July 2023

GLADMAN

PLANNING AND AFFORDABLE HOUSING STATEMENT

LAND OFF HIGH STREET, SUTTON BENGER



TABLE OF CONTENTS

1 INTRODUCTION 2

2 THE PROPOSALS 5

3 PLANNING POLICY FRAMEWORK AND MATERIAL CONSIDERATIONS 7

4 PLANNING APPRAISAL 18

5 AFFORDABLE HOUSING STATEMENT 28

6 PLANNING BALANCE AND CONCLUSIONS 34

APPENDICES

Appendix 1: Section 106 Draft Heads of Terms

Appendix 2: List of Relevant Policies



1 INTRODUCTION

1.1 Scope of the Statement

1.1.1 This Planning and Affordable Housing Statement has been prepared in support of an outline planning application made by Gladman Developments Ltd (Gladman) for development of land off High Street, Sutton Benger. The description of development is as follows:

> ***"The erection of up to 60 dwellings, including affordable housing with public open space, structural planting and landscaping, land for the provision of allotments, affordable housing and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access."***

1.1.2 The application site is well located to the existing built-up area of Sutton Benger and represents a suitable and sustainable location for housing.

1.1.3 The application site is located in the administrative area of Wiltshire Council and comprises of a singular agricultural field covering 3.64ha. To the west the site is bound by an existing hedgerow and trees, following this there is the existing residential development of Sutton Benger. To the south the B4069 runs east-west direction.

1.1.4 To the north, the site is bound by an existing Public Right of Way (SBEN18) and an existing managed hedgerow, beyond are further agricultural fields and a tributary of the River Avon. The eastern boundary is currently undefined, as the site sits within a wider pastoral field.

1.1.5 This outline planning application is seeking approval in principle for the development proposals.

1.1.6 The following plans and documents have also been submitted in support of the outline planning application, alongside this Planning and Affordable Housing Statement:

- Location Plan
- Development Framework Plan
- Design and Access Statement
- Planning and Affordable Housing Statement
- Socio Economic Statement
- Phase 1 Site Investigations
- Flood Risk Assessment
- Ecological Appraisal
- BNG Assessment
- Arboricultural Impact Assessment
- Landscape and Visual Impact Assessment
- Access Plan
- Transport Assessment
- Framework Travel Plan
- Air Quality Assessment
- Noise Screening Assessment
- Odour Impact Assessment
- Heritage and Archaeological Assessment
- Waste Audit Assessment
- Statement of Community Involvement

1.1.7 The information contained within the application documents is summarised in Chapter 4 and provides the framework for future detailed reserved matters applications.

1.1.8 This Planning and Affordable Housing Statement explains why development is needed and appropriate in this location and the significant social, environmental and economic benefits that the proposal will bring to the area. It also confirms that no unacceptable adverse impacts would arise because of the development that would 'significantly and demonstrably' outweigh these benefits. The 'tilted balance' as set out within paragraph 11 of the National Planning Policy Framework ('the Framework' or 'NPPF') applies given that Wiltshire Council have consistently not met their housing requirement and cannot demonstrate a five-year housing land supply.

1.1.9 The Planning and Affordable Housing Statement further explains the policy context and how the proposed development is appropriate, having regard to the statutory development plan and other material considerations including the Framework. It demonstrates how the proposed development complies with national policy set in the Framework and why it is appropriate to bring forward development on this site.

2 THE PROPOSALS

2.1 The Proposal

2.1.1 The drawings submitted as part of this outline planning application for approval are:

- Site Location Plan (drawing number: CSA/3324/126 rev A)
- Proposed Site Access Layout (drawing number: 0303-P01)

2.1.2 The application proposal includes the following:

- Up to 60 residential dwellings (including 40% affordable housing delivered in accordance with current adopted planning policy);
- Structural landscape planting and the retention and positive management of key landscape features;
- 1.94ha of formal and informal open space including wildflower meadows including recreational routes, LEAP, SuDS features and links into wider pedestrian routes;
- 0.19 ha of land for the provision of 5 allotments plots and associated parking and infrastructure;
- Vehicular access onto the B4069 via a simple priority junction;
- Pedestrian links to public footpath SBEN18 which runs along the northern boundary of the site and connects users from the B4069 to Sutton Benger;

- The proposal includes highways improvements which will enable users to safely travel from the site to the settlement, improving connectivity; and

- A Sustainable Drainage System (SuDS).

2.1.3 It is proposed that the site will be accessed from B4069, via a simple priority junction. It has been confirmed that the required visibility splays can be achieved at 50 mph although there is intention to move the start of the 30mph limit beyond the site boundary through the application by proposing a TRO. The site access junction will operate comfortably within capacity in both the morning and evening peak periods with the proposed development traffic as demonstrated by the Transport Assessment prepared by Stirling Maynard.

2.1.4 The application site is located on the eastern edge of Sutton Benger. The site is made up of a single agricultural field, its northern boundary includes managed hedgerows and the SBEN18 public footpath. To the east there is no marked boundary and the wider field extends to an adjacent pastoral field.

2.1.5 To the south the B4069 runs east-west direction. To the west is the Sutton Benger Conservation Area and residential development separated from the site by a hedgerow and trees.

2.1.6 A range of densities and house types are proposed to meet local need. It is proposed that 40% of the units will be affordable, in accordance with Core Policy 43: Providing Affordable Homes set out in the Wiltshire Core Strategy. The affordable housing provision will be secured by a Section 106 Agreement.

3 PLANNING POLICY FRAMEWORK AND MATERIAL CONSIDERATIONS

3.1 Background

3.1.1 This section sets out the planning policy framework relevant to the site and the proposed development. Consideration of the proposed development within the context of the relevant Development Plan policies is undertaken in Chapter 4 of this Statement.

3.2 The Development Plan

3.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

3.2.2 The Framework is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. The planning application should be considered in this context.

3.3 Adopted Local Plan

3.3.1 Development proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan applicable to this planning application comprises of

- Wiltshire Core Strategy;

3.3.2 The Wiltshire Core Strategy was adopted in January 2015 and provides the strategic planning objectives across the unitary authority area of Wiltshire for the period 2006 to 2026 and replaces the previous North, East, South and West

Local Plans. The Core Strategy identifies a housing requirement of at least 42,000 homes over the plan period. Within the Core Strategy the housing requirement is split into 18 community areas. Sutton Benger falls within the Chippenham Community Area which was allocated 5,090 new homes. This figure of 42,000 is some 2,000 dwellings short of the local housing need at the time for the County which was 44,000, however the Inspector agreed to the lower housing requirement on the understanding that the Council would undertake an early review of the Core Strategy. This review has not yet reached an advanced stage and therefore the strategic policies of the Core Strategy are out of date.

