



Planning Statement

Land at Southampton Road and Junction Road, Alderbury

November 2024

Ref. SP22-1068

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Documents

Document 1:	Written Pre-App Response from Wiltshire Council
Document 2:	Westbury Appeal Decision (ref: APP/Y3940/W/24/3340811) 30 th August 2024
Document 3:	Draft Heads of Terms

1. Introduction

1.1 This planning statement has been prepared by Simply Planning Limited (*'SPL'*), on behalf of our clients, Formula Land (Alderbury) Limited ('the applicant') and is submitted in support of an Outline planning application for a major residential development comprising the erection of 47 No. residential units on the Land at Southampton Road and Junction Road, Alderbury.

1.2 The full description of development is, therefore, as follows:

"Outline planning permission with all matters reserved, apart from details of access from Southampton Road, for a residential development of up to 47 dwellings, along with associated public open space, landscaping and biodiversity enhancements and a car park to serve the community allotments"

1.3 The application is supported by the following documents:

Document	Author
Planning Application forms and Certificates	Simply Planning Limited
Planning Application Statement	Simply Planning Limited
Design and Access Statement	RHP Architects
Preliminary Ecological Appraisal	Cotswold Wildlife Surveys
BNG calculations & Report	Cornwall Environmental Consultants Ltd.
Soft Landscaping Strategy	BEA Landscape Design Ltd
Landscape and Visual Impact Assessment	BEA Landscape Design Ltd
Transport Assessment	Mayer Brown
Travel Plan	Mayer Brown
Flood Risk Assessment & Drainage Strategy	Mayer Brown
Energy and Sustainability Statement	Envision
Air Quality Assessment	Air Quality Consultants
Archaeological Desk-Based Assessment	Wardell Armstrong
Phase I Geo-Environmental Desk Study	HSP Consulting
Noise Impact Assessment Report	Jameson Acoustics
Nutrient Assessment	Nutrient Neutral
Tree Constraints Plan	RPS Group
Tree Survey Schedule	RPS Group
Arboricultural Impact Assessment	RPS Group
Arboricultural Method Statement	RPS Group

1.4 A full architectural drawing package, prepared by RHP Architects and Mayer Brown is also provided with the application. The submitted plans are listed in the table below:

Drawing No.	Drawing Title
P1365-RHP-ZZ-00-DR-A-1015 Rev P5	Site Location Plan
P1365-RHP-ZZ-00-DR-A-1020 Rev P2	Existing Block Plan
P1365-RHP-ZZ-00-DR-A-1030 Rev P2	Existing Site Plan
P1365-RHP-ZZ-00-DR-A-1200 Rev P4	Indicative Proposed Site Plan
B/WALDERBURY.1/01	Proposed Priority Access Junction

- 1.5 The planning application fee of £19,967.00 will be paid to Local Planning Authority upon submission of the application. Once the fee has been received, we consider that all the Local and National validation checklist requirements will have been met and the application can be validated accordingly.
- 1.6 This supporting Planning Statement sets the planning context for the consideration of the application proposals. In particular, it assesses the proposal against the relevant policies of the statutory Development Plan, national guidance, and policies. Accordingly, the development should be granted planning permission, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 1.7 The Statement is structured as follows:
- **Section 2** sets out the factual background and development context, including a description of the application site and surrounding area, the planning history and development proposals.
 - **Section 3** provides the Statement of Community Involvement which sets out the pre-application consultation measures undertaken and provides a summary of matters raised.
 - **Section 4** sets out the details of the proposed development
 - **Section 5** reviews the Planning Policy context against which the proposals should be judged, including the National Planning Policy Framework and the Wiltshire Core Strategy (Adopted 2015).
 - **Section 6** considers the matters at issue and assesses the scheme against the Development Plan policies.
 - **Section 7** sets out the planning balance and draws our conclusions.

2. Factual Background

Site and Surroundings

The Application Site

- 2.1 The application site relates to a parcel of land that is approximately 4.9ha in area, positioned between Southampton Road and Junction Road, Alderbury. The application site is within private ownership and is currently used for agricultural purposes and informal dog walking/recreational activities. There are no formal Public Rights of Way (PRoW) within the site.

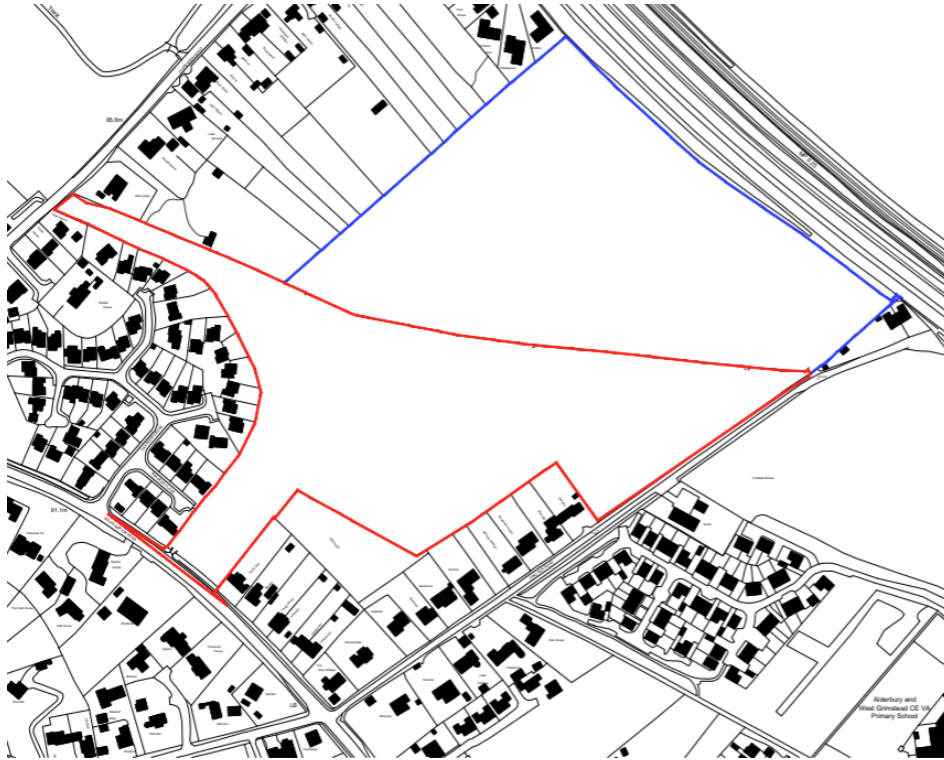


Figure 1: Site Location

- 2.2 The site is currently comprised of a single field laid to semi-improved grassland that has been historically used for grazing and haymaking. The land is enclosed by hedgerows which provide strong natural screening to the application site. A small watercourse runs along the northern edge of the application site, lined by further hedging and mature trees. An area of wet woodland is present within the central part of the site and a block of scrubby woodland is located in the western corner. The A36 is separated from the application site, by a single field and is bounded by thick planting.
- 2.3 The topography of the site includes a significant drop in levels from the west to the east (approximately 20m), which sees the landscape slope away from the Southampton Road. There are no notable topography features within the site and due to the site levels, any proposed development will have limited visual impact within the wider landscape.
- 2.4 Some sections of the application site are protected by Tree Preservation Orders (refs: TPO/2023/00014 & S/ALDE/TPO1). TPO/2023/00014 covers 4 groups of trees and one area of woodland within the site. The Tree Preservation Order protects all trees, regardless of species, within these individual parcels as shown in Figure 2 below.

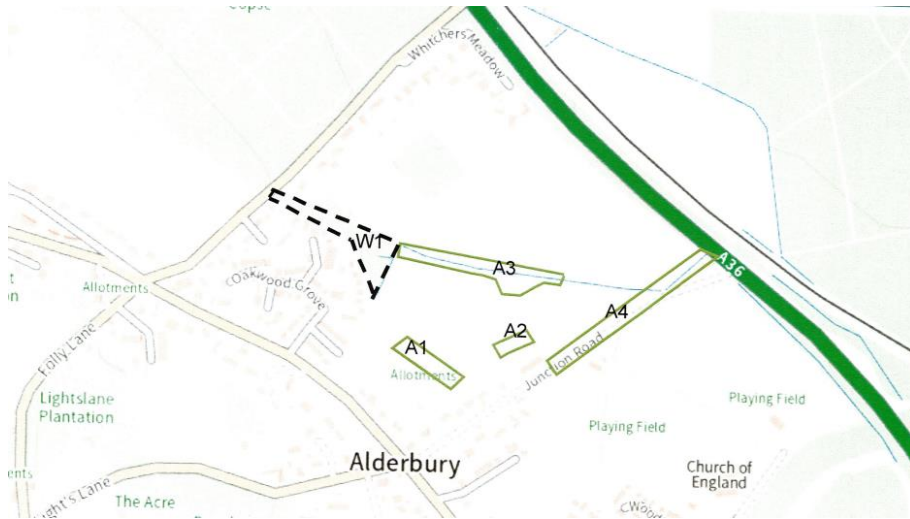


Figure 2: Tree Preservation Order

- 2.5 Access to the application site is currently gained from Southampton Road via a metal field gate. This access also serves the adjacent allotments which are located to the rear of the road-fronting properties positioned along the Southampton Road. Whilst the site has a short stretch of frontage onto Junction Road to the east, this is an unadopted private road and no current or proposed access exists in this area.
- 2.6 There are no significant site constraints that would prevent the development of this land. The site is not within the Green Belt or situated close to any designated heritage assets. The site is within Flood Zone 1, where there is a low risk of flooding.

Surrounding Environment

- 2.7 The site is positioned directly adjacent to the established residential core of the settlement of Alderbury. It sits outside of, but abuts the defined settlement boundary for the village as shown by the thick settlement boundary line below:

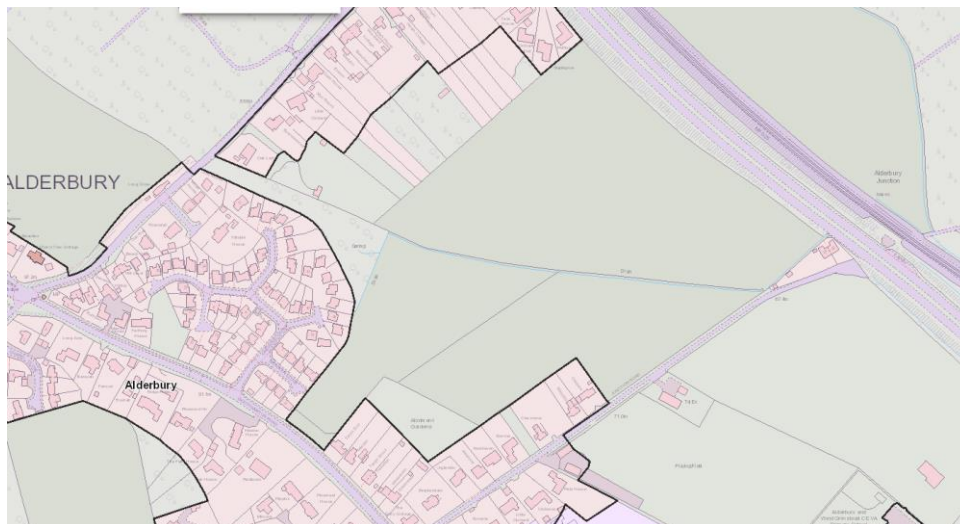


Figure 3: Defined settlement boundary for Alderbury

- 2.8 The surrounding residential development is comprised largely of detached two-storey properties fronting onto the Southampton Road and Junction Road, set within large plots. To the west of the site is the modern cul-de-sac development at Oakwood Grove, comprised of two-storey detached dwellings. The use of warm red bricks are commonly found within the village, along with aspects of painted render, vertical hanging tiles and timber boarding.

2.9 The proposal will provide a logical infill development within a currently vacant parcel of land, which is surrounded by other residential neighbours to the west, east and south. The above image also pre-dates the approved and under construction housing development off Firs Road. A copy of the approved site layout plan is provided below and this shows how further residential development along the southeastern side of Junction Road would further enclose the application site with residential housing.



2.10 In terms of the wider area, Alderbury provides a number of local services and facilities including the Alderbury General Store, Post Office, recreation and football club, village hall, primary school as well as a number of public houses. There are also a number of key bus routes which serve Southampton Road, with the following services providing regular connectivity between Alderbury and the surrounding area, including Salisbury and Southampton.

Service	Operator	Route	Weekday		Saturday daytime frequency	Sunday daytime frequency
			Daytime frequency	Evening frequency		
37	Salisbury Reds	Salisbury – Alderbury – West Dean – Lockerley	4 services	-	-	-
657	Salisbury Reds	South Wilts Grammar School – Sherfield English	1 PM service	-	-	-
677	Salisbury Reds	South Wilts Grammar School – West Wellow	1 AM, 1 PM service	-	-	-
B5	Salisbury Reds	Whiteparish – Burgate School	1 AM, 1 PM service	-	-	-
X7/X7R	Salisbury Reds	Salisbury – Alderbury – Whiteparish – Wellow (X7) or Romsey (X7R) – Ower – Southampton	1 per hour	-	1 per hour	-

- 2.11 The nearest railway station is in Salisbury, approximately 7km away. This receives lines from Westbury, Yeovil and London, via Andover and Southampton. The train station can be accessed via the 37 and X7/X7R bus routes and it is a short walk (approx. 12 minutes) from the bus stop to the train station, providing access to the wider area via the public transport network.

Site Accessibility

- 2.12 The site is proposed to be accessed via Southampton Road, which is a two-lane carriageway with a 30mph speed restriction. A pedestrian footway runs along the northern edge of the highway immediately adjacent to the site. Nearby bus stops can be found a short distance to the south of the site, on both sides of the road.
- 2.13 The site is currently served by an existing field gate, which provides access to the allotments positioned behind the road-fronting residential properties along Southampton Road. This access will be upgraded for use as part of the residential development proposals and full details of the access are being sought for approval as part of this Outline planning application. The access will continue to be used for the allotments, where a dedicated car park will also be provided as part of these proposals, in order to formalise and upgrade these facilities for the benefit of the local community.
- 2.14 The site is located within an accessible location, where the majority of local services and amenities that are available within Alderbury can be reached within a short walk from the site. Employment opportunities within the business park and local shops are located approximately 1.4km away or less. Future residents of this site will be located within reasonable walking or cycling distance from key amenities and nearby bus stops providing public transport options for journeys further afield.

Policy and Site Constraints

- 2.15 The application falls within the administrative boundary of Wiltshire Council. The relevant development plan for the determination of this application is the Wiltshire Core Strategy (adopted 2015), along with saved policies from the former District Local Plans, as well as the Wiltshire Housing Site Allocations Plan.
- 2.16 In addition, the Council are also undertaking a review of the Wiltshire Core Strategy, which is currently progressing towards submission and examination (currently at Regulation 19 stage). The relevant elements of the development plan will be explored in greater detail within the policy chapter of this report. However, the following site constraints are noted and have been suitably addressed within this proposal.

Site Constraints	Comment
TPO	TPO/2023/00014 – protects parcels of tree planting within the site regardless of species
Flood Risk	Surface water flow path runs through the site. Site partially subject to low surface water flood risk.
Ecological Designations	Within 13.8km recreational impact zone of the New Forest protect site
Phosphates	River Avon SAC – phosphorus loading
Nitrogen	River Test SAC – nitrogen loading
Archaeology	Unknown potential for archaeological remains

Planning History

- 2.17 There is no relevant planning history associated directly with the application site which has been in agricultural use for many years.

Local Planning History

2.18 A number of notable residential planning applications within the local area are set out below. These help to establish the context in which this application sits.

Planning Reference	Site address	Description of development	Decision
PL/2022/03103	Land to the East of Wagtails	Outline application for up to 30 dwellings	Application approved by Planning Committee on 12 th September 2024
17/04001/OUT	Land off Firs Road	Outline application for up to 50 dwellings, associated parking and access, open space, infrastructure, relocated guide hut, new pre-school building and land to extend primary school playing fields	Appeal allowed December 2018
PL/2021/04201	Land off Firs Road	All outstanding Reserved Matters (appearance, landscaping and scale), pursuant to planning permission ref. 17/04001/OUT	Approved October 2021

3. Statement of Community Involvement

- 3.1 The National Planning Policy Framework (NPPF) (2023) encourages early engagement on development proposals as a way to significantly improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. The NPPF explains that the pre-application process allows an opportunity for issues to be resolved prior to the submission of applications. Early engagement with statutory consultees is also encouraged, which can aid local planning authorities in issuing timely decisions.
- 3.2 The application has been the subject of significant pre-application consultation, including engagement with the Local Planning Authority, Parish Council, members of the local community and other key stakeholders as explained below.

Pre-Application Consultation

- 3.3 A written pre-application request was submitted to Wiltshire Council in January 2023, seeking pre-application advice on the development of 77 no. residential units on the application site. This request was supported by indicative layout plans (prepared by David Corley Architects) and other supporting documentation regarding tree constraints; an ecological appraisal; landscape assessment and proposed landscape designs.
- 3.4 A detailed written response was received from Wiltshire Council (dated 6th March 2023) and is attached within **Document 1**. In summary, the pre-application feedback acknowledged Wiltshire Council's lack of 5-year housing land supply, but expressed a lack of support for the principle of development, due to conflict with the strategy and pattern of development anticipated by the Wiltshire Core Strategy.
- 3.5 The pre-application process was subject to initial consultation with key consultees and feedback was received from the consultees listed below. The proposed development scheme has responded to these comments.
- Education Infrastructure, Wiltshire Council – Recommended that financial contributions would be required towards education provision. Figures were calculated on the basis of the proposed scheme for 77 no. residential units.
 - Lead Local Flood Authority, Wiltshire Council – Highlighted that the site is at moderate risk of cumulative flooding from all sources. Recommended that the application should be supported by a Flood Risk Assessment to demonstrate how flood risk will be managed and an appropriate drainage strategy presented to demonstrate the use of SuDS and surface water management techniques.
 - Highways Development Control, Wiltshire Council – Recommended that any future application will need to be supported by a Transport Assessment and Residential Travel Plan. The development is likely to trigger requirements for footway and bus stop improvements and the provision of suitable visibility splays at the access point.
 - Urban Design Team, Wiltshire Council – Suggested design improvements to the street pattern; inclusion of street trees; improvements to the central area of open space and the orientation of surrounding properties to improve safety and overlooking; recommendations were also made relating to the detailed design of property types, styles, scale, massing and height.
 - Spatial Planning Service, Wiltshire Council – Outlined the Council's position on the principle of the proposed development and the Council's 5 year housing land supply position.

Public Consultation

Consultation Strategy

- 3.6 The consultation strategy has been designed to involve those residents most closely related to the application site and has sought to engage with interested parties from an early stage in the planning application process to seek their feedback on the proposals. This early engagement has allowed the project team to consider public opinions and suggestions and use these to inform the proposals as submitted.
- 3.7 The scheme brought forward for public consultation sought opinions and comments on a reduced scheme for 47 residential units. The presentation material identified key site constraints and opportunities and included indicative site layout plans, including details of house types; site circulation and car parking arrangements; and indicative landscape layouts and visualisations.

Alderbury Parish Council

- 3.8 The Client and Design Team approached Alderbury Parish Council with the intention of sharing the early vision and proposals for the site. These discussions sought to highlight the benefits of the proposed development for the local community, including presenting the opportunity to enhance the access and car parking provision for the adjacent community allotments. However, after initial discussions the Parish Council wished for any consultation with the Parish Council to be undertaken through a town-hall style meeting with the residents able to attend.
- 3.9 After much deliberation it was determined that the most productive and effective form of public consultation would be through an exhibition-style consultation event, which the Parish Council were also invited to and attended.
- 3.10 Prior to the submission of this planning application, a letter was sent directly to Alderbury Parish Council to advise them of the upcoming application and express a willingness for further engagement during the course of the application process.

