DELEGATED REPORT

Application Reference:	PL/2023/04815
Application Type:	Outline planning permission: some matters reserved
Site Address:	Land at Kington Lane, Stanton St Quintin, Chippenham, Wiltshire, SN14 6DF
Proposal:	The construction of 12 dwellings, including 5 affordable housing units, and associated infrastructure
Recommendation:	Planning Permission be REFUSED

PROPOSAL AND PREVIOUS REFUSAL

This application seeks Outline planning permission for the erection of 12 dwellings, including 5no. affordable dwellings, with the submission documents also suggesting 4no. of the units would be "self-build". The illustrative plans also show associated parking and associated infrastructure. The site area is some 0.81ha and is a greenfield site positioned outside of, but adjacent to, the southern edge of the village of Stanton St Quintin, defined by the Wiltshire Core Strategy (WCS, 2015) as a small village.

This application follows a recent similar application on the site for the development of 17 new dwellings (7 affordable) (PL/2022/01195 refers). This application was dismissed following appeal on the 17th January 2023 (appeal reference APP/Y3940/W/22/3299845). The Inspector concluded, *inter alia*, that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Whilst this application has been reduced in scale from 17 to 12 units, this appeal decision remains an important material consideration in this assessment given that it determined that the application site was not a suitable location for new residential development in principle, taking into account the Council's lack of five-year supply of housing.

SITE DESCRIPTION

The application site is a grassed, enclosed paddock set within the open countryside. The site is located to the south of Stanton St Quintin, which is defined as a small village in the Wiltshire Core Strategy. The site itself does not have any designations but Stanton St Quintin Conservation Area and several listed buildings (including the Church of St Giles Grade II* listed) are situated close by, to the north-west of the site, within the village.

The site is relatively flat and includes an established small copse of trees to the southern corner, adjacent to Kington Lane. Mature hedgerow runs along the remainder of the site's frontage with the road. Court Gardens, a residential cul-de-sac consisting of predominately detached bungalows in relatively generous plots, is situated to the north of the site. Open fields lie to the south, east and west running down towards the M4 motorway corridor which lies some 200m due south. Despite the audible and visible presence of the M4 motorway, the appeal site reads as a rural paddock on the edge of a

rural village.

PLANNING HISTORY

PL/2022/01195 - Erection of up to 17 dwellings (including 7 affordable units) and associated infrastructure, including full details of access and public amenity space. – Dismissed at Appeal - APP/Y3940/W/22/3299845 22nd February 2023

N/91/02496/FUL – Erection of detached house and garage - Orchard House (Land Adj) Court Gardens Stanton St Quintin – Refused 13/01/1992 – Appeal dismissed 07/04/1992

POLICIES

Wiltshire Core Strategy (WCS) (adopted 2015)
Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy
Core Policy 11: Spatial Strategy for the Chippenham Community Area
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 43: Providing Affordable Homes
Core Policy 45: Meeting Wiltshire's housing needs
Core Policy 48: Supporting Rural Life
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 52: Green Infrastructure
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and new development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011 – Saved Policies (adopted 2006)
Policy NE12 Woodland
Policy NE14 Trees and the control of new development
Policy NE18 Noise and pollution
Policy H4 Residential Development in the Open Countryside

National Planning Policy Framework (NPPF) (2023)

Stanton St Quintin Neighbourhood Plan (Draft)
The Regulation 16 consultation for the Neighbourhood Plan took place June-July 2022 and has since been submitted for examination by an independent examiner.

ISSUES

- Principle of development

- Impact on character and appearance
- Impact on landscape and Heritage Assets
- Ecology
- Urban design and layout (including Utilities)
- Highways and access
- Residential amenity and noise
- Flood risk and drainage
- Sustainable Construction

CONSULTATION

Stanton St Quintin Parish Council: Objection

Despite the reduction in the number of dwellings from 17 to 12 the Stanton St Quintin Parish Council still has strong objections. This is inappropriate development which is outside the scope of the Neighbourhood Plan and outside the village framework. This would cause major highway issues with increased traffic on narrow lanes, particularly near the school area.

The Parish Council feels that the comments made by the Planning Inspector in his report on his reasons for dismissing the appeal on the previous application regarding Suitable Location; Character and Appearance and Highway Safety still apply.

Wiltshire Council Archaeology- No objection – subject to conditions

Both the heritage assessment and geophysical survey report submitted in support of this application have been useful in characterizing the archaeological potential of the site. The geophysical survey has identified features of potential archaeological interest which should be ground-truthed by an archaeological trial trench evaluation. I would therefore advise that an archaeological trial trench evaluation be undertaken on the site. The total length of trenching should be equal to approximately 3% of the development area with a 1% contingency for further trenching should this be required. This trial trenching to be secured via a condition to be attached to any planning permission that may be issued. Such a condition is to be worded thus:

> *'No development shall commence within the area indicated by application PL/2023/04815 until:*
> *a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;*
> *and b) The approved programme of archaeological work has been carried out in accordance with the approved details.*
> *REASON: To enable the recording of any matters of archaeological interest.'*

The work is to be carried out following the standards and guidelines for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by

the applicant.

It should be made clear that, in this case, the archaeological field evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required.

Wiltshire Council Conservation: No objection

No objection on heritage grounds. The submitted Heritage Appraisal is sufficient to demonstrate no impact on the Conservation Area or other heritage assets.

Wiltshire Council Climate Team: Objection

Applications for planning permission must be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise (ref: Section 38(6) of the Planning and Compulsory Purchase Act 2004). Section 19 of this Act places a legal duty on development plan documents, taken as a whole, to include policies designed to secure development that contributes to the mitigation of, and adaptation to, climate change.

The Sustainable Energy Strategy should be an important document, particularly in a location such as this that requires a planning judgement and balance to be had because of the lack of 5 year housing land supply. CP41 of the development plan seeks to support and encourage developers to be ambitious in their approach. For example, if the developer were, through their Sustainable Energy Strategy, commit to net zero development in operation and show a progressive approach to issues of embodied carbon and climate adaptation then this would clearly be a positive impact against the local and national spatial planning objectives of addressing climate change and radically reducing greenhouse gas emissions.

Such benefits could be considered to redress the balance on wider climate related issues such as the location of development and reducing the reliance on private vehicles. A further means to mitigate these issues can be through positive planning for active travel and electric vehicle (EV) use. This might include additional walking and cycling infrastructure, secure and convenient cycle storage at every plot, and EV charging for every unit in excess of planning policy or building regulation requirements.

The scheme remains in outline form with only details of access sought for approval. As such, I would not wish to comment in detail on the layout. However, this is clearly not illustrative of a scheme that has placed climate change as a golden theme, and I note scant reference to addressing climate change in the submission. However, this is a matter that the developer could still address and the starting point is an ambitious net zero targeting Sustainable Energy Strategy.

Climate change is the central issue to be addressed by the development plan. The direction of travel since its adoption in 2015 is very clear with the Council's adopted Climate Strategy in 2022 setting a framework for reducing carbon emissions in Wiltshire and for making the county resilient to climate change. Furthermore, the NPPF states that planning needs to shape places in ways that contribute to

radical reductions in greenhouse gas emissions.

Wiltshire Council Education: Comment

ASSESSMENT OF: 12 units - 7 open market and 5 affordable housing (AH) units, with no size mix currently available.

EXCLUSIONS/DISCOUNTS APPLIED: our standard 30% discount for AH applied to the 5 AH units = a reduction in qualifying properties of 1 unit.

NUMBER OF PROPERTIES QUALIFYING FOR ASSESSMENT: 11

SCHOOL PLACES NEEDED BY DVLPT: PRIMARY = 3 SECONDARY = 2

DESIGNATED AREA PRIMARY/IES:
•Stanton St Quintin Primary School is the only primary within a 2-mile safe walking distance of the proposed development site.

DESIGNATED AREA SECONDARY/IES:
•Nominally, Hardenhuish and Sheldon, Chippenham.
•Abbeyfield, Chippenham also serves the Chippenham area.

EARLY YEARS ASSESSMENT DETAILS:
•Provision in this area has been reviewed and is considered sufficient to meet likely demand from this application.

*EARLY YEARS CONTRIBUTIONS REQUIREMENTS: Current pupil products: 0.04 per dwelling for 0-2-year-olds (4 per 100 dwellings) and 0.09 per dwelling for 3-4-year olds (9 per 100 dwellings). Current cost multiplier = £17,522 per place. *(Please note however, that the cost multiplier quoted is due to be updated shortly for the 2023/24 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).*

•We have no requirement for a contribution towards provision of the early years places that this development generates a need for.

PRIMARY ASSESSMENT DETAILS:
•Capacity = 119 places
•Jan 23 NOR = 68 pupils.
•Recently updated forecasts/numbers peak at 104 by September 2027 (includes in area housing already completed/underway).
• In addition, the total number of places required by housing already registered/approved but not yet built out in the village currently = 6 places.
• So, there are currently 119 – 104 – 5 = 10 places available at this school.

*PRIMARY CONTRIBUTION REQUIREMENTS: Current Primary cost multiplier = £18,758 per place. *(Please note however, that the cost multiplier quoted is due to be updated shortly for the 2023/24*

financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

•There are sufficient places available at Stanton St Quintin Primary School to accommodate the primary school pupils generated by this development.

•As a result, we have no requirement for a developer contribution towards the places that this development generates a need for.

SECONDARY ASSESSMENT DETAILS:
Aggregated data for all three schools that serve this secondary area:
•PAN Years 7 – 11 capacity = 3665 places, (including those already secured by S106s).
•Jan 23 number on roll = 3323 pupils.
•Recently updated forecasts peak at 3296 pupils by September 2023 (includes in area housing already completed/underway).
•In addition, these figures do not yet reflect the full pupil product of the substantial level of housing development already registered/approved in the Chippenham area, at sites such as: Birds Marsh Wood, Hunters Moon, Rowden Park, Rawlings Farm and Langley Park, which are yet to be started/completed.
•Additional places currently needed by new in area housing, which is not yet completed and, in our forecasts, = 810.
•Based on latest projections there is already a significant shortfall in secondary places in the Chippenham area.