3.3.3 Under Core Policy 10 – Chippenham Community Area (CP10), Chippenham is the principal settlement within this Community Area and is required to deliver 4,510 dwellings over the plan period. Sutton Benger is defined as a large village. Throughout Wiltshire development in this tier is outlined as being of a scale comparable to meet that of local needs.

3.3.4 Core Policy 1 (CP1) states that development at large villages is limited to the numbers needed to meet the housing needs of settlements. Within the supporting text for CP1 it is mentioned that development outside settlement boundaries will be strictly controlled.

3.3.5 Core Policy 2 (CP2) defines the Council's delivery strategy, specifically stating that development will not be permitted outside of settlement boundaries unless identified through future Site Allocations Development Plan Documents or Neighbourhood Plans. Paragraph 4.15 of the CS states that development at large villages will predominantly take the form of small housing schemes of less than 10 dwellings.

3.3.6 However, as confirmed by Inspector Edwards[1], paragraph 4.15 does not formally comprise part of any CS policy. Further, the use of the word "predominantly" indicates that this is not a firm requirement. As such, any conflict with paragraph 4.15 can only be afforded limited weight.

3.3.7 However, as the site lies outside the defined settlement boundary for Sutton Benger as drawn in the Core Strategy, it is therefore in conflict with Core Policies 1, 2, and 10 of the Core Strategy.

3.3.8 Wiltshire Council are currently failing to deliver enough housing to meet their outlined requirement and have a deficit in their housing land supply, which is a material consideration as per the NPPF. Therefore, limited weight can be attributed to conflict with Policies CP1, CP2, and CP10 of the WCS as these relate to the supply of housing and thus are deemed to be out-of-date by virtue of Footnote 8 of the NPPF.

3.3.9 At a recent planning appeal (APP/Y3940/W/22/3309170[2]) in Wiltshire, the Inspector concluded that certain polices, including CP1, CP2 and the relevant area strategy policy, are to be afforded limited weight due to the Council being unable to demonstrate a 5 year housing land supply:

> **"The 'in principle' policy harm is of limited weight because there is no obvious remedy to the housing shortfall and this overall position indicates that the development plan is failing to meet its strategic challenges".**

3.3.10 Chapter 5 will discuss which main policies the development proposal complies or conflicts with.

3.3.11 Other policies relevant to the application are listed in **Appendix 2**;

[1] Appeal ref: APP/Y3940/W/22/3292118 ,Land To The East Of Church View, Sutton Benger, Wiltshire SN15 4FD (June 2022)

[2] Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham (May 2023)

3.4 The Emerging Local Plan (2020-38)

3.4.1 In Autumn 2017 Wiltshire Council began the preparation of a Local Plan Review with a Regulation 18 Issues and Options consultation. Wiltshire Council are still at the early stages of plan preparation. The latest round of consultation took place in January – March 2021 and this was a pre-draft plan consultation exercise.

3.4.2 It was previously expected that a Draft Local Plan Regulation 19 Consultation would take place in Q4 2022. In December 2022 Wiltshire Council published an updated Local Development Scheme. The updated timescales expect the Regulation 19 consultation to take place in Q2 to Q3 2023. With the adoption expected at the end of Q4 2024. By comparison the adopted WCS took 3 years and 1 month from the pre-submission consultation until adoption, such that it wouldn't be unreasonable to expect that the LPR will not be adopted until mid-2026.

3.4.3 The published LDS is an extremely optimistic timetable for examination and adoption, and this has been acknowledged by the Council under cross examination and found by Inspectors at recent appeals.[3]

3.4.4 Therefore, very limited weight can be given to this plan due to its early stage.

3.5 Emerging Sutton Benger and Draycot Cerne Neighbourhood Development Plan 2020 – 2035

3.5.1 The emerging Sutton Benger and Draycot Cerne Neighbourhood Plan (SBDCNP) was published in December 2022 for a Regulation 14 Consultation. This consultation closed on 3rd March.

[3] (APP/Y3940/W/22/3296058), (APP/Y3940/W/22/3312268), (APP/Y3940/W/22/3309170).

3.5.2 The application site falls within the Sutton Benger and Drayton Cerne Neighbourhood Plan area. The draft policies of the SBDCNP which apply to the proposals are listed at Appendix 2.

3.5.3 Policy SB3: Important Views identifies viewpoint "PM 18 View North from SBEN18" as being one of 29 important views in the neighbourhood area. The application proposals will have no impact on this view as the development proposes all development to the south of the PROW and therefore this important view, will not be affected by the proposals.

3.5.4 The Pre-Submission NDP is designed to guide development for a fifteen-year period from 2020 until 2035, which will tie in with the Local Plan Review. At the time of writing, the Local Plan Review is at a very early stage, and there is currently no draft plan published, therefore the policies within the SBDCNP can only be afforded negligible weight.

3.6 National Planning Policy Framework

3.6.1 The NPPF is an important material consideration in planning decisions. The NPPF sets out the Government's approach to sustainable development and core planning principles. A revised NPPF was published by the Government in July 2021.

Presumption in Favour of Sustainable Development

3.6.1 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.6.2 The NPPF sets out three overarching objectives towards achieving sustainable development under paragraph 8, which includes ensuring that sufficient land

is available in the right places to support growth; making sure that a sufficient number and range of homes can be provided to meet the needs of present and future generations supported by well-designed environments and accessible services; and ensuring that land is used effectively to improve biodiversity, use resources prudently by minimising waste and pollution, mitigating and adapting to climate change and moving towards a low carbon economy.

3.6.3 At the heart of the Framework is the 'presumption in favour of sustainable development'. Paragraph 11 sets out how planning applications should be determined in this context:

> *"11. Plans and decisions should apply a presumption in favour of sustainable development…*
>
> *For decision-taking this means:*
>
> *c) approving development proposals that accord with an up-to-date development plan without delay; or*
>
> *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:*
>
> > *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed[7]; or*
> >
> > *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

3.6.4 Footnote 7 of the Framework identifies a closed list of potential restrictive policies that may in a particular case cause the presumption to be disapplied, it is however not a blanket restriction, and any harm is to be considered as part of the planning balance.

