

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	2nd March 2022
Application Number	20/08205/FUL
Site Address	Land Adjacent to Sherston C of E Primary School, Sherston
Proposal	Residential development and a GP surgery, together with vehicle and pedestrian access including a new footway to Sopworth Lane, associated parking, open space, landscaping, drainage infrastructure and land safeguarded for educational use.
Applicant	Acorn Property Group & Trevor & Paul Moody
Town/Parish Council	Sherston Parish Council
Division	Sherston
Grid Ref	186070, 384970
Type of application	Full Planning Permission
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application is called in for Committee determination by the Local Ward Member Cllr Smith in the event of a recommendation to refuse to consider the community benefits of the development and the in principle support provided by the Neighbourhood Plan in relation to any harmful impacts identified.

Officers also consider it appropriate and necessary to report for the purposes of transparency given the reporting and determination of application reference PL/2021/10696 to the previous meeting of the Committee dated 2nd February 2022.

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 that the application should be refused.

2. Report Summary

The key issues are considered to be:

- Principle of the development/Development Plan compliance;
- Design;
- Impact upon the character, appearance and visual amenity of the locality, including the Cotswolds Area of Outstanding Natural Beauty (AONB);

- Impact on Heritage Assets;
- Impact on Ecology;
- Impact on Highways and Access; and
- Impact on drainage/Flood Risk.

The Parish Council support the proposals. 45 public representations were received including several made by the same persons reflecting multiple phases of consultation. Of these 26 were objections; 19 comments including some level of support; and 2 fully supportive. Additionally, two petitions of objection were submitted one with 25 signatories, one with 32.

3. Site Description

The site is located at the western edge of the village adjacent the existing Primary School and residential development centred around Knockdown Road. The site is accessed from the Sopworth Road via an existing agricultural access. The site lies outside but adjacent the defined settlement boundary for the village.

The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) with a small section at the southern boundary including the site access within the Sherston Conservation Area. The site is crossed by Public Rights of Way and there are others in the surrounding locality. The site is subject of some drainage constraints as well as archaeological potential. There are multiple protected species in the vicinity of the site and there are features on site such as hedgerows and trees that provide potential ecological habitat.

4. Planning History

There are no historic planning applications/permissions relevant to the application site itself.

As noted above PL/2021/10696 Proposed Erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access) on part of the application site was approved at the previous North Area Planning Committee meeting 02/02/2022.

5. The Proposal

As set out above this is a full planning application that seeks consent for a mixed use development including 45 Dwellings 18 of which are affordable units; a GP surgery; land for the expansion of the primary school; and landscaping, public open space, drainage infrastructure and access improvements.

The proposals have been the subject of revised and additional submissions that have sought to address a range of concerns raised by officers, consultees and interested parties. Additionally, submission of rebuttal statements has also been made in reply to further consultation responses on the revised and additional submissions.

6. Planning Policy

Wiltshire Core Strategy (Adopted 2015)

CP1 – Settlement Strategy

CP3 – Infrastructure Requirements

CP13 – Spatial Strategy for the Malmesbury Community Area

CP41 – Sustainable Construction and Low Carbon energy

CP43 – Providing Affordable Homes

CP45 – Meeting Wiltshire’s Housing needs
CP46 – Meeting the Needs of Wiltshire’s Vulnerable and Older People
CP50 – Biodiversity 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
CP62 - Development Impacts on the Transport Network
CP64 – Demand Management
CP67 – Flood Risk

North Wiltshire District Plan (2011) – Saved policies.

NE14: Trees Site Features and Control of New Development.

NE18: Noise and Pollution

CF2: Leisure Facilities and Open Space

CF3: Provisions of Open Space

Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

Sherston Neighbourhood Plan 2006-2026 (Made - May 2019).