Public Consultation

- 3.11 In order to engage with the local community, letters were sent to neighbouring residents to the application site in February 2024, inviting interested parties to a public consultation exhibition. The consultation events took the form of drop-in sessions, where attendees could preview the development proposals and speak to the project team about specific matters. The events were held at Alderbury Village Hall on Thursday 8th February between 4pm – 7pm and Saturday 10th February between 10am and 12pm.
- 3.12 The consultation events were well attended and attendees were provided with feedback forms for responses to specific elements of the scheme and given the opportunity to provide additional input and recommendations for the proposals.
- 3.13 The presentation boards which were displayed at the public consultation events were also published on a bespoke Simply Planning consultation website, with the board available for viewing and to be downloaded by the residents for further consideration. The consultant boards have been included within the Design and Access Statement for reference,
- 3.14 Overall, there were some very positive comments received in relation to the scheme, including support for the following aspects of the development:
- Inclusion of large areas of open / green space
 - Inclusion of opportunities for biodiversity enhancement and mitigation

- Inclusion of wetlands
- Support for the layout & density of development
- Inclusion of a mix of house types
- Support for the use of sustainable initiatives (such as the inclusion of ASHPs)
- Support for the benefits to the allotment
- Inclusion of affordable housing

3.15 Following the consultation event, a total of 29 responses were received via the feedback proforma, with a further 23 responses received by e-mail. Each comment has been reviewed and summarised in the table below to highlight key topics of interest to the local community.

3.16 The table below summarises the key comments of concern raised by respondents. These comments are fully addressed in the later sections of this report.

Type of Comment	No of Comments
Development will lead to increased traffic congestion on local roads	30
Development will lead to increased flooding	21
Alderbury lacks the amenities and infrastructure to support more housing	19
There is no need for further housing in Alderbury	17
The development will have an impact on wildlife	15
The development will have an impact on neighbouring amenity (privacy / noise / light pollution)	9
The scheme is an overdevelopment of the site	8
The development will bring no benefit to the village	7
Loss of green space / countryside	6
Harm to views from neighbouring properties	6
Harm caused by cumulative impact of local developments	6
Lack of sustainable transport options to serve the new development	4
Impact of the development on trees / hedges / TPO's	3
Concerns about access to the development	3
Highways safety concerns	2
Loss of village character	1
Lack of local employment to support new housing	1

3.17 A number of respondents made suggested recommendations for improvements to the scheme. These are listed below and discussed in greater detail in the later sections of this report and within the Design and Access Statement which accompanies the application.

- Improvements to boundary treatment to adjacent properties

- Road improvements to ease traffic congestion (e.g road widening outside of the site)
- Improved infrastructure – doctors, dentists, shops
- Inclusion of mechanisms to enable young people to buy homes
- Inclusion of smaller properties
- Inclusion of bungalows
- Reduce the number of properties being provided
- Increase car parking provision
- Inclusion of effective drainage solutions due to high water levels within site
- Inclusion of sustainable energy solutions (e.g solar panels)
- Protection of woodland / TPO trees
- Improvements to pedestrian connectivity between the site and surrounding development
- Improvements for wildlife
- Ensuring that the northern field is safeguarded from future development
- Assurance that infrastructure improvement will be delivered in advance of housing

3.18 The scheme now presented as part of this planning application has given consideration to the consultation responses and the opinions of the local population. It is noted that many of the comments and recommendations for improvements relate to the detailed design stage of the development, which would follow the granting of any initial Outline consent on this site.

3.19 However, the scheme attempts to address some of these points raised by the submission of supporting reports which accompany this planning application. Further discussion on these matters can be found within the relevant sections of this report.

4. The Proposed Development

Introduction

4.1 The proposed development seeks planning permission for a major residential development comprising the erection of 47 No. residential units on the Land at Southampton Road and Junction Road, Alderbury. The application is submitted in Outline form, with all matters reserved for future consideration, apart from access.

4.2 The full description of development is as follows:

“Outline planning permission with all matters reserved, apart from details of access from Southampton Road, for a residential development of up to 47 dwellings, along with associated public open space, landscaping and biodiversity enhancements and a car park to serve the community allotments”

Residential Development

4.3 The application is supported by indicative layout and design details, which demonstrate that the proposed development can be comfortably accommodated on the site and will deliver a density of 9.43 dpa which is considered suitable for this edge of village location and reflective of the surrounding built context.

4.4 The indicative layout includes a range of residential properties, including bungalows, detached and semi-detached units of a variety of sizes. It is intended that the properties will meet the needs of a wide spectrum of occupiers, such as first-time buyers, families, older people and those with reduced mobility or disabilities. The specific detailed design of these dwellings will be agreed at the Reserved Matters stage of the planning application process.

Scale, Height and Massing

4.5 The scale, height and massing of the proposed dwellings will be considered as part of the later Reserved Matters phase of application. However, the scheme has given consideration to the surrounding built context of development and will take guidance from the key design features and materials found within the surrounding area.

4.6 The Design and Access Statement that accompanies the application has had regard to the local built character of the site. This notes the predominance of 2 storey properties within the vicinity, along with the use of red bricks which provide a visual link between older and newer properties of varying designs. Other design features, such as the use of painted render, vertical hanging tiles, timber cladding and stone features can also be found within the surrounding environment. Existing properties within Alderbury are largely detached or semi-detached, with functional private garden areas.

Site Layout and Landscaping

Layout

4.7 The proposed indicative layout of the development is shown below, and includes the proposed housing positioned towards the outer edges of the site, yet maintaining appropriate separation distances from existing properties, to avoid amenity issues.



- 4.8 The central core of the site is retained as open space, and other areas of open green landscaping are provided throughout the development. Dwellings are shown to be orientated towards parcels of open space to provide an attractive outlook for properties and good visibility across public spaces to improve security.
- 4.9 The cross section drawing (ref: BEA-22-125-05 Rev P01) as shown below, shows a typical view through the proposed access road, property frontages and public open space.



Trees

- 4.10 Following pre-application feedback, the indicative layout of the site has been amended to take into account the comments from the Council's Tree Officer. The application is supported by a Tree Constraints Plan; Tree Survey Schedule and Arboricultural Impact Assessment and Method Statement.
- 4.11 These reports confirm that all trees of value can be retained on site and the root protection areas for these trees remain unaffected. The proposed development requires the removal of a single tree (T41) which is categorised as Category U and unsuitable for retention.
- 4.12 Additional tree planting has been included, to enhance the landscape character of the development, by the inclusion of street trees positioned along the spine road and additional tree planting within the central

landscaped green, which will provide enhancements for wildlife.

- 4.13 This application is submitted in Outline form, where a detailed landscaped layout can be agreed via the Reserved Matters process.

Appearance and Materiality

- 4.14 This application is submitted in Outline form, with details of design of the properties being reserved for future consideration. However, the Design and Access Statement gives consideration to the character of surrounding built development and use of materials, which will help to inform the future design detailing, to ensure the development sits comfortably within its surroundings.

Access and Parking

- 4.15 Access to the site will be achieved from Southampton Road, via a single priority access junction with a pedestrian footway included along the south-eastern edge. Suitable visibility splays of 2.4m x 52m to the northwest and 2.4m x 55m to the southeast can be achieved which correlate with the requirements for the current condition and speed of this road.
- 4.16 The application is supported by a Transport Assessment and Travel Plan prepared by Mayer Brown which demonstrates that the proposed site is located within a suitably accessible location, where future residents would benefit from a range of sustainable transport choices. In addition, the application is provided with a safe and suitable access which can comfortably accommodate the vehicle movements associated with the proposed use.
- 4.17 The detailed site layout will be finalised through any subsequent Reserved Matters application, including on-site allowance for appropriate car parking for individual properties to comply with the standards of the Wiltshire Local Transport Plan Car Parking Strategy (2015) as set out within the table below. This will also ensure that car parking associated with the development does not overspill onto the surrounding highways network. Electric Vehicle charging provision will also be included at the detailed design stage.

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

- 4.18 The application also makes arrangements for dedicated and enhanced car parking provision to serve the adjacent allotments, creating an additional community benefit for local residents. The allotment car parking is positioned to the southern boundary of the site, and includes 12 car parking spaces, arranged in two parallel rows, along with suitable turning facilities.

5. Planning Policy Context

- 5.1 The Statutory Development Plan for this area comprises the Wiltshire Core Strategy (January 2015), saved policies of the North Wiltshire Local Plan (2011) and the Wiltshire Housing Site Allocations Plan (February 2020). The National Planning Policy Framework (NPPF) which was last updated in December 2023 and the Planning Practice Guidance (PPG) also form material considerations in the assessment of this application.

National Planning Policy Framework (December 2023)

- 5.2 The NPPF is a key material consideration which attracts significant weight in the determination of applications. A presumption in favour of sustainable development is at the heart of the NPPF (paragraph 11). This requires local planning authorities to approve development proposals that accord with an up-to date development plan without delay.
- 5.3 The framework is required to be read as a whole and used to help in the assessment of planning proposals. However, specific paragraphs of the NPPF that are of particular relevance in the determination of this application include, but are not limited to, the following:
- Paragraph 2 – Planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
 - Paragraph 8 – Sustainable development, should have regard to the 3 overarching objectives – economic, social and environmental, which should be pursued in mutually supportive ways.
 - Paragraphs 11 – Planning decisions should apply a presumption in favour of sustainable development, which means approving development that accords with up-to-date development plans; or where no relevant development plan policies exist, or the relevant policies are out-of-date, permission should be granted unless the Framework suggests otherwise or the adverse impacts of approving development would outweigh the benefits. This is commonly referred to as the ‘tilted balance’.
 - Paragraph 38 – Local Planning Authorities should approach decisions in a positive and creative manner.
 - Paragraph 60 – Boosting the supply of homes by ensuring a sufficient amount and variety of land comes forward and the needs of groups with specific housing requirements are addressed.
 - Paragraph 77 – Maintaining a five-year, or four-year supply of housing;
 - Paragraph 82 – Planning decisions should respond to local circumstances and support development that reflects local needs.
 - Paragraph 96 – Achieving healthy, inclusive and safe places and beautiful buildings;
 - Paragraph 102 – Access to a network of high-quality open space is important for health, wellbeing, nature and addressing the impacts of climate change.
 - Paragraph 109 – Development should be focussed on locations which are, or can be made sustainable by reducing the need to travel and offering a choice of transport modes.
 - Paragraph 114 – Promoting sustainable transport modes; achieving safe and suitable access; ensuring the appropriate design on streets and mitigating against impacts on the transport network.
 - Paragraph 116 – Promoting pedestrian and cycle movements and facilitating public transport usage. Addressing the needs of people with disabilities and reduced mobility; ensuring access by emergency services and enabling electric vehicle charging and low-emission vehicles.

- Paragraph 128 – Promoting the efficient use of land when considering the need for different types of housing; market conditions and viability; availability of infrastructure; maintaining character and securing well-designed, attractive and healthy places.
- Paragraph 131 – Promoting good design as a key aspect of sustainable development.
- Paragraph 135 – Ensuring that developments function well and add to the quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place; include an appropriate mix of development; create safe, inclusive and accessible places.
- Paragraph 136 – The importance of trees in urban environments and promoting opportunities for the inclusion of trees within development proposals.
- Paragraph 165 – Avoiding inappropriate development in flood risk areas unless they can be made safe for their lifetime without increasing flood risk elsewhere.
- Paragraph 175 – Promoting the inclusion of sustainable drainage systems
- Paragraph 180 – Creating enhancements to the natural environment by protecting valued landscapes; recognising the character and beauty of the countryside; providing net gains for biodiversity; avoiding pollution.
- Paragraph 186 – Avoiding harm to biodiversity and avoiding loss or degradation of irreplaceable habitats.

Proposed Reforms to the National Planning Policy Framework (July – September 2024)

- 5.4 On 30th July 2024, the new Labour Government commenced consultation on a revised version of the NPPF, with the consultation closing on 24th September 2024.
- 5.5 As the proposed changes to the NPPF have been consulted upon, they can be considered material to the determination of the planning application, but we would advise that only limited weight can be afforded to the revised version of the NPPF at this stage.
- 5.6 However, there is a high prospect that the revised version of the NPPF would be adopted prior to the determination of this application. If this occurs, then SPL will submit an addendum to this Planning Statement to outline how the changes will affect the Applicant's case for the granting of Planning Permission.
- 5.7 The key change in the revised NPPF relating to the proposed development is the amendments to paragraphs 76 to 77 of the consultation version of the NPPF. These amendments effectively undo the December 2023 changes to the NPPF and confirm as follows:
- A Local Planning Authority is required to maintain a five-year housing land supply, with the four-year rule for authorities at Regulation 18 stage in the plan preparation process being deleted;
 - A new standard method for determining local housing need;
 - The provision of transitional arrangements for local plan preparation.
- 5.8 Based on the above changes, the Council's Local Housing Need would increase from 1,917 homes per annum, under the current standard method to 3,476 homes per annum under the proposed new standard method. Once the 5% buffer is applied, this would equate to the Council needing to demonstrate a housing supply of 17,381 dwellings over the required 5-year period.

- 5.9 The Council's latest Housing Land Supply Statement Base Date April 2023 (published June 2024) states that the Council has a deliverable supply of 8,193 which under the proposed standard method would equate to 2.36 years housing land supply.
- 5.10 If the NPPF is revised in accordance with the proposed changes ahead of the determination of the application, the Council will have a substantial shortfall in its housing land supply and the tilted balance would be engaged in decision-making, in accordance with Paragraph 11 d) of the NPPF.
- 5.11 The changes to the NPPF have only recently been under consultation, so whilst they are material to the assessment of the planning application, they are only likely to be afforded very limited weight in the assessment of this application at this stage.
- 5.12 However, it is expected that this position will change during the consideration of the planning application and SPL will provide an Addendum to this Planning Statement to update the point of principle of development, in light of the changes to the NPPF and progression of the Wiltshire Local Plan Review, as this situation evolves. We consider that the Council should be mindful that their emerging Local Plan Review significantly underplays housing need, when compared to the new proposed standard method of calculation.

The Development Plan

- 5.13 The Development Plan for Wiltshire is the Wiltshire Core Strategy (2015), along with saved policies from the former District Local Plans, as well as the Wiltshire Housing Site Allocations Plan. In addition, the Council are also undertaking a review of the Wiltshire Core Strategy, which is currently at an advanced stage (Regulation 19). The relevant parts of these policy documents will be explored below.

Wiltshire Core Strategy 2015

- 5.14 The Wiltshire Core Strategy was adopted on 20th January 2015 and provides the planning policy context for the sustainable growth within Wiltshire until 2026. The relevant planning policies within this document are set out in the table below:

Wiltshire Core Strategy 2015	
Core Policy 1	Settlement Strategy
Core Policy 2	Delivery Strategy
Core Policy 23	Southern Wiltshire 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 50	Biodiversity and Geodiversity
Core Policy 51	Landscape
Core Policy 52	Green Infrastructure
Core Policy 55	Air Quality
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

Wiltshire Core Strategy 2015	
Core Policy 61	Transport and New Development
Core Policy 62	Development Impacts on the Transport Network
Core Policy 64	Demand Management
Core Policy 67	Flood Risk
Core Policy 69	Protection of the River Avon SAC

Salisbury District Local Plan 2011

- 5.15 The following policies within the Salisbury District Local Plan have been ‘saved’ and are relevant to the determination of planning applications within the area:

Salisbury District Local Plan 2011	
G2	General Criteria for Development
H1	Housing (District-Wide)
H18	Amenity Open Space
H23	Housing Outside Housing Policy Boundaries
H25	Affordable Housing
C2 / C3/ C4/ C5 / C6 / C7 / C8	Landscape Conservation
C15 / C17 / C18	Nature Conservation
R2 / R3	Open Space Provision
R6	Urban Parks
R20	Allotments

Wiltshire Local Plan Review

- 5.16 In 2017, Wiltshire commenced a review of its Local Plan, in order to support growth within the County and ensure that enough land is available to provide the homes, jobs and infrastructure necessary until 2036.
- 5.17 A Regulation 19 Consultation took place between 27th September to 22 November 2022 and it is anticipated that the Plan will be submitted to the Secretary of State in late 2024, when it will undergo examination in the first part of 2025 and could be adopted in late 2025. However, in light of the recent consultation on revisions to the NPPF discussed above, the housing need calculations upon which the Wiltshire Local Plan Review has been based, may no longer be sufficient to accommodate the new housing need for Wiltshire.
- 5.18 The NPPF consultation includes interim transitional arrangements for Local Planning Authorities who have advanced the preparation of their Local Plans under the previous housing need position. A recent announcement by Wiltshire Council in October 2024, confirms the intention to proceed with the submission of the Local Plan Review by the end of 2024. At this stage it is not known whether Wiltshire will be able to deliver their Local Plan submission by this deadline, or ultimately whether the submitted Plan will be deemed sound during examination.

- 5.19 Again, SPL will submit an Addendum to this Planning Statement, as this situation evolves, to outline how the changes to the NPPF and the subsequent impact on the Wiltshire Local Plan Review will affect the Applicant's case for the granting of Planning Permission.
- 5.20 At this stage, it is considered that the emerging Local Plan Review (currently published as a 'Pre-Submission Draft') holds very limited weight in the assessment of this application. The relevant policies contained within the Local Plan Review are set out in the table below:

Wiltshire Local Plan Review – Pre-Submission	
Policy 1	Settlement Strategy
Policy 2	Delivery Strategy
Policy 4	Addressing Climate Change
Policy 5	Securing Infrastructure Provision from New Development
Policy 23	Southern Settlements Community Area Strategy
Policy 70	Sustainable Transport
Policy 71	Transport and new development
Policy 73	Transport: Demand Management
Policy 76	Providing Affordable Homes
Policy 78	Meeting Wiltshire's Housing Needs
Policy 84	Public Open Space and Play Facilities
Policy 85	Sustainable Construction and Low Carbon Energy
Policy 87	Embodied Carbon
Policy 88	Biodiversity and Geodiversity
Policy 89	Biodiversity Net Gain
Policy 90	Woodland, Hedgerows and Trees
Policy 91	Conserving and Enhancing Wiltshire's Landscapes
Policy 92	Conserving and Enhancing Dark Skies
Policy 93	Green and Blue Infrastructure
Policy 95	Flood Risk
Policy 96	Water Resources
Policy 98	Ensuring High Quality Design and Place Shaping
Policy 99	Ensuring the Conservation and Enhancement of the Historic Environment
Policy 101	Air Quality

6. Planning Considerations

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 Having set the planning context against which the proposals should be judged in the preceding section, we now consider the proposals against that guidance, alongside any other relevant considerations. We do so under a number of headings below.

Principle of Development

- 6.3 The adopted Settlement Strategy (Core Policy 1) identifies settlements where sustainable development will take place within Wiltshire, to improve the lives of all those who live and work in the County. The policy includes a settlement hierarchy and identifies the scale of development expected within each area, during the plan period. Alderbury is defined as a Large Village containing a limited range of employment, services, and facilities. Core Policy 1 states that development at large villages will be limited to that required to meet the housing needs of settlements and to improve employment opportunities.
- 6.4 Core Policy 2 (Delivery Strategy) sets out that between 2006 and 2026 the provision of a minimum 42,000 homes will be required during the plan period. A key element of this policy is that the 42,000 requirement is defined as a minimum and not a maximum.
- 6.5 The Policy then identifies a distribution of the minimum housing requirement across the three Housing Market Areas with 900 homes identified on land to the west of Swindon. Core Policy 2 also identifies that a more detailed distribution is outlined in the Community Area Strategy policies, as outlined in further detail below.
- 6.6 In addition to the above, Core Policy 2 identifies that there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages (including Alderbury).
- 6.7 However, development will not be permitted outside the limits of development, as defined by the policies map, unless in accordance with other planning policies within the Development Plan. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.
- 6.8 The settlement boundaries were reviewed as part of the Wiltshire Housing Site Allocations (WHSAP) DPD (2020). This document identified additional sites to ensure the delivery of housing land across the plan period to maintain a five-year land supply in each Housing Market Area. There were minor updates to the settlement boundary for Alderbury made during this process, but these do not alter the position of the application site, which still sits outside of the boundary.
- 6.9 Paragraph 4.25 of the Core Strategy outlines the 'exception policies' which seek to respond to local circumstance and national policy. The exception policies are those where development beyond the settlement limits would be acceptable and these are as follows:
- Additional employment land (Core Policy 34):
 - Military establishments (Core Policy 37);
 - Development related to tourism (Core Policies 39 and 40);

- Rural exception sites (Core Policy 44);
- Specialist accommodation provision (Core Policies 46 and 47); and
- Supporting rural life (Core Policy 48).