*SECONDARY CONTRIBUTION REQUIREMENTS: Current Secondary cost multiplier = £22,940 per place. *(Please note however, that the cost multiplier quoted is due to be updated shortly for the 2023/24 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).*

•The Council intends to substantially enlarge Abbeyfield School to meet the increase in demand for places generated by a substantial level of new housing. The first phase of 150 places will be provided by CIL. Subsequent phases, which will provide the places needed for this development, will be funded by Section 106.

•Using the current capital cost multiplier of £22,940 per place (but please see note above), we therefore require a full developer contribution towards the places that this development requires: 2 places x £22,940 = £45,880.*

•Contributions are subject to indexation and will be secured by a S106 Agreement, to which the Council's standard terms will apply.

CAVEATS :(see attachment online).

Wiltshire Council Drainage: Holding Objection

Matters Considered:

Documents Reviewed:

- *Application Form*
- *Covering Letter – NO WEB*
- *Design and Access Statement*
- *Flood Risk Assessment and Drainage Strategy*
- *Site Location Plan*
- *Wessex Water Network Map*
- *Illustrative Layout*
- *Applicant response dated 24 August 2023*
- *Drainage consultation response PL/2022/01195*

The application is an outline application, and it has been supported with a Site-Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

Further to the drainage team's previous response on 25 July 2023, the applicant has provided clarifications in relation to our previous objections; this response therefore supersedes our previous response. It should be noted, that based on the previous submission, we have incorporated additional explicit conditions to be addressed at a subsequent design phase.

With relation to groundwater flood risk, it is noted that the Wiltshire SFRA shows the site to be on a boundary between high and no groundwater flood risk. Ground Investigations to date (completed in December 2021) have not struck groundwater, with tests being completed between 1.2m – 2m deep. Although it is agreed for the purposes of outline planning, that the risk of groundwater flooding is likely to be low, additional groundwater monitoring should be undertaken in order to inform detailed design, and demonstrate compliance with the Wiltshire Soakaway Guidance (infiltration has been demonstrated to be partially feasible across the site through infiltration tests completed to date). It is expected this additional ground investigation will be used to influence the detailed drainage strategy for the site. It is noted, on review of the Wiltshire SFRA, that we had erroneously included an objection on the site access being predicted to flood. On review of the SFRA information, we are satisfied that this objection point can be removed.

It is noted that the submitted FRA was for the previous application (PL/2023/04815) and has not been updated to reflect the reduced scale of the development, or to reflect the increase in climate change allowances following the EA's update to peak rainfall intensity climate change allowances (May 2022). Whilst the number of dwellings has been reduced in the revised proposal, so has the total site area (reduced from 0.93ha to 0.81ha); this has not been reflected within the calculation of discharge rates or sizing of the attenuation basin. The current FRA also states that 250mm freeboard will be provided within the attenuation, above the 1 in 100yr + climate change event. As part of updates to the FRA, a minimum of 300mm freeboard must be provided above the 1 in 100yr + 45% climate change water level, so as sufficient space is maintained within the site layout for the required attenuation. In order to limit impact on layout and scale, it is requested that the FRA & Outline Drainage Strategy is updated prior to determination to reflect current development proposals.

Objections

Although the LLFA do not object to the principle of the development, we request that a holding objection is placed on the application, whilst the updates to the FRA and Outline Drainage Strategy (as above) are incorporated.

Conditions:

Once the above holding objection has been removed, the drainage team would have the following Conditions to be addressed (potentially as part of subsequent planning applications):

1. *Prior to commencement, the applicant shall provide a **detailed drainage strategy** for approval by the LPA. As part of the detailed drainage strategy, detailed calculations shall be. Calculations will need to show:*

- *Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + 40% climate change rainfall event.*
- *Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + 45% climate change.*
- *Calculations should include an allowance for increased surface water runoff, because of urban creep, in accordance with LASOO guidance.*

2. *The applicant is proposing to discharge to a drainage ditch on the southern boundary of the site which is assumed to have connectivity with a highway drain. The applicant should confirm whether this is the case. Connection to the highway drainage system is not encouraged and other methods of surface water disposable should be considered first. Connection to highway drainage should only be seen as a last resort after exhausting all other options. The following information is required in support of any proposal to connect surface water into a highway drain:*

- *CCTV survey from the proposed connection point to the outfall point of that system (even if it's 1km+ away).*
- *Hydraulic modelling of the system, and evidence that the proposed discharge would not cause surcharge/flooding/capacity issues downstream.*
- *If surcharge/flooding/capacity issues occur, a schedule of works for repairs/upgrades to the downstream system, including hydraulic modelling evidence that the repairs/upgrades will provide sufficient capacity.*

   The applicant will need to provide evidence of third-party agreement for discharge to their system (consent to discharge).

   The drainage strategy drawing suggests that the drainage ditch is outside of the site boundary and that the outfall may cross third party land. There is no automatic right to cross third part land or discharge into a watercourse not in ownership of the applicant. Agreement would need to be in place prior to construction commencing.

3. *The sewerage undertaker should be consulted at an early stage to ensure that sufficient capacity is available in the existing sewer system. Where a connection is to be made to the surface water*

or combined sewer, the FRA should include confirmation from the sewerage undertaker that the connection will not result in an increase in flood risk, and acceptance of an agreed connection point and discharge rate for surface water disposal.

4. *No building can commence on site until the applicant has demonstrated that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels. We recommend 150mm but this can be lower if it can be proved that the property will be safe from overland flows during extreme events.*
5. *Exceedance flows marked on the Indicative Drainage Strategy (Appendix F) show flows being directed towards properties along the northern site boundary. The conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event should demonstrate that risk to people and property is minimised i.e. flows are conveyed away from properties.*
6. *It is noted that a SuDS Maintenance and Management Plan has been provided but that owners cannot be determined at this stage. The maintenance plan should be updated to detail the ownership of the SuDS features and outline who is responsible for each maintenance activity.*

Informatives:

The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption.

Wiltshire Council Ecology: Objection – further information required

	Issue	Policy/Legislative Compliance	Date Information Requested & Further Information Required	Satisfactorily Addressed (Document & Date)
1	Biodiversity Net Gain	Environment Act 2021, CP 50, NPPF 2021	**04/08/2023** – Submission of completed Biodiversity Metric and condition assessment sheets.	**NO**
2	Ecological Assessment	CP 50, WCA 1981, NPPF 2021, Hab. Regs.	**04/08/2023** – Ecology report to be updated to reflect submitted scheme.	**NO**
3	Ecological Parameters Plan	CP 50, WCA 1981, NPPF 2021, Hab. Regs.	**04/08/2023** – Provision of Ecological Parameters Plan	**NO**

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer. Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The application has been supported by a Preliminary Ecological Appraisal by Herdwick Ecology (February 2022). This report concludes that no ecological constraints were identified on the site.

The Preliminary Ecological Appraisal was produced in February 2022 in support of a previous application for the site (PL/2022/01195). The report has not been updated to address the changes in the proposals between the two applications, notably the removal of section of hedgerow and the proposed path creation in the woodland.

Biodiversity Net Gain

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 174 d). At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

A completed Biodiversity Metric Calculation which demonstrates the development will result in a net gain for biodiversity must be submitted prior to determination. The survey to inform the Preliminary Ecological Appraisal was carried out in January and whilst it is accepted that this did not limit the ability to assign broad habitats, it is not considered an acceptable time to carry out condition assessments to inform a Biodiversity Metric Calculation. The Biodiversity Metric calculation and condition assessment that will be produced to demonstrate net gain must be informed by an updated habitat survey within the botanical growing season.

It should be noted that habitat delivered through BNG to meet no net loss/biodiversity gain should be in the public realm with an appropriate management plan and commitment to deliver and maintain in the long term (> 30 years).

The Preliminary Ecological Appraisal recommends the inclusion of bat and bird boxes. The inclusion of integrated bat roosting and bird nesting boxes on the proposed dwellings will be expected. Locations should be chosen in consultation with a professional ecologist to ensure they are appropriately positioned, and the following details must be provided: location, number, type (include make/model, if appropriate) and positioning (height, aspect, surrounding habitat, as applicable). The locations of these features must be provided on site plan/elevation drawings at reserved matters stage.

Artificial Lighting

An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust

and Institution of Lighting Professionals. The proposals will be expected to conserve dark areas of habitat for biodiversity.

Further Information Required

1. *Biodiversity Metric Calculation*

   Submission of the condition assessment sheets used in the site assessment, together with the unlocked Biodiversity Metric spreadsheet used to calculate Biodiversity Net Gain (BNG), accompanied by maps referencing the current measured habitats within the site and those proposed for mitigation or BNG.

   The BNG calculation must be informed by an updated habitat survey within the botanical growing season.

2. *Ecological Assessment*

   Submission of an updated ecology report which includes an assessment of the submitted proposals and BNG calculation. The report should include any additional recommendations as a result of the updated proposals and ecological assessment.

3. *Ecological Parameters Plan*

   An Ecological Parameters Plan (EPP) is required. The EPP must clearly identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and any areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. The EPP will become an 'approved document' of any outline permission granted and any reserved matters application must be in compliance with the plan.