Policy 4: Land off Sopworth Lane (Site 1)

National Planning Policy Framework 2021 (NPPF)

Paras 2, 3, 7, 8, 11, 12, 14, 38, 47, 92, 93, 96, 97, 110, 111, 112, 120, 124, 125, 130, 131, 134, 166, 167, 169, 174, 176, 177, 180, 185, 197, 199, 200, 202, 203

Other

- Planning Practice Guidance (PPG)
- Countryside & Rights of Way Act 2000 (CRoW Act 2000):
Section 85, Duty of Regard *“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*
“The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.”
(Planning Practice Guidance – Natural Environment: Landscape Paragraph: 004
Reference ID: 8-004-20140306 Revision date: 06 03 2014)
- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023. www.cotswoldsaonb.org.uk/management-plan
- Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca

- Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
- Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
- Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2
- Wiltshire Local Transport Plan LTP3 - Car Parking Strategy
- Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. Consultations

The application has been the subject of several consultations and the following is a summary of the outcome and not a detailed recitation of all comments received.

Urban Design – Objection, the proposals do not accord with the requirements of the neighbourhood plan or WCS policy requirements in various respects, in particular mix, tenure, layout and design of housing and connectivity to neighbouring residential areas.

Landscape – Objection conflict with the provisions of the neighbourhood plan, WCS, national guidance and legislation; harm to the AONB.

Conservation – Objection to the design, form, layout, character and use of materials for the proposed residential development which neither reflects the requirements of the NP or the character and appearance of the Conservation Area. As such harm to the setting of the Conservation Area is identified.

Highways – no objection subject to conditions.

Drainage – support subject to conditions.

Wessex Water – no objection, foul drainage facilities in the vicinity adequate to accommodate the development

Public Protection – no objection subject to conditions.

Ecology – Additional survey information and Biodiversity net gain sought. No objections raised following further submissions.

Affordable Housing – No objections subject to S106 planning obligations to address delivery of affordable housing.

Waste Collection and Recycling – Section 106 Planning obligations for waste collection facilities required; concerns raised as to the site layout regarding waste collection vehicle access e.g. plots 6 & 7 and 44 & 45 are unlikely to be accessible to waste collection vehicles and operatives.

Education – No objections subject to S106 Planning obligations to secure secondary school place provision to serve the development. The LEA confirm that there is no current or

projected requirement for the expansion of the primary school. No Early Years requirement identified.

Public Rights of Way – No objection subject to no planting or drainage provisions within the line of the footpath (3m width) and open access at the southern boundary/no wall.

Archaeology – no objection subject to condition.

Open Spaces – no objections subject to on site provision for LEAP and S106 planning obligations for off site sports and leisure facility enhancement. No objections raised following further submissions.

Environment Agency – No Comment to make given scale and nature of proposals and site circumstances.

Cotswold Conservation Area Board – Concerns raised as to the impact of development on the character and appearance of the AONB and the robustness of supporting information assessing the impact of the development and informing the proposals.

Sherston Parish Council Supports the application but would prefer affordable housing to be distributed more and less concentrated; plus a preference to air source heat pumps as opposed to LPG.

8. Publicity

The applications have been the subject of several consultations and the following is a summary of the outcome and not a detailed recitation of all comments received.

45 public representations were received including several made by the same persons reflecting multiple phases of consultation. Of these 25 were objections; 18 comments including some level of support; and 2 fully supportive. Comments received can be summarised as follows:-

- Harm to the character appearance and visual amenity of the locality.
- Harm to the AONB.
- No requirement for the development proposed and the beneficial elements such as the GP surgery do not outweigh the harm.
- Inadequate affordable housing provision
- GP Surgery is required.
- Highways enhancements required to support and facilitate this development.
- Proposed affordable housing concentrated and not distributed throughout the development. Conflict with WCS CP45.
- Harm to residential amenity – overlooking/loss of privacy.
- Inadequate sustainable development measures – lack of ground/air source heating and solar panels.
- Use of LPG unsustainable and in conflict with Wiltshire Council carbon neutrality objectives.
- Welcome the new housing.
- House types unsuitable to meet local needs.
- Conflicting traffic movement/harm to highways during construction.
- Inadequate open space/landscaping.
- Bird boxes and swift bricks should be included.
- Inadequate foul drainage infrastructure in the locality
- Harm to ecological interests

- Poor quality design
- Conflict with the Wiltshire core strategy CP41 CP43 CP50 CP51 CP52 CP57 CP60 CP62
- Conflict with the WCS, Neighbourhood Plan and the framework in respect of inadequate site landscaping and harm to the landscape including the AONB; Design character and mix of dwellings; and harm to residential amenity.
- Inadequate provision for electric vehicle charging.
- Proposals do not include adequate provision for pre school facilities as part of the primary school expansion and so conflict with the neighbourhood plan.