- 6.10 The proposed development would not provide a development which would meet one of the exception Policies identified in Core Policy 2.
- 6.11 The application site therefore sits outside of the defined settlement, but adjacent to its boundary on virtually three sides. Further housing development, as proposed by this application, would essentially create a form of infill development that would sit well within the surrounding built context and further, any future development would benefit from the same level of accessibility to services and facilities found within the 'Large Village' as would existing dwellings sited inside of the boundary. However, there is undoubtedly conflict with the current adopted local policy on this aspect of Core Policy 2.
- 6.12 As outlined in Core Policy 2, the distribution of the housing requirement in the Core Strategy is further disseminated by the Community Area Strategies. The application site falls within the Southern Wiltshire Community Area and so the main policy of relevance is Core Policy 23 '*Spatial Strategy: Southern Wiltshire Community Area*'. ('SWCA')
- 6.13 Core Policy 23 identifies the settlements within SWCA with Alderbury being a Large Village which is the second largest settlement type within the SWCA, with only the Local Service Centre of Downton being above this.
- 6.14 Core Policy 23 also confirms that the minimum housing requirement for the SWCA of 615 dwellings is required before the end of the plan period. Of these 615 dwellings, 425 dwellings were required to be delivered in the remainder of the community area, i.e. excluding Downton. At the time of publication, 315 dwellings had been completed and 54 specific permitted sites were identified, meaning that 56 dwellings needed to be identified.
- 6.15 However, it must be noted that these figures remain to be the minimum housing requirement necessary for the plan period. They are not maximum figures and there is nothing identified within the Core Strategy which raises an issue with the capacity for Alderbury to accommodate more housing. The recent committee report for the Wagtails Application also did not identify any issues with Alderbury as a Large Village which would suggest that further housing growth could not be accommodated.
- 6.16 The key aspect is the consideration of the scheme against the main issues and considerations of the SWCA under Paragraph 5.125 of the Core Strategy. These are outlined in the table below with a response provided:

Issue	Response
Strategic growth is not appropriate for the Southern Wiltshire Community Area. This is in part due to congestion on the A36, particularly at the Alderbury bypass, which has been raised by the Highways Agency	The proposed development is not considered to form Strategic Growth, either in isolation or in combination with other developments in Alderbury. As outlined in further detail below, significant engagement with Highway England has occurred and the impacts of the development on the A36 are considered acceptable.
Two major growth sites have been identified in the parish of Laverstock which are described within the Salisbury Area Strategy, above. Details relating to these specific development sites will be outlined in a subsequent planning document	Not Applicable – The site is not in Laverstock

Issue	Response
A transport assessment is required for all major applications proportionate to the scale of development which must include an assessment of congestion on the A36, particularly the Alderbury bypass and how the development proposal would affect this issue	A transport assessment has been submitted which shows the highways impacts to be acceptable to the surrounding highway network, including the A36.
Some managed growth is necessary to support ongoing business growth and development, to ensure the existing strong employment opportunities in the area are maintained. Limited development will also help to address the shortfall in affordable housing in the area	As outlined in further detail in this Statement, the Council has a significant waiting list on its affordable housing register. The proposed development would provide 19 affordable dwellings, some of which will help address some of this backlog
Consideration should be given to the existing shortage of long-term beds in care homes	Not applicable to the current application.
The New Forest National Park is an important resource and so protecting the natural environment is a priority. The Core Strategy sets a policy framework to prevent detrimental impacts on the national park from neighbouring development. Development that would increase recreational pressures must not adversely affect Natura 2000 designations of the New Forest and must contribute to the implementation of the Recreation Management Strategy. Development within the national park boundary will be considered by the New Forest National Park Authority	The development will not impact the New Forest National Park
Ongoing protection and enhancement of the stone curlew and calcareous grassland habitat at Porton Down must be secured through the implementation of an Integrated Business and Environmental Management Strategy, to effectively avoid potentially adverse impacts of further development at the site, maintaining the integrity of the Natura 2000 designations	The development will not impact the stone curlew and calcareous grassland habitat at Porton Down.
Development in the vicinity of the River Avon (Hampshire) must incorporate appropriate measures to ensure that it will not adversely affect the integrity of this Special Area of Conservation	The development will ensure that it shall achieve neutrality in relation to impacts to Phosphorus in the River Avon Special Area of Conservation
Development within the Community Area will need to conserve the designated landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics.	The development will not impact the designated landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty or its setting.

- 6.17 Therefore, the proposed development would not conflict with any of the main consideration and issues within the SWCA and we consider that Alderbury forms a suitable location for further housing growth, without undermining its position as a Large Village in the settlement hierarchy of the Core Strategy.
- 6.18 Notwithstanding this position, Wiltshire Council's most recent Housing Land Supply Statement (April 2024) claims that the Council can demonstrate a 4.2 years' supply of housing land. Following the changes to the NPPF announced in December 2023, which reduced the housing land supply requirement to 4 years, where Council's such as Wiltshire had reached regulation 18 stage of their Local Plan preparation, the tilted balance under Paragraph 11d) of the NPPF was no longer engaged when determining applications for housing growth, due to the Council claiming a housing land supply of above 4 years.
- 6.19 However, in a recent Appeal decision (ref: APP/Y3940/W/24/3340811) (attached as **Document 2**) for housing development in Westbury, issued on 30th August 2024, the Council's Housing Land Supply was examined at

length. In the determination of this appeal the Inspector found that Wiltshire Council were only able to demonstrate a 3.85 years' supply of housing.

- 6.20 As this the most recently tested examination of the Council's Housing Land Supply, it must be accepted that the Council cannot demonstrate above the currently required 4 years of housing land supply. Therefore, in accordance with Paragraph 11dii and Footnote 8 of the Framework, the policies that are most important for determining this application (Core Policies 1 - Settlement Strategy, Core Policy 2 – Delivery strategy and Core Policy 23 – Southern Wiltshire Strategy) are considered to be out-of-date.
- 6.21 In such situations, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole (NPPF paragraph 11d(ii)).
- 6.22 Whilst noting this position, in that the Council are unable to demonstrate the 4-year housing land supply requirement, their position could be further weakened by the new Labour Government's suggestions for changes to the NPPF, announced on 30th July 2024. The NPPF consultation seeks to reverse the reduced (4 year) land supply requirement and reinstate the full 5-year requirement in all cases.
- 6.23 There appears to be a clear intention by the new Labour Government, to boost the delivery of housing, and should the proposed NPPF changes be accepted, the Council will again find themselves falling significantly short of their 5-year land supply requirement once again, which will be material to how this planning application is determined in relation to the weight to be provided to the benefit of the provision of housing.
- 6.24 In conclusion, in light of the current appeal derived housing land supply position (3.85 years) and the current NPPF requirement for a 4 years' supply of housing land, the Core Strategy policies concerning the delivery of housing would viewed as being out-of-date.
- 6.25 Therefore, we consider that there is substantial need for the delivery of housing in sustainable settlements, such as Alderbury, where the provision of further housing would not conflict with the overall objectives of the Core Strategy.
- 6.26 The application site is located in a position that adjoins the existing development boundary on virtually 3 sides and the location benefits from safe and easy access to existing services and facilities and benefits from a range of sustainable transport options, making it a suitable area for the delivery of moderate housing growth. Furthermore, the site is clearly available and capable of delivering of housing within the next five years and will assist the Council in achieving the required supply of housing.

Affordable Housing

- 6.27 The Council's adopted Core Policy 43 requires the provision of 40% affordable housing, to be provided on site, within this location. This equates to 18.8 units across the entire residential scheme. As a result 19 affordable units will be provided as part of this proposal.
- 6.28 This application is submitted in Outline form with matters of Appearance, Layout and Scale to be agreed at the later Reserved Matters stage. However, the scheme will deliver a fully policy-compliant provision of affordable housing, which will be distributed throughout the development and will reflect the character and design of the wider estate. Furthermore, it is proposed to provide the following tenure mix of affordable housing:
- 50% Affordable Rent = 9 units
 - 25% first homes = 5 units
 - 25% shared ownership = 5 units.

- 6.29 The need to provide affordable housing, including social and shared ownership properties is highlighted as a priority within the Wiltshire Community Plan 2011-2026 and this application will go some way to helping to address this need. The recent Appeal decision for Westbury (**Document 2**) confirmed at paragraph 116, that 4,270 households appeared on the housing register in July 2024, which was a 76% increase since 2017.
- 6.30 In addition, following the feedback from the public consultation events, the need for affordable housing and particularly mechanisms to support young people in buying homes within the village was a key topic of interest for local people. This application will contribute to the delivery of affordable homes and help to support young people within the village.
- 6.31 The mix and tenure of affordable housing will be secured through a suitably worded s106 agreement and Reserved Matters application, to ensure that the affordable housing meets the specific housing needs for the area. As such, the proposed development will comply with Core Policy 45 and the intentions of the NPPF (Paragraphs 60 & 82) which seek to ensure that the needs of groups with specific housing requirements are addressed and that development reflects local needs.

Housing Mix / Accessible and Adaptable Dwellings

- 6.32 Core Policy 45 of the adopted Core Strategy is concerned with ensuring that the right type, mix and size of properties are provided within the County to meet the specific needs within Wiltshire. The application proposes the following housing mix as part of this development, which will be provided by a combination of detached and semi-detached dwellings:
- 2-bed dwellings = 13
 - 3-bed dwellings = 32
 - 4-bed dwellings = 2
- 6.33 The detailed design and housing mix does not form part of this Outline application. However, the illustrative layout presented for this scheme and the above proposed housing mix demonstrates that the application will deliver a range of property types and sizes to suit a range of needs and complies with Core Policy 45.
- 6.34 In addition, the proposals include the provision of 4 bungalows (2-bed properties), which will be designed specifically for elderly / adaptable living requirements. These have been included following feedback from the consultation events, where local residents highlighted a desire for single-level properties for those with accessibility needs and people looking to downsize but remain within the village. This application has therefore sought to specifically address this local need, and demonstrates compliance with Core Policy 46 – Meeting the Needs of Wiltshire’s Vulnerable and Older People.

Landscaping and Visual Impacts

- 6.35 Core Policy 51 (Landscape) of the Wiltshire Core Strategy states that:
- “Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures”*
- 6.36 The application has been largely landscape-led, working with the existing on-site planting and providing opportunities for public open space and recreation, along with biodiversity enhancements.
- 6.37 The layout of the proposed development is presented indicatively, to support this Outline planning application. However, the arrangement of properties and associated private gardens, and communal public

spaces have been designed to afford neighbouring residents with high privacy levels and to ensure protection from harm caused by noise or light pollution.

- 6.38 The application site is mostly neutral grassland to the south with modified grassland to the north with a central wet copse feature, western broadleaf woodland, and intact boundary hedges with associated boundary broad leaf trees.
- 6.39 The LVA, produced by BEA Landscape Design Ltd, undertakes an assessment of impact of the development on the Landscape Character of the site with the summary of the effects provided in table 11, which is replicated below:

Receptor Type	Receptor Sensitivity	Magnitude of Change (Table 4)	Level of Proposed landscape effect (Table 5)	Judged Scale of Proposed effect (with Mitigation at year 15)
Land use	Medium	Large	Moderate to major adverse	Moderate adverse
Topography	Low	Negligible	Negligible	Negligible
Hydrology	medium	Small	Negligible to minor	Minor Beneficial
Landscape Character	Medium	Medium	Moderate adverse	Minor adverse
Cultural Heritage	Low	Negligible	Negligible	Neutral
Landscape Features	Low	Medium	Minor adverse	Moderate Beneficial
Landscape value	Medium	Medium	Moderate adverse	Minor adverse

- 6.40 As can be seen, the main adverse impacts are to land use, which would typically be expected for any residential development on a greenfield site. The impact to land use after mitigation is considered to be moderate adverse impact. Furthermore, the effect to landscape value is also identified to be minor adverse.
- 6.41 The LVA also completes a visual assessment of the proposed development. This identified nine viewpoints from a range of distances where the completed development might be visible from. The summary of the impacts of the proposed development is outlined in Table 13 of the LVA and is also replicated below:

Name of Viewpoint	Sensitivity (Table 8)	Magnitude of effect without Mitigation (Table 10)	Magnitude of Effect with mitigation Year 15
View 1 taken from Southampton Road directly to the south of the proposed Site, which links the site's access road to Alderbury, Salisbury and Southampton.	Negligible to Low	Moderate Adverse	Minor Adverse
View 2 taken from the main existing residential estate that directly abuts the western boundary of the proposed development and the extent of the Site. This view is taken to the east just beyond where the hedge and tree line allows views into the Site.	Low to Medium	Moderate Adverse	Moderate Adverse
View 3 taken from a junction on Oakwood Grove. The plots numbered 48,49 and 50.	Medium to High	Moderate Adverse	Moderate Adverse
View 4 Taken from the private section of Junction Road.	Low	Negligible	Negligible
View 5 taken from the PRoW Footpath Alde20.	Medium	Negligible	Negligible
View 6 from the Main A36 Road from Salisbury to Southampton just north of the Site.	Negligible	Negligible	Negligible
View 7 taken from Claredon Road that links directly to the village of Alderbury	Negligible	Negligible	Negligible
View 8 taken from further on the main A36 that links Salisbury and Alderbury to Southampton.	Negligible	Negligible	Negligible
View 9 taken from the recognised viewpoint at Pepperbox Hill looking towards Salisbury	Low	Negligible	Negligible

- 6.42 Of the nine views identified, the proposed development is determined as having negligible impact from six of the viewpoints after mitigation is considered. Of the remaining three views, one is at the entrance to the site, where a minor adverse effect has been identified. The remaining two views are from the residential estate to the west of the site, where a moderate adverse effect would occur.
- 6.43 Given the above, it can be concluded that any views of the site which will be adversely affected are limited to the immediate context of the site and not any longer views from the wider area. The localised impacts would be limited in minor to moderate effect, which again would be expected for any development of a greenfield site for residential use.
- 6.44 In addition, Core Policy 52 is also concerned with the retention and enhancement of Wiltshire's Green Infrastructure network. This requires that green infrastructure should be maintained and enhanced; that development makes provision for accessible open space; and ensure that long-term management measures are in place. The proposals put forward as part of this application will enhance the Green Infrastructure currently on the site, by additional tree planting and the creation of linked parcels of open space to provide biodiversity benefits and outdoor recreation. The long-term management of the open space will be agreed via appropriate mechanisms, as part of any planning permission granted.
- 6.45 The Landscape and Visual Assessment has concluded that some slight to moderate adverse impacts would arise from the development. The impacts of this will be considered further in the Planning Balance in Section 7 of this Statement.

Design

- 6.46 Adopted Core Strategy Policy 57 is concerned with ensuring high quality design is achieved within new developments and a strong sense of place created, by drawing on the key aspects of local character. The policy highlights 14 key aspects to take into account within new developments, to ensure that they make a positive contribution to the character of Wiltshire. These key points for consideration in achieving high-quality design are summarised below:
- i. Enhancing local distinctiveness;
 - ii. Retaining and enhancing existing important landscape and natural features;
 - iii. Responding positively to the existing townscape and landscape features;
 - iv. Being sympathetic to and conserving historic buildings and historic landscapes;
 - v. Maximising opportunities for sustainable construction techniques;
 - vi. Making efficient use of land, whilst taking account of the characteristics of the site and local context;
 - vii. Having regard to the compatibility of development with neighbouring buildings and uses;
 - viii. Incorporating measures to reduce opportunities for crime and anti-social behaviour;
 - ix. Ensuring areas of public realm create places of character that are legible, safe and accessible;
 - x. Sensitive design of advertisements;
 - xi. Planning for diversity and adaptability for long-term uses;
 - xii. The use of high quality building materials, finishes and landscaping;
 - xiii. Providing a Design and Access Statement

xiv. Meeting the requirements of Core Policy 61 – Transport and New Development.

- 6.47 The detailed design of the development will come forward for consideration during the Reserved Matters stage. However, this application is accompanied by a Design and Access Statement (as required by point xiii above) which sets out the design principles for the proposed development and how it will address the key priorities of Core Policy 57.
- 6.48 The proposed illustrative layout submitted as part of this planning application has had close regard to the layout and design of the site surroundings, including the density and layout of existing residential development within the village. The scheme includes a total of 47 residential units, of varying size and scale and will achieve an appropriate density of 9.43dph, which is comparable with the surrounding built context, yet also ensuring the efficient use of land as encouraged by Paragraph 128 within the NPPF.
- 6.49 The indicative layout presents a scheme of well-spaced properties, fronting onto areas of open public green space. The proposed development includes landscape enhancements and tree planting and demonstrates a suitable scale of development for the site, that will enhance the semi-rural character of the surroundings, whilst allowing suitable visibility across the site to deter anti-social behaviour and creating a sense of place within the site.
- 6.50 A key priority within these proposals has been to maintain and enhance the existing strong planted boundaries to the site and include large areas of functional open space and additional tree planting, landscaping and biodiversity enhancements. This will ensure that the proposals will not present an overly urbanised appearance and the development will sit comfortably within the semi-rural character of the area in compliance with Core Policy 57 and the intentions of the NPPF within paragraphs 135 and 136.

Sustainability

- 6.51 This application is supported by a Sustainability Statement produced by Envision, which sets out a range of sustainable design measures that will be incorporated into the proposals to ensure that the development complies with national and local planning policies and the overarching principles of sustainable development.
- 6.52 These measures will be brought forward within the detailed design of the development, at Reserved Matters stage. However, the development will be designed to be zero-carbon, meeting the aspirations of the emerging Local Plan, which will require all major development to meet a zero-carbon standard. To achieve this, passive design measures will be incorporated, such as Air Source Heat Pumps and Photovoltaics. Furthermore, sustainable drainage mechanisms, which include large areas of soft landscaping, drainage ponds and an attenuation crate have been provided for. Additionally, sustainable transport measures, such as the inclusion of cycle storage and EV charging stations will be provided in line with local policy requirements, to support the new development and ensure compliance with Core Policy 57.

Heritage and Archaeology

- 6.53 Core Policy 58 seeks to protect, conserve and enhance the historic environment. In addition, Core Policy 57 also requires that new development is sympathetic to and conserves historic buildings and historic landscapes.
- 6.54 Consideration has been given to the surrounding designated and non-designated heritage assets within the context of the application site. There are 23 listed buildings located within 1km of the application site, with 21 of these being located within the Alderbury Conservation Area, located some 150m to the west of the site. There is no intervisibility between the site and the Conservation Area, and these heritage assets are therefore considered to not be harmed in any way, by the location of this proposed development.

- 6.55 Two further Grade II listed buildings, located outside of the conservation area: Milestone and Cherry Tree Cottage are both located between 170 -190m away from the application site. Again, these are separated by some distance from the proposed development and the application proposals would be considered to have a 'neutral impact' on the setting of these designated heritage assets. Two additional non-designated heritage assets: Hillside and Oak Lodge are situated to the west of the site on Clarendon Road. Neither property has any functional or visual relationship with the planning application site and no harm to their setting is expected to be caused by the development proposals being put forward within this application.
- 6.56 The application is supported by an Archaeological Desk-Based Assessment, which confirms that the site has been the subject of a walkover survey. The report concludes that there is no identified impact to any recorded non-designated archaeological assets. The only potential feature of archaeological interest identified is a possible 20th Century structure associated with a spring to the west of the site, and the route of a raised 19th Century trackway which lies along the northern boundary. In light of the findings of archaeological investigations on nearby sites, the potential for archaeological remains that could be impacted by the proposed development, is considered to be low.
- 6.57 On this basis, the proposed development would preserve the setting of listed buildings and conserve the special interest, character and appearance of the Alderbury Conservation Area and would therefore comply with the requirements of the adopted Core Policy 58 which seeks to ensure the Conservation and Enhancement of the Historic Environment.