3.6.5 Within footnote 7 there is specific reference to "designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68)". As discussed in detail within the Archaeology and Built Heritage Statement, the proposed development is located adjacent to the Sutton Benger Conservation Area and Grade II Listed numbers 74 & 76 High Street (NHLE 1200570). Through the embedded mitigation presented as part of the development proposals by considering the overall site design in detail as indicated on the Development Framework Plan, it is anticipated the site could be residentially developed and cause, at most, very minor, less than substantial harm to the significance of Grade II Listed 74 & 76 High Street and the Sutton Benger Conservation Area through change to their settings.

3.6.6 As per paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.6.7 As such, a simple, 'flat' planning balance of the public benefits of the proposal against the harm to heritage assets must be carried out, being mindful of the duty at Section 66 of Planning (Listed Building and Conservation Areas) Act, which requires a decision-maker to have special regard to the desirability of preserving buildings and their setting or any features of special architectural or historic interest it possesses. This balancing exercise will be carried out in the 'Planning Balance' section of this statement.

3.6.8 Footnote 8 provides further guidance on when policies may be considered 'out of date'. It confirms that when a local planning authority (LPA) cannot demonstrate a five-year housing land supply, the policies which are most important for determining an application involving the provision of housing should be considered to be out of date.

3.6.9 Paragraph 12 of NPPF reiterates that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

3.7 The Need for Housing

3.7.1 The growing population and household formation rates alongside too few houses being built has resulted in a housing crisis in this country.

3.7.2 Whilst there is often great debate about the delivery of both market and affordable housing, in reality it is about meeting a very basic human need of local people. People wish to be able to live in suitable accommodation which they can afford and in a place that they want to live. Where sufficient housing of a suitable type is not available, this has a real, negative impact upon society.

3.7.3 This application responds to the national housing crisis and the need to grant additional planning permissions in order to meet the government's objectives. The proposed development would provide up to 36 market houses and up to 24 affordable homes, helping to address the local housing issues in Wiltshire, where there is a significant shortfall.

3.8 Five-Year Housing Land Supply

3.8.1 The supply of available and deliverable sites for housing in Wiltshire is an important material consideration in determining the weight to relevant policies for the supply of housing.

3.8.2 The Framework (paragraph 74) requires an LPA to demonstrate a minimum of five years' worth of deliverable sites against its housing requirement, with a delivery buffer of either 5%, 10% or 20% (moved forward from later in the plan period) depending on past performance.

Housing Land Supply in Wiltshire

3.8.1 Wiltshire Council accepts that it is currently unable to demonstrate a five-year housing land supply. The Council's most recent Housing Land Supply Statement was published in May 2023. It uses a base date of 1st April 2022 and covers the five-year period 1st April 2022 to 31st March 2027. The Statement concludes that the Council is only able to demonstrate a five-year land supply position of 4.60 years, calculated against the Local Housing Need (LHN) 2022 figure (2,041 dpa). Against a five-year requirement of 10,715 dwellings, the Council has a deliverable supply of 9,849 dwellings over the next five years, therefore resulting in a shortfall of -866 dwellings against the minimum five-requirement.

3.8.2 It is the Applicant's case that the Council can demonstrate 4.21 years of housing land equating to a shortfall of 1,695 homes against the insufficient minimum LHN figure.

3.8.3 Moreover, the Council has been unable to demonstrate a five-year housing land supply since January 2020. Demonstrating the persistent shortfall in delivery from the Council, this persistence has been regularly recognised by Inspectors, there is also evidence that this shortfall will continue to get greater for as long as the Council's trajectory allows analysis to be undertaken, therefore the shortfall is likely to get greater over the coming years.

3.8.4 Although the Council have been proactive in adopting an Action Plan, which states that they will "**iii) Positively consider speculative applications where**

there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated" there is little evidence to date that this Action Plan is having a positive impact on restoring a five-year housing land supply. This is however the context of which that this application should be considered under.

3.8.5 Further, the Council have since conceded that they will be unable to demonstrate a five-year housing land supply until the emerging plan is adopted,confirming that there is not resolution to the shortfall in the short-term with the adoption of the emerging plan not expected until the end of 2024 at the very earliest.

3.8.6 Several appeal decisions[4] have been issued since the publication of the 2022 Housing Land Supply Statement which have all concluded that Wiltshire's five-year housing land supply position lies below the 5-year threshold, many concluding that shortfall can also not be considered as modest even on the Council's own figures.

3.8.7 Based on this position, the application should be assessed in the context that Wiltshire Council cannot demonstrate a 5-year housing land supply. Therefore, as stated within paragraph 11 of the Framework the presumption in favour of sustainable development applies and the application should be determined in accordance with the tilted balance as set out in paragraph 11(d)(ii) of the Framework.

3.8.8 The market and affordable homes proposed on the application site could make a significant contribution to housing supply in Wiltshire, with the delivery of all dwellings being able to be count towards the later years of the

[4] Appeal reference APP/Y3940/W/22/3296058, Land at Broadfield Farm, Broadfield Farm, Great Somerford SN15 5EL; APP/Y3940/W/22/3312268, Land off Coate Road, Devizes SN10 3LU; APP/Y3940/W/22/3309170, Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham

supply period, therefore helping to address the immediate lack of a five-year supply of deliverable housing sites, in a circumstance where there is no plan-led route to recovery.

4 PLANNING APPRAISAL

4.1 Introduction

4.1.1 This section of the Statement assesses the proposed development against the relevant policies of the Development Plan, and other material considerations. The overall planning balance is considered in Chapter 6.

Sustainable location

4.1.2 The Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.

4.1.3 The site is located within close proximity to bus stops, a village hall, a primary school, doctors surgery, a post office, a church, a restaurant and a pub. The village centre hosts a range of services and facilities. A plan showing the services and facilities can be found at figure 3.6 of the Design and Access Statement.

4.1.4 Inspector Edwards[5] found that a development opposite the application Site would "would help sustain the vitality of the village" which is in line with the requirements set in the Framework.