In addition two petitions of objection signed by 25 and 32 persons respectively have also been submitted. Concerns raised reflect those summarised above in part.

The following additional representations were also received:

North Wiltshire Swifts – no objection subject to condition requiring implementation in accord with submitted detailed landscape proposals.

9. Planning Considerations

EIA

The proposal is for 45 dwellings, GP Surgery, school expansion land and ancillary infrastructure and development covering 3.3 hectares.

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

General Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. 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 (WHSAP) (Feb 2020); and the Sherston Neighbourhood Plan (SNP) ('made' May 2019).

Background

The application site is the subject of a Made Neighbourhood Plan allocation in the SNP – Policy 4 applies, and the development proposals reflect the allocation in broad terms.

As noted above outline planning permission has been granted for the GP surgery element of the scheme already, with required site access consented in full. As reported the consent does not prejudice or prevent delivery and implementation of the wider SNP allocation proposals that are the subject of this application.

Principle of the development/Development Plan compliance

The scheme proposals now submitted are considered to accord with the allocation of the site in the made SNP in terms of the quantum and type of development proposed. The allocation in the SNP establishes the principle of development in this location as acceptable and as the submitted proposals accord with those provisions in terms of uses and quantum proposed it is considered that they are also acceptable in principle and accord with the development plan in this specific regard.

However, as is set out under issue specific headings below there are a range of concerns regarding the revised proposals in relation to site specific matters. In a number of respects as is set out further below the proposals are not considered to meet and address the requirements of the development plan, including policy 4 of the made SNP and so conflict with the development plan is considered to arise.

It is also necessary to consider what, if any, material planning considerations would support a decision otherwise than in accord with the plan. The overall planning balance in respect of the application is set out in the conclusion below but it is important to note that the Council is not currently able to demonstrate a framework compliant supply of land for housing. As such the tilted balance is engaged and proposals of residential development should be allowed unless the harms arising from development significantly and demonstrably outweigh the benefits.

In this context it is important to note that the shortfall in the supply is modest at 4.41 years. The Council's housing delivery target is met and exceeded at 149%. The Council has an action plan in place for addressing the shortfall and that has included granting consent on several unallocated sites within this community area and housing market area where well related to higher order settlements in the defined hierarchy and existing services and facilities. The WHSAP also allocates additional land for development in this HMA as do several other neighbourhood plans, a number of which are either being constructed or are close to commencement e.g. Malmesbury. Applications are before the Council on a number of other such sites and additional resources are being devoted to determination to support delivery on those sites. The identified housing requirements in this particular community area has been met and exceeded. Several additional sites have also been granted consent in recent months at appeal in this housing market area and this community area.

Design

The design and layout of the proposed development particularly the residential element, is a key matter for consideration in the determination of the application given the provisions of Policy 4 of the SNP. The policy includes very clear and specific design-based requirements and guidance. The WCS includes a number of policies relevant to this matter also, not least of all CP57 which seeks to secure a high quality of design in accord with the relevant provisions of the framework, but also CP45 which seeks to secure a mix and type of housing that meets local needs. This is also reflected in policy 4 of the SNP. Since adoption of the WCS the framework has also been revised to expand upon the high quality design provisions, increasing requirements to deliver on the Government's work to support housing delivery through enhanced higher quality residential development.

It should also be recognised that the design and layout of the development has inter related and overlapping considerations in respect of impact to heritage assets and the visual amenity, character and appearance of the locality. Again the made SNP policy 4 recognises this issue and rightly treats design in a holistic and comprehensive manner with the aim of integrating the development into the built form of his historic village and minimising impact to the AONB and the landscape.