Transport Considerations

- 6.58 The adopted Core Strategy includes Core Policy 60 (Sustainable Transport); Core Policy 61 (Transport and New Development); and Core Policy 62 (Development Impacts on the Transport Network). Each of these policies have been given consideration during the formulation of this application.
- 6.59 Furthermore, comments received from National Highways during the pre-application process, highlighted the existing pressure along the A36 corridor during peak times. Further dialogue has taken place with both Wiltshire Council and National Highways to confirm the scope and contents of the supporting transport reports submitted with this application. In addition, the strength of local concern in relation to matters of increased traffic congestion and highway safety implications were key matters raised in feedback following the public consultation events. This application has therefore sought to demonstrate that the development can be accommodated comfortably in this location without creating or exacerbating highways issues, in accordance with local and national planning policy.
- 6.60 The Transport Assessment, produced by Meyer Brown, confirms that the site is well located for easy access on foot or by bicycle to a range of facilities and amenities within the village, including local shops, a primary school and leisure facilities. The site is also well served by public transport, with two bus stops positioned along the Southampton Road. Housing development on this site and any subsequent occupation of the properties will therefore not be reliant upon travel by private car for all essential journeys.

Accident Record

- 6.61 The Transport Assessment includes a review of accident records within the vicinity of the application site. The findings are summarised below:
- 2 accidents recorded at the Southampton Road / A36 junction north of the village involving unrelated circumstances;
 - 3 accidents on the Southampton Road within the village - none were close to the application site;
 - 1 accident on Folley Lane which is not expected to be used by residents of the new development;

- 6 accidents recorded at, or close to the southern junction of the Southampton Road with the A36 involving unrelated circumstances;
- 4 accidents along the Alderbury by-pass section of A36 – this section of the A36 is not expected to accommodate traffic from the proposed development.

6.62 The accident data confirms a low number of recorded accidents, no cluster sites and a variation in accident types and likely causes. On this basis, the Transport Assessment concludes that no existing highway safety concerns exist.

Highways Impacts

6.63 The Transport Assessment identifies that traffic surveys have been undertaken adjacent to the site frontage. The following extract from this document provides a summary of the average weekday traffic flows on Southampton Road.

Time	ATC – Average Weekday Traffic Flows		
	Eastbound	Westbound	Two-way
AM Peak (0800-0900)	90	245	334
PM Peak (1600-1700)	126	180	305
Daily (0000-2400)	1,265	1,921	3,186

6.64 A junction survey was undertaken (as requested by National Highways) at the northern junction with the A36, where vehicle queuing was also measured. In the morning peak, there were 237 vehicles departing Southampton Road towards Salisbury and 104 turning right towards Alderbury. In the PM peak, there were 189 vehicles departing Southampton Road towards Salisbury and 203 travelling towards Alderbury from the northwest. Two-way flows along the A36 were 1,529 in the AM peak and 1,233 in the PM peak.

6.65 The results found that some queueing was present on the Southampton Road during the morning peak, due to slow moving northbound traffic. This was on average a queue of 6 vehicles. Minimal was observed in the right-turn lane from the A36 to Southampton Road, where the queueing lane has a capacity for 14 cars.

6.66 Section 5 of the Transport Assessment considers the impacts of the development on the surrounding highway network, with the expectant trip generation outlined below:

Time Period	Vehicular trip Rate (Per Dwelling)			Traffic Generation (47 Dwellings)		
	In	Out	Total	In	Out	Total
Weekday AM Peak (08.00-09.00)	0.165	0.319	0.484	8	15	23
Weekday PM Peak (17.00-18.00)	0.330	0.150	0.480	16	7	23
Weekday (12 Hours) (07.00-19.00)	2.354	2.391	4.745	111	112	223

6.67 Overall, the proposed development is predicted to generate only low levels of traffic (1 additional vehicle movement every 3 minutes), which is not anticipated to have any material impact on highway safety or create any level of vehicle movements that would result in a material impact to the surrounding local highway network.

6.68 Paragraph 5.8 to 5.10 of the Transport Assessment identifies the trip distribution arising from the above journeys, with 14 additional movements heading north of the A36 expected to be generated in the morning and afternoon peak hours.

- 6.69 In line with the pre-application scoping request from Highways England, the transport assessment includes an accumulative assessment of the impacts on the A36 from the proposed development and those committed elsewhere. This has included for the 50 dwellings at the Firs Road scheme and up to 30 dwellings at the Wagtails scheme, which has subsequently been approved at Committee.
- 6.70 The Transport Assessment concluded that the above developments, in combination with the proposed application, would result in one additional vehicle every four minutes in the AM peak and one additional vehicle every two minutes in the PM peak. Given the capacity which is available in the right hand turn from the A36, Highways England have requested no further assessment of this junction is required.
- 6.71 For the reasons outlined above, we consider the impacts of the development to be acceptable in terms of impact to the highway network and the A36.

Site Access

- 6.72 Access to the site will be achieved via a single priority access junction from the Southampton Road, in a similar location to the existing field gate.
- 6.73 Visibility splays have been calculated in accordance Manual for Streets 2 and based upon the recorded speeds along the Southampton Road. This showed an average 85th percentile speed of 34.3mph in an eastbound direction, and 35.7mph in a westbound direction. As such, visibility splays of 2.4m x 52m towards the northwest and 2.4m x 55m towards the southeast can be achieved, to ensure suitable visibility from the access junction.

Pedestrian Linkages

- 6.74 The proposed development will see improvements made to off-site highway infrastructure in the form of footway widening and resurfacing to the site frontage and footpath clearance between the site and the bus stops close to Junction Lane in order to promote sustainable travel. It is also understood that financial contributions towards off-site improvements may also be requested.
- 6.75 Following feedback from the consultation events, the Applicant sought to include a pedestrian connection through the site from Clarendon Road, and onwards towards Junction Road to allow pedestrian access through the Firs Road development scheme and improve connectivity to the primary school positioned on Firs Road. However, it has not been possible to incorporate this linkage as Junction Road is privately owned and so the applicant does not benefit from any rights to access onto this private road. Furthermore, the creation of a pedestrian pathway between the gardens of properties on Clarendon Road and Oakwood Grove would have required removal of protected trees and create incompatibilities between the need for lighting of the footpath for Secure by Design and the need to keep this area a dark corridor for bat foraging.
- 6.76 As a result, this specific element cannot be achieved as part of this proposal, but the indicative layout does include pedestrian walkways throughout the proposed development and areas of public open space, along with pedestrian footpaths alongside the highway which connect to the Southampton Road and the amenities and bus stops, encouraging sustainable travel to the wider area.

Parking

- 6.77 Parking will be provided for each proposed dwelling in accordance with the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (March 2015) and the Wiltshire Local Transport Plan 2011-2026 Cycling Strategy (March 2014). This sets out the following standards:
- 2-bed / 3-bed dwellings = Two car parking spaces / One covered cycle space
 - 4-bed dwellings = Three car parking spaces / Three covered cycle spaces

- Visitor car parking = 0.2 spaces per dwelling (unallocated)
- Electric Vehicle charging = 1 space per dwelling

6.78 In addition to the above requirements, the Local Transport Plan also confirms that “garages will only count as part of the allocated parking provision where they meet the minimum size requirement of 6m x 3m (internal dimensions)”.

Travel Plan

- 6.79 It is intended that detailed car parking provision will be secured within the Reserved Matters application to comply with the above standards. However, the application is also supported by a Travel Plan produced by Mayer Brown, that further outlines the range of services and facilities available within reasonable walking or cycling distance of this proposed development site, along with the frequency and range of public transport options available.
- 6.80 In addition, any future development on this site will need to comply with the recommendations of the Travel Plan, in order to encourage the use of alternative transport modes and support sustainable travel to and from the development. As such, future residents of the proposed development will not be solely reliant upon travel by private car as sustainable options will be provided and promoted. The Travel Plan is provided in accordance with Wiltshire Council’s SPD – Development related Travel Plan Guidance (2021).

Conclusions on Highway Impacts

- 6.81 On the basis of the findings of the technical reports submitted in support of this application, the erection of 47 new dwellings in this location will not have an unacceptable impact on the surrounding local highway network, and a safe and suitable means of access to the proposed development site can be achieved. On this basis, future residents will benefit from a range of sustainable travel options to prevent reliance upon private car travel.
- 6.82 The proposed development therefore complies with adopted Core Policies 60, 61 and 62 and the intentions of the NPPF which seek to promote accessible and sustainable developments, where future residents will benefit from a choice in transport modes and will not be reliant upon travel by private cars. As such, there are no highways or transportation matters that would prevent this application being approved.

Environmental Considerations

Ground Conditions

- 6.83 The application is supported by a Phase I Geo-Environmental Desk Study which provides a preliminary assessment of potential ground related development constraints. The Phase I desk survey confirms that the site has remained undeveloped since the earliest mapping information (1872) and no made ground is recorded on the site. As such, the environmental sensitivity of the site is considered to be low.
- 6.84 The Report finds that the site is at low, or very low risk of contamination from previous land uses either on or surrounding the site, with some moderate risk, due to the unknown presence of ground gases.
- 6.85 The Report recommends that a Ground Investigation Scope should be prepared, once detailed designs for the site are available, and further geo-environmental investigations undertaken prior to development.

Air Quality

- 6.86 The Application is supported by an Air Quality Assessment, produced by Air Quality Consultants which sets out the potential air quality impacts associated with the proposed development. The main air pollutants are

likely to be generated by road traffic emissions (NO₂ and fine particulate matter PM₁₀ and PM_{2.5}).

- 6.87 Core Policy 55 is concerned with maintaining air quality within Wiltshire and the Council's Air Quality SPD (2023) and Air Quality Strategy (2019) both seek to promote better air quality and secure appropriate mitigation where necessary.
- 6.88 The proposed development will incorporate the use of hot water and heating via ASHP's, and the retention and supplementary tree planting between the site and surrounding roads, along with the inclusion of electrical vehicle charging points to promote non-combustion engine usage, will minimise air quality impacts caused by this development. As such, the proposed development will not have a significant impact on local roadside air quality and future residents will experience acceptable air quality, with concentrations well below the air quality objectives and the overall operational air quality effects.
- 6.89 The Air Quality Assessment confirms that there is no requirement for further detailed assessment of air quality and the proposed development is consistent with paragraph 185 and 186 of the NPPF and Core Policy 55 of the Wiltshire Core Strategy, along with the recommendations of the Air Quality SPD.

Noise

- 6.90 The application is supported by a Noise Impact Assessment produced by Jameson Acoustics which highlights that the main noise constraints for development on this site are road traffic and occasional trains.
- 6.91 The assessment finds that acceptable internal noise levels can be achieved within the proposed dwellings, by the use of conventional double glazing and ventilation for the majority of properties. Two dwellings will require minimal enhancements, such as enhanced double glazing and acoustic trickle vents on their front facades, to bring internal noise levels to acceptable levels. Noise levels in private back gardens will be within the guideline limits, albeit that a single dwelling positioned in the north-eastern corner of the site, will require a solid timber fence to its boundary to ensure that acceptable external noise levels are achieved.
- 6.92 Adopted Core Policy 57 from the Wiltshire Core Strategy seeks to achieve high-quality design and requires the consideration of noise impacts. In addition, the NPPF and Planning Practice Guidance all seek to protect new development from unacceptable noise. The proposed development, through the detailed design stage, can be designed appropriately to ensure that future residents are not impacted by unacceptable noise levels and as such the proposals will comply with Core Policy 57 of the adopted Core Strategy.

Flood Risk and Drainage

- 6.93 The site is located within Flood Zone 1. A surface water flow path has been identified running through the site, resulting in parts of the site being at low surface water flood risk. Local concerns were raised during the consultation events, regarding the high water levels on the existing site and this application has therefore ensured that the proposed development is protected from flood risk on the site and the surrounding area will not be impacted by flooding issues.
- 6.94 The application is supported by a Flood Risk Assessment and Drainage Strategy produced by Mayer Brown, which has been prepared following consultation with Wiltshire Council (as the Lead Local Flood Authority).
- 6.95 The Flood Risk Assessment notes that the site is entirely greenfield, but the ground conditions are unlikely to support the use of infiltration drainage, hence the proposals to divert surface water run-off to the northern ditch, as per the existing arrangements. Furthermore, the drainage proposals include the use of a hydro-brake chamber, detention basin, attenuation tank and permeable paving, where possible, to provide sustainable drainage solutions within the site to suitably accommodate surface water. In addition, adoptable surface water sewers will be provided within the adopted and private road network. These arrangements

will be controlled and maintained by an operation, maintenance and management plan, secured by planning condition.

- 6.96 The proposed foul drainage will see the diversion of two existing foul sewers currently running through the site, and connectivity via a gravity system.
- 6.97 The Flood Risk and Drainage Strategy concludes that the proposed drainage arrangements will ensure that the site will not be at risk of flooding and will not increase the risk of flooding to downstream or to surrounding properties. The proposals therefore comply with Core Policy 67 of the adopted Wiltshire Core Strategy and paragraph 165 of the NPPF.

Ecology and Biodiversity

Protected Species

- 6.98 This application is supported by a Preliminary Ecological Appraisal prepared by Cotswold Wildlife Surveys, in order to determine the presence of important habitats and species on the site that may be impacted by the proposed development.
- 6.99 The PEA confirms that no statutory or non-statutory designated sites will be impacted by the proposed development, due to the separation distance from the development site and the presence of other obstacles between the site and these sensitive areas.
- 6.100 The existing site is comprised of semi-improved grassland, which has been topped and/or grazed. The site is enclosed by species rich, intact hedgerows and a small watercourse runs through the centre of the site, which was lined by a species rich hedgerow with mature trees, including two veteran trees. An area of wet woodland is also present, which contains fairly diverse ground flora. A block of scrubby woodland is located to the western side of the site. The areas of grassland are rich botanically, but no rare or notable vascular plants were recorded, with all species being common and widespread. There were no invasive or notifiable species found on the site.
- 6.101 During the surveys, the potential for protected species and important species was assessed. The findings are set out within the table below.

Species	Findings
Reptiles	The site has some potential for reptiles but due to the absence of obvious basking or foraging areas there is no requirement for further reptile surveys recommended.
Invertebrates	In light of the condition of the topped / grazed semi-improved grassland there is a low potential for invertebrates
Bats	Bat activity surveys undertaken. Emergence survey confirmed no bats emerged from veteran trees and none supported features that would be considered suitable for bat roosting and/or hibernation. The site has moderate value for foraging / commuting bats. Bat activity surveys confirmed most bat activity was focussed along the central hedgerow, watercourse and wet woodland area. Recorded species include: Daubenton's Bat; Natterer's Bat; Common Pipistrelle; Nuctule; Leisler's Bat; Serotine and Barbastelle.
Badger	No signs of Badger activity was recorded within the site
Great Crested Newts	No permanent still-water features or obvious refugia or hibernacular within the site. One single record of GCN within the wider area, and the site is considered highly unlikely to support this protected species.

Species	Findings
Dormice	Dormice surveys conducted from June – October 2023. No evidence of dormice found.
Birds	15 species of bird were observed during the site visits, including a Song Thrush (RSPB Red List) and a Bullfinch (RSPB Amber list). The proposed development is unlikely to lead to a loss of bird nesting sites as the trees, hedgerows and woodland are to be retained as part of the proposed development.

6.102 In light of the above findings, the Preliminary Ecological Appraisal does not recommend that a further Ecological Impact Assessment is required in support of this application.

Biodiversity Net Gain

6.103 The application is supported by a Biodiversity Net Gain Assessment and accompanying calculations produced by Cornwall Environmental Consultants. This provides the baseline and post-construction BNG assessment and provides recommendations that will allow 10% BNG to be achieved.

6.104 The report confirms the following existing baseline BNG position of the site:

Biodiversity Net Gain Baseline	
Habitat Units	46.89
Hedgerow Units	8.14
Watercourse Units	4.64

6.105 Chapter 15 of the NPPF (2023) is focused on the conservation and enhancement of the natural environment and the Environment Act 2021 places a requirements for all eligible planning applications to provide a minimum of 10% Biodiversity Net Gain. The Statutory Metric (DEFRA 2024) has been used to calculate the baseline Biodiversity Unit value of the site.

6.106 The BNG Assessment confirms that the proposal will result in the loss of 3.45ha of the baseline habitat and the loss of 20m of hedgerow habitat. The application proposes to compensate for these losses by the creation of new habitats and the retention and enhancement of existing habitats, including enhancement to the watercourse, and the planting of new hedgerows. In addition, further off-site compensation will be secured by the purchase of off-site credits.

Trees

6.107 The application has been accompanied by a Tree Constraints Plan, Tree Survey Schedule and Arboricultural Impact Assessment. The site contains two Tree Protection Orders (TPOs).

6.108 The retention and protection of all trees has been a priority in the preparation of this application, due to the landscape and biodiversity features they provide. The protection of trees and hedges is also a topic of local interest raised during the public consultation events. As such, the proposed development has sought to retain all important trees and hedgerows within the site and along the boundaries, to preserve these existing features.

6.109 A total of 57 individual trees, 9 groups of trees, and 9 hedges were recorded during the tree survey. The majority of trees or groups of trees were considered to be good quality (Category B), with 9 trees being large,

mature and high-quality (Category A), all which are proposed for retention and can be accommodated comfortably within the proposed site without the need for pruning.

6.110 Only a single Category U tree (T41) is proposed for removal, as a result of the proposed development. Two further Category U trees are considered to be of poor condition and not suitable for retention (T25 & T13), but their position within the site will not be impacted by the proposed development layout and their removal is not considered essential.

6.111 Tree T1, positioned adjacent to the western site boundary, sits outside of the application site. This tree has been surveyed and confirmed to be a Category U tree due to its poor condition. The proposed access road into the site will encroach slightly into the root protection area for this off-site tree. However it is anticipated that the root system for this tree will be limited, due to its decline and lack of live canopy, and as such, any impact of the road construction on the root system of Tree T1 is unlikely to impact the tree. However, further investigation, in the form of trial trenching within the root protection area has been carried out, in order to establish the presence of any large roots and to secure suitable mitigation for the construction of the roadway in this area. The results of the trial trenching and an Arboricultural Method Statement will be provided as a supplement to this application during the assessment period.

Nutrient Neutrality

6.112 The application site is located within a nutrient neutral area. The site is contained within both the catchment of the River Test, which is nitrogen sensitive, and the wastewater treatment works are in the catchment of the River Avon SAC, which is a phosphorus sensitive area. The application has given consideration to appropriate mitigation for nutrients and is accompanied by a Nutrient Assessment produced by Nutrient Neutral.

Phosphorus

6.113 It is expected that the annual phosphorus load generated by wastewater from the proposed development will be 4.45kg TP/yr. However, after the Technically Achievable Limit (TAL) upgrade to the Salisbury (Petersfinger) Wastewater Treatment Works (WwTW), as required by the Levelling up and Regeneration Act (LURA) the associated annual phosphorus generated by wastewater from the development will 1.11kg TP/yr.

Nitrates

6.114 The application site area (4.9ha) currently comprises lowland grazing land, where the total nitrogen load is 48.51kg TN/yr. The proposed use of the site as residential urban land will have an associated nitrogen load of 75.35kg TN/yr, with the total land use net change being 26.84kg TN/yr.

Proposed Nutrient Mitigation

6.115 A mitigation solution is in the process of being prepared, involving the upgrading of a number of existing septic tanks in the locality. Further details of this approach will be provided during the course of the application assessment, in order to provide confirmation of the septic tank upgrades. However, it is anticipated that the upgrading of the tanks will provide 6.3kg TP/yr and 37.152kg TN/yr and will provide an additional nutrient credit load of 0.792kg TP/yr and 4.942kg TN/yr which can be used for mitigation within future developments. On the basis of this proposed solution the Conservation Objectives of the River Avon or River Test will be maintained.