4.1.5 The development would sit adjacent to the existing built-up area of Sutton Benger and as such represents a logical extension to the built form of the village. The application site presents an opportunity for the sustainable growth of Sutton Benger because:

- The land to which the development proposals relate is not of high environmental value;

[5] Appeal ref: APP/Y3940/W/22/3292118 , Land To The East Of Church View, Sutton Benger, Wiltshire SN15 4FD (June 2022)

- The site is suitable for residential development in terms of its sustainable location and characteristics;
- There are opportunities through development to improve the environmental conditions of the area (see chapter 4.3);
- The site has a low ecological value, as evidenced in the report submitted with the application (Ecological Appraisal prepared by CSA);
- The site will achieve a biodiversity net gain;
- The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact on the local network.

4.2 Provision of Affordable Housing

4.2.1 Core Policy 43 of the Wiltshire Core Strategy requires 30-40% of affordable housing to be delivered on developments such as the proposed application. The application site falls into the 40% affordable housing area and the proposals will seek to secure the affordable housing provision through a S106 agreement and are therefore in accordance with Policy CP43

4.2.2 The affordable housing statement at Chapter 5 covers the importance of affordable housing provision in more detail.

4.3 Design Strategy

4.3.1 Good quality design is a key principle of the NPPF. It states

"…high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."[6]

4.3.2 This application has been submitted in outline; design and layout are to be agreed through a reserved matters planning application. However, key design principles have been used to inform the Development Framework Plan and Illustrative Masterplan and 3D- visual to show how the development could be designed. These design principles are explained in the Design and Access Statement (DAS) supporting this application.

4.3.3 The Wiltshire Core Strategy also requires a high-quality design to be achieved, this is set out within Core Policy 57.

4.3.4 As mentioned above, the DAS sets out how the proposed development will meet the design requirements of the NPPF and the criteria set out with the Local Plan. The DAS demonstrates that the development will provide a choice of housing to meet the needs of the area, whilst respecting and enhancing the site's environmental and landscape character providing a sensitive buffer to the nearby conservation area. It will also promote the use of sustainable transport and connect into the existing Public Rights of Way network to the north of the site.

4.4 Landscape

4.4.1 Under Core Policy 51 any development within Wiltshire must ensure that local landscape character is conserved and enhanced where possible.

4.4.2 A LVIA prepared by CSA Environmental, submitted as part of the application, assesses the potential landscape and visual impacts of the proposed development. The development framework plan introduces and retains

[6] Paragraph 126.

landscape features that reflect the landscape character of the site and its surrounding area.

4.4.3 The LVIA concludes that the new development will be well related to Sutton Benger and form a logical and sustainable extension to its built form. Although there will be a substantial change in landscape terms from an arable field, over time as planting matures the site boundary will strengthen whilst softening the visual landscape and providing green infrastructure to create a gateway on the western approach to the village.

4.5 Transport and Access

4.5.1 The NPPF at paragraph 104 notes that transport issues should be considered early in development proposals. The proposals should consider any potential impacts on the transport network and how these can be addressed, opportunities from existing and proposed transport infrastructure, opportunities to promote sustainable transport, environmental impacts of transport, patterns of movement and how transport fits into the design of schemes.

4.5.2 Paragraph 113 of the NPPF requires all developments that will generate significant amounts of movement to provide a travel plan and to be supported by a transport statement or assessment so that the likely impacts of the proposal can be assessed.

4.5.3 Wiltshire Core Strategy Core Policy 60 states that developments should promote sustainable transport methods and be supported by a Travel Plan. The application is supported by a Transport Assessment and a Framework Travel Plan both prepared by Stirling Maynard.

4.5.4 The application proposes an access point off B4069, in the form of a simple priority junction. The application also proposed a TRO to move the 30 mile per

hour speed limit beyond the site boundary to form the new village edge, helping reduce traffic speeds on the approach to and within the village.

4.5.5 The application seeks to promote the use of sustainable transport through connection into the existing SBEN18 footpath running east to west along the northern boundary of the site from the centre of the Sutton Benger to the B4069. The development will also provide pedestrian access from its south west corner onto the B4069 linking into the existing footways leading into the settlement. Both routes allow users to safely and sustainably travel to facilities such as La Flambe, The Surgery and Sutton Benger Primary School.

4.5.6 There is a reasonable level of public transport within walking distance of the site. The bus service number 91 provides connections to Little Somerford, Great Somerford, Kington Langley and Chippenham.

4.5.7 Notwithstanding the above, it accepted that it is likely that a significant proportion of trips to and from the development would be by private car. In particular, this is likely to be the mode of travel to higher order leisure and retail facilities and workplaces. However, with the Framework at paragraph 105 acknowledging that opportunities to maximise sustainable travel will vary between urban and rural locations, the opportunities that are available in the village are suitable and appropriate for the size of the village, this stance has recently been endorsed by Inspector Jones[7].

4.5.8 The proposed development will not result in any residual impacts that would be severe and there would not be an unacceptable impact on highway safety arising from the proposed development as set out in paragraph 111 of NPPF

[7] Appeal ref: APP/Y3940/W/22/3292118 , Land To The East Of Church View, Sutton Benger, Wiltshire SN15 4FD (June 2022)

and as such there is no reason that the proposed development should be refused on Highway grounds.

4.6 Green Infrastructure and Public Open Space

4.6.1 The proposed development includes 1.68ha of green infrastructure, including informal and formal public open space, an equipped children's play space, community allotments, structural landscape planting and an attenuation basin.

4.6.2 The green infrastructure will enhance the landscape and provide community benefit through the provision of public open space.

4.6.3 Policy CF3 saved in the Wiltshire Core Strategy from the North Wiltshire Local Plan sets out the council's requirements for open space and the typologies that should be provided on site. The proposals have considered this and are compliant with each criterion.

4.6.4 During the public consultation process, the provision of community allotments was requested. As noted in the SCI submitted alongside this application, the proposed development intends on providing 0.19ha of allotments and associated parking on the eastern side of the site adjacent to the B4069. The location of this facility will allow ease of use for both new and existing residents of Sutton Benger.

4.7 Ecology

4.7.1 An Ecological Appraisal has been submitted as part of the application; this assesses the potential impact on ecology of the proposed development. The application site would not impact upon any ecological designations. Further ecological surveys are to be undertaken as part of the application.

4.7.2 The Wiltshire Core Strategy requires where possible developments should enhance biodiversity and geodiversity under Core Policy 50. The application

proposes to improve the ecology on site through additional planting to improve connectivity of green infrastructure, the inclusion of an attenuation basin to introduce an aquatic habitat and a small section of additional land along the River Avon tributary which will be actively managed to enrich the riparian habitat. As a result of this it is proposed that there will be a biodiversity net gain.