   The EPP must include:

   1. *A scaled drawing showing existing ecological features, distinguishing between those to be retained and those which will be lost e.g., hedgerows, trees etc.*
   2. *Specify the minimum distance from each feature to the footprint of development e.g., to curtilage of properties, car parks, roads.*
   3. *Specify the buffer distance from light sensitive ecological features where the increase in lux levels will be zero or, if lux contours have been modelled, show contour lines for 1, 0.5 or 0.1 lux depending on the sensitivity of ecological features*
   4. *Identify where new habitats will be created on site, include minimum area in hectares or length in metres and habitat type.*
   5. *Identify areas where habitat enhancement will be undertaken, include minimum area in hectares or length in metres and habitat type, e.g., defunct hedgerow to be grubbed up and replanted.*

6. *Provide stand-off distances to the footprint of development e.g., curtilage to properties, car parks, roads for each tree to be retained, sufficient to ensure the tree will survive throughout the operational phase without risk of it being removed for health and safety, loss of amenity or liability reasons.*
7. *Provide cross-sectional drawing to show profile of SuDs, ponds or wetland features to demonstrate there is adequate room for these features to have gently profiled sides and thereby maximise their biodiversity potential.*

Conditions to be imposed once the above issues have been addressed.

Wiltshire Council Highways Development Control: Comment

I refer to the above planning application dated 14/06/2023 with regard to outline permission with some matters reserved for the erection of up to 12 dwellings on land to the west of Kington Lane, Stanton St Quintin. A Transport Assessment has been submitted with regard to the scheme now, therefore I would wish to comment further in this regard.

Stanton St Quintin is classed as a small village which by definition has a limited range of employment, services and facilities, as this would lead to separate dwellings outside of identified development boundaries, the proposal would usually attract an adverse highway recommendation on sustainability grounds as follows:

The site is located outside of any settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors. This proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 110- 113 of the National Planning Policy Framework 2021, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, I shall be guided by you on this sustainability issue and wish to advise with regard to highways in the instance that you would be minded to permit dwellings in this location.

The site is located to the west of Kington Lane, a C classified section of public highway subject to a speed limit of 60mph over the entire site frontage with the highway, this limit changes to 30mph at the northern extent of the site as you approach the village.

An illustrative masterplan is contained within the application which includes indicative detail of 4 self-build plots, 5 affordable housing plots and 3 open market plots. These plots should be provided with parking at the levels detailed below:

Table 7.1 Minimum Residential Parking Standards (allocated parking)

Bedrooms	*Minimum spaces*
1	*1 space*
2 to 3	*2 spaces*
4+	*3 spaces*
Visitor parking	*0.2 spaces per dwelling (unallocated)*

Garages will only count as part of the allocated parking provision where they meet the minimum size requirement of 6m x 3m (internal dimensions). This is to ensure that there is sufficient room for an average sized family car, a cycle and some storage provision. Where these minimum size requirements are not met, the council will require design statements and/or transport assessments to demonstrate the need for such provision and/or to set-out the role of alternatives (e.g. car ports which are unlikely to be used for storage and could therefore count towards allocated parking provision).

Where no garages are proposed an element of cycle storage is expected for each dwelling in accordance with Wiltshire Council's LTP3 Cycling Strategy, Appendix 4 of this document contains Cycle Parking Standards for which I attach an extract below for information:

Land Use	*Area*	*Minimum Cycle Parking Standards*
C3 Dwelling	*All areas*	*1 covered space per bedroom for up to 3-bedroom dwellings* *3 covered spaces per unit for 4-bedroom dwellings* *4 covered spaces per unit for 5-bedroom dwellings(etc)* *+ 1 visitor space per 20 bedrooms*

All properties with allocated parking should have a minimum of 1 EV charging space in line with Buildings regulations document S.

The access shown is included in full detail for approval as part of the outline application, however it would appear that the applicant is attempting to get approval for location of access as the layout is subject to a number of options with regard to footway connection and therefore may be subject to change in geometry.

The proposals also include a pedestrian route from the site, which does not appear to form part of the outline permission, however I consider that access for the purpose of the outline application should be access for all modes. I have previously indicated that it would be preferred that the pedestrian connection remain on the development side of Kington Lane and tie in with the proposed access, this would still be preferable.

The footway would be able to be accommodated but needs further thought in design and delivery terms and further information submitted as part of the outline application to look at options or mechanisms for delivery, there is available land within the public highway and the footway utilise areas of the existing carriageway, however it would be required to demonstrate that this wouldn't affect the existing carriageway function and designed to allow for the carriageway to maybe be realigned to accommodate the footway without a detrimental effect to existing hedges for properties to the north of the site.

The proposed access would be acceptable in terms of geometry as it appears to be in accordance with Manual for Streets and this access has been demonstrated as manoeuvrable for service vehicles. Visibility is demonstrated as 2.4m x 59m to the north and 2.4m x 120m to the south which is commensurate with the 85th percentile recorded speeds from previous ATC survey data. The access visibility has taken into account the vertical alignment south of the proposals where the vertical visibility is achieved and demonstrated.

The introduction for the Transport Assessment states 17 dwellings, when this application is for a 12 dwelling scheme, this would appear to be relating to the previous scheme, there are also points where the report discusses the relocation of the speed limit which again would not be acceptable due to the lack of frontage in this location as well as street lighting etc, however it is indicated that the visibility

requirements for the existing road and circumstance with regard to speeds would be achieved and therefore the speed limit relocation is not material to the access in highway safety terms. I wish to reiterate that the speed limit relocation would not be required to facilitate safe access.

The footway connections are discussed with respect to details being agreed at the detailed design stage and also reference Radford Road in the general arrangement drawing at Appendix C. this would appear to be a mistake in the reference as the footway is proposed east or west of Kington Lane. However as stated previously, the preference for direct connections for pedestrians is the footway on the west side of Kington Lane and this should be the only option explored.

Trip generation for the 17-dwelling scheme has been discussed, this would be a higher generation than that proposed by the 12-dwelling scheme, however the trip generation discussed would not be considered a significant or severe increase in traffic during the peak network periods with a maximum two-way generation of 9 vehicles anticipated for a 17 dwelling scheme. The 12 dwellings would generate approximately a third less in terms of trips associated with the proposed development which would obviously be less of an impact than the 17-dwelling scheme discussed.

The new access would require a Section 278 highways agreement in order to permit work in the public highway, this would also be a requirement for any footway connections provided which extend from the site as proposed to the north of the access on the development side of Kington Lane. I would request that at this stage the footway provisions are included within the access and outline application to allow clarity.

The documents submitted with the application should be revised to reflect the scheme proposed, detailing the 12 dwelling scheme and removing the references to any speed limit relocation in order to provide a clearer package and avoid confusion, along with the further detail of pedestrian access as a part of the outline access proposals.

The access proposals for the outline application are acceptable in principle with regard to vehicular access, the pedestrian access should be given further consideration to incorporate this into the scheme at outline application stage. The illustrative layout of the internal site would appear to be acceptable, with detail relating to parking and access to be discussed further through subsequent applications.

Therefore, whilst the principle of the proposals for access for vehicles has been accepted, the further detail with regard to pedestrian access should be provided to progress the scheme in a clear and less confusing manner.

Once satisfactory amendments to the TA and access design have been finalised then I will be in a position to recommend any conditions/informatives relating to highways.

Wiltshire Council Landscape: Objection

Holding Objection - As referred to in my previous comments on the previous application PL/2022/01955 there is still a lack of information within the application for me to be able to properly judge the landscape impacts / mitigation of the scheme including:

1 - No LVIA / LVA has been produced. I would refer the applicant to Core Policy 51 para 6.81 'Landscape' that states

'Applications for development which would by its nature, scale, appearance or location have the

potential to change local landscape character must be accompanied by a Landscape and Visual Impact Assessment.'

This needs to be undertaken in accordance with GLVIA (3rd Edition) by a chartered Landscape Architect registered with the Landscape Institute.

I had already raised this with my previous comments on the previous application but this has not been acted upon.

2 - There is a lack of detail in the illustrative masterplan about future mitigating planting particularly within the site. I would raise the need for 'tree lined streets' as required under para 131 of the NPPF along with the provision of shared community landscape assets such as community orchards or fruit trees provided in the larger private gardens.

Unfortunately I cannot provide any further comment or set conditions until the applicant has provided basic contextual landscape reports through an industry recognised review process (GLVIA 3rd Edition) and shown how their scheme responds to this.

Wiltshire Council Public Protection: Objection

The boundary of the site of the proposal is approximately 200m from the M4. Noise from road traffic has not been explored by the applicant. There is not enough information provided to be able to fully assess the impact of road traffic noise on the proposed development.

On receipt of a previous similar application for the site (PL/2022/01195), we recommended that an upfront noise assessment be produced due to concerns over noise from the motorway which has not been submitted with this application.

Due to lack of information on road traffic noise on which to base a decision on this application I recommend refusal.

Conditions that I suggest should be attached to any approval of the application:

1. Air Quality is of significance across Wiltshire due to development pressures and prevailing air quality concerns. The adopted Wiltshire Council Air Quality Strategy commits to "securing air quality objectives in the eight AQMAs" and "maintaining good air quality across the county" and as such air quality needs to be protected across the county where development adds internal combustion engine vehicles using its road network. Ultra-Low Energy Vehicles (ULEV) are part of addressing this and as such we ask for a scheme of ULEV infrastructure at all new development e.g. EV charging. The following condition is recommended where permission is granted:

No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

Reason: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be

taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Wiltshire Air Quality Strategy requirement for maintaining good air quality across the county.

2. Details of a construction environmental management planning is required in accordance with the following condition where permission is granted:

The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;

ii. A description of management responsibilities;

iii. A description of the construction programme;

iv. Site working hours and a named person for residents to contact;

v. Detailed Site logistics arrangements;

vi. Details regarding parking, deliveries, and storage;

vii. Details regarding dust and noise mitigation;

viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and

ix. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Wiltshire Council Public Open Space and Leisure: Comment

Without a full dwelling mix I am unable to calculate the exact Public Open Space (POS) and Equipped Play requirements for the 12 dwellings; however, I can provide the following formula which we have used in a number of S106 agreements. The play would need to be provided as per the attached play specification.