Planning Obligations

6.116 It is anticipated that a number of planning obligations will be required in connection with this proposed development. These are expected to address the following matters:

- Affordable Housing
- Nutrient Mitigation
- Off-site BNG credits
- Education
- Highways improvements
- Travel Plan monitoring
- Waste Management

6.117 A Draft Heads of Terms has been provided at **Document 3**.

7. Planning Balance

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 In the case of this application, it is acknowledged that the proposals will cause conflict with the development plan. The primary reason for this is that the development falls outside of the settlement limits for Alderbury and so conflict with Core Policy 2 of the Core Strategy will arise. Furthermore, the Landscape and Visual Assessment has identified that some slight to moderate landscape impacts will occur, meaning a degree of conflict with Core Policy 51 will also occur.
- 7.3 However, we consider the development is consistent with the remainder of the Development Plan for the following reasons:
- The development will provide 28 open market dwellings and 19 affordable dwellings, helping to meet a significant unmet need for housing and affordable housing within Wiltshire;
 - The proposed dwellings would be sustainably located with a range of facilities and services within the Large Village of Alderbury being accessible via a range of Active Travel measures;
 - The development would have acceptable impact to the surrounding highways network, including the A36, with a safe vehicular access and egress from the site being provided onto Southampton Road;
 - The scheme has followed a landscape led approach to development, with the resulting development being a low-density and high-quality residential development;
 - The development shall provide a range of carbon zero houses, including those designed to meet the needs of older people;
 - The proposed development would not unacceptably impact any protected species or their habitats and would ensure that at least 10% biodiversity net benefit would be achieved by the development through the purchase of off-site credits;
 - The scheme will provide significant level of public open space for use by occupiers of the development and existing residents of Alderbury;
 - The development would have an acceptable impact to the residential amenity of adjoining occupiers and would provide a high standard of residential amenity for future occupiers;
 - The proposals shall result in a significant enhancement in the storage capacity for surface water and ensure betterment compared to the existing greenfield run-off rate;
 - The development shall ensure a neutral impact to the River Test and River Avon Special Areas of Conservation, with regards to nitrates and phosphates respectively; and
 - The technical reports have shown that the site contains no constraints which would prevent development with regards to air quality, archaeology, flood risk or noise.
- 7.4 Whilst we consider the scheme to be largely compliant with the Development Plan, it is acknowledged that the proposals will breach Policies of the Development Plan and so is not in accordance with the Development Plan when taken as a whole.

- 7.5 However, the National Planning Policy Framework is a material consideration as to why a decision could be made other than in accordance with the Development Plan. As outlined in Section 4 of this Planning Statement, paragraph 11 d) ii) of the NPPF identifies that, where a Council's policies which are most important for determining the application are out-of-date, the permission is required to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken a whole.
- 7.6 Footnote 8 of the NPPF identifies when the most important policies are considered to be out of date and this confirms that failure to maintain the required housing land supply is such a circumstance. Under the December 2023 NPPF paragraph 226 confirms that the Council are only required to maintain a four-year housing land supply, as the Core Strategy review has reached regulation 18 stage.
- 7.7 However, in light of the Council's recently appeal-derived housing land supply position of 3.85 years, the Council is not meeting its four-year housing land supply requirement, meaning it's policies which are most important for determining the application are out-of-date and permission should only be refused if the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 7.8 Given the above, an assessment of the benefits and harms arising from the development needs to be considered and weight ascribed, before any determination of the application could be made. Our assessment of these benefits and harms are outlined below.
- 7.9 The NPPF outlines there to be three dimensions to sustainable development: economic, social and environmental. An assessment of the benefits provided by this scheme, is provided under each dimension below.

Economic Benefits

- 7.10 The proposed development will contribute to the creation of jobs, from low to high-skilled positions, within the local and wider employment market. The Home Building Federation housing calculator ([HBF Housing Calculator](#)) estimates that building 47 homes will support the employment of 145 people, including 1 apprentice / graduate / trainee position. In addition, local businesses in the supply chain will benefit from the development, further boosting economic activity in the locality.
- 7.11 The proposed development will also have indirect effects on employment, through the increase in population using the range of services and facilities in the local area. Guidance produced by the Homes and Communities Agency in 2015 'Calculating Cost per Job' outlines that based on a weekly household spend of £234.30 on local goods, the proposed development for 47 dwellings would generate spending in the region of £572, 629 per year (234.30 x 52 weeks x 47 dwellings) within the local area.
- 7.12 In addition, Wiltshire Council have an adopted CIL Charging Schedule (2015) and the proposed development of housing will secure CIL money, which will be payable towards infrastructure projects in the Wiltshire area.
- 7.13 Paragraph 85 of the NPPF states that 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. As outlined above, the development would provide a range of factors of economic growth and productivity, so **Significant** weight must be afforded to the economic benefits arising from the development.
- 7.14 Furthermore, **Moderate** weight is attributed to the job creation including the provision of apprenticeship or graduate positions.

Social Benefits

- 7.15 Paragraph 60 of the NPPF confirms the government's objective of significantly boosting the supply of homes. The Wiltshire Core Strategy identifies the need to provide a minimum of 42,000 homes during the plan period, with the emphasis being this is a minimum requirement and not a maximum threshold.
- 7.16 The latest appeal derived housing land supply position for the Council shows that the Council can only demonstrate a 3.85 years' worth of housing land supply, meaning the plan led approach to meeting this 42,000 home requirement is failing.
- 7.17 Whilst a 0.15 year deficit might not seem a significant amount, the Council has a high level of housing need, meaning 0.15 years deficit equates to a total of 292 homes, so is a large number of homes when considered in the context of number of properties rather than housing land supply.
- 7.18 For this reason we place **Significant** weight to the benefit of the provision of housing generally within the development.
- 7.19 The proposal would also provide for a policy compliant level of affordable housing which would equate to 19 affordable dwellings. The recent Appeal decision for Westbury (**Document 2**) confirmed at paragraph 116, that 4,270 households appeared on the housing register in July 2024, which was a 76% increase since 2017. Therefore, the Council has a dire need for further affordable housing and so **Very Significant** weight is afforded to the benefit arising from the provision of affordable housing in this instance.
- 7.20 The application proposals will deliver a range of property types, including two, three and four bed dwellings, as well as bungalows for accessible use. The public consultation event has shown a significant need for accommodation aimed for elderly residents and so **Moderate** weight is afforded to the benefit of the provision of housing aimed for elderly residents.
- 7.21 The proposed development has been landscaped led and would provide large areas of public open space. This would provide attractive and useable public open space for occupiers of the development and the community of Alderbury. Therefore, **Limited** weight is afforded to the provision of public open space within the development.
- 7.22 The scheme has also been designed to provide a new car park for the allotment holders to the south of the site. They currently rely on the unmade parking within the field and so would be provided with a suitably surfaced car park and vehicular access and **Limited to Moderate** weight is afforded to this benefit.

Environmental Benefits

- 7.23 Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate. The proposed development would deliver a 47 carbon zero homes and would assist in the transition to a low carbon future. Therefore, **Moderate** weight is ascribed to the benefit arising from the provision of carbon zero homes.
- 7.24 The proposals will also ensure the provision of at least 10% biodiversity net benefit through on site enhancements and the purchase of off-site credits. Whilst the 10% increase is a statutory requirement, it has also been confirmed that the 10% increase is beyond a mitigation and needs to be considered a benefit arising from the development. Therefore, **Limited** weight is placed on the be 10% biodiversity enhancement the development would provide.
- 7.25 The scheme will also provide for enhancement of the drainage capacity of the site and a reduction in surface water run off. This is considered to provide a benefit of **Limited** weight.

Adverse Impacts

- 7.26 The adverse impacts of the development have been identified earlier in this section. The proposal does not comply with Core Policies 1, 2 and 23 and the Core Strategy, which are the key policies dealing with the principle of development in this location and setting out the spatial strategy of the Council. However, the proposals do not conflict with any of the specific issues and considerations within the Southern Wiltshire Community Area. Therefore, the level of weight attributed to this adverse impact is considered to be **Significant**.
- 7.27 The other remaining adverse impact identified is the landscape harm arising from conflict with Policy 51 of the Core Strategy. This has been identified by Bea Landscapes to result in minor to moderate adverse impact from three nearby viewpoints. Therefore, the harm identified is localised to a few key viewpoints close to the application site and so the level of weight attributed to this landscape harm is considered to be **Limited** in totality.

Planning Balance

- 7.28 As required by paragraph 11d ii) of the NPPF a balance of the benefits and adverse impacts of the scheme is required to be made. These are summarised in the tables below.

Benefit	Weight
Economic Growth and Productivity	Significant
Job Creation	Moderate
Provision of Housing	Significant
Provision of Affordable Housing	Very Significant
Housing Mix / Provision of Housing Designed for the Elderly	Moderate
Public Open Space	Limited
Allotments Car Park	Limited to Moderate
Carbon Zero Homes	Moderate
Biodiversity Enhancement	Limited
Drainage Improvements	Limited

Adverse Impacts	Weight
Conflict with Spatial Strategy	Significant
Landscape Impacts	Limited

Conclusion

- 7.29 Paragraph 11 d) ii) of the NPPF requires a balancing exercise of the benefits a development would deliver against any adverse impacts would arise. As the Council's most important policies for determine the application are out of date, then permission should only be refused if the adverse impacts would significantly and demonstrably outweigh the benefits.

- 7.30 In the context of this application, the scheme provides a number of benefits including the provision of affordable housing, which is ascribed very significant weight, and the provision of housing and economic benefits which are attributed significant weight. Further benefits of the provision of carbon zero homes, homes for the elderly and job creation are given moderate weight and other benefits are provided within limited / moderate weight.
- 7.31 The benefits are required to be balanced against the limited landscape harm which has been identified. The only other harm is that the development falls outside of the settlement limits of the Large Village of Alderbury. However, the site is contiguous to this settlement and the proposals do not conflict with any other considerations for the Southern Settlements Community Area Strategy. Therefore, whilst significant harm is considered to arise from this conflict, it cannot be considered that this level of harm would significantly and demonstrably outweigh the benefits arising from the development.
- 7.32 Therefore, we consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits which the development would deliver and so Planning Permission should be granted, as required by paragraph 11 d) ii) of the NPPF, accordingly.



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Land at Southampton Road and Junction Road,
Alderbury

Planning Statement

Document 1

Written Pre-App Response from Wiltshire Council

6th March 2023

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BS 3BD
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Dear Mr Thornton,

Application No:	ENQ/2023/00006
Proposal	Residential development comprising of 77no dwellings
Site Address	Land at Southampton Road and Junction Road, Alderbury, SP5 3AG

Thank you for your application registered on the 6th January 2023. In response to your enquiry I hope that you will find the following information helpful.

Please note that this advice represents officers' informal opinion based upon the information you have provided. It is given without prejudice to any decision the Council may make on any subsequent formal planning application. In particular, a planning application will be the subject of publicity and consultation in accordance with the Council's procedures which may bring to light additional issues, and as you will be aware, advice offered is based on the planning policies that apply at the time of writing.

Summary of Officer View

Pre-application advice is sought to establish the acceptability of residential development comprising of the erection of 77 dwellinghouses.

Whilst there is no planning history on the site subject to this pre-application enquiry, officers note the appeal decision referred to in the submitted documentation in relation to planning application 17/04001/OUT, a proposal for the erection of 50 dwellings with associated works on land immediately adjacent to this site subject to this pre-application enquiry. Whilst this proposal was refused planning permission by the Southern Area Planning Committee Board, the decision was appealed and granted planning permission by the Planning Inspectorate on the basis that the LPA could not at that time, demonstrate a 5 year housing land supply and that the Alderbury settlement boundary was considered to be out of date.

The settlement boundaries since then have been comprehensively reviewed through the Wiltshire Housing Site Allocations Plan, which was adopted in February 2020 and that document has been afforded significant weight at appeal since its adoption.

It is acknowledged that the LPA cannot demonstrate a 5 year housing land supply at present as there is a small shortfall. Nevertheless, the proposal is not supported in principle as it does not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principal aims of the National Planning Policy Framework. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against

the development plan as whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

In light of the consultee responses as outlined within this pre-application enquiry, namely the impacts this proposal would have to the New Forest SPA, the River Avon SAC and the concerns around the design/layout of the proposal the tilted balance is not considered to be engaged for this site. Having regard to the above, footnote 7 of paragraph 11 of the NPPF and consultee responses, the submission of an application to the Local Planning Authority (LPA) is unlikely to gain a favourable response from officers.

Relevant Planning History:

N/A

Relevant Planning Policies:

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 23 Southern Wiltshire Community Area

Core Policy 43 Providing Affordable Homes

Core Policy 50 & 52 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 58 Ensuring the conservation of the historic environment

Core Policy 61 Transport and Development

Core Policy 62 Development impacts on the transport network

Core Policy 64 Demand Management

Core Policy 67 Flood Risk

Core Policy 69 Protection of the River Avon SAC

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 5 Delivering a sufficient supply of homes

Section 12 Achieving Well Designed Place

Section 15 Conserving and enhancing the natural environment

Wiltshire Housing Site Allocations Plan

Appendix A: South Wiltshire HMA Amended Settlement Boundaries (adopted Feb 2020)

Planning Considerations

- Principle of development and five year housing land supply;
- Design, amenity impacts and impact on the character of the Special Landscape Area and Trees;
- Highway safety/parking;
- Ecological Impact including River Avon nitrate neutrality and New Forest Special Protection Area;
- Impact on Heritage Assets/Conservation Area/Archaeology;
- Drainage/Flooding Risks;
- Education/Affordable Housing;

- Waste/S106 Contributions

In considering your enquiry, the following consultees provided the comments below:

Spatial Planning

The comments received are attached within this pre-application response with the conclusion detailed below:

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

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

Highways

The comments received are attached within this pre-application response

National Highways

National Highways primary consideration is with the safe and efficient operation of the strategic road network (SRN) which in this location comprises the A36 and its associated junctions to the north-west and south-east of Alderbury. It is in the context of our responsibilities to manage and maintain the SRN that our comments are made.

Traffic Impact

The A36 corridor, particular towards Salisbury, already operates under constraint during peak periods and it will be necessary for the developer to provide an assessment of the traffic impacts arising from their proposals which should consider the operation of the SRN in line with national planning practice guidance and the requirements of DfT Circular 01/2022 The Strategic Road Network and the Delivery of Sustainable Development. It will be particularly important to understand the suitability of the A36/Southampton Road junction located to the north-west of Alderbury to safely accommodate additional turning movements. Where the proposals would result in a severe congestion or unacceptable safety impact, necessary infrastructure/mitigation will be required in line with current policy. We would also expect the development to be supported by robust travel plan measures to encourage the take up of sustainable travel modes.

The assessment should include trip generation and distribution, and the effects of the proposed development should be assessed cumulatively with other schemes. We would expect the developer to agree an appropriate list of schemes, including committed development in the area, with Wiltshire Council as well as National Highways. We reserve the right to request additional assessment at a later date, subject to reviewing the completed transport assessment.

The site will be accessed via Southampton Road which in this location forms part of the local highway network and therefore the suitability of the proposed access arrangements will be a matter for Wiltshire Council to determine as the relevant local highway authority.

Environmental and Highway Asset Impacts

The site is in relatively close proximity to the A36, separated from it by a single field. It will therefore be important for consideration to be given to the potential environmental impacts of the proposals, and any potential impact on the highway asset particularly with regards to drainage and noise/screening. Again, proposals will need to reflect the requirements of DfT Circular 01/2022 to be acceptable to us .

It should be emphasised that National Highways soft estate must not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any required fences, screening or other structures must be erected outside highway land, and far enough outside it to enable maintenance to take place without encroachment onto highway land.

The planning authority will also need to be satisfied that any application is supported by a Noise Impact Assessment with appropriate acoustic measures identified and implemented to ensure the development will be sustainable in noise terms, such that National Highways does not receive complaints from residents in future related to traffic noise on National Highways network. WHO guidelines, which are congruent with BS 8233:2014, advise that "To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq."

Please note that these comments are provided on the basis of the information available to us at this time, and are made without prejudice to future advice and/or recommendations.

Ecology

On balance, it is my opinion that the proposed site layout is not compatible with all that will be required in ecological terms, within the red line boundary.

Ecological impact assessment (EcIA) –

A full overarching EcIA will be required in support of any future application. It should address any outstanding matters mentioned below, and include full justification for any deviance away from best practice guidance. It must be made in light of the full proposal details.

The LPA must be provided with sufficient information to understand how the site currently functions for biodiversity. Suitable protection of bat foraging/commuting corridors will be required in the site layout, with assurance that those corridors are afforded suitable dark buffers and accessibility for management as necessary. They should not be in private ownership.

Dormouse appears to have been omitted from the preliminary ecological assessment (PEA) - records exist in the local area and potential connective habitat is on and adjacent to the site.

Reference is made to presence of dead oak trees on site within the cover letter - are these the same as the 'veteran oaks' noted in the PEA Phase 1 habitat survey map? These trees are likely to provide vital and rare habitat within the local landscape and must be retained in situ. A full tree survey, constraints plan and Arb Impact Assessment should accompany any future application

and inform the EcIA.

The proposed site layout includes a 'wildlife corridor' at the north west corner, however the cover letter implies that this is actually a proposed footpath. This area is offsite and is included in Natural England's Priority Habitat Inventory (deciduous woodland). The proposal must demonstrate how the development will not impact this habitat and must be considered by the EcIA.

New Forest –

This site falls within 13.8km recreational impact zone of the New Forest protected sites: the proposal for more than 50 residential dwellings on greenfield land requires provision of a SANG. The guidance is found here as a download: <https://www.wiltshire.gov.uk/planning-bio-ecological-survey> . It does not appear that this potential constraint has yet been considered.

Biodiversity Net Gain (BNG) –

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. Natural England has now prepared version 3.1 of the Biodiversity Metric that includes a small site metric Beta version. At the current time therefore, the Council would expect this future proposal to deliver a net gain.

The Biodiversity Metric calculation should be supported by maps showing the specific areas of land identified in each row of the calculation tool for the baseline and operational phase of development.

Where no net loss of functional habitat has been demonstrated within the application site, in line with CP50 and NPPF but there is insufficient space within the development to achieve 10% net gain for biodiversity, the LPA will accept off-site habitat creation to fulfil the BNG requirement.

In the first instance the developer should seek and secure a suitable site within the local area on which to deliver BNG, carry out the baseline assessment of habitats and an assessment of the net gain that could reasonably be achieved at that site, using the Biodiversity Metric (current version) and submitting the “before and after” maps for the receptor site, as part of the application submission. Alternatively, the developer may use a third party broker to deliver the required number of biodiversity units, on a receptor site agreed with the LPA, or may apply to use the council's own biodiversity offsetting scheme.

From the 1st April 2023, Wiltshire Council will be offering an enhanced pre-application and discretionary advice service to applicants. Further details of this service and the fees and charges are available by contacting ecologyconsultations@wiltshire.gov.uk

Nutrient neutrality –

Little information is provided regarding nutrient neutrality and treatment of waste water and it is assumed that the LPA considers this proposal to be 'un-planned'. It is likely that if connected to the mains, foul water from the proposed development will be treated and discharged to the catchment of the River Avon SAC (relates to phosphorus loading). The site itself falls within the surface water catchment of the River Test SAC (relates to nitrogen loading) so changes in land use will determine whether mitigation for nitrogen loading is required; a nitrogen budget calculation will be required. Depending on the intention of connecting to mains or package treatment plant and the budget calculation, there may be the requirement for the provision of a bespoke mitigation scheme for phosphorus, and there may be the opportunity to join the strategic mitigation scheme for nitrogen. The applicant should seek current guidance from the Wiltshire Council website here: <https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation> .

Additional documents –

Any future application will also need to provide a construction environmental management plan, lighting plan and landscape and ecological management plan.

Conservation

The site is not in a Conservation Area and there are no adjacent listed buildings.

Archaeology

This pre-application enquiry relates to proposed residential development of a large tranche (4.5ha) of previously undeveloped farmland. There is no information provided with the enquiry in relation to the historic environment. While Wiltshire's Historic Environment Record notes no known heritage assets within the site boundary, the site currently has an unknown potential to contain buried archaeological remains of significance. In view of the scale of the proposed development and the currently uncertain archaeological potential, it is recommended that any future planning application is accompanied by an archaeological desk-based assessment. The archaeological desk-based assessment should consider the site and an area of at least 1.25km around it to assess the wider archaeological potential. The assessment should also include a review of historic aerial photographs and LiDAR data, as well as the sources normally required of a desk-based assessment as set out in the Chartered Institute for Archaeologists' (CIfA) Standards and Guidance. This is in accordance with Paragraph 194 of the NPPF which states that 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The Archaeology Service should be reconsulted once an archaeological desk-based assessment report has been submitted to consider if further surveys through field evaluation are required. These might take the form of either a geophysical survey and/or trial trenching.