It is also important to note that the applicant has been afforded an extended period and multiple opportunities to revise and add to their proposals in respect of their design and layout. In particular ample opportunity has been provided to seek to address concerns raised by a range of consultees and interested parties, including significant proportion of the local community. In this regard it must also be noted as summarised above and published in full to the public record significant objections are raised by the Council's Urban Design, Conservation and Landscape officers and members of the community. It is not intended to repeat those matters again here but it is clear that the layout, mix of house types, scale, bulk and massing of dwellings, use of materials, inter relationships with one another and positioning are not considered to meet the requirements of policies CP3 CP45, CP51, CP57 CP58 of the WCS, Policy 4 of the SNP or the provisions of the framework and high quality design that meets local needs and reflects and responds positively to the character, appearance, visual amenity and existing built form of the locality or secures an appropriate and acceptable level of residential amenity for future occupants in accordance with these policies is not achieved by the proposals.

Given the layout, design, form and positioning of proposed dwellings in relation to existing properties in the locality it is not considered that significant harm to and loss of existing residential amenity arises such that development should be refused on this basis.

A range of other considerations and policy requirements are not addressed in full and consultees, interested parties and members of the public also raise concerns in these respects. The incorporation of sustainable development and design technology and measures in accord with WCS CP41 & CP55 is not demonstrably addressed and achieved by the proposed layout and detailing of the proposals. The Council's Waste and Recycling Team identify that a number of the properties will not be directly served by waste collection vehicles given the layout proposed and so the provisions of CP3 of the WCS and the Council's supplementary guidance on waste and relevant provision of the framework are not fully addressed. Additionally, concerns are identified that the proposed affordable housing is not designed to be tenure blind and is distinctive from much of the rest of the residential development and is also largely concentrated in one part of the site as opposed to being distributed throughout as required by CP43 of the WCS. Taken together and alongside the broader issues and concerns with the proposed layout, form, mix, design character and type of housing proposed it is considered that these matters cumulatively contribute to a failure to achieve the high quality design requirements of the development plan and the framework.

Impact upon the character, appearance, and visual amenity of the locality, including the Cotswolds Area of Outstanding Natural Beauty (AONB)

As noted above the site falls within the Cotswolds AONB and is previously undeveloped agricultural land with a PROW crossing the site and others within the surrounding locality. The proposals involve substantive built development and this will irrevocably alter the character and appearance of the site. The application was accompanied by Landscape and Visual Impact Assessment (LVIA) as a consequence.

It must be recognised though that the site is the subject of allocation for the development proposed in the SNP which is a part of the development plan. As such some level of impact and change to the landscape in this location is accepted. However and also as noted above the SNP includes clear and significant policy requirements for the design, layout and landscaping of the site and the residential development that is to take place with the specific aim of minimising that impact and mitigating harm. In particular substantive strategic landscaping is identified as necessary. The design, form, mix of house types are however also addressed and it is considered that there is a clear target not just of integrating with and respecting the historic character of the village but also reducing the land area required for the residential development element of the scheme in order to maximise the area available

for landscaping and assisting with the target of setting the built form away from the highest part of the site and reducing inter visibility with and impact upon the wider AONB area.

Despite revision to the layout and additional proposed landscaping to the western site boundary it is not considered that the proposals as they stand achieve these aims and objectives. It is considered that the proposed residential development extends over a wide part of the site with large scale properties laid out in a manner that increases the land requirement. This results in large scale properties of a significant height extending up to and located on the higher ground that forms part of the site to the north-western corner. This is considered to result in harm to the character, appearance and openness of the AONB. It is not considered that the planting and landscaping area proposed to the western boundary successfully and sufficiently mitigates this impact, including through to maturity over the longer term.

The Council's Landscape Officer has assessed the revised scheme proposals and reviewed and considered the LVIA and does identify that harm arises in these respects and that the landscaping and planting proposals are insufficient. The LVIA is not considered to be robust in its findings and assessment and concerns are raised in this regard.

It is considered that the form and layout of development and quantum of development can be achieved in a manner that significantly reduces this impact and harm whilst also allowing a greater degree of landscaping and planting to further mitigate and minimise the impact to the AONB. In particular if the design guidance aims and objectives of the SNP had been followed and implemented more closely and rigorously. In this context it must be noted that the applicant has been offered extended opportunity to revise the scheme proposal in this manner. The concerns identified have been raised with this applicant team on several occasions.

On this basis it is considered that the proposals are in conflict with WCS core policies CP51 CP57; SNP Policy 4 and provisions of the framework, including para 174 a & b.