The POS requirement (excluding Play) can be calculated using the following formula:

- *per 1 bed Residential Unit= 30 sqm or an off-site contribution of £1,046.10*
- *per 2 bed Residential Unit= 45 sqm or an off-site contribution of £1,569.15*
- *per 3 bed Residential Unit= 60 sqm or an off-site contribution of £2,092.20*

- *per 4+ bed Residential Unit = 75 sqm or an off-site contribution of £2,615.25*

The Equipped Play requirement can be calculated using the following formula:

- *per 1 bed = 0m² play or an off-site contribution of £0*
- *per 2 bed = 3m² play or an off-site contribution of £432.00*
- *Per 3 bed = 6m² play or an off-site contribution of £864.00*
- *Per 4+ bed = 9m² play or an off-site contribution of £1,296.00*

However, some rough calculations suggest that the POS and the on-site Play Area provided in the attached Illustrative Layout plan would be enough to satisfy the requirements. The preference for the on-site play would be a Trim Trail instead of a LAP, due to the general lack of play value and relatively high maintenance costs of LAPs.

All on-site POS and Equipped Play needs to be secured and managed in perpetuity, and Wiltshire Council will not adopt the on-site POS or Equipped Play.

The 12 dwellings would also generate a requirement for 331.20m² of Sports pitches, which would equate to an off-site contribution of £3,312.00. I've copied in our Leisure Strategy Infrastructure officer, Danny Geeson, to identify a target site for this if necessary.

Sports contribution of £3,312 for the development of a pavilion or ancillaries at Chippenham Cricket Club and/or sports provision within the vicinity of the land

Wiltshire Council Urban Design: Objection

Reference:
Design and Access Statement
Constraints and Opportunities Plan
Topographical Survey
Illustrative Layout

Policy and Guidance:
Wiltshire Core Strategy - Core Policy 57 "Ensuring high quality design and place shaping" National Planning Policy Framework (July 2021)
National Design Guide (January 2021) Building for a Healthy Life (2020)

Matters Considered:
I object to this proposed scheme as it does not reflect the character and local distinctiveness of Stanton St Quintin. The historic core of the village, which has conservation area status and includes listed buildings, is not modest in relation to the whole village. The historic core of this small village, which is designated as a conservation area and contains listed buildings, still provides the overriding character and identity of the village. There has been some small scale 20thCentury suburban development around the edge of the village, but this does little to compliment the historic core of the village and should not be seen as the cue to explore design options on this site.

I therefore take a different view to that expressed in section 2.2 of the Design and Access Statement

(page 14). This site should not be seen in the context of extending ubiquitous suburbia around a town, but the opportunity to compliment the unique character of a small attractive village. I appreciate that the applicant and agents have consulted widely with regards to putting this scheme together, but sadly section 3.1 of the Design and Access Statement makes no reference to the involvement of urban designers or architects, and that is reflected in the proposed layout plan.

Specific objections to the proposed scheme are as follows:

1. *I would prefer to see as much of the existing hedgerow and scrub to the Kington Lane frontage retained as possible, with only the minimum amount of vegetation removed to facilitate the visibility splays required by the Highway Authority. Removing additional vegetation will only serve to make the site look more manicured and suburban, which should be avoided.*

   Given that there are only 4 existing properties on Kington Lane, it is not necessary to try and follow a building line. Nor in this instance is it strictly necessary for the 2 proposed houses directly off Kington Lane to be facing onto the lane. They could be turned by 90 degrees to address the new access road, providing that they are designed with gable end walls that present attractive active frontages to Kington Lane.

2. *Section 4.2 of the Design and Access Statement discusses Public Open Space (POS). POS needs to be clearly accessible, identifiable, and useable. However, the layout plan illustrates too much incidental left-over space, classic "spare land left over after planning" (SLOAP). The land between the houses on plots 1 and 12 and Kington Lane need to be assigned as front gardens to the houses on those plots and not left as public verges.*

   There is also a square plot of proposed POS in the north-west corner of the site, but this will provide little amenity value to residents and in time become a maintenance and legal liability rather than an asset. This should be removed, and this parcel of land assigned to being private defensible space in the form of gardens to adjoining properties.

   The main body of POS on the site is focussed around the attenuation pond and small cluster of mature vegetation in the south-east of the site, which is fine. However, there is minimal scope for overlooking of the POS from the surrounding properties. It is essential for safety reasons, especially given the presence of the pond, that the surrounding properties face onto the POS to ensure the space receives as much natural surveillance as possible.

   The attenuation pond should be attractive and not look like a civil engineering project with steep sides, exposed concrete structures and galvanised guard rails etc. It should have gently sloping sides and be as attractive to wildlife as possible. Please be advised by landscape and ecology colleagues with regards to a more exact design specification.

   The hedgerow to the southern boundary of the site should be thickened up with additional planting including evergreen species, to screen the M4 motorway from the village. Every effort must be made to ensure that the development cannot be seen from the M4 and that people on the site cannot see the M4.

3. *The vista as seen by looking into the site along the access drive from Kington Lane is terminated by a side garden fence and parking spaces, which is a missed opportunity. The view into the site along the access drive should be of an attractive and inviting street scene. This can be achieved by creating tree lined avenues, curving building lines and most significantly by being headed up by an attractive façade, usually the main frontage of a house.*

4. *This is a contentious scheme in a sensitive location, it is therefore advisable that the applicant presents a scheme of the absolute highest quality. In this respect design quality is best achieved if the dwellings were to be designed by a chartered architect. Builder's standard house types will in no shape or form be appropriate for this site.*

   It does not matter whether the style of the house designs has a modern or traditional aesthetic, but what is important is that high quality buildings materials that can be seen in the village centre are used. This will require the use of the same natural stone as many of the older houses in the village are built of, being used here, together with natural clay rooftiles. The use of uPVC would not be appropriate. Fenestration, soffits, eaves and fascias should be constructed from timber. Front doors should either be natural hardwood or softwood stained or painted in a subtle range of colours.

5. *The proposal includes an element of self-build properties. This is welcomed but it is important that the design of self-build properties are also designed and built to high standards and do not clash with the other houses built on the site or with the village centre. For this reason, a set of design codes for the self-build units must be submitted as part of the full planning application. This is not an onerous task and only need specify key design parameters such as:*

   - *The house designs must be high quality and produced by a chartered architect in consultation with their clients.*
   - *A modern or traditional aesthetic to conform with the other new properties being built on the site.*
   - *The orientation of the dwellings and how they need to positively address the access drive and/or POS.*
   - *A common palette of traditional natural building materials, which as discussed above must be the same as the other houses being proposed to the site and the existing housing in the historic village centre.*
   - *Possibly a common building line and roof line, although this could remain flexible in order not to stifle design creativity.*
   - *Landscaped gardens to all sides, and that front gardens must not be totally hard paved. Front gardens must include planting bays within open ground that can also serve as natural drainage point.*
   - *Accommodate a minimum of 2 on-plot parking spaces. Be adaptable to cater for our changing lifestyles. In this respect consider requiring downstairs toilet and hand basins, but preferably fully equipped bathrooms. In addition, consider how an existing ground floor room could be converted into a bedroom or office/study at a later date, or how a ground floor extension to the dwelling could be undertaken to accommodate a bedroom, office/study and bathroom by future occupiers.*

Incorporate steeply pitched roofs built by traditional cut-roof methods as opposed to trussed rafters, to

enable extension to the roof space by residents in the future.

I have attached a sketch that aims to illustrate how the recommendations outlined above could be incorporated into a revised site layout plan. The scheme as shown is comprised of 10 dwellings, but this could be reduced if semi-detached properties became detached properties or vice versa ,the number of dwellings on the site increased if some of the larger detached dwellings were to be replaced with a pair of semi-detached house.

Wiltshire Council Tree Officer - Comment

No information has been provided in relation to trees and hedgerows on site. The design proposes to retain trees on site with additional planting to be incorporated in a landscaping scheme. The Design & Access Statement mentions a recreational route through the wooded area in the south of the site adjacent to Kington Lane. Further details of how this route will be constructed will need to form part of any further applications for the site. Along with a Tree Survey, Arboricultural Impact Assessment/Arboricultural Method Statement (if applicable) and Tree Protection Plan.

Wessex Water – No objection

Wessex Water has no objections to this application and can advise the following information for the applicant:

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Foul drainage

The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team development.north@wessexwater.co.uk to agree proposals for the Section 104 adoption and submit details for technical review prior to construction.

The site is located in a groundwater flood risk area where there is a risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding. Wessex Water will be seeking higher levels of design and construction in these areas to ensure that the proposed foul drainage installed on site is resilient to the impacts of groundwater infiltration when the water table rises. On site private foul sewers and sanitary appliances must be designed to be resilient to the impacts of sewer flooding due to high groundwater and the development should be constructed so as to provide a sealed system of foul water drainage, this should include the use of vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions. There must be no surface water runoff or land drainage connected into the foul sewer either directly or indirectly.

Surface water

Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. Land drainage run-off shall not be permitted to discharge to the public sewerage system. Wessex Water will not permit surface water connections into the foul sewer network either indirectly or directly.
The proposal to discharge to the existing ditch is subject to agreement with the Lead Local Flood Authority.

The developer should contact the local development team development.north@wessexwater.co.uk to agree proposals for the Section 104 adoption and submit details for technical review prior to construction.

Are existing public sewers or water mains affected by the proposals?

Our records indicate two existing 150mm public foul sewers crossing the site. These public sewers must be accurately located and plotted on site. Wessex Water do not permit new structures or buildings within 3 metres either side of the public sewers. There must be no attenuation features within the sewer protection easements. The applicant has included relevant sewer protection easements into the proposed site layout which is acceptable to Wessex Water.