4.8 Historic Environment

4.8.1 An aim of the NPPF is to conserve and enhance heritage assets. Paragraph 194 requires applicants to describe the impact of developments on heritage assets and their settling.

4.8.2 Core Policy 58 sets out that development proposals should conserve and enhance heritage assets including archaeological interest. Although the Core Strategy was adopted after the inception of the NPPF, policies relating to the historic environment do not make reference to the balancing of heritage harm against public benefits. Therefore, the Core Strategy is overly restrictive in the context of the NPPF and CP58 can be deemed as out-of-date thus any weight attributed to the policy conflict of CP58 is to be given limited weight.

4.8.3 The Archaeology and Built Heritage Report submitted alongside the application concludes that the application, by its embedded mitigation within the supporting Development Framework Plan, would cause at most very minor, less than substantial harm to the heritage significance of the Grade II Listed 74 & 76 High Street and Sutton Benger Conservation Area.

4.8.4 Looking at the archaeological resource of the site the Archaeology and Built Heritage Statement concluded that for Romano-British, medieval and post medieval dates there would be very low to low archaeological significance.

4.9 Flood Risk and Drainage

4.9.1 The site is located within Flood Zone 1 and is not at risk from flooding from rivers and seas.

4.9.2 Core Policy 67 requires a Flood Risk Assessment to be submitted as part of a planning application. The flood risk assessment demonstrates that the proposed development will not increase flood risk downstream. The proposed drainage strategy comprises of an onsite attenuation basin which will store the volume of water associated with a 1 in 100 year rainfall event. A surface water pump will then transfer the attenuated water to the watercourse at the existing greenfield run off rate, meaning the proposals will be in accordance with Core Policy 67.

4.9.3 Through the design evolution of the drainage strategy, the impact of climate change has been taken into account.

4.10 Air Quality

4.10.1 Core Policy 55 from the Wiltshire Core Strategy sets out the air quality standards that must be met throughout the process of delivering development proposals.

4.10.2 The air quality assessment submitted by Miller Goodall alongside the application concludes, with mitigation, the effects of the construction phase of development is not significant.

4.10.3 Following the completion of the scheme, during the operational phase, the impacts on concentrations of NO_2, PM_{10} and $PM_{2.5}$ will be negligible and therefore the impact is deemed to be not significant. Therefore the proposed development will not lead to an unacceptable risk from air pollution.

4.11 Arboriculture

4.11.1 The Arboricultural Assessment submitted alongside the application by Barton Hyett concludes that the proposed scheme will result in an overall net gain in arboriculture resource and no over ridding arboricultural constraints have been identified.

4.11.2 The proposed access from the B4069 will not impact any trees or hedgerows. In other areas of the development parcel appropriate buffers help retain existing boundary hedgerows and trees. It is also noted that the development framework plan increases cover through new planting along recreational routes and a central green.

4.12 Noise

4.12.1 Noise Consultants Ltd have prepared a noise screening assessment to submit alongside the application which concludes that, whilst noise is a material consideration in the planning process, it is not considered a constraint to residential development on the Site and should not be a determining factor in the outline application.

4.12.2 Road traffic noise from the M4 to the North and High Street along the southern site boundary are the only potentially significant sources of noise that might impact residential amenity of the proposed Development. However, it is considered that road traffic noise exposure within the Site can be reduced to acceptable levels, provided that a good acoustic design process is followed, as advocated in ProPG. Any mitigation measures can be confirmed at the detailed design stage, and submitted in support of a Reserved Matters Application.

4.13 Odour

4.13.1 Sutton Benger Waste Water Treatment Works (WWTW) is located south east of the site.

4.13.2 A desk-based odour risk assessment has been submitted alongside the application. The desk-based risk assessment considers frequency, intensity, duration, offensiveness and location of odour. The assessment concludes that the risk of odour impact from Sutton Benger WWTW is negligible.

4.14 Planning conditions and obligations

4.14.1 Gladman is committed to and willing to discuss any requested planning conditions with officers at Wiltshire Council, to ensure that they satisfy the six tests set out in paragraph 003 of the PPG[8] and paragraph 56 of the NPPF respectively.

4.14.2 The applicant is also committed to engaging with the Council in relation to securing planning obligations that satisfy the requirements of Regulation 122 of the Community Infrastructure Levy Regulations and paragraphs 57 and 58 of the NPPF.

4.14.3 A draft set of heads of terms for a Section 106 agreement are set out at **Appendix 1** of this Statement.

[8] ID: 21a-003-20190723

5 AFFORDABLE HOUSING STATEMENT

5.1 Context

5.1.1 It is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population, increasing life expectancy and household formation rates.

5.1.1 In May 2021, the housing charity Shelter published 'Denied the Right to a Safe Home – Exposing the Housing Emergency', which sets out in stark terms the impacts of the housing crisis. Shelter estimate that over 17 million people face the effects of high housing costs and notably concludes that "*we will only end the housing emergency by building affordable, good quality social homes*[9]".

5.1.2 One effect of the national housing crisis is a profound effect on housing affordability. The current Conservative Government has maintained that unaffordability and inability of individuals to get on the housing ladder is a significant problem. The NPPF makes clear that affordable housing should be delivered, and it is essential that sufficient housing is delivered to ensure that "*needs of groups with specific housing requirements are addressed*".

5.1.3 According to the most recent Department for Levelling Up, Housing and Communities (DLUHC) statistics, there are 1.18 million households on local authority social housing waiting lists across the country, which roughly equates to 2.7 million people in need of an affordable home[10].

5.1.4 Additional data published by DLUHC in November 2022 also demonstrated that in 2021/22 only 59,175 gross affordable homes were built and 63,228

[9] Denied the Right to a Safe Home. Shelter (2021) page 10.

[10] DLUHC Live Table 600, December 2021 update.

starts on site were recorded[11]. At this level of delivery, it will take roughly 20 years to address the current waiting list. This is before factoring in future housing need, or loss of affordable homes through demolition, or the Right to Buy programme.

5.1.5 At a national level the direction of travel to address housing need and supply, including affordable housing, is abundantly clear. With 44% of affordable homes in 2020/21 funded through s106 agreements[12] (i.e. entirely funded by developers with nil grant from the public sector), political promises rely quite significantly on delivery by the planning system.