It should also be noted that the Council's Landscape Officer raises concerns with respect to the highways works providing access to the site and enhancement to the local road network as it relates to the site and provides linkage back to the village, including pedestrian walkway. The landscape officer is concerned that the proposals could have a significant urbanising impact on this part of the locality with harm to the AONB and the character, appearance and visual amenity of the locality arising and conflict with the relevant policies of the plan and provisions of the framework and legislation resulting as a consequence. Additional detail has been sought prior to determination to address these concerns.

It is clear that the proposed works will have an impact upon and result in change to the character and appearance of this part of the locality and thereby an impact on the AONB. However, the works are necessary as a consequence of the development in highways terms and to meet the requirements of the SNP policy 4 design brief provisions. It is considered that the impact can be mitigated to a certain degree through sensitive highways design measures and it is considered that this could in part be addressed through use of condition. It is however considered that the impact and harms arising including policy conflicts are outweighed by the benefits of development and justified in highways safety and accessibility terms. It is also material to note here that similar works and consequent impacts have been separately approved through the determination of PL/2021/10696 and as such it is not considered reasonable to refuse the application on this basis.

Impact on Heritage Assets

A small section of the southern part of the site and the site access fall within the Sherston Conservation Area. Works to the highways and the access itself are proposed within this location. There are listed buildings to the south and south east of the site but inter visibility with the site itself is limited. The locality is one of known archaeological potential. The application submissions and proposals are supported and informed by Heritage Assessment and a written scheme of archaeological investigation.

The Conservation Area which covers a part of the site and access is on the outer western fringes of the designation and there is more recent residential development in this part of the area. As such it is considered to form part of the setting to the core historic area of the village with its significance and heritage values arising from and informed by those circumstances. The particular heritage values applicable directly to the site and this part of the conservation area being communal, evidential and historic. There is a conservation area statement Sherston although it dates to 1999 and the school has been erected in tis locality it does identify that there is significant foliage, trees and open views contributing the character and appearance in the near vicinity of the site and the junction of Green Lane, Sopworth Lane and Knockdown Road forming a node. The neighbourhood plan also addresses the character and importance of the conservation area and the context for the site allocation.

As already noted the site is allocated for development in the SNP and as such some level of impact is already assessed as acceptable. As with the AONB and landscape character and visual amenity impacts though the SNP provides significant guidance on the design character, aims and objectives for the development for which allocation is made. As already noted the aim is in part to integrate the development to take place with the village, achieve and deliver a high quality development but also to mitigate impact to the conservation area and the setting of the core historic area of the village in order to protect its value and significance whilst delivering necessary development. In particular the form, scale, layout and mix of house types alongside use of materials all draw on and take inspiration from those features of the existing residential properties in the historic core of the village.

It is not considered that the form, layout, scale and mix of house types proposed alongside the detailed design character, including use of materials, of the proposed dwellings achieves these aims and objectives nor addresses the design guidance and brief of the SNP. As such it is not considered that the proposals integrate with and respect the character and appearance of the village, it's historic core and setting and thereby results in harm to the setting of the conservation area. This harm is considered to be less than substantial and to the mid to lower end of the scale given the significance and value of the conservation area.

It is however also considered that an alternative scheme that would have less impact on the character, appearance, significance and value of the conservation area is entirely feasible. As noted this is the clear intention of the SNP design guidance. As already noted the applicant has been provided with ample opportunity to address these matters which have been raised with them.

The Council's Senior Conservation Officer has reviewed and considered the application submissions as revised and supplemented and identifies harm to the setting of the conservation area as a consequence of the design form layout scale mix of house types detailing and use of materials. Thereby the SCO identifies conflict with WCS CP57 CP58 and SNP policy 4, the relevant provisions of the framework and sections of the act.

Under the provisions of the framework, which is a material consideration of significant weight, where less than substantial harm is identified provision is made for a balancing exercise to be undertaken to consider whether or not that harm is outweighed by public benefits. In so doing this could potentially form a basis for a decision otherwise than in

accord with the plan and the conflicts with policies identified that are assessed to arise. The benefits of the development are substantial and include the boost to the supply of land for housing, provision of affordable housing, provision of land for a GP surgery and its construction, public open space and land for the expansion of the school alongside the economic benefits arising from construction and the additional spending of the population locally. There are however no direct heritage public benefits arising from the development itself and as noted the benefits of the development that do arise could readily be achieved in a manner that results in less harm to designated heritage assets. As such it is not considered in this instance that the benefits of development do clearly and demonstrably outweigh the harm.