Wiltshire Council Waste (refuse and management) : No objection – subject to conditions

Support with conditions - storage and collection points.

Wiltshire Council Housing Enabling: Comment

Thank you for consulting the Housing Enabling Team on the above application. I note that the proposal is to build up to 12 new residential dwellings on a greenfield site. Under current policy approaches, the Wiltshire Core Strategy classifies Stanton St. Quintin as a 'small village' without a settlement boundary and states that only very limited infill/restricted development based on local need would normally be supported. The application does not seek to meet the criteria of Exception Site policy (Core Policy 44, of the Wiltshire Core Strategy). The application maybe therefore be contrary to Planning Policy. However, if through the planning process the development site is considered suitable for the proposed residential development, my comments and observations in respect of the affordable housing requirement are as follows:

Policy Requirements:

It is noted that the application meets the requirements of Core Policy 43 of the Wiltshire Core Strategy, as amended by the National Planning Policy Framework, in providing 40% on-site Affordable Housing (5 Affordable Housing units) within the 40% Affordable Housing Zone. The Affordable Housing should be secured, at nil subsidy, in a S106 Agreement.

Tenure Mix:

In accordance with Core Policies 43 and 45 of the Wiltshire Core Strategy the tenure mix should reflect local need for affordable housing. It should also meet the government's requirement that 25% of the Affordable Housing units are provided as First Homes. In order to meet these policy requirements, the

Affordable Housing units should be provided with a tenure mix of 60% of the units (3 units) being for Affordable Rented housing, 25% of the units (1 unit) being provided as First Homes and 15% of the units (1 unit) being provided for Shared Ownership.

Unit Size Mix:

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The application does not currently set out the proposed Affordable Housing mix. An indicative mix which would reflect current need, and which should be included in the S106 Agreement, would be:
Climate Team

Affordable Rented:
1 x 2 bed / 4-person house or bungalow 2 x 3 bed / 6-person houses

First Homes:
1 x 3-bed / 5 person house.

Shared Ownership:
1 x 2 bed / 4 person house

However, I would welcome the opportunity to discuss and review the unit size mix as proposals develop.

Design of Scheme (including Minimum Floorspace Standards):

Affordable housing in Wiltshire is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. In designing the scheme, the following should be considered:

- *Parking should be provided in curtilage or adjacent to the property.*
- *Electric Vehicle Charging Points or infrastructure should be provided for each affordable unit.*

In order to ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, we would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria.
NDSS and 85% NDSS are shown in the table below:

Number of bedrooms	**Number of bed spaces**	**NDSS**			**Minimum 85% NDSS**		
		1 storey (sqm)	2 storey (sqm)	3 storey (sqm)	1 storey (sqm)	2 storey (sqm)	3 storey (sqm)
Studio	1p	39 (37)*			34 (32)*		
1b	2p	50	58		43	50	
2b	3p	61	70		52	60	

	4p	70	79		60	68	
3b	4p	74	84	90	63	72	77
	5p	86	93	99	74	80	85
	6p	95	102	108	81	87	92

*Where a one person flat has a shower room rather than a bathroom the floorspace may be reduced from 39 sqm to 37 sqm (NDSS) or from 34 sqm to 32 sqm (85% NDSS).

Transfer of Affordable Rented Units to Registered Provider:

The affordable dwellings (other than First Homes) will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

It is strongly recommended that the applicant contacts Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council, and contact details for Wiltshire Council's Residential Development Team, can be provided on request.

Sale of First Homes

Please note that First Homes must be discounted by a minimum of 30% against the market value, with the sale price, at first sale, no higher than £250,00 after the discount has been applied. They must be sold to qualifying first time buyers (with the discount and restrictions passed on to subsequent owners in perpetuity) in accordance with procedures and eligibility criteria set out in government guidance. Please see First Homes - GOV.UK (www.gov.uk) for more information. First Homes should be marketed to households with a local connection to Wiltshire for the period that local eligibility criteria apply.

Nominations:

The Local Authority will have nomination rights to the affordable dwellings, secured through a S106 Agreement.

REPRESENTATIONS

The application was advertised by site notice and neighbour notification letter. 35 representations in objection were received. Ket points of concerns and reasons for objecting are summarised as follows (with full comments available online):

Previous concerns not resolved:

- The newly proposed plans do not address the comments/concerns raised as part of the previous planning application / in the inspector's report.
- Questioning the judgement of the Planning Inspectorate who recently dismissed the appeal.

Principle of development:

- Site remains outside of village settlement boundary and not compliant with Wiltshire Core Strategy Policies 1 and 2 – proposals is not infill development.
- Proposed development of a Housing Estate is going to extend the Small Village towards the M4 if developed.
- The local Farmer who leases this Field/Paddock as a paddock for their Horses, also during the year also harvest's the field for winter Silage / Food for his stock animals. So it is still used as Farm Land.
- The Community voted for this Plan. Villagers were consulted prior to the creation of the neighbourhood plan and there was no desire or need for increasing the outline of the Village or consider any form of development outside of the village boundaries.
- In early July 2023, Wiltshire Council reduced its New Building Housing Plan considerably by 35%, 8000 houses less than previously planned, after reassessed local demands. This is to concentrate construction in the towns of “Salisbury" Trowbridge and Chippenham. Not to build and develop next to or extend Wiltshire Small Villages.
- There is already a Large Housing Development, in actual progress of being built, and it is on "Brownfield Land" alongside the BP Station, within the framework of the Village, just off Church Lane opposite the Barracks, with shop amenities on the doorstep, plus it has easy road access... and will not be hindering and congesting the smaller roads around Stanton St Quintin.
- It would lead to precedent and other applications coming forward in the village.

Lack of facilities in village / Increased traffic:

- The majority of day to day services are only accessible in the nearby towns thereby increasing car dependency.
- Vehicles turning left would add to traffic on main street which is problematic on around 9:00 on school days. Vehicles turning right towards Kington St Michael would join a single carriageway wide enough to accommodate two lanes of traffic, however this only extends to approximately 0.5km south of the M4 where the road narrows to become a single track road for roughly 1.5km with no made passing places. Along this section, passing vehicles use field entrances, gateways and damaged sections of verge causing further erosion. This lane is already overloaded and cannot handle more traffic.
- As a resident in Court Gardens I regularly experience vehicles approaching at excessive speed from the direction of Kington St Michael, when exiting Court Gardens onto Kington Lane, whilst supposedly benefiting from the protection of the 30 mph speed limit. An access from the development site without the extension of that protection would be riskier.
- This extra traffic would cause further congestion but also enhance the hazards in the Village. Plus more so, at the proposed access point to this proposed development on the 60mph Kington Lane.
- There are no amenity's apart from the Church the Primary School and a Hotel in the small village. The nearest small convenience shop is at the BP Station, but having to walk down an unlit and unpaved road, or the car is the only safe solution.

- The Kington St Michael end of the lane is single track with few passing places and several tight bends which make it impossible to see oncoming traffic. The lane is regularly used by walkers, cyclists and horse riders. Increased traffic would increase the risk of accidents and change the character of the lane.
- The bus service within the small village with the stop at St Giles Church, provides a minimum bus service to the Towns of Malmesbury and Chippenham. The service stops at 18.05 and 18.25pm for both Towns. The bus service would not represent a convenient alternative to the car.
- The original appraisal failed to address the prevailing conditions on The High Street. The High Street problem is not mentioned in PL/2023/04815 and barely mention in PL/2022/01195 other than to say that there is a road which runs East/West and that one end reaches the A429. Let it be known that the road to the West from its junction with Kington Lane, and, to some extent to the East, is currently a major traffic impediment without adding any additional traffic coming from 12 new houses.

Visual Impact and harm to character:

- Visual impact and harm to character/rural nature of the village.
- The site is a valuable green buffer between the village and the M4.

Amenity Impacts:

- There will still be a significant loss of privacy (and natural light) to bungalows situated in the adjoining Court Gardens.
- It will be overbearing over Court Gardens and be Dominating the Rural uniqueness of this Small Village.
- Noise, disturbance and overlooking of houses in Court Gardens, and vice versa overlooking of the proposed dwellings.

Rights of way/Third party issues:

- The Developer / owners have also ignored the long standing Rights of Way that the properties bordering the Meadow have had since they have since being built.
- All houses in Court Gardens where back gardens back onto this field and the hotel have a right of access across the field. This has not even been considered or mentioned in any of the plan.
- Comments regarding the above application from The Owners Of Stanton Court - The applicant has again failed to recognise and acknowledge the prescriptive and defined right of way across the site reserved to the owners of Stanton Court for all purposes, with or without vehicles, relating to the maintenance of Stanton Court, a listed grade II building, together with the maintenance of grounds, including pleasure garden, arboretum, orchard, paddock and woodland. It should be particularly noted that this prescriptive access route forms the ONLY access to the south side of Stanton Court and its grounds without passing through the building itself. Presumably this oversight results from the failure to consult with the owners of Stanton Court or the owners of the agricultural land to the south and west of the sight. I feel sure the applicants are fully aware of who these might be as they, the applicants, were former owners and occupants of a property in Court

Gardens for many years.

- It is also important to know that photographs 14 and 15, the former a view facing west over Stanton Court Paddock and adjoining land and the latter of 'retained woodland to the northwest of the site', are not in the ownership or control of the applicant but form part of the Stanton Court property. Continued reference on plans and documents to a 'retained agricultural access' is, for the reasons 1set out above, totally inaccurate, completely inadequate and thereby unacceptable.
- Many of the adjacent properties have enjoyed access to the field since being built over almost 60 years ago, this has been totally ignored in the application, and these access points have not been shown on the application documents.
- The application still contains false statements. The Design and Access Statement at 2.1 Photographic Survey shows photo 15 referring to keeping the trees on the northwestern boundary, trees which they do not own and have no control over.