5.2 Affordable Housing Delivery & Need in Wiltshire

5.2.1 The adopted Wiltshire Core Strategy Plan sets out a minimum affordable housing target, with the aim of ultimately delivering 13,000 affordable homes over the plan period.

5.2.2 When comparison is drawn between affordable housing delivery and the affordable housing target identified in the Core Strategy, it can be seen in Table 1 that there has been an accumulated shortfall in the delivery of affordable housing provision of 565 dwellings over the plan period to date.

Table 1: Wiltshire housing and affordable housing completions 2009/10 to 2021/22

YEAR	TOTAL HOUSING COMPLETIONS (GROSS)	AFFORDABLE HOUSING COMPLETIONS	GROSS AFFORDABLE ADDITIONS AS A PERCENTAGE OF TOTAL COMPLETIONS

[11] DLUHC November 2022, Affordable Housing Supply April 2021 to March 2022, England

[12] DLUHC November 2022, Affordable Housing Supply April 2021 to March 2022, England.

2009/10	1,657	564	34%
2010/11	2,077	648	31%
2011/12	1,779	626	35%
2012/13	1,725	711	41%
2013/14	2,249	645	29%
2014/15	2,118	636	30%
2015/16	1,746	412	24%
2016/17	2,690	433	16%
2017/18	2,428	593	24%
2018/19	2,699	752	28%
2019/20	1,799	621	35%
2020/21	1,951	556	27%
2021/22	1,854	688	37%
TOTAL 2009/10 TO 2021/22	**26,772**	**7,885**	**29%**
AVERAGE 2009/10 TO 2021/22	**2,059**	**606**	**29%**

5.2.3 Although, Table 1 shows that Wiltshire Council has delivered 606 affordable homes a year on average, over the years the accumulating shortfall has grown to 565 units. If Wiltshire Council continued to deliver affordable housing at the

same rate as of 2021/22, it will take more than 50 years to mitigate the existing backlog.

5.3 Wiltshire Affordability Indicators

5.3.1 The PPG recognises the importance of giving due consideration to market signals as part of understanding affordability.

5.3.2 Significant house price increases locally and nationally contributing to increasing affordability ratios and an ever larger gap between earnings and average house prices. The increase in house prices led to an inflated affordability ratios in 2022 (latest data available)[13]:

- England: 8.28
- South West 9.41
- Wiltshire: 9.57

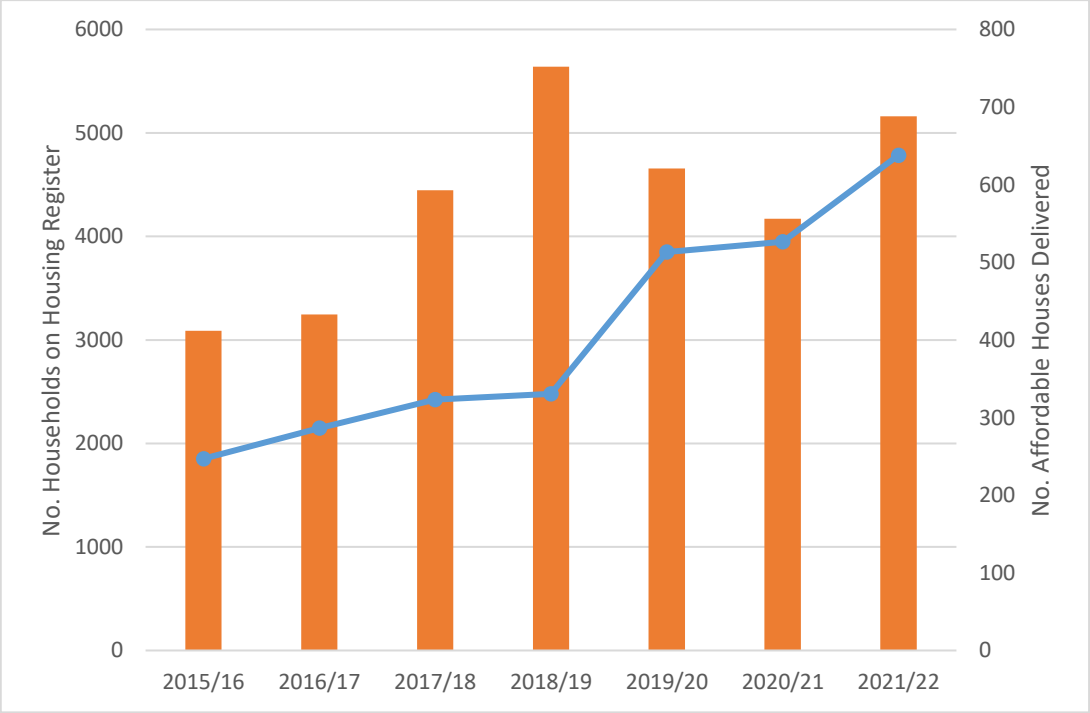
5.3.3 The affordability ratio of Wiltshire is significantly higher than the ratio of 3.5, traditionally seen as the signifier of an affordable housing market and, when compared against regional and national ratios, it can be seen that homes are less affordable in Wiltshire than in the rest of the country and region, signifying a real problem regarding local housing unaffordability:

5.3.4 The number of households listed on the Council's housing register as of December 2022 is 4,785. This represents a 18% rise from the previous year's figure of 3,947 households. This is a stark number and represents a significant number of individuals and families in need.

[13] ONS House price to workplace-based earnings ratio 1971-2023 available at: https://landregistry.data.gov.uk/app/ukhpi/browse?from=2019-04-01&location=http%3A%2F%2Flandregistry.data.gov.uk%2Fid%2Fregion%2Fwiltshire&to=2023-04-01&lang=en (Data from release date 23 March 2023)

5.3.5 The graph below details the number of households on the Housing Register in Wiltshire, in comparison to affordable housing delivery from 2015 to 2022. It clearly shows that even on occasions when Wiltshire Council have exceeded the 650 target that the number of families on the register has not reduced. there remains a substantial proportion of households who cannot be effectively accommodated in the Wiltshire.

Figure 1: Number of Households on Wiltshire Council Housing Register compared with Net Affordable Housing Delivery



5.4 Affordable Housing as a Material Consideration

5.4.1 The increasing unaffordability of housing in Wiltshire and the continuous high numbers of households on the housing register in housing need clearly indicates that by any measure of affordability, Wiltshire is in the midst of an affordable housing crisis, and urgent action must be taken to deliver more affordable homes.