The proposals do not involve works to a listed building and no harm is identified in this context. Given the limited intervisibility between the application site and listed buildings in the vicinity it is not considered that harm to the setting of listed buildings arises.

The Council's Archaeologist has been consulted in respect of the proposals and the supporting documents and assessment and raises no objection subject to use of condition.

On this basis it is considered that the scheme proposals do conflict with WCS CP57 CP58 SNP Policy 4, paras 197, 199, 200, 202 of the framework and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Highways and Access

The site is allocated for development in the SNP which is a part of the development plan and so it is considered a sustainable location for development in transport terms. The application and scheme proposals are informed by a Transport Statement and Design and Access Statement. The application submissions have also been the subject of extensive revisions and additions to enhance and augment proposed highways works and accessibility provisions.

The Council's Highways Officers have been consulted and reviewed and assessed the revised submissions and additional information and no objections are raised subject to use of condition. Adequate provision for on site parking, vehicle movement, servicing, a safe and acceptable access, and necessary highways enhancements are all considered to be appropriately secured and proposed.

The Council's Public Rights of Way and Waste and Recycling Teams have also been consulted. Whilst objections are not raised both identify issues that remain with respect to the scheme proposals and as referenced above these are considered to contribute to the overall assessment that a high quality design has not been achieved and secured in the development proposed. It is considered that these matters are readily capable of resolution.

On balance it is not considered that the proposals conflict with the relevant policies of the plan and provisions of the framework with respect to highways and sustainable transport matters such that consent ought to be refused on this basis.

It must be noted that the Council's Urban Design Officer considers that the scheme proposals are deficient with respect to access and linkage to the existing town with particular regard to the SNP policy 4 requirement for a link at Saxon Close. The Urban Design Officer considers that this is deliverable on the understanding that there is a Council land interest available. The applicant asserts that this is not the case and that the land in question is in private ownership and is not deliverable. As it stands definitive evidence is not currently available in either respect and it should be noted that enhancements to pedestrian accessibility and connectivity to the town are also achieved via other means. If it does

emerge that the Council has an interest and the link is deliverable it would be in the Council's gift to pursue the same post development. The revised scheme layout and proposed boundary treatments are not such that a physical mean of access to the end of Saxon Close from within the site would be wholly unavailable and prevented. Taking into account the material circumstances and considerations it is not the case that a robust and defensible basis for refusal in this specific regard is established. Although the lack of a clear proposal is again considered to contribute to the overall assessment that a high quality design fully in accord with the policies, aims and objectives of the development plan is not achieved.

Impact on Ecology

The application submissions as revised and supplemented are informed both by Ecological appraisal, Green Infrastructure Strategy and Arboricultural Impact Assessment. These submissions follow on from and seek to respond to initial consultation responses and advice including request for additional information from the Council's Ecologists and Trees officers, alongside concerns raised by Landscape officers.

Following the additional and revised submissions objections are not raised in respect of impact to Ecological interests, trees and hedgerows and related compensatory planting, tree protection measures or biodiversity net gain requirements as they relate to Ecological considerations only and excepting the position set out above in respect of Landscape considerations and landscape officer concerns.

On this basis it is considered that the proposals are in accord with the policies of the plan and provisions of the framework specific to Ecology.

Drainage/Flood Risk

The application submissions have been the subject of extensive additional submissions and significant revisions following initial and subsequent consultee advice from the Council's Drainage Engineers and Wessex Water. Extensive details as to the drainage strategy, proposed surface water attenuation measures, CCTV and Inspection surveys and reporting alongside technical notes and green infrastructure strategy submissions have been provided. The revised and additional submissions inform the revised scheme layout and have been the subject of review and consideration by the Council's Drainage Team and Wessex Water.

No objections are raised following this detailed and extensive process subject to use of conditions.