Tree Officer

In principle it appears the development looks to retain the existing tree cover so broadly speaking it may be acceptable. However, the width of some of the tree belts on the constraints plan do not appear to match those on the proposed site layout – which may be a cause for concern. Without further information regarding the size and species of the trees involved I am unable to be any more specific. I would suggest the applicant is advised that a detailed survey should inform the layout so that sufficient space can be afforded to ensure the trees (and their rooting area) can be protected, and in addition, adequate separation between vegetation and any future dwellings must be provided to ensure the trees can be retained long term. A full tree survey, constraints plan and Arb Impact Assessment should accompany any future application.

Drainage

The comments received are attached within this pre-application response with the requirement of a site-specific Flood Risk Assessment required to support any future planning application.

Urban Design Officer

The full comments received are attached within this pre-application response but in summary the design matters of this proposal as identified on the 'indicative/concept layout plan' would be of a poor design not in accordance with planning policies.

Affordable Housing

The comments received are attached within this pre-application response

Education

The comments received are attached within this pre-application response

Public Open Space

At the time of writing this response, no comments have been received. Should any comments be received, they will be forwarded on accordingly.

Assessment and Officer Conclusion:

Principle of development and five year housing land supply

The site subject to this pre-application enquiry is a parcel of agricultural land approximately 4.5ha in size on land abutting Southampton Road and Junction Road. Access to this land is obtained via an existing metal gate from Southampton Road which serves the existing Parish Council Allotments which are located on this land in question. The north of the site is bounded by mature hedgerow which extends to a further agricultural field which extends to the A36 public highway. Junction Road is a private un-adopted road where there is no access to the site subject to this pre-application enquiry. The location of the site is shown below:



Core Policies CP1 and CP2 form the settlement strategy for the Wiltshire Core Strategy (WCS). In line with NPPF, this directs development towards the more sustainable settlements and locations, including housing development. The site subject of this pre-application enquiry lies outside of a defined settlement boundary albeit abutting this settlement boundary, and therefore, for the purposes of the local plan, is within the open countryside. This is shown in the snippet of the settlement boundary map below:



The Wiltshire Core Strategy (WCS) sets out a Settlement Strategy and a Delivery Strategy for the sustainable delivery of new development within the County. Applying the normal principle that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise; proposed new development which does not comply with the Settlement and Delivery Strategies will be unsustainable, and so unacceptable as a matter of principle, in this overarching context. The WCS for the area was adopted by Wiltshire Council in January 2015.

It is evident that the site subject to this pre-application enquiry is outside of the defined settlement boundary of Alderbury, albeit that the site abuts this boundary as previously shown.

Core Policies CP1 and CP2 form the settlement strategy for the Wiltshire Core Strategy (WCS). In line with NPPF, this directs development towards the more sustainable settlements and locations, including housing development. Core Policy CP1 of the WCS identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire.

New homes will be developed in sustainable locations in conformity with the distribution set out within the policy, against which the land supply situation will be assessed. A more detailed distribution is set out in the Community Area Strategies. Development proposals should also be in general conformity with these. Sites for development in line with the Area Strategies will be identified through subsequent Site Allocations DPDs and by supporting communities to identify sites through neighbourhood planning.

Other than in circumstances as permitted by other policies within the Wiltshire Core Strategy, (as identified in paragraph 4.25 - summary below), new housing/residential development will not be permitted outside the limits of development, as defined on the policies maps. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

Paragraph 4.25 exceptions criteria comprise:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)

- Supporting rural life (Core Policy 48)

From the information submitted with this pre-application enquiry it does not appear the proposal would conform with any of the policy requirements for considering the development of this site as a rural exceptions site.

The NPPF 2021 confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

d(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or

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

Footnote 7 includes habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; and designated heritage assets (see Annex 2 of NPPF). With regard to habitats sites, Para 182 states

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Therefore, as the site lies 13.8km recreational impact zone of the New Forest protected sites: the proposal for more than 50 residential dwellings on greenfield land requires provision of a SANG and within the River Avon SAC catchment, the tilted balance assumed in para 11 would not be engaged by this proposal. This is expanded upon further below.

The NPPF also states that the policies in the revised Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. However, 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 (para 218 and 219).

Settlement and Delivery Strategy

The Settlement Strategy (Core Policy 1) identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 1 states:

The Settlement Strategy identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. The area strategies in Chapter 5 list the specific settlements which fall within each category.

Alderbury is identified as a Large Village. Paragraph 4.16 of the WCS explains that there is a general presumption against development outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The site lies outside the current defined settlement boundary (as amended in Feb 2020).

Core Policy 2 sets out the **delivery strategy** and states that outside the defined limits of

development other than in circumstances as permitted by other policies within this Plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. The site lies outside of the settlement boundary for Downton. The site was not included as part of the settlement in the recently adopted Wiltshire Housing Site Allocations Plan Feb 2020. The Planning Inspector who examined the Wiltshire Housing Site Allocations Plan concluded that *'the proposed settlement boundaries are justified, effective and consistent with national policy.'* The development site lies outside of the recently revised limits of development for Alderbury and therefore the presumption in favour of sustainable development set out in Core Policy 2 does not apply.

Core Policy 23 of the WCS

Core Policy 23 anticipates that approximately 615 new homes will be delivered in the Southern Wiltshire Community Area over the plan period 2006 to 2026, of which 190 should occur at Downton and 425 within the remainder of the Southern Wiltshire Community Area. The latest Housing Land Supply Statement published April 2022 shows that 624 homes have either been completed or were developable commitments within the Community Area Remainder. This is an exceedance of 47% and delivery equating to 147% of the indicative requirement, with completions likely to have increased since the report's base date of April 2021.

Therefore, it is considered that the proposed development would not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principle aims of the National Planning Policy Framework.

The emerging Local Plan Review (LPR) will set out the amount and distribution of new housing and employment land across Wiltshire beyond the existing Core Strategy period (2006 to 2026) up to 2038. The LPR is still at an early stage but a consultation on a draft plan is expected later in 2023. However, an additional consultation to enable people to comment and help shape the content of the draft plan took place in early 2021. The applicant is, of course, at liberty to pursue their site interests through the Local Plan Review.

With regard to the above policies, it is considered that the proposed development would not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principle aims of the National Planning Policy Framework.

Adopted Housing Site Allocations DPD Feb 2020

The settlement boundaries have been comprehensively reviewed through the Wiltshire Housing Site Allocations Plan, which was adopted in February 2020. The Planning Inspector who examined the Wiltshire Housing Site Allocations Plan concluded that *'the proposed settlement boundaries are justified, effective and consistent with national policy.'* The document has been afforded significant weight by recent appeal Inspectors.

Five year housing land supply

Attention is drawn to the full response from the Spatial Planning team which updates the Council's position on the 5 year housing land supply.

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing land supply. The

NPPF makes it clear that, where this cannot be demonstrated, the most important policies for determining the application are considered to be out-of-date, and planning permission should be granted unless the application of 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 of doing so would significantly and demonstrably outweigh the benefits. It should be noted that:

- i) although the Wiltshire Core Strategy (WCS) is over 5 years old, this does not render the plan out-of-date¹ and is still the starting point for determining planning applications.
- ii) the current Local Housing Need figure (2,006 dwellings per annum) is very similar to the sum of the housing requirements for the three HMAs in the adopted policies of the WCS (2,055 dwellings per annum). This indicates that the housing requirement in the WCS continues to effectively represent the current housing need for Wiltshire (see the *Housing Land Supply Statement*, base date 2019, published in December 2020 for the current position).

It should be noted that the 5-year housing land supply position that is in effect at the point that any application is determined will be used in the decision-taking exercise. The Council's current housing land supply position indicates it can demonstrate **4.7** years supply.

NPPF Para 11 footnote 7 (d)(i) indicates that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 includes habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; and designated heritage assets (see Annex 2 of NPPF)

In the absence of relevant up to date development plan policies, the balance is normally tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise.

For the reasons as outlined within the consultee responses of this pre-application enquiry, namely the impacts this proposal would have to the New Forest SPA, the River Avon SAC the tilted balance is not considered to be engaged for this site. Having regard for the above, footnote 7 of paragraph 11 of the NPPF and consultee responses, the submission of an application to the Local Planning Authority (LPA) is unlikely to gain a favourable response from officers.

Summary of main policy issues

In policy terms, and as a matter of principle, the proposal is unacceptable. The site lies outside the updated settlement boundary for the large village of Alderbury. In the absence of an allocation in the adopted Housing Sites DPD, the proposal conflicts with the sustainable development principles of the Settlement and Delivery Strategies of the WCS. It therefore

¹ Planning Practice Guidance (paragraph: 064 Reference ID: 61-064-20190315) (<https://www.gov.uk/guidance/plan-making>)

comprises unsustainable development and, as such, is unacceptable in terms of the Core Strategy and the NPPF.

The NPPF states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The core strategy includes exceptions policies (as set out under Paragraph 4.25) under which development *may* be acceptable outside the settlement strategy – for example, dwellings for agricultural or forestry workers or sites which would deliver a high percentage of affordable units. Again, none of the exceptions policies appear to apply in this case.

Whilst there is no planning history on the site subject to this pre-application enquiry, officers note the recent appeal decision in relation to planning application 17/04001/OUT, a proposal for the erection of 50 dwellings with associated works on land immediately adjacent to this site subject to this pre-application enquiry. Whilst this proposal was refused planning permission by the Southern Area Planning Committee Board, the decision was appealed and granted planning permission by the Planning Inspectorate on the basis that the LPA cannot demonstrate a 5 year housing land supply and that the Alderbury settlement boundary was considered to be out of date. This settlement boundary have been comprehensively reviewed through the Wiltshire Housing Site Allocations Plan, which was adopted in February 2020 and this said document has been afforded significant weight by recent appeal Inspectors.

It is acknowledged that the LPA cannot demonstrate a 5 year housing land supply. Nevertheless, the proposal is not supported in principle as it does not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principal aims of the National Planning Policy Framework. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

Design, amenity impacts and impact on the character of the Special Landscape Area

Landscape Impact

The site is located in a visible location on the edge of Alderbury, overlooked by existing residential development with Oakwood Grove, Bracken Close, Junction Road and adjacent to the main road through Alderbury, Southampton Road. The site is within the SLA. Saved Policy C6 sets out the criteria for development within the SLA:

Within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality on the landscape are acceptable, they will be subject to the following criteria;

- (i) *the siting and scale of development to be sympathetic with the landscape; and*
- (ii) *high standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area.*

Core Policy 51 of the WCS states:

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant

Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*
- ii. The locally distinctive character of settlements and their landscape settings*
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe*
- iv. Visually sensitive skylines, soils, geological and topographical features*
- v. Landscape features of cultural, historic and heritage value*
- vi. Important views and visual amenity*
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion*
- viii. Landscape functions including places to live, work, relax and recreate*

Adopted Wiltshire Core Strategy Core Policy 57 states:

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

Officers note that this pre-application enquiry is supported by a Landscape Technical Note undertaken by BEA Landscape in an effort to understand the impact of the proposal on the character of the surrounding area.

Design/layout

The pre-application enquiry is further supported by an indicative masterplan for the proposal as shown below.



Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The built form of the area appears to be mainly semi-detached properties of varying design set within relatively spacious plots. The comments of the Council's Urban Design Officer are of relevance and are attached within this pre-application enquiry response. The comments received raise a number of concerns around the proposed layout of the site in respect of the street pattern, the absence of street trees along the 'spine road'; the central open space as shown on the plan not being well overlooked; the appearance of the proposal in the nearly entire use of semi-detached dwellinghouses and; contradictions in respect of the scale, massing and height of the dwellinghouses proposed in that the only detached dwellinghouses proposed are at the entrance of the site from Southampton Road. There should be a better mixture of designed dwellinghouses within the site.

In respect of amenity impacts, the appearance of the dwellings has not been provided at this stage. Therefore, no comments are provided in respect of the siting of windows, scale and height of the dwellings have not been provided.

Trees

The agent/applicant is advised to refer to the comments of the Council's Tree Officer provided within this response and provide the requested information such any planning application be submitted to the LPA for consideration.

Therefore, the submission of any formal planning application to the Local Planning Authority for consideration is unlikely to receive a favourable response from officers.

Highway Safety/Parking

The Council's Highways Officer has assessed the proposal and has provided detailed comments that are attached within this response. The applicant is advised to carefully review these comments in respect of information required to support the submission of any formal planning application for consideration by the LPA.

Ecological Impact including River Avon nitrate neutrality and New Forest Special Protection Area

CP50 and CP52 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. It will therefore be necessary to assess the site for its potential to support habitats and species of importance to nature conservation.

The pre-application enquiry is accompanied by a Preliminary Ecological Assessment (PEA) undertaken by Cotswold Wildlife Surveys. The Council's Ecology Team have assessed this PEA and have provided comprehensive comments in response to this document that raise concerns and require further information surveys in the form of a full Ecological Impact Assessment to be undertaken to understand how the site functions from an ecological perspective. Further concerns are raised around the proposed 'wildlife corridor' in the north western corner of the site being a public footpath as stated in the covering letter associated with this pre-application enquiry are raised.

New Forest SPA

This site falls within 13.8km recreational impact zone of the New Forest protected sites: the proposal for more than 50 residential dwellings on greenfield land requires provision of a SANG. The guidance is found here as a download: <https://www.wiltshire.gov.uk/planning-bio-ecological-survey> . It does not appear that this potential constraint has yet been considered.

Biodiversity Net Gain (BNG)

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. Natural England has now prepared version 3.1 of the Biodiversity Metric that includes a small site metric Beta version. At the current time therefore, the Council would expect this future proposal to deliver a net gain.

The Biodiversity Metric calculation should be supported by maps showing the specific areas of land identified in each row of the calculation tool for the baseline and operational phase of development.

Where no net loss of functional habitat has been demonstrated within the application site, in line with CP50 and NPPF but there is insufficient space within the development to achieve 10% net gain for biodiversity, the LPA will accept off-site habitat creation to fulfil the BNG requirement.

In the first instance the developer should seek and secure a suitable site within the local area on which to deliver BNG, carry out the baseline assessment of habitats and an assessment of the net gain that could reasonably be achieved at that site, using the Biodiversity Metric (current version) and submitting the “before and after” maps for the receptor site, as part of the application submission. Alternatively, the developer may use a third party broker to deliver the required number of biodiversity units, on a receptor site agreed with the LPA, or may apply to use the council’s own biodiversity offsetting scheme.

River Avon nitrate neutrality

The agent/applicant is also advised to refer to the comments of the Council’s Ecology Team in respect of the impact of this proposal on the River Avon Catchment Area relating to phosphorous loading and the River Test Catchment Area in regard to nitrogen loading. The applicant should seek current guidance from the Wiltshire Council website here: <https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation> .

Impact on Heritage Assets/Conservation Area/Archaeology

Comments received from the Council’s Conservation Officer raise no concern in respect of this proposal in regard to heritage assets or the Alderbury Conservation Area by way of this proposal.

The agent/applicant is advised to refer to the detailed comments from the Council’s Archaeology Team by way of the scale of the proposed development and the currently uncertain archaeological potential, it is recommended that any future planning application is accompanied by an archaeological desk-based assessment. The archaeological desk-based assessment should consider the site and an area of at least 1.25km around it to assess the wider archaeological potential. The assessment should also include a review of historic aerial photographs and LiDAR data, as well as the sources normally required of a desk-based assessment as set out in the

Chartered Institute for Archaeologists' (CIfA) Standards and Guidance. This is in accordance with Paragraph 194 of the NPPF which states that 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Drainage/Flooding Risks

The site is located within Flood Zone 1 with a surface water flow path having been identified running through the site that result in the parts of the site being at low surface water flood risk. The site is considered to be an area at 'no risk' of groundwater flood risk. The Council's Drainage Team have assessed this pre-application proposal and have provided details comments/advice in the detail required to accompany the submission of any formal planning application. The agent/applicant is advised to refer to this.

Education/Affordable Housing

The agent/applicant is advised to refer to the comments provided from both the Education and Affordable Housing Teams within the Council in respect of any contributions/requirements for a proposal of this type.

Waste/S106 Contributions

The agent/applicant is advised to refer to the attached guidance on this matter.

Conclusion

Pre-application advice is sought to establish the acceptability of residential development comprising of the erection of 77 dwellinghouses.

Core Policies CP1 and CP2 form the settlement strategy for the Wiltshire Core Strategy (WCS). In line with NPPF, this directs development towards the more sustainable settlements and locations, including housing development. The site subject of this pre-application enquiry lies outside of a defined settlement boundary, and therefore, for the purposes of the local plan, is within the open countryside.

For the reasoning as outlined within this response, in policy terms, and as a matter of principle, the proposal is unacceptable. The site lies outside the updated settlement boundary for the large village of Alderbury. In the absence of an allocation in the adopted Housing Sites DPD, the proposal conflicts with the sustainable development principles of the Settlement and Delivery Strategies of the WCS. It therefore comprises unsustainable development and, as such, is unacceptable in terms of the Core Strategy, the Neighbourhood Plan and the NPPF.

The NPPF states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The core strategy includes exceptions policies (as set out under Paragraph 4.25) under which development *may* be acceptable outside the settlement strategy – for example, dwellings for agricultural or forestry workers or sites which would deliver a high percentage of affordable units. Again, none of the exceptions policies appear to apply in this case.

Whilst there is no planning history on the site subject to this pre-application enquiry, officers note the recent appeal decision in relation to planning application 17/04001/OUT, a proposal for the erection of 50 dwellings with associated works on land immediately adjacent to this site subject to

this pre-application enquiry. Whilst this proposal was refused planning permission by the Southern Area Planning Committee Board, the decision was appealed and granted planning permission by the Planning Inspectorate on the basis that the LPA cannot demonstrate a 5 year housing land supply and that the Alderbury settlement boundary was considered to be out of date. This settlement boundary have been comprehensively reviewed through the Wiltshire Housing Site Allocations Plan, which was adopted in February 2020 and this said document has been afforded significant weight by recent appeal Inspectors.

It is acknowledged that the LPA cannot demonstrate a 5 year housing land supply. Nevertheless, the proposal is not supported in principle as it does not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principal aims of the National Planning Policy Framework. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

In light of the consultee responses as outlined within this pre-application enquiry, namely the impacts this proposal would have to the New Forest SPA, the River Avon SAC and the concerns around the design/layout of the proposal the tilted balance is not considered to be engaged for this site. Having regard for the above, footnote 7 of paragraph 11 of the NPPF and consultee responses, the submission of an application to the Local Planning Authority (LPA) is unlikely to gain a favourable response from officers.

Therefore, the submission of any formal planning application for this scheme as outlined to the Local Planning Authority is unlikely to receive a favourable response from officers.

The applicant is minded to refer to the comments received from all statutory consultees with the exception of the comments received from the Council's Conservation Officer and address all matters raised.

Please note that should you wish to proceed with the submission of an application for the proposal as submitted, any application received will be treated without prejudice. If you would like any further information on what constitutes good design, please refer to Core Policies 1, 2, 23, 50, 52, 57, 58, 61, 62, 64, 67 and 69 of the Wiltshire Core Strategy which are available to be viewed online at: www.wiltshire.gov.uk where you will also find the relevant planning application forms.

Whilst some consultations have taken place on this preliminary enquiry, as part of the process if a planning application was submitted it would also require full consultation with the neighbouring properties and any other interested party. It is always difficult to gauge reaction to applications but other issues may be raised that were not considered as part of this pre-application process.

Yours faithfully

Andrew Guest
Head of Development Management

Officer's Name: Joe Richardson
Officer's Title: Senior Planning Officer
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Land at Southampton Road and Junction Road,
Alderbury

Planning Statement

Document 2

Westbury Appeal Decision

(ref: APP/Y3940/W/24/3340811)

30th August 2024



Appeal Decision

Inquiry held on 9 to 12 and 16 to 18 July 2024

Site visit made on 18 July 2024

by O S Woodward MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/Y3940/W/24/3340811

Land off Storridge Road, Westbury, BA13 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2022/09842.
 - The development proposed is the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system and vehicular access point.
-

DECISION

1. The appeal is dismissed.

PRELIMINARY MATTERS

Documents and Drawings

2. The appeal is for outline planning permission with all matters reserved except for access, which is applied for in full. An Indicative Development Framework Plan¹ (DFP) and an Illustrative Masterplan² were submitted with the application the subject of the appeal. I refer to these documents as appropriate throughout my Decision, whilst acknowledging their illustrative nature.
3. A number of other submissions were received prior to, during and after the Inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

Policy

4. The adopted Development Plan includes the Wiltshire Core Strategy 2015 (the CS) and the Wiltshire Housing Sites Allocation Plan 2020 (the WHSAP). The Council began work on its emerging Local Plan (the eLP) in 2017. A Regulation 19 draft of the eLP was consulted upon between September and

¹ Ref CSA/2974/116 Rev B

² Ref G.W2.PSS.01

November 2023. The current timetable is for the eLP to be submitted for examination towards the end of this year, with adoption in 2025. Because the eLP has not yet undergone its examination, it is likely that it will be the subject of modifications. It is common ground, and I agree, that it therefore carries limited weight. I refer to the eLP as appropriate throughout my Decision.

5. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Proposed Framework) and other changes to the planning system. I provided the main parties with the opportunity to comment. The Proposed Framework and other changes to the planning system are draft and therefore may be subject to change before being adopted. They therefore carry limited weight but are nonetheless material planning considerations to which I refer as appropriate throughout my Decision.

Adjacent Site Planning Application

6. On land to the north of the appeal site, known as 'Glenmore Farm', a planning application³ for up to 145 dwellings and associated works was refused permission on 11 March 2024. I refer to this application as appropriate throughout my Decision.

Flood Risk and Drainage

7. The fourth reason for refusal is in relation to flood risk and drainage. However, additional information has since been submitted and further discussions held between the main parties and the Local Lead Flood Authority. In light of this, and as set out in the Drainage Statement of Common Ground May 2024, the Council did not pursue this reason for refusal.

Affordable Housing

8. The Council agreed through the Statement of Common Ground that the level of proposed affordable housing is acceptable. Additionally, under cross-examination the Council agreed that the revised proposed affordable housing mix⁴ meets the Council's requirements as set out in its Planning Consultation Response dated 6 November 2023⁵, and that it could be satisfactorily accommodated within the proposal. This element of the second reason for refusal is not, therefore, in dispute.

Character and Appearance

9. The DFP indicates the extent of built development that could come forward. Based on an assumption of 38 dwellings per hectare (dph), the site could accommodate up to 200 dwellings within this land. The Council confirmed during cross-examination that it has no concerns with the character and appearance of the proposal so long as it is not more than 38 dph and is within the areas allocated for built development. The extent of built form and the allowable dph could both be controlled by condition. In this context,

³ Ref PL/2021/03749

⁴ See Appendix 3, Mr Lee's Proof of Evidence

⁵ CD3.24

there is no dispute regarding the character and appearance of the proposal and this element of the second reason for refusal has therefore fallen away.

10. There is, however, remaining dispute regarding whether or not the proposed areas allocated for built development would be acceptable with regard to ecological and noise concerns, which I deal with as appropriate throughout my Decision.

Local Infrastructure

11. The seventh reason for refusal is in relation to the effect on local infrastructure in the absence of a completed s106 Planning Obligation. The final s106 Planning Obligation, dated 30 July 2024 (the s106), secures:
- a contribution towards early years education;
 - a contribution towards strengthening the rail underbridge on Station Road;
 - a landscaping plan, including open space of not less than 6,986 sq m and a play area of at least 354 sq m, and the management and maintenance of the open space and play area by a management company;
 - a monitoring fee for the Council;
 - a contribution towards primary healthcare;
 - a contribution towards community sports facilities;
 - a contribution towards mitigating the recreational impact arising from the future occupants of the proposal on the Pickett and Langer Site of Special Scientific Interest (SSSI);
 - a contribution towards mitigating the loss of bat habitat in the Trowbridge Community Area as a result of the proposal;
 - a contribution towards the provision of waste and recycling containers for the proposed residential units; and,
 - the provision of at least 40% of the proposed residential units to be for affordable housing, with a split of 60% affordable rented units, 15% shared ownership units and 25% First Homes, with a mix as set out in Schedule 3 of the s106.
12. The contribution towards strengthening the rail underbridge is necessary because the bridge cannot currently bear busses. It is related to the appeal proposal with regard to the accessibility of the site. The likely costings have been estimated and the contribution is a proportionate percentage of this cost. The s106 allocates the contribution for the works to the bridge, and has provisions ensuring that the money is spent as stated or is returned if not used within 10 years. It therefore meets the tests set out in Regulation 122 of the CIL Regulations 2010 (the CIL Regs) and at Paragraph 57 of the National Planning Policy Framework 2023 (the Framework).
13. The proposal would create demand for the use of primary healthcare facilities by the future occupants of the proposed dwellings. The NHS has confirmed⁶ that there is not sufficient capacity in existing primary healthcare facilities to accommodate the increased demand. The NHS has therefore requested a contribution towards the delivery of additional primary care floorspace, proportionate to the number of expected new residents. This has been reflected in the s106. However, the responsibility of allocating and funding primary healthcare falls to the NHS, not the Council, and is outwith

⁶ CD3.30

the planning system. The NHS has not identified specific works that the funding would go towards.

14. Therefore, it has not been demonstrated that the primary healthcare contribution is necessary to make the development acceptable in planning terms and it fails to meet the tests for a planning obligation. In accordance with Paragraph 3.4 of the s106, this obligation therefore carries no weight and is not enforceable. Otherwise, the Council's CIL Compliance Statement sets out the detailed background and justification for each of the obligations, and I am satisfied that the provisions of the submitted agreement that relate to the effect of the proposal on local infrastructure would meet the tests set out in the CIL Regs and the Framework, and I have taken them into account. The seventh reason for refusal is not, therefore, a main issue for the appeal.
15. I assess the obligations in relation to ecology later in my Decision. In general, I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

Biodiversity Net Gain

16. The sixth reason for refusal is in relation to Biodiversity Net Gain (BNG). However, additional details have been submitted by the appellant, as set out in detail in the Ecology Statement of Common Ground dated 18 June 2024. The Council has reviewed the information and has confirmed that it has been adequately demonstrated that there would be no net loss of biodiversity and that the proposal can deliver a degree of BNG. The Council did not, therefore, pursue this reason for refusal.

MAIN ISSUES

17. The main issues are:
 - whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance;
 - whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise from the West Wiltshire Trading Estate (WWTE), and the capacity of the site to accommodate proposed noise mitigation works;
 - whether or not the proposed development would create potential future risks to the operation of the WWTE, with particular regard to the 'agent of change' principle and noise; and,
 - the effect of the proposal on ecology, including on the integrity of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) particularly with regard to bat mitigation, and the capacity of the site to accommodate proposed ecological works.
18. In addition to the above, housing land supply (HLS) is a disputed issue and I will, of course, need to consider the overall planning balance.

REASONS

Principle

19. The appeal site is located adjacent to, but outside of, the defined settlement boundary (SB) for Westbury, a second-tier settlement 'market town' in Wiltshire's settlement hierarchy. It is not allocated for development in the CS

or in the WHSAP. It is common ground, and I agree, that the site is therefore in the 'countryside' in planning policy terms.

20. Core Policy 1 of the CS sets out the settlement strategy for the Council. It states that market towns have the potential for significant development to sustain and enhance their services and facilities. Core Policy 2 of the CS sets out the delivery strategy for the Council, with a distribution strategy for new homes. In particular, it states that development will not be permitted outside SBs, unless permitted by other policies within the CS as set out at Paragraph 4.25. None of the other policies are relevant to the appeal proposal.
21. Core Policy 32 of the CS relates to development in the Westbury Community Area, within which the appeal site sits. This allocates housing to the Westbury area but does not allocate the appeal site for any of this housing. In addition, approximately 115 homes are expected to be accommodated on unallocated sites in the area. However, this should be read in the context of Core Policy 2, which states that development will not be permitted outside SBs.
22. There is no cap on the provision of housing. The size of the proposal, whilst not insignificant, is not to such a degree that by itself it would materially distort the spatial distribution of housing in the Council as a whole. Nevertheless, the three policies taken together set out the spatial strategy for housing development in Wiltshire as it relates to the appeal proposal. It is clear that development on the appeal site conflicts with the spatial strategy, because it is not within the SB, nor is it allocated, and nor does it meet any of the special exemptions set out.
23. There is some conflict between the Council's spatial strategy and Paragraph 180 of the Framework, which recognises the intrinsic character and beauty of the countryside but does not set out an in-principle objection to the provision of housing in countryside locations. This was agreed by the Council under cross-examination. This reduces the weight I attach to the conflict with the spatial strategy that I have identified above.
24. However, the Council has adopted the WHSAP and the appeal site remains outside the SB and unallocated. The WHSAP was adopted in the context of the Framework. In addition, the evidence base for the eLP includes a site selection process⁷ regarding the potential site allocations in and nearby to Westbury. The site selection process is thorough and considers the potential sites against the key place shaping priorities for the eLP. The appeal site has not been allocated. I acknowledge that this is part of the emerging evidence base and that the eLP has limited weight. However, it still provides an indication of the possible spatial strategy moving forward. Therefore, whilst I reduce the weight to be applied to the conflict with the spatial strategy, this is only to a limited degree.
25. Overall, therefore, the appeal site is not an appropriate location for development of this type, having regard to local and national planning policy and guidance. Although not full weight, I place significant weight on this conflict with the spatial strategy that I have identified, including the conflict with Core Policies CP1, CP2 and CP32 of the CS and the WHSAP.

⁷ Planning for Westbury, dated July 2023

Living Conditions

Existing

26. The appeal site is located close to the WWTE, which lies to the west. There is a buffer of woodland along the western border of the site which provides some protection from noise from the WWTE to the southern part of the appeal site. However, to the northern element, and particularly where it dog-legs around the top of the existing woodland, the appeal site is subject to noise pollution from the various activities on the WWTE. The appellant's Noise Assessment by Sharps Acoustics, dated October 2023, shows that this noise is at least 43 dB across this top part of the site in daytime and at least 38 dB at nighttime.
27. There are other noise sources, including road traffic. However, the primary point of dispute is regarding noise pollution from the WWTE. This is because the noise levels from the WWTE are higher than those from road traffic and other sources and also because of the nature of the noise. The WWTE creates specific noise from the operation of the various commercial premises on the estate. This is of a different character to the anonymous, relatively consistent background noise created by road traffic.
28. Within the WWTE is the Venom nightclub. This is licensed to operate internally until 05:00 every day of the year. It can also hold up to three outside events including marquees per year, as set out in its licensing restrictions⁸. This is a further source of noise from within the WWTE that I need to consider.

Methodology

29. The aim of Wiltshire Council's Planning Consultation Guidance Note Noise and Vibration 2023 (the Guidance Note) document is to avoid likely significant adverse effects (SOAEL) and where there would likely be lowest adverse effects (LOAEL) to seek to minimise and mitigate against them. The same approach is broadly adopted through national and international policy and guidance and is set out in the Statement of Common Ground. I therefore agree this is a suitable framework for assessing the effect of noise on the living conditions of the future occupiers of the proposal.
30. The World Health Organisation Guidelines for Community Noise 1999 (the WHO Guidelines) set out⁹ that noise levels of 35 dB would generate moderate annoyance in the daytime, and 30 dB would create sleep disturbance in bedrooms at nighttime. This is reflected in the guidance at Table 4 of BS8233:2014. As these are the levels where beyond which annoyance would be more than moderate or where sleep disturbance would occur, they can be sensibly used as guidance for being the threshold above which noise levels move from LOAEL to SOAEL.
31. With regard to the WWTE, there are clear impulsive and tonal elements to the noise. BS4142:2014+A1:2019 (BS4142) sets the penalty at up to 6 dB for tonality and up to 9 dB for impulsivity. BS4142 additionally states that these penalties can be additional to one another but only if the characteristics are both present without one being dominant. As

⁸ CD7.34

⁹ See Table 4.1, CD7.02

acknowledged by BS4142, attributing the correct penalty is a subjective exercise, albeit based on careful consideration of the nature of the noise source. It is not clear if one or the other is dominant from the WWTE. A penalty for each element should therefore be applied additional to one another.

32. The appellant has adopted this approach, albeit whilst disputing its necessity, and used a penalty of 4 dB for tonality and a further 3 dB for impulsivity. This is a reasonable approach based on the nature of the noise from the WWTE, eg vehicle turning alarms or the operation of plant and machinery, and that neither characteristic is dominant. I therefore adopt the 7 dB penalty applied by the appellant. In addition, it is common ground, and I agree, that the typical noise reduction from even a partially open window is 13 db.
33. Based on this, ie the addition of 7 dB and the subtraction of 13 dB from the WHO/BS8233 baselines, the appropriate LOAEL thresholds are 28 dB during the daytime and 23 dB at nighttime for internal noise for the proposed dwellings, and 43 dB within the gardens at anytime. The external noise at the elevation is 41 dB daytime and 36 dB nighttime.

Assessment

34. The appellant has used the DFP layout to provide an assessment of the noise levels that would be experienced by the future residents of the proposal. The proposal is in outline. However, the proposed DFP provides a reasonable expectation of the likely final layout based on the density being applied for and the developable areas as set out on the drawings. I therefore view this assessment as robust and use it, along with all other relevant evidence, as the basis for my assessment.
35. The Guidance Note sets out a hierarchy of approaches to seeking to mitigate noise effects, as follows: 1. Control noise at source; 2. Site layout and design; 3. Dwelling layout and orientation; 4. Planning restrictions; 5. Building envelope for mitigation. Planning Practice Guidance¹⁰ (PPG) sets out mitigation types, including avoiding noisy locations in the first place, design of the development, mitigation through noise barriers and other measures, and then optimising sound insulation within the building envelope. PPG does not specifically use a hierarchy. However, the list of measures is provided in order. The Council's Guidance Note adopts the same factors and broadly reflects PPG. I therefore assess the proposals using this framework as a guide, and broadly considering it as a hierarchy but whilst considering all the factors, and other relevant material considerations, in the round.

Noise source

36. The WWTE operates with very few restrictions on noise. The over-arching planning permissions for the WWTE¹¹ include no restrictions on noise emissions or hours or nature of operations on the estate. The Copart unit has controls on operating hours and the location and direction of a hydraulic crusher, Welton Bibby Baron has a requirement for an acoustic bund and noise restrictions, and SPC has noise restrictions. The other units on the estate have no restrictions. It is, by its nature, a largely unrestricted

¹⁰ Paragraph 010 Reference ID: 30-010-20190722, dated 22 July 2019

¹¹ Refs W/89/01395/OUT, W/94/01067/OUT and 4/01431/OUT

industrial estate. This is one of the defining features of the WWTE and is integral to its operation and character. It is not, therefore, possible or desirable to meaningfully restrict the WWTE with regard to noise pollution.

Site layout and design

37. It is proposed to construct residential homes throughout the appeal site, within the defined developable areas. This includes areas within the dog-leg of the site that is most affected by noise from the WWTE. An acoustic bund is proposed along the two boundaries with the WWTE. The appellant has stated that all private gardens could be surrounded by a 1.8m high fence or other screen. These features could be secured by condition. Subject to this, it is common ground, and I agree, that acceptable noise levels would be achieved within gardens.
38. It has been demonstrated that the appeal site has the capacity to accommodate the proposed acoustic mitigation measures, for example the noise bund. However, the proposal includes homes across the majority of the appeal site, including the areas most affected by noise from the WWTE. Alternative layout options include moving the proposed build area further eastwards but still within the northern section of the appeal site. However, this would likely have limited effect on reducing noise at the facades of the proposed residential buildings because the noise levels only fall by approximately 2 dB across the appeal site. There will always need to be a barrier block, ie the first one that receives the noise from the WWTE.
39. A further alternative layout to that as proposed would be to restrict the proposed built form to the southern part of the site, to the east of the existing woodland buffer to WWTE. This would remove nearly all the properties affected by noise above the LOAEL threshold from the proposal. However, this is not before me.

Dwelling layout and orientation

40. There could be further refinement of the layout of the homes within the proposed buildings to ensure that as many as possible retained at least one façade not materially affected by noise from the WWTE. However, this has already been considered by the appellant and it is unlikely that any significant improvement could be made on the illustrative layout whilst maintain the density as proposed.

Building envelope for mitigation

41. It is common ground, and I agree, that acceptable, ie below LOAEL, internal noise levels could be achieved within all proposed residential properties with windows closed, subject to control of the specification of the windows by condition. However, an area in dispute between the main parties is whether or not expecting the residents of some of the proposed properties to need to close their windows in order to achieve this suitable noise environment, ie to minimise and mitigate the noise above the LOAEL thresholds in accordance with policy and guidance, is an acceptable approach.
42. The Guidance Note is inconsistent in that it sometimes states that a strategy relying on closed windows is unacceptable and in other places it states that closed windows could be considered depending on how often it is necessary to close them, or that applications relying on closed windows will only

normally, but not always, be refused. The Wiltshire Design Guide 2024 (the WDG) states, at Paragraph 9.1.3, that noise levels within habitable rooms should always be assessed on the assumption that windows are open. PPG acknowledges¹² that any strategy that requires closing windows is an important consideration, but it does not explicitly seek to prevent such a strategy. Core Policy 57 of the CS requires proposals to achieve appropriate levels of amenity for future occupiers but does not have specific guidance regarding closed windows.

43. It is therefore clear that policy and guidance, whilst not always supportive, does not explicitly prevent the use of closed windows as part of the mitigation strategy relating to noise pollution. However, the effect such a strategy might have on the living conditions of future occupants must be carefully considered. For example, the number of closed windows and affected rooms and dwellings, how long and the frequency that they need to be closed, and the general feeling of airlessness that it could create.
44. In this regard, the appellant's assessment finds that, with windows open, all the facades along the properties closest to the north west boundary of the site, and some of those facing northwards, would not be able to achieve 41 dB at the elevation during the daytime. At nighttime, all those facades and several further ones on properties further to the east would not be able to achieve 36 dB at the elevation at nighttime. It is not possible at this stage to have precise figures for the numbers of affected properties, but the appellant's own evidence finds 91 bedroom windows and 12 living room windows would be affected. 21 of those bedroom windows would be at least 43 dB (nighttime). Overall, it is common ground that approximately 70 units, ie 35%, would need to have at least one window closed for at least some of the time to achieve an acceptable internal environment.
45. This is a relatively high proportion. I acknowledge that in all cases there would be at least one façade that would not require closed windows but it is likely that several individual rooms, including bedrooms at nighttime and living rooms in the daytime, would require closed windows. Because of the largely unrestricted nature of the operation of the WWTE, including at night, this is likely to require closed windows for significant periods of time.
46. This would have a significant effect on the living conditions of a relatively large proportion of the future occupiers for a relatively large proportion of the time that they occupy the homes. Although mechanical ventilation would be provided there would still be a perception of airlessness. It would create a feeling of not being able to fully enjoy their own property without restrictions on how they use it. It is an acknowledgment that a sub-optimal solution to the creation of acceptable internal living conditions within the propose homes needs to be adopted to mitigate a factor that could have been designed out entirely by adopting a more restricted are of built development for the site layout, as set out above. The approach adopted by the appellant has designed-in the requirement for a mitigation measure that causes a meaningful reduction in the quality of accommodation that can be provided.

¹² Paragraph 006 Ref ID 30-006-20190722

Venom nightclub

47. Indoor events at the nightclub do not result in harmful levels of noise above background noise levels on the appeal site. The outdoor events could cause some level of harmful noise pollution, particularly because loud music can be particularly harmful to well being through, for example, bass music and its particular location in the octave range. However, this is strictly controlled to up to three events per year. In addition, the nightclub's licensing restrictions control the noise from the nightclub and, in effect, provide the Council with the ability to prevent the nightclub creating any more noise than it does from its current operations. Therefore, whilst there could be some harm to the living conditions of the future occupiers, this would be extremely limited due to the infrequency of the events.

Existing residents

48. The nearest existing residents are those on Hawkeridge Park, to the east of the appeal site. This is located up the hill from the appeal site and is further away from the WWTE. It is common ground, and I agree, that the current noise levels experienced by the residents on Hawkeridge Park with properties facing the WWTE are typically 41 dB in the daytime within their gardens and 38 dB at nighttime on bedroom windows. This is similar to or worse than the expected noise conditions for many of the proposed properties. However, this does not mitigate the poor quality of living conditions that would be created for the future residents of the appeal proposal, which I must consider on its own merits.