Impacts on wildlife:

- A survey (This is the same survey used in the previous failed application in 2022) of the land was taken in February 2022 "mid winter". The majority of creatures would be Hibernating or Brumating.
- Would harm wildlife and natural habitats – deer, pheasants, muntjac, hare, birds, hedgehogs, badgers, foxes, frogs, toads, newts, snakes, lizards and slow worms have been mentioned in comments as living on/visiting the site.

Noise from M4:

- I note that no acoustic report is contained in the application and this is most certainly an issue given the close proximity of the M4.
- location of the field means exposure to the noise from the M4 - which would limit the appeal to prospective buyers. An acoustic report has not been included.
- The site being to the north of the M4 and one field away will be blighted by noise from this road as the wind is from the south west on most days. This will limit the appeal of any properties constructed there.

Previous planning history:

- Before the Baileys lived in Orchard house, previous owners had been Mr and Mrs Clapp - They had in 1992 a failed application, and a failed and rejected appeal. This was for a single build for a Large detached House and Garage to be erected also in the Paddock.
- Previous application refused on the site which is relevant N.91.2496.F *(note:local ref. N/91/02496/FUL)*

North Wiltshire Swifts:

We were pleased to read in the Preliminary Ecological Appraisal at para 5.7 that a high number of integrated boxes has been recommended: 'Where possible integral bat and bird boxes should be built into the design of the building. It is recommended that three 2FR Schwegler Bat Tube and three 1SP Schwegler Sparrow Terraces are installed within each property".

However we were disappointed that sparrow terraces have been recommended rather than 'universal' nesting bricks as recommended by both the British Standards Institute BS42021 (30/05/2023 edition) Integral nest boxes - Selection and installation for new developments and NHBC 89F Biodiversity in new housing developments https://www.nhbcfoundation.org/wp-content/uploads/2021/05/S067-NF89-Biodiversity-in-new-housing-developments_FINAL.pdf.

Should Wiltshire Council approve this application we recommend the Council follows the 1:1 nest brick per dwelling guidance of BS 42021 and NHBC NF89 and conditions the installation of an average of 1 integrated bird brick per dwelling across the development, located in the most suitable positions. Ideally the bricks should be in clusters of 2-3 in the north, east and west gable ends or close under the eaves away from windows and doors at a height of 4m+, with clear flight access and no protruding ground floor roofs such as garages. It is extremely important that the bricks are clearly marked on the planning drawings to ensure they are not overlooked during the construction stage. Photographic evidence of installation should be provided to fulfil the condition. We appreciate this is an outline application with more detail to be provided in the Reserved Matters, but it is very important at this stage to set out the types and numbers of ecological enhancements such as bird, bat and bee bricks, hedgehog highways and reptile refugia that are required, so that these features are automatically designed into the more detailed plans of the Reserved Matters.

ASSESSMENT

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) together with the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Previous Refusal and Quality of Submission

As noted above, a similar application on this site was dismissed at appeal earlier this year. From review of this application, it is not considered that circumstances have materially changed since the appeal decision was issued to such an extent that the Councils' previous recommendation for refusal would change. Local residents have also highlighted other historic applications and appeals that have sought to develop the paddock which have also been resisted in the past.

A number of the submitted documents are inaccurate as they have not been updated to reflect the latest proposal. This information is therefore incorrect and has been misleading to some of the consultees (and potentially also the public). These documents include:

- Preliminary Ecological Appraisal ecology – dated Feb 2022, based on previous application
- Heritage Impact Assessment – dated April 2022, based on previous application
- Flood Risk Assessment & Drainage Strategy – dated May 2022, based on previous application

- Transport Appraisal – dated July 2023, refers to 17 dwellings but includes latest layout

As discussed further in the sections below, there also continues to be key baseline information missing from the submission that was highlighted as being required under the previous appeal process. The recent appeal dismissal as well as the issues with the poor quality of the submission and lack of baseline information are matters which weigh further against the proposal.

Principle of Development – Suitability of Location

The main in-principle issue to be considered is whether the proposed development would constitute a suitable location for new residential development, having regard to the policies of the Local Plan. This is to be considered having regard to the Local Plan's settlement strategy and the accessibility of services and facilities.

The site is located at the edge of Stanton St Quintin, designated as a 'small village' within policies CP1 and CP10 to the Wiltshire Core Strategy. The village currently does not have a settlement boundary. Of note, the emerging Neighbourhood Plan defines a settlement boundary which does not include the application site.

Core Policy 1 explains the settlement strategy for Wiltshire including small villages. It states that: *'Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'* This is clarified in paragraph 4.16, which explains that '*some modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities. Any development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of this plan.'*

Core Policy 2 sets out an exception at small villages. Within small villages, development will be limited to infill within the existing built area, involving the filling of a small gap within the village that is only large enough for not more than a few dwellings. Core Policy 2 sets out three further criteria that an infill development should satisfy, which includes respecting the existing character and form of the settlement, and not consolidating an existing sporadic loose knit area of development. In relation to Small Villages, Core Policy 2 states:

> *'At Small Villages development will be limited to infill within the existing built area. Proposals for development at Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*
>
> *i. Respects the existing character and form of the settlement*
> *ii. Does not elongate the village or impose development in sensitive landscape areas, and*
> *iii. Does not consolidate an existing sporadic loose knit areas of development related to the settlement.'*

The supporting text at Paragraph 4.34 clarifies that for the purposes of Core Policy 2, '*infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.'*

This proposal is not considered to constitute infill development as defined above given the location of the site beyond the edge of the built-up residential area. The development would clearly have the visible effect of elongating the village to the south as opposed to it being a small gap within the existing village. Clearly more than a 'few dwellings' are being proposed and as such the proposal is not considered to fall within the definition of infill development as described within the exception policy of the Local Plan.

Paragraph 4.25 of the Core Strategy sets out the 'exception policies' in open countryside which represent potential additional sources of housing supply. The proposal as submitted does not meet with any of these exceptions criteria. As such the principle of the proposal is considered contrary to Local Plan policy and it is therefore necessary to consider any other materials considerations.

The Council agrees with the conclusions of the Inspector regarding the suitability of the location as summarised within the recent appeal dismissal:

1. *The appeal site is situated on the edge of Stanton St Quintin, which is defined by the Wiltshire Core Strategy (Core Strategy) (2015) as a small village. Stanton St Quintin itself does not have any settlement limits and does not form part of the 'settlement strategy' or 'delivery strategy' set out in Core Policies 1 and 2 of the Core Strategy, which directs development to the most suitable and sustainable locations. Therefore, the site is classed as open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside.*

2. *The village has some day-to-day facilities including a primary school and nursery. There is also a church, parish hall, a periodic library van, hotel, play park and cemetery. On my site visit, I noted the convenience shop and coffee shop that are situated at the petrol station to the north-east of the village, albeit this is accessed via Church Lane which is predominately unlit and without a footway. Nevertheless, future occupants would still need to travel further afield to access day to day services, including secondary schools, shopping and employment opportunities. Therefore, whilst there are some services available via footways that are lit by streetlamps, future occupants of the proposal would remain largely reliant on the private motor car to carry out day-to-day activities.*

3. *I note the proximity of the bus stops within the village which provide a bus service to the nearby larger settlements of Malmesbury and Chippenham and that they would be accessible using footways. Whilst I have been provided with some information on the timings and frequency of the relevant bus service, based on the information before me, I am not convinced that the bus service would represent a convenient alternative to the car.*

4. *The appellant argues that Saved Policy H4 of the North Wiltshire Local Plan 2011 (Local Plan) (adopted 2006) is out-of-date given its restrictive approach and its inconsistency with the National Planning Policy Framework (the Framework) (2021). Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker.*

5. *Saved Policy H4 takes a slightly more restrictive approach to development in the countryside than the Framework. However, it is broadly consistent with the Framework in terms of recognising the intrinsic character and beauty of the countryside and it remains part of the development plan. I therefore still afford Saved Policy H4 a reasonably significant amount of weight.*

6. *The proposed development, for the reasons given, would not provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities. The proposal would be contrary to Core Policies 1, 2 and 10 of the Core Strategy, and Saved Policy H4 of the Local Plan. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances.*

7. *The proposal would not meet the objectives of Chapter 8 of the Framework in terms of achieving sustainable development, including ensuring homes have accessible services.*

Clearly, the acceptability of this location for residential development has already been fully explored by the Council with a subsequent planning Inspector also independently reaching the same conclusion that the application site is not a suitable or sustainable location for new residential development. It is not considered that these conclusions are changed due to the reduction of 5 units. These conflicts continue to be afforded substantial weight against the proposal.

Five Year Housing Land Supply – Tilted Balance

The Council is unable to demonstrate a five-year supply of deliverable housing sites with the most recent figure published through the Housing Land Supply Statement (May 2023, base date April 2022) which identifies a supply equivalent to 4.6 years, inclusive of a 5% buffer. As such therefore paragraph 11(d) of the NPPF has been engaged in this assessment.

Proposed Land Use

The application is for 12 dwellings, including 5 affordable housing units. This compares with 17 dwellings and 7 affordable units proposed in the dismissed appeal. The illustrative layout indicates that 4 of the units would be self-build. Self build delivery is also discussed in the Planning Statement as being 'likely to form part of the mix. However the Outline application has not specifically applied for a permission that includes self-build housing. For example, it has not been specified as part of the description of development or on the Application Form in the section where this information is required. It is also not mentioned in any of the other key documents such as the draft heads of terms or CIL form. The agent has since expressed a willingness to amend the application form in this regard so it may be possible to secure self-build through this application if suitably amended.