On this basis it is considered that the proposals are in accord with the relevant policies of the plan and provisions of the framework.

Other Matters

S106/Planning Obligations

Given the other concerns identified and recommendation to refuse progression of a planning obligation has not taken place. Requirements are identified in respect of the following heads of terms which would need to be addressed in the event of an approval:

Affordable Housing provisions
Secondary School Place Financial Contributions

Waste & Recycling Facility Financial Contributions
Open Space management and maintenance management company provisions including SUDS provisions
Off Site Sports and Leisure Contributions
Provision / Transfer of Land and building(s) for GP Surgery and Primary School Expansion.

In the latter respect the school expansion land is not identified as a requirement of development or as necessary by the LEA but is offered voluntarily by the applicant to address SNP provisions and as a technical matter the planning obligation would need to address its retention and transfer.

Air Quality

The application is supported by an Air Quality Impact Assessment and the Council's Public Protection Officers do not raise objections or identify any requirements other than use of condition to secure a scheme of electrical vehicle charging. Such a condition is considered necessary and reasonable in the event of approval and would address in part concerns raised above as to detailed design and layout in terms of sustainability and use of sustainable technology.

10. Conclusion – The Planning Balance

The application site is allocated for the development proposed in the made SNP which is a part of the development plan. Development of the site is acceptable in principle. Policy 4 of the SNP includes detailed requirements that the development must meet and is subject of a detailed development brief specifying a range of design considerations. The development must also meet a number of other requirements and comply with a range of policies in the WCS several of which stem from the constraints to which the site is subject, including Cotswold AONB; Sherston Conservation Area; Archaeological Interest; Ecological Interest and Public Rights of Way. The allocation is also made in order in part to meet local needs for housing, affordable housing and a GP Surgery. There is also local concern as to future requirements for expansion of the school.

As such the form, scale, layout, type, and detailed design of the housing proposed is subject of detailed requirements and thereby critical to the acceptability of the proposals with respect to site specific impacts and compliance with the development plan. It is considered that the development proposals as revised and supplemented fail to meet these clearly defined requirements of the plan and site allocation resulting in harm to the AONB, character, appearance and visual amenity of the locality and to the setting of the Sherston Conservation Area. In this context the proposals conflict with the policies of the WCS and the SNP; alongside various provisions of the NPPF and legislation dealing with heritage assets and AONBs. In so doing it is considered that the proposal fail to secure high quality design as required by the development plan and national guidance.

There are a range of matters arising from the layout and the form of the housing proposed that also collectively contribute to a failure to secure high quality design. These include several properties not being serviced by waste and recycling collection; a concentration of affordable housing in part of the site and it's design detailing; a lack of a linkage to the town via Saxon Close and PROW access arrangements to the south of the site; and limited use and integration of sustainable construction and low carbon energy measures and technology within the proposed residential development.

Critically the proposed housing is not considered of a form and mix to meet local needs; is not designed to integrate with and respect the historic character of the village; is of a scale,

form and layout that results in harm to the character and appearance of the AONB and locality; and the landscaping and planting proposals for which do not adequately mitigate the impact of development.

The harm to the designated heritage asset is not considered to be clearly and demonstrably outweighed by the public benefits of development.

It is considered that the harmful impact of development to the AONB; visual amenity; heritage assets; not meeting local needs; not achieving high quality design; and conflict with the plan are all capable of being addressed or minimised by a different form and layout of development. The applicant has been provided with ample opportunity to revise the proposals to achieve this aim but has not done so; the revised proposals as now tabled are considered still to result in the identified and assessed harmful impacts. Overall, the proposals are in conflict with the development plan as a whole.

It is necessary to consider what, if any, material considerations would support a decision otherwise than in accord with the plan. In this context the tilted balance is engaged as the Council cannot currently demonstrate a framework compliant housing land supply. As such the harm identified must significantly and demonstrably outweigh the benefits of development. The harms are identified above. The benefits of development are significant and can be afforded substantial weight. The site is allocated for development and community aspirations in this respect would be met. The proposals would deliver a boost to the supply of land for housing and affordable housing provision. Land for a GP surgery would be provided and the applicant has expressed an intention to provide the building also. The proposal would also provide land for the expansion of the school, albeit the LEA is of the opinion that there is no projected requirement in this regard. The proposal would result in economic benefits through construction and additional spending in the locality from the new residents.

