at the interface with all sensitive ecological habitat areas.

REASON: to avoid illumination of habitat used by bats and other sensitive wildlife species.

12. Prior to the start of construction, the Defra Biodiversity 2.00 Metric (or current version) will be used to calculate Biodiversity Net Gain for the site. The unlocked spreadsheet must be submitted alongside a brief report and detailed site plans indicating the location and volume of all existing habitat and of new habitat created as net gain.

REASON: to ensure that biodiversity net gain is incorporated into the development, in line with NPPF current requirements.

13. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, 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 by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

14. No dwelling shall be occupied until details of visibility splays for the access and zebra crossing have been submitted to and approved by the Local Planning Authority and have been provided in accordance with the approved details. The access should be provided with a visibility splay of 2m x 90m to the nearside carriageway edge, cleared of obstruction at and above 900mm.

REASON: In the interests of highway safety.

INFORMATIVES TO APPLICANT:

15. The applicant should be aware that the off-site highway works will need to be the subject of a Section 278 Agreement with the Highway Authority to secure the approval of the works to the highway. The design of the access arrangement will also need to be the subject of a Safety Audit.

The off-site Highway Works would include the following:-

Zebra Crossing in proximity to the indicative location shown on the masterplan
An improved entrance/gateway feature at the location of the current changeover of speed limit.
The provision of a 3m shared use path on Restrop Road to the North of the access, from the crossing point to the site.

The applicant should be aware that the on-site highway works will require adoption by the Highway Authority and a S38 agreement will be required in this respect.

16. 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.

17. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

18. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

19. 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.

20. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

21. 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.

22. 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.

23. 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Informatives:

24. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Wiltshire Council's land drainage bylaws and the land drainage consent application form and guidance notes can be found on our website.

Background Documents Used in the Preparation of this Report:

Application Submissions
Wiltshire Core Strategy
Purton Neighbourhood Plan
NPPF 2021
HLS Statement 2019