Whilst the duties on Local Authorities to supply self-build plots are acknowledged and whilst self-build housing delivery would potentially attractive positive weight; it is not considered that this factor would override the in-principle objection regarding the site's location. Given that the illustrative mix would not be fixed at this Outline stage, only a limited amount of weight should be afforded to this aspect within this Outline assessment unless the application was amended.

Impact on character of the area

Despite the reduction from 17 to 12 units, with regard to impact on character and appearance of the area, the conclusions of the previous appeal inspector have not in any way been addressed or somehow altered. Accordingly, the following conclusions of the previous inspector must be given significant weight:

6. *The appeal site consists of a relatively flat, enclosed paddock, with an established copse of trees to the southern corner, adjacent to Kington Lane. A hedgerow runs along the remainder of the site's frontage with the road. Court Gardens, a residential cul-de-sac consisting of predominately detached bungalows in relatively generous plots, is situated to the north of the site. Open fields lie to the south and on the opposite side of Kington Lane, running down towards the M4 motorway which lies to the south. Despite the audible and visible presence of the M4 motorway, the appeal site reads as a rural paddock on the edge of a rural village. It contributes positively to the rural character of the area and the setting of Stanton St Quintin, easing the transition between the motorway and the village.*

7. *Although matters relating to scale, layout, appearance, and landscaping have yet to be fixed, the proposal would result in up to 17 dwellings spaced across the appeal site. The introduction of residential development on the appeal site would cause harm to the character and appearance of the area, permanently eroding the positive contribution the existing paddock makes to the surrounding rural character.*

8. *It is acknowledged that the layout on the drawings is indicative and could change. However, due to the size of the appeal site, the construction of 17 dwellings, along with the open space and play area that would be secured via the S106, would result in a tight knit layout which would be at odds with the prevailing character of the area, most notably with Court Gardens adjacent.*

9. *Furthermore, whilst there is a degree of intervisibility between the appeal site and Court Gardens, these existing dwellings do not dominate over the existing character of the site. The appeal site reads more as part of the rural area, rather than with the more built-up area of the village. The lack of any local or national designations on the appeal site does not alter my findings above.*

10. *Consequently, the proposal would harm the character and appearance of the area. The proposal would conflict with Core Policies 51 and 57 of the Core Strategy which, in combination, seeks to ensure that development protects, conserves and where possible enhances landscape character and must not have a harmful impact upon landscape character. Proposals should also conserve the separate identity of settlements and the transition between man- made and natural landscapes at the urban fringe. Development should also relate positively to its landscape setting and the existing pattern of development.*

11. *It would also be contrary to the principles set out in Chapter 12 of the Framework which states that development should be sympathetic to local character.*

Impact on Landscape, Trees and Heritage Assets

Whilst detailed design and layout matters cannot be considered at this stage. In-principle factors to consider are the fact that the site is currently an unspoilt greenfield paddock that contributes to the natural, landscape character of the area. The Council's Landscape Officer has again requested a Landscape Visual Assessment to provide finer grained evidence for assessing landscape effects. As stated at paragraph 6.81 of the Local Plan, *"Applications for development which would be its nature, scale, appearance or location have the potential to change local landscape character must be accompanied by a Landscape Visual Impact Assessment. "* . The applicant has refused to provide this stating that it is not necessary.

The site is surrounded by hedgerows to the north, east and southern boundaries with a small woodland copse to the south-east corner. It is understood from the tree officer that this woodland copse appears to form part of TPO47 which covered a number of individual and groups of trees. This particular group G2 consisted of 9 English Elms which are likely to have been affected by Dutch Elm Disease.

The submitted Ecological Appraisal describes the hedgerows, scrub and woodland as of being of higher ecological value and *"hence will be retained and protected the impacts of the development".* However other documents in the submission refer to the removal of a large section of the eastern frontage hedgerow to facilitate the access. The access plans showing the visibility splay indicate a large section of the eastern boundary hedgerow would be required to be removed to provide sufficient visibility to avoid a highways safety objection.

During the appeal, the Tree Officer raised that an up to date tree survey together with arboricultural impact assessment or Tree Protection Plan had not been submitted in order to clearly ascertain to what extent landscaping removals were required. The same comments are levelled again against this submission where no survey has been submitted and conflicting comments are made in different documents. The proposals require the undergrounding of overhead cables and it is not clear whether these infrastructure works would give rise to any landscape/tree removal.

A new pedestrian footway to provide safe egress from the site would be required leading from the new site access on the same side of the road extending to join the existing pavement where it turns into Court Gardens. Whilst technically possible to achieve (with Council approval) as this verge is public highway land; this green strip currently forms the landscaped front garden boundaries of two residential properties and comprises hedgerows, bushes and grass strip. Whilst possible to remove, this would have an urbanising effect at the point which currently presents as the end of the built-up area before heading in to the 60mph zone and open countryside.

The plans also propose the option of a new footway crossing over Kington Lane and running alongside the field boundary hedgerow. This option would not be acceptable due to highways safety as this crossing (as discussed under highways below) would be just a few metres after the start of the 60mph zone and cause even further urbanising effect and harm to the long views over the countryside opposite the site. Further detailed plans would be required to fully ascertain degree of local landscape harm arising from delivering the new access and associated footway.

Heritage

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 58 states that development should protect, conserve and where possible, enhance the historic environment. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In accordance with paragraph 202, 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.

The appeal site is located approx. 52m to the south-east of the Stanton St Quintin Conservation Area at its closest point. The conservation area contains a number of listed buildings including the Grade II* Church of St Giles (approximately 157m to the appeal site) and Stanton Court (Grade II) whose grounds abut the site boundary to the north-west corner. The development will introduce a substantial amount of built form into a grassed paddock. It is considered whether the proposals would harm the setting of the nearby heritage assets. The Conservation Officer has raised no objection to the proposals given the intervening development between the site and heritage assets and given that the mature boundary vegetation surrounding the paddock, existing woodland and hedgerows currently prevent significantly invisibility. At this outline stage it is not considered the proposals would harm the setting of nearby heritage assets however this would be dependant on the need for careful consideration of design and use of materials at reserved matters if the application were to progress.

The Council's archaeologist notes that the submitted geophysical survey has identified features of potential archaeological interest which would need to be ground-truthed by an archaeological trial trench evaluation prior to commencement.

Ecology

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 174 d). At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

The Council's ecologist has objected to the scheme due to lack of information. As noted above the submitted Preliminary Ecological Appraisal was produced in February 2022 in support of a previous application for the site (PL/2022/01195). This report has not been updated to address the changes in the proposals between the two applications, notably the additional removal of sections of hedgerow and of course, is now approaching 2 years old and likely to be well out of date. Furthermore, a number of

residents have also commented that this appraisal was undertaken in winter, outside the optimal time of year for surveys.

Further information would be required in order for the proposal to be fully assessed in terms of ecology, including biodiversity metric calculation to demonstrate no net loss as well as the updated ecological appraisal and ecological parameters plan.

Whilst not specifically protected by an ecological designation, the undeveloped nature of the paddock and its boundary trees and hedgerows clearly provide functional green linkages for a range of birds and wildlife that would be adversely impacted by the disturbance of development. National policy clearly directs new development towards previously developed and brownfield sites recognising the wildlife, and other, functions of undeveloped land (paragraph 120).

Urban design and layout

The urban design officer has again objected to this revised scheme stating that it does not reflect the character and local distinctiveness of Stanton St Quintin contrary to Core Policy 57. There appear to be limited differences between the previous and the current layout. The main difference appears to be that the plots along the northern boundary have been set a little further apart and the boundary hedgerow has now been mostly removed to address the previous highway objection over lack of sufficient visibility splay. Unfortunately for this site, the need to clear the boundary hedgerow to create a safe, visible access would have to come at the price of retaining local landscape features.

There is quite a lot of generic background and baseline information within the Design and Access Statement but very little information on what the style and design of the dwellings might be or what material palette might be used. Given the sensitivity of the location, the officer has recommended that if self-build properties are proposed that a set of design codes should be submitted to ensure that a clearly stated set of design principles are secured at the Outline stage, in accordance with CP57.

It would also have been helpful for the illustrative layout to show the locations of the public sewer easement and the High Voltage cable easements that would be needed along the western boundary of the site to demonstrate how the layout has taken these constraints in to account. The Utility Assessment states there is an 11k High Voltage main running along the western boundary of the site and that a suitable easement will need to be provided for it. It is not clear whether such easement and any associated development restrictions or impacts on tree planting etc have been factored into the proposed layout.

Highways and Access

One of the key changes to the proposal is to seek to address matters raised by the Highways Officer under the previous application.

The Highways Officer has again highlighted the in-principle objection in terms of it not being a sustainable location and contrary to Core Policies 60 and 61. Based on the observed speed limits surveyed, the Highways Officer has clarified that if the frontage hedgerow/trees were sufficiently cleared to create suitable visibility splay at the frontage then the location of the 60mph speed limit gate would

technically not need to be moved and a TRO would not be required. The Officer has said that the proposed access could technically be acceptable in highways terms however further detailed design information at this Outline stage would need to be submitted to demonstrate that the pedestrian footway required could be deliverable without needing to narrow Kingston Road and impact on its function. A S278 agreement would be required for the works to the public highway. The Officer has noted that there would be less traffic generation from the 12 dwellings than the 17 previously considered.

A number of residents have raised concerns about Stanton Court and properties on Court Gardens having a long standing right of access over the field and that this right has not been respected in the proposed layout. However, clear evidence has not been submitted to the application in this regard and as such it is not clear whether this is a matter that could affect the delivery of the layout and access arrangements proposed or not.

In summary, the Highways Officer would not seek to sustain a highways reason for refusal however further detailed information would be required for the access proposals to be found acceptable. Whilst the speed surveys have shown that technically the 60mph speed limit would not to be relocated, positioning a new access so close to this speed gateway remains a concern.