5.4.2 At both a national and local level, it is clear there is an urgent and pressing need to deliver as much affordable housing as quickly as possible. There is clear under provision in the district / borough and need is growing.

5.4.3 The provision of 40% affordable housing equating to 24 homes on this site will contribute significantly towards Wiltshire's affordable housing supply requirements and will provide people with a local connection to the area an affordable property to call their own. This will help alleviate the affordability issue and is a considerable benefit to be weighed positively in the planning balance.

6 PLANNING BALANCE AND CONCLUSIONS

6.1 Conclusions

6.1.1 This outline planning application is made in the context of the Government's requirement to significantly boost housing land supply and the presumption in favour of sustainable development. The proposal responds positively to the identified lack of a five-year housing land supply in Wiltshire and the identified need for both market and affordable housing.

6.1.2 The approval of this application will assist in addressing the persistent problem of inadequate housing supply across the country and will meet the very basic human need of real people in real need of market and affordable housing.

6.1.3 The proposal would be deliverable in the short term and increase the supply and choice of housing within Sutton Benger. It would also contribute towards economic growth and offer wider social and environmental benefits for the local community. The design principles outlined within the Design and Access Statement provide assurance that a high-quality scheme can be delivered.

6.1.4 The Framework policies on the delivery of sustainable housing development carry significant weight; the delivery of the proposed development would support housing and economic development objectives and meet the aims and objectives of sustainable development, securing net gains across all three strands of sustainable development (economic, social and environmental).

6.1.5 The supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that would significantly or demonstrably outweigh the substantial benefits of the proposal and no specific policies of the Framework and Development Plan indicate that development should be restricted.

6.1.6 As with any greenfield site, the development will inevitably introduce changes to the area resulting in some urbanising effects and will involve the loss of some agricultural land. However, the LVIA demonstrates that the scheme can be delivered without unacceptable landscape and visual impacts.

6.1.7 The proposed development would deliver a large number of benefits. These include:

BENEFITS	HARMS
Social	
Provision **of up to 60 Market and affordable homes**. Wiltshire Council cannot currently demonstrate a five-year supply of housing and the current housing need is not being met. The delivery of housing should be given significant weight.	None
The provision of **affordable housing (40% or up to 24 units**) in a county where there is an existing unmet need unlikely to be delivered through alternative means.	
New footpaths to be incorporated into the areas of public open space that link to the existing PRoW.	
The extension of the Sutton Benger's boundary and subsequently the 30 mile per hour speed limit will help **reduce traffic speed and noise** through the settlement whilst **increasing safety**	
The provision of land for allotment plots and associated car parking and infrastructure which was requested by the local community during the public consultation exercise undertaken as part of the application's preparation.	
Environmental	

Provision of **46% Green Infrastructure** much of which will be publicly accessible and which would link to the public footpath network both into the village and out to the countryside.	Short-term adverse impact caused by the construction phase, albeit this can be mitigated somewhat through planning conditions.
A **net-gain in biodiversity and tree diversity** and canopy cover at the site.	The limited impact of the development on the character and appearance of the area.
1.94ha of formal and informal open space which includes a central focal green, children's play areas, land for the provision of allotments and wildflower planting.	At most, **very minor, less than substantial harm**, to the significance of the Sutton Benger Conservation Area and Grade II Listed Buildings Nos 74 & 76 High Street, through change to their settings.
Additional landscape and hedgerow planting which will **improve the visual entrance** of Sutton Benger when approaching from the east.	
Economic	
The **build cost of the development is anticipated to be around £6.5m**. Calculations suggest that this construction expenditure would support around **55 Full Time Equivalent (FTE) construction jobs** over the period of the build. The development of new homes on the application site could help to address local unemployment in the industry and provide apprenticeship and training opportunities for young unemployed people.	None
Household expenditure from the 60 new homes would be circa **£1.8m per year**. This will benefit the local area.	
Over the four years following the completion of the development, the Council will benefit from **circa £300,000 via the New Homes Bonus.**	

The new residents will **increase demand for and use of local services and businesses** and increased spending will help to protect, maintain and enhance the services available and accessible within the village and surrounding area.	

6.1.8 Significant weight should be given to the delivery market housing and very significant weight to the delivery of affordable housing, in a location where there is a persistent and significant shortfall.

6.1.9 In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'. Paragraph 11 states that the presumption in favour of sustainable development applies where proposals accord with an up-to-date development plan, or where there are no relevant policies within the development plan or the most important policies for determining the application are out of date, this includes when a council cannot demonstrate a five year housing land supply.

6.1.10 Footnote 7 to paragraph 11 of the Framework identifies a closed list of potential restrictive policies that may in a particular case cause the presumption to be disapplied, it is however not a blanket restriction, and any harm is to be considered as part of the planning balance.

6.1.11 Within footnote 7 there is specific reference to "designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68)". Further paragraph 202 of the Framework states:

> **"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."**

6.1.12 As such, a simple, 'flat' planning balance of the public benefits of the proposal against the harm to heritage assets must be carried out, being mindful of the duty at Section 66 of Planning (Listed Building and Conservation Areas) Act, which requires a decision-maker to have special regard to the desirability of preserving buildings and their setting or any features of special architectural or historic interest it possesses.

6.1.13 Applying the statutory duty to afford considerable weight to the preservation of listed buildings and their settings, any very minor, less than substantial harm to designated heritage assets would be clearly and plainly be outweighed by the significant public benefits of the proposal. As such, Framework paragraph 202 does not provide a clear reason for refusing this application.

6.1.14 In the light of the conclusion above, it is clear that there are no policies in the Framework which indicate that development should be restricted and therefore the tilted balance at paragraph 11(d)(ii) remains 'in play'.

6.1.15 Whilst the proposed development represents a departure from the development plan, in that the site occupies a countryside location, in policy terms. However, the most important policies for the determination of this appeal are out of date by virtue of the Council being unable to demonstrate a five-year housing land supply and therefore the presumption in favour of sustainable development applies and a determination other than in accordance with the development plan is justified.

6.1.16 The application of the titled balance means that it is for the decision maker to weigh into the balance the conflict with the policies of the development plan together with all other material considerations. This will determine whether the benefits attributed by the government of increasing supply of housing outweigh the conflicts with the development plan.