However, it is material to note the shortfall in housing supply at 4.41 years is modest and is not persistent. The Council is meeting 149% of its housing delivery target and has granted multiple consents on unallocated sites in this HMA to address the shortfall. Additionally multiple sites have recently been granted permission at appeal in this HMA. The Council has adopted the Wiltshire Housing Sites Allocation plan and has extensive Neighbourhood Plan coverage across its area including in this HMA and indeed this community area and these are delivering allocated sites e.g. Burton Hill at Malmesbury. The identified housing requirement in this community area has already been met and substantially exceeded. As already noted the harmful impacts of development could readily be addressed by a different form and layout that would readily deliver the benefits identified.

It is also important to note that the harms identified include conflict with statutory requirements in respect of heritage assets and the AONB and so are of substantial weight also and require very clear and convincing benefits to outweigh this harm. Furthermore it is clear that the community aspirations set out in the neighbourhood plan clearly specified a form of development that has not been proposed and did so in order to minimise and mitigate the harm that would arise in these specific respects. This is the plan led system in clear and full effect and determination in accordance with the requirements of the neighbourhood plan, giving voice to community led planning as sought by the localism act, is of substantial importance and benefit itself in maintaining confidence in the plan led system.

It is therefore considered that the identified harms arising from the proposals significantly and demonstrably outweigh the benefits and in accordance with the framework refusal is recommended.

RECOMMENDATION

Refusal for the following reasons:-

1. The development proposed by virtue of its scale, form, layout, mix of house types and design character, including use of materials would not secure a high quality of design or meet local needs. The proposals therefore conflict with CP41, CP43, CP45 and CP57 (iii, v, vi, xi & xii) of the Wiltshire Core Strategy (Jan 2015); policy 4 of the Sherston Neighbourhood Plan (Made 2019); and paragraphs 92, 100, 119, 124, 125, 126, 130, 134 of the National Planning Policy Framework (2021).

2. The development proposed by virtue of its scale, form, layout, mix of house types and design character, including use of materials would result in harm to the significance and value of the Sherston Conservation area. The proposals are therefore in conflict with CP57 (i & iv) & CP58 (iii) Wiltshire Core Strategy (2015); Policy 4 of the Sherston Neighbourhood plan (Made May 2019); paragraphs 194,199, 200 & 202 National Planning Policy Framework (2021); and Section 72(1) of The Planning (Listed Building and Conservation Area) Act 1990, the BS7913 2013 - Guide to the Conservation of Historic Buildings.

3. The development proposed by virtue of its scale, form, layout, mix of house types, design character and landscaping and planting proposals would result in harm to the character, appearance and visual amenity of the locality and the Cotswolds Area of Outstanding Natural Beauty. The proposals therefore conflict with CP51 (ii, iii, iv, vi & ix); & CP57 (I, ii, iii & vi) of the Wiltshire Core Strategy (Jan 2015); policy 4 of the Sherston Neighbourhood Plan (Made 2019); paragraphs 124, 126, 130, 131, 174 (a & b), 176 & 177 of the National Planning Policy Framework (2021); Section 85 Countryside & Rights of Way Act 2000 (CRoW Act 2000).

4. The proposals are not supported by a S106 agreement/Planning Obligation to address identified requirements arising from the proposed residential development and deliver elements of the scheme proposals in respect of Affordable Housing; Open Space management and maintenance including SUDs; GP Surgery; Secondary School place education provision; Waste & Recycling Facility Provision; and Land for the Expansion of the Primary School. The proposals are thereby in conflict with Wiltshire Core Strategy (2015) core policies CP3 CP43 CP52; Saved policy CF3 of the North Wiltshire Local Plan (2006); and paragraph 34 of the National Planning Policy Framework (2021).

INFORMATIVE TO APPLICANT:

Refusal Reason 4 is capable of being addressed through preparation and completion of a planning obligation.

Background Documents Used in the Preparation of this Report:

Wiltshire Core strategy
Sherston Neighbourhood Plan
National planning Policy Framework
Application Documents