Residential Amenity and Noise

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The potential impacts on residential amenity on the properties on Court Gardens would require further consideration at reserved matters stage, however as highlighted during the appeal, the site is circa 200m from the M4 corridor which is clearly audible and visible from the site. The Council's public protection raised during the appeal that if the application was to proceed, an acoustic assessment would need to be undertaken to ascertain whether suitable noise levels could be attained on site to meet both internal habitable room standards as well as standards for external amenity areas including the play area and gardens. If such an assessment concluded that acoustic mitigation was required, this could have an impact on the potential layout and landscape visual impact. No further acoustic information has been submitted with this application.

The Council's Environmental Health Officer has recommended that the omission of such an assessment should be regarded as fatal to the proposed development. However, the matter was not referenced as a reason for refusal at the time of the previous application and appeal and for that reason it would not be reasonable to refuse planning permission on those grounds now. Nevertheless, in the event of an appeal or future application, it is regarded as necessary that a negatively worded condition that is expressly prohibitive of development taking place be imposed to ensure a noise assessment is undertaken and submitted to the LPA for consideration. The condition would prohibit the development taking place should it not be capable of being satisfactorily proven that an appropriate level of amenity of future occupiers would be secured, and in that way would also go to the heart of the acceptability of

the proposal. An informative to this decision should be used so as to communicate the position of the LPA.

In terms of managing impacts on residential amenity and local environment during the construction phase, a Construction Environmental Management Plan could potentially be secured via planning condition.

Waste

A Waste Audit is required to be submitted for proposed developments over 10 dwellings in accordance with Policy WCS6: Waste Reduction and Auditing in the Waste Core Strategy. This does not appear to have been submitted with this application and therefore cannot be considered as part of this assessment. Potentially however such an audit could be secured by condition.

Sustainable Construction

Council's climate team have noted that contrary to Policy CP41, a Sustainable Energy Strategy has not been submitted with the application. There is limited reference within the submission of the way in which the proposal would seek to reduce greenhouse emissions. However clearly if the application proceeded, as a minimum it would be required to meet with the recently updated Part L of the building regulations so it is disappointing there is little information in this regard submitted that could potentially be afforded weight in the balance. This further weighs against the proposal.

Flood Risk and Drainage

The site is in Flood Zone 1 and there is a low risk of surface water and ground water flooding. The site is not within a source protection zone. The site is within an area of High Risk of Foul Sewer Inundation.

Council's drainage team have placed a holding objection given that the submitted Flood Risk Assessment (FRA) has not been appropriately updated to reflect the amended proposal. The drainage Officer does consider that the proposal could potentially be found acceptable in principle subject to the updates and to addressing a number of technical conditions requiring further detailed information.

The drainage officer has again highlighted that the applicant is proposing to discharge to a drainage ditch on the southern boundary of the site which is assumed to have connectivity with a highway drain. Connection to the highway drainage system is not encouraged and other methods of surface water disposable should be considered first. The drainage strategy drawing suggests that the drainage ditch is outside of the site boundary and that the outfall may cross third party land. The Officer has highlighted that there is no automatic right to cross third party land or discharge into a watercourse not in the ownership of the applicant and as such agreement would need to be in place prior to construction commencing.

S106 Draft Heads of Terms

The applicant has submitted an updated version of the Draft Heads of Terms that were submitted as part of the previous dismissed appeal process which is welcomed. If the application were to proceed

this would need to be further reviewed and updated by Council's legal team with input from other departments. However, in the absence of a completed agreement, the matter must remain a substantive reason for refusal, albeit with an expectation that that during any subsequent appeal process an appellant would seek to submit a completed unilateral undertaking so as to deliver the required infrastructure.

THE PLANNING BALANCE AND CONCLUSION

The starting point for determining planning applications is the development plan, which in this case is the WCS and the saved policies of the NWLP. At present Wiltshire Council cannot demonstrate a five-year supply of housing within the county with the latest published figure at 4.6yrs supply. In this scenario, paragraph 11d of the NPPF is engaged which means granting permission unless policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The NPPF does not specify how much weight should be afforded to policies that are 'out-of-date' due to a lack of five-year supply of housing. As such it is a matter for the decision-maker to judge the particular circumstances of each case and how much weight should be given to out-of-date policies related to the delivery of housing.

The location of this proposal does not accord with the development plan's settlement and delivery strategy policies as the location is outside of a defined settlement boundary. From a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflicts with the principle aims of the NPPF. The locational suitability for new residential development on this site has been extensively considered under previous appeal decisions and found not to be suitable taking in to account the shortfall of housing land supply.

A consideration of the potential benefits and adverse effects associated with the principle of this development is set out below:

Benefits

The proposal would provide a modest contribution of new housing (including 5 affordable homes) towards addressing the county-wide shortfall as well as some on-site public open space and new play area. It could potentially also contribute towards the ongoing county-wide need for the provision of self-build housing plots. There would also be some employment and economic benefits associated with the construction phase however, the weight to be attached to this aspect would be limited and temporary. There would also be some benefits for the local area regarding increased economic expenditure from new residents over time however, with limited facilities available within the village itself, the vast majority of this expenditure would be outside of the local settlement.

Harm

The proposal would alter the visual appearance and prevailing rural character of the area. It is considered there would be landscape harm as a result both across the paddock and in delivering the

required access and footway infrastructure to the frontage.

Further question marks remain over the layout including whether acoustic mitigation would be required and to what extent infrastructure easements may affect the eventual design and how much landscaping removal would be required. Urban design concerns remain over the illustrative layout which remains very similar to the previous application. There is a lack of up-to-date information with regard to ecological impacts to being able to conclude on extent of harm and the ability to suitably mitigate and deliver enhancements.

The proposed new access and highways works are considered technically feasible to deliver on public highway land however further work on the deliverability of the required footway would be necessary to conclude its acceptability or otherwise.

In a plan-led system there is significant harm in granting consent for new housing in a location contrary to the development plan's housing delivery policies, which directs housing to suitable and sustainable locations. As such the proposal does not represent sustainable development in the context of the WCS and would be contrary to Core policies 1, 2, 10, 60 and 61 of it as well as Saved Policy H4. Substantial weight is attached to these conflicts.

It is acknowledged that the NPPF makes note of the contribution that can be made by small and medium sized sites and windfall developments. However, these are clearly directed towards previously developed land and existing settlements as opposed to being at the expense of ensuring that development is in an accessible location or that the proposal integrates appropriately with its surroundings.

The considerations of this location for new residential development have already been fully explored through the very recent dismissed appeal decision on this site. The fact that the five-year land supply shortfall and policy context have not materially changed since this was determined make their conclusions important material considerations in assessing this further similar application.

Significant weight is given to the development plan housing delivery policies for the reasons set out above. There would be some benefits associated with the proposal as noted however on balance it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits in this case. The proposal is deemed to be unsustainable as it would conflict with the Council's plan-led approach to sustainable development, and therefore would conflict with the principle aims of the NPPF. Accordingly, it is recommended that the application is refused.

RECOMMENDATION: That Permission is REFUSED for the following reasons:

1. **Principle of Development**

   The proposed development, by reason of its location outside of any defined settlement boundary within the open countryside, would be contrary to the settlement, delivery and community area

strategies of the Wiltshire Core Strategy. The proposed development is deemed to be unsustainable as it would conflict with the Council's plan-led approach to sustainable development and is unacceptable in principle.

The presumption in favour of sustainable development has been applied to the assessment of the proposal; however, it is considered that the adverse impacts of granting outline planning permission would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework and policies in the local development plan as a whole. Therefore, the proposal would not constitute sustainable development and would conflict with the principle aim of the National Planning Policy Framework which is to be genuinely plan-led.

The proposal fails to accord with Core Policies 1 'Settlement Strategy', 2 'Delivery Strategy', 10 'Spatial Strategy for the Chippenham Community Area' of the adopted Wiltshire Core Strategy (Jan 2015); Saved Policy H4 of the NWLP (June 2006); and Sections 2 'Achieving sustainable development', 4 'Decision-making', 5 'Delivering a sufficient supply of homes', and 9 'Promoting sustainable transport' of the National Planning Policy Framework (Sept 2023).

2. **Landscape Impact**

The proposed development, by reason of its location in the open countryside, will result in a permanent change in the character and use of the site and immediate area that fails to integrate effectively into its surroundings. The development would harm the visual appearance and prevailing rural character in this edge of settlement context. It is not considered that the massing of the proposal would integrate effectively into the immediate setting and would have a harmful impact upon local landscape character. The proposal fails to comply with Core Policies 51 (ii and iii) and 57 (i, ii, iii & vi) of the Wiltshire Core Strategy (Jan 2015) and paragraph 130 of the National Planning Policy Framework (Sept 2023).

3. **Design**

It has not been demonstrated that the proposed development would deliver a high-quality design which would respect the character and size of the site, reinforce local distinctiveness and deliver an appropriate development which relates effectively to the immediate setting and wider area. It has not been demonstrated that the proposed maximum quantum of development would deliver a well-designed development, contrary to Core Policy 57 of the Wiltshire Core Strategy (Jan 2015), paragraphs 92, 126, 130, 131, 132 and 134 of the National Planning Policy Framework (Sept 2023) and National Design Guide (2019).

4. **Ecology**

Insufficient information has been provided to demonstrate how the development proposals will sufficiently protect, enhance and deliver net gains for biodiversity features in accordance with Core Policy 50 and paragraph 174 of the National Planning Policy Framework (Sept 2023).

Informative

It is considered that insufficient information has been provided within the application to demonstrate that the proposal has been informed by an appropriate acoustic assessment. In the event of an appeal or future submission, it will likely be the case that the Council would adopt a position that no development should take place until such an assessment has demonstrated that suitable noise levels can be achieved in accordance with the requirements of Core Policy 57 (vii) of the WCS and paragraphs 174, 185 of the National Planning Policy Framework (Sept 2023).