6.1.17 The development of the site, as proposed, would be both suitable and sustainable, and there is justification to grant planning permission in accordance with the presumption in favour of sustainable development within Wiltshire. The significant benefits arising from the development must be taken into consideration when assessing the application.

6.1.18 Accordingly, it is clear there are significant material considerations in favour of approval, and there are numerous public benefits clearly significantly and demonstrably outweigh the limited policy harms and very minor heritage and landscape harm and the balance is clearly tipped in favour of approving the application. Thus, the planning application should be approved without delay.

APPENDIX 1



APPENDIX 1: DRAFT SECTION 106 HEADS OF TERMS

Gladman will seek to enter into constructive dialogue with Wiltshire Council to agree obligations which, in accordance with the CIL Regulations (2010) (as amended) are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

AFFORDABLE HOUSING

i. The Agreement will provide for 40% affordable housing with a tenure split to be agreed with the Local Planning Authority.

OPEN SPACE

i. The Agreement will require the Developer to provide on-site informal open space and an equipped children's play area.

ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas, including any off-site commuted sums as applicable.

iii. The Agreement will require the Developer to provide, as necessary, an offsite sports provision.

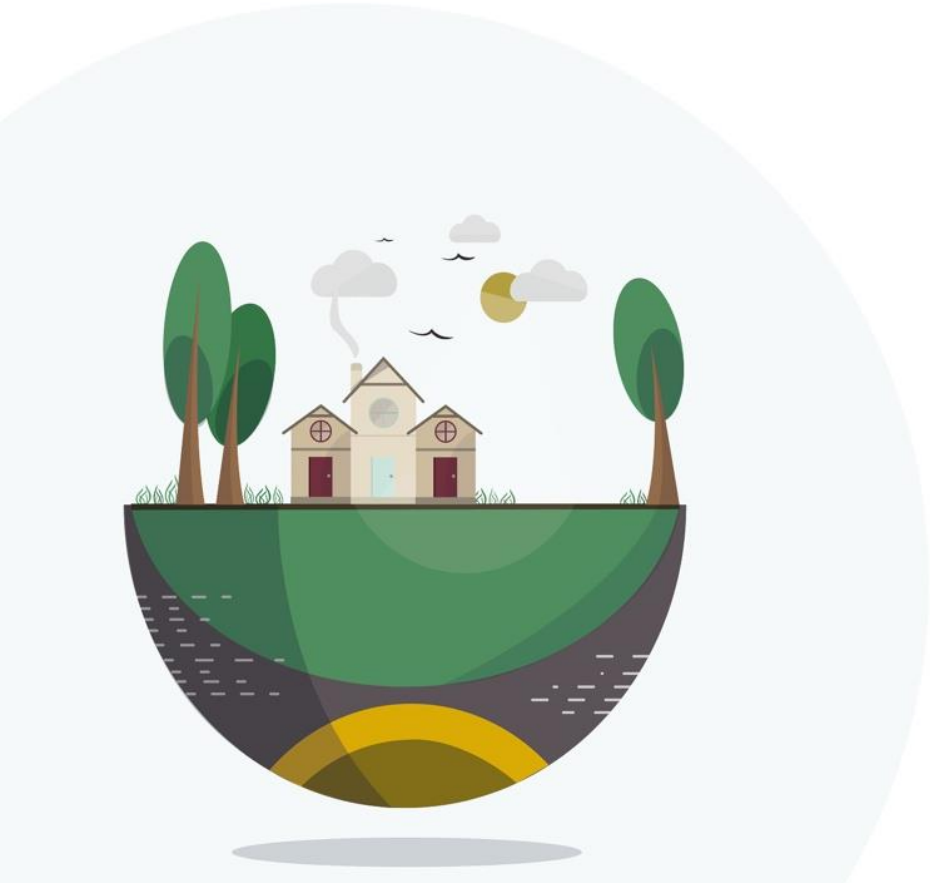
HIGHWAYS AND PUBLIC TRANSPORT

i. The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway, sustainable and public transport provision within the vicinity of the site.

OTHER

i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

APPENDIX 2



APPENDIX 2: LIST OF RELEVANT POLICIES

Wiltshire Core Strategy	Compliance
Core Policy 1 – Settlement Strategy	Conflict
Core Policy 2 – Delivery Strategy	Conflict
Core Policy 3 – Infrastructure Requirements	Comply
Core Policy 10 – Chippenham Community Strategy	Conflict
Core Policy 41 – Sustainable Construction and Low Carbon Energy	Comply
Core Policy 43 – Providing Affordable Homes	Comply
Core Policy 45 – Meeting Wiltshire Council Housing Needs	Comply
Core Policy 50 – Biodiversity and Geodiversity	Comply
Core Policy 51 – Landscape	Comply
Core Policy 52 – Green Infrastructure	Comply
Core Policy 55 – Air Quality	Comply
Core Policy 57 – Ensuring Quality Design and Place Shaping	Comply
Core Policy 58 – Ensuring the conservation of the historic environment	Conflict
Core Policy 60 – Sustainable Transport	Comply
Core Policy 61 – Transport and New Development	Comply
Core Policy 62 – Development Impacts on the Transport Network	Comply
Core Policy 64 – Demand Management	Comply

CP67 – Flood Risk	Comply
Sutton Benger and Drayton Cerne Reg 14 Draft Neighbourhood Plan	Compliance
POLICY SB1: LANDSCAPE - THE RURAL CHARACTER	Comply
POLICY SB2: LANDSCAPE - MAINTAINING THE SEPARATION OF SETTLEMENTS	Comply
POLICY SB3: IMPORTANT VIEWS	Comply
POLICY SB4 TREES AND HEDGEROWS	Comply
POLICY SB5 BIODIVERSITY AND NET GAIN	Comply
POLICY SB6 FLOODING AND DRAINAGE	Comply
POLICY SB7: DESIGN	Comply
POLICY SB8: HERITAGE AND CONSERVATION	Conflict
POLICY SB9: SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE	Comply
POLICY SB11 - AFFORDABLE AND RURAL WORKERS HOUSING	Comply
POLICY SB13 - NEW DEVELOPMENT AND HIGHWAY IMPLICATIONS	Comply
POLICY SB16 PROTECTION OF EXISTING RIGHTS OF WAY AND CYCLE NETWORK	Comply
POLICY SB17A COMMUNICATIONS INFRASTRUCTURE	Comply

GLADMAN

PLANNING AND AFFORDABLE HOUSING STATEMENT