Glenmore Farm

49. At Glenmore Farm, the nearest dwellings were pulled back away from the industrial estate and are more than 100m further from the boundary with the WWTE than the proposed dwellings at the appeal site. The sound environment is also different at the Glenmore Farm site, which is at a different angle to the WWTE. In addition to this, traffic noise has a greater impact on the background at Glenmore Farm because of the proximity to the B3097. In any event, I must consider the appeal proposal on its own merits.

Context

50. The appeal site is a green field but it is sandwiched between the existing residential areas of Westbury and the WWTE. Future residents would have some expectation of noise from surrounding sources and would not be expecting to move into a rural location. Nevertheless, there would be a reasonable expectation from residents that they would be able to open their windows without experiencing unacceptably high noise pollution for significant periods of time.

Overall

51. It has been demonstrated that the appeal site has the capacity to accommodate the proposed noise mitigation works in the sense of the noise bunds and other physical requirements within the layout. However, as set out above, the proposed development proposes residential units on parts of the appeal site where noise from the WWTE would require closed windows to create an acceptable internal environment. This would create unacceptable internal living conditions for future occupiers.

52. The proposal therefore conflicts with Core Policy 57 of the CS which requires proposals to achieve appropriate levels of amenity. It also fails to comply with Paragraph 135 of the Framework which requires developments to provide a high standard of amenity for future users. Core Policy 32 of the CS is referenced on the decision notice. However, the policy relates to the spatial strategy for the Westbury Community Area and does not relate to living conditions. It is not, therefore, relevant to this main issue.

Agent of Change

53. As set out above, the proposal would create a significant proportion of dwellings where the residents would be required to close some of their windows for significant periods of time to achieve a satisfactory internal noise environment and by extension satisfactory living conditions. There would therefore be a very real risk that the proposal would give rise to complaints by the future residents regarding operations on the WWTE.
54. In addition, the assessment of noise from the WWTE provided by the appellant includes assumed expansion of the WWTE, based on interviews with the existing businesses on their operational plans, and on assumptions on the increases in activities and noise that might occur. The appellant therefore contends that its modelling is in relation to the maximum feasible levels of noise pollution from the WWTE. However, the future use of the WWTE could include new businesses locating on the estate. On many of the plots, they would be completely unrestricted. Also, although the appellant has interviewed the current occupiers regarding likely future expansion plans, it is feasible and realistic that the plans of the companies might change over time. None of these factors have been captured by the noise assessment.
55. There would be some restrictions on the noise that could be generated by the WWTE in the future because the Council has duties and powers through Part III of the Environmental Protection Act 1990 to investigate and act to prevent statutory nuisances due to noise. Therefore, a significant adverse noise impact would be stopped, if it was to occur. However, a statutory nuisance is a greater effect on living conditions than that relating to the LOAEL and SOAEL thresholds.
56. In addition, there are existing residents at Hawkeridge Park that also act as a constraint on excessive noise from the WWTE. However, the noise experienced by residents at Hawkeridge Park is not the same as that as would be experienced by some of the future residents on the appeal site, which would be much nearer the WWTE, and therefore potentially more affected, if not by absolute dB levels then by tonality or other factors.
57. It has not therefore been satisfactorily demonstrated that the proposal would not create potential future risks to the operation of the WWTE with regard to noise pollution and the agent of change principle. The proposal therefore conflicts with Core Policy 57 of the CS which expects proposals to be compatible with adjoining buildings and uses, and Core Policy 35 of the CS which safeguards the contribution of Principal Employment Areas¹³ to the Wiltshire economy. It also fails to comply with Paragraph 191 of the Framework which requires new development to be appropriate with regard

¹³ Which Core Policy 32 confirms applies to the WWTE

to the wider area and the impacts that could arise, and Paragraph 193 which requires that new development integrate effectively with existing businesses and that they should not have unreasonable restrictions placed on them as a result of the development permitted.

Ecology

Appropriate Assessment - Bath and Bradford on Avon Bat SAC

Responsibilities

58. The appeal site is within the consultation area for the Bath & Bradford on Avon Bats Special Area of Conservation (the Bat SAC), located 10.25 km to the north. Therefore, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regs) indicates the requirement for an Appropriate Assessment (AA). As the Competent Authority, I have therefore undertaken an AA.

The species and habitats

59. The conservation objectives for the SAC, as set out by Natural England (NE), are to maintain or restore the habitat for qualifying species and the populations and the distribution of qualifying species within the SAC. The qualifying species are the lesser horseshoe bat, greater horseshoe bat, and the Bechstein's bat. Bechstein's bats, in particular, are of exceptional importance and their rarity contributes towards their importance, as agreed by the appellant in cross-examination.
60. The SAC itself comprises extensive networks of caves, mines and man-made tunnels which are used by bats for hibernation, mating and as a staging post prior to dispersal. It also includes areas of calcareous grassland, scrub and woodland which are used as feeding and commuting habitat by the bats.
61. The Westbury Leigh Core Roost for greater horseshoe bats has a 4 km buffer that washes over the appeal site, as set out in the Bat Special Areas of Conservation Planning Guidance for Wiltshire 2015 (the Guidance). The appellant's ecological surveys found regular recordings of greater horseshoe bats on the appeal site.
62. There is also a core roost for Bechstein's in the Picket and Clanger Wood SSSI, also within the SAC. The Guidance identifies a 1.5 km wide core area for this roost, which are the areas regularly used for foraging and commuting. This covers the northern part of the appeal site. The mist trapping and other survey work did not definitively find presence of Bechstein's on the appeal site. However, Bechstein's can sometimes commute beyond core sustenance zones and it is very difficult to distinguish Bechstein's bats from general myotis bats, which were regularly recorded in the surveys. Given their rarity and importance it is therefore appropriate to assume that Bechstein's bats use the appeal site for foraging and commuting.
63. The appeal site includes hedgerows with semi-mature trees along its boundaries to the western and northern boundaries. H1 and H2¹⁴ are relatively mature and deep. H3 is relatively thick and includes lots of trees.

¹⁴ References taken from the Ecological Parameters Plan – Core Bat Habitat Buffers & Enhancements Ref 7289-E-03

H4 is slightly gappy and quite thin even where not a gap. H5 less so and relatively thick. Overall, although with some areas of limited habitat, the hedgerows provide navigational and foraging habitat for the bats, as demonstrated by the fact that bats were recorded along the hedgerows in the surveys.

64. The hedgerows and trees provide connectivity to suitable nearby habitat, in particular the woodland to the west and the semi-mature woodland by the north east. The habitat then links onwards via an integrated network of commuting routes and foraging areas to the core roosts for the bats for which the Bat SAC has been designated, as set out in the Ecology Statement of Common Ground. The appeal site therefore provides functionally linked habitat for bats.
65. Outside of the hedgerows, the majority of the appeal site, ie the agricultural field, provides limited suitable habitat. However, there is an area of grassland to the northeastern part of the site. This provides opportunities for bat foraging.

Would there be a likely significant effect (LSE), either alone or in-combination

66. It is proposed to introduce built form to much of the appeal site, primarily through residential development and associated access roads and works. The appeal site is over 10km away from the SAC. However, the proposal has the potential to affect the integrity of the SAC either by recreation pressures on the SAC itself generated by the future residents or with regard to how the proposed works on the site would affect foraging areas and commuting corridors within the functionally linked habitat, which both NE and the main parties have confirmed are vital in supporting the bats associated with the SAC, and therefore to protecting its integrity.
67. In addition, the northernmost part of the appeal site is within the Trowbridge Bat Mitigation Strategy SPD 2020 (the TBMS) and 'Yellow Zone', where there is a medium risk of negative impact on bat populations based both on impact of habitat and due to increased recreational pressure associated with the Bechstein's core roost.
68. There is, therefore, a likely significant effect on the integrity of the SAC from the proposal, both from the proposed works to the appeal site and in-combination with other developments with regard to recreational pressure on the SAC.

Mitigation

Directly on the SAC

69. The s106 secures a contribution towards mitigating the loss of bat habitat in the Trowbridge Community Area as a result of the proposal. The contributions from this would be adequate to purchase, plant up and maintain an amount of habitat in proportion to the effect of the proposed development on this habitat. The future residents of the proposal would likely result in an increase in dog walking in the Picket & Clanger Wood SSSI within the SAC, which could cause harm to the habitat within the SAC. The s106 secures a contribution towards mitigating this recreational impact. It is

therefore common ground, and I agree, that these contributions adequately mitigate the effect of the proposal in these regards.

The appeal site

70. Although the proposal is in outline, save for access, an Ecological Parameters Plan¹⁵ (EPP) and TBMS Compliance Plan¹⁶ have been submitted which provide details regarding the proposed approach to matters affecting the bats and therefore the integrity of the SAC.
71. The habitat of most value to bats, ie the hedgerows, would be retained and enhanced through more tree and other planting to add structure, diversity and depth to the hedgerows. Buffer zones with no or very low lighting would also be provided. These areas would comprise retained and enhanced hedgerows, greenspace buffers and general landscaping including trees and grassland within the appeal scheme.
72. It is common ground, and I agree, that all the proposed works would be an enhancement on the existing situation, where there is an arable field directly abutting the relatively narrow hedgerows. It is also common ground, and I agree, that all the works would also meet the requirements of The Guidance, as set out in Chapter 5 of that document. These include that foraging areas and commuting corridors be created with associated dark corridors, to maintain and extend the quality of habitats for foraging and commuting, and that such land should be within public areas and to be maintained and managed in the future as is secured in the s106.
73. In addition, within the wide buffer to the north western boundary, ie H2 and beyond, the proposed drainage features would sometimes flood but this would attract insects that would provide a source of nourishment for the bats. The allotments would provide some activity from the users of them, but this would be relatively limited. These are also both outside the primary hedgerow buffer zone of 15m. The grassland area would also be within this area. The specific detail of the grassland could be controlled by condition to ensure that the habitat provided enhanced that by the existing grassland in this area.
74. However, whilst The Guidance does not specify specific widths for the foraging and commuting corridors and associated dark corridors, within the Yellow Area to the northern part of the appeal site, the TBMS provides specific guidance. This is that a commuting and foraging area of a minimum width of 15m is provided and, adjacent to this, a further 15m minimum width dark corridor is provided, with a maximum light level of 1 Lux.
75. Although a 15m wide commuting and foraging area is proposed, the adjacent dark corridor area is not consistently achieved by the proposal. There are pinch points where there would be Lux levels in excess of 1, in places significantly in excess of 1. As set out above, there are also areas within the wide swathe of land to the north west boundary where there would be some interventions, such as allotments, that would slightly compromise the buffer zone.

¹⁵ Ref 7289-E-03, dated 6 June 2024

¹⁶ Ref 7289-E-05, dated 6 June 2024

76. However, the TBMS states that the most important principle is that wide swathes of land be provided for bat commuting and foraging. These are provided along the northern and western boundaries as is agreed by the main parties, even if in places the swathes do not quite meet the specific widths set out in the document. The TBMS also states that development is expected to result in no net loss of habitat, which is proposed, and that core bat habitat must remain connected to the wider habitat network and be adequately buffered, which is also proposed. The relatively minor pinch points would not prevent the proposal meeting the over-arching principles of the TBMS.
77. There are other boundary areas where the swathe would not meet TBMS standards but these are outside the Yellow Zone and therefore the TBMS standards are not applicable. Whilst I recognise that bats don't fly to lines drawn on a plan, the Yellow Zone has been drawn for a reason. Outside, it is reasonable to expect a relaxation in standards as long as suitable habitat is provided ensuring there would be no likely significant effects on the integrity of the SAC.
78. The proposed noise bund would result in a physical barrier. However, it could be controlled by condition to provide suitable planting that would aid commuting and foraging for bats, and provide suitable habitat for the insects that the bats feed upon. It might require bats to expend energy to fly over or around the bund, but the overall effect of the bund would be positive with regard to bats.
79. I acknowledge that allocated sites in the Development Plan are required to meet, in full, the standards set out in the TBMS. However, I must assess the proposal before me, which I have found to be acceptable in this regard.

Conclusion

80. The proposal would meet the Guidelines in full. It would represent a demonstrable improvement and enhancement on the existing habitat and wide swathes of suitable bat habitat would be provided. The improvements to bat habitat would enhance the functional linkages of bats to the core roosts within the Bat SAC. The proposal would fail to comply with the TBMS with regard to the specific widths of the dark corridors but would comply with the over-arching principles of the document. As set out above, the s106 secures adequate mitigation for the effect of the proposal with regard to recreational pressure on the SAC itself and wider bat habitat within the Trowbridge Community Area.
81. Overall, therefore, the proposal would not harm the integrity of the Bat SAC, either alone or in-combination with other projects. It is therefore also demonstrated that the appeal site has the capacity to accommodate the proposed ecological works. The proposal therefore complies with Core Policy 50 of the CS, which seeks to maintain ecological value and to secure the integrity of local ecological networks. It also complies with Paragraph 180 of the Framework which seeks to protect and enhance sites of biodiversity value, and Paragraph 185 which states that development on land outside of a SSSI that is likely to have an adverse effect on it should not normally be permitted.

OTHER MATTERS

S52 Agreement

82. There is an historic agreement under s52 of the Town and Country Planning Act 1971 which affects part of the appeal site and prevents development on much of it. If the appeal is allowed, then prior to implementation of the proposal, the s52 would need to be revoked. This would be a parallel process. The legal test to be considered is whether or not the s52 continues to serve a useful planning purpose. The granting of a planning permission for development over all the s52 land would, in itself, prove that the land is appropriate for development and would therefore demonstrate that the s52 no longer serves a useful planning purpose. I therefore agree with the main parties that the s52, whilst a material planning consideration, has limited weight because it no longer serves a useful planning purpose.

Housing Land Supply

Need

83. It is common ground, and I agree, that, in accordance with Paragraph 226 of the Framework, the Council only needs to demonstrate a four year supply of housing land because its eLP has reached Regulation 19 stage including a policies map and proposed allocations towards meeting housing need.
84. It is also common ground, and I agree, that because the Council's strategic policies are more than five years old the supply should be measured against the local housing need as calculated using the Standard Method (SM). No buffer is required because there has not been a significant under delivery of housing over the previous three years. This is as set out at Paragraph 77 and Footnotes 42 and 43 of the Framework. The SM calculated local housing need is 1,952 dwellings per annum (dpa), ie total dwellings over five years of 9,760.

Supply

Windfall

85. The Council's windfall allowance is 1,369 dwellings, comprising 710 on small brownfield sites, 408 on small greenfield sites, and 251 on large brownfield sites. As required by Paragraph 72 of the Framework, where windfall sites are to be relied upon, there must be compelling evidence that they will provide a reliable source of supply. In this regard it is common ground, and I agree, that the 251 dwellings on large brownfield sites have been justified through compelling evidence.
86. For the small sites, the historic delivery rates in the Council area from 2006 to 2023 have been 250 dpa on small brownfield sites and 110 dpa on small greenfield sites, ie 360 dpa in total for small sites. Various factors can influence windfall trends, including but not limited to macro-economic conditions, both local and national politics, and both local and national planning policy. Predicting where this might go in the future is extremely difficult. I have seen no compelling evidence that the future delivery of small windfall sites would be materially different to the aggregate delivery of small sites in the period 2006 to 2023. In addition, the Council has stated that sites in its Strategic Housing and Economic Land Availability Assessment

have historically made a very low contribution towards windfall development¹⁷.

87. The calculation should relate to the delivery of homes, not planning permissions which do not necessarily translate into homes on the ground. It is also possible that more than one planning permission is granted on the same site, only one of which would be built out, therefore leading to over-counting if basing the windfall allowance at least partially on planning permissions.
88. Occasionally, large unallocated greenfield sites will come forward. However, they will almost certainly be in conflict with the spatial strategy of the Development Plan and will have been granted permission because material considerations indicate otherwise, most likely because of a lack of a suitable supply of housing land and the application of the 'tilted balance'. That does not mean the houses are not built, of course. However, including an allowance for such sites would, in effect, elevate the calculation of housing land supply to helping dictate the spatial strategy of the Council. Therefore, the greenfield allowance should not be raised to include delivery on large unallocated greenfield sites. I note that this is consistent with the position adopted by the Inspector for a recent appeal¹⁸.
89. The Council's small sites windfall contribution should therefore be 1,800 dwellings, ie 360 x 5, to reflect the long term historic trend. 1,159 of these are already accounted for from deliverable small sites with planning permission. 641 dwellings are therefore to come from a small site windfall allowance. This is in addition to the 251 dwellings from large brownfield sites, leading to an overall windfall dwelling contribution of 892. This is a reduction of 477 dwellings compared to the Council's position.

Disputed sites

90. The Glossary to the Framework defines deliverable sites as those with a realistic prospect that housing will be delivered within five years. The realistic prospect needs to be considered in the context of the further parts to the definition. Part a) states that all sites with extant detailed planning permission should be considered deliverable unless there is clear evidence otherwise. Part b) states that where a site has outline planning permission, is allocated in a Development Plan, has a Permission in Principle, or is in a brownfield register, it should only be considered deliverable where there is clear evidence that completions will begin within five years.
91. I set out below my assessment of the disputed sites, under these two broad categorisations. The site references are taken from the submitted Scott Schedule¹⁹.

Part a) sites

92. Site 1 - Sales data and Council Tax data do not directly relate to completions. The email from the developer dated 5 December 2022 regarding a pending slowdown is fairly old and has no meaningful evidence, justification, or assessment of a slowdown. I place limited weight on this.

¹⁷ See A28, Housing Land Supply Statement June 2024

¹⁸ Ref APP/Y3940/W/23/3315432, dated 21 July 2023

¹⁹ ID06

The build out rate of 65 dpa adopted by the Council is based on a pro rata calculation from the first year's delivery. This is a reasonable basis for the calculation and no clear evidence has been provided otherwise. The dwellings should therefore remain in the supply.

93. Site 2 – The build out rate based on comparators in Devizes should be 38 dpa. But, based on a comparator of the developer of this site, Linden Homes, it could be up to 72 dpa. Both are relevant considerations. The build out rate adopted by the Council of 55 dpa falls between them and is, therefore, a reasonable position to adopt. The dwellings should therefore remain in the supply.
94. Site 4 – This is an office to residential conversion that has been granted prior approval, although it has since been confirmed that prior approval is not required²⁰. The expiry of the most recent prior approval in July 2024 is not therefore an impediment to delivery of the dwellings. I acknowledge that two previous prior approvals were not implemented. However, photographic evidence has been provided that works have begun on site. The dwellings should therefore remain in the supply.
95. Site 5 – It is common ground that this has been completed. Whether or not this was prior to 1 April 2023, ie the base date, is ambiguous. I have evidence from March 2022 that it was not complete and from July 2024 that it was complete. However, in the context that this is a site where I require clear evidence otherwise on deliverability, the dwellings should remain in the supply.
96. Site 6 – It has been shown through Land Registry records that 10 dwellings were completed prior to the base date. However, this has not been accounted for in the Council's completions data. They therefore need to remain in the housing land supply otherwise they would be lost from both delivery and supply calculations. The dwellings should therefore remain in the supply.
97. Sites 9 and 10 – The dispute for these sites goes to the same point as Site 6 regarding the completions data. For the same reasons, the dwellings should therefore remain in the supply.
98. Site 17 – It was agreed at the Inquiry, and I concur, that this is a permission for 11 net dwellings. The Council's supply allocated 12 dwellings to the site and therefore one dwelling should be removed from the supply.
99. Site 18 – It is common ground, and I agree, that the proposed seven dwellings, as pro-rata'd to take account of their C2 use class, will not be delivered within five years. The seven dwellings should therefore be removed from the supply. The existing care home is now vacant but the bedrooms nevertheless remain in the existing supply, in much the same way that an existing but vacant house would not be subtracted from the supply. Therefore, the 13 dwellings, as pro rata'd from the 24 use class C2 bedrooms, should remain in the supply.
100. Site 19 – It is common ground, and I agree, that this site was included in the Council's supply twice and that there was a mis-calculation with regard

²⁰ Ref PL/2021/07628, dated 23 November 2021

to the net increase in dwellings. Therefore, 12 of the 16 dwellings in the Council's original calculations should be removed from the supply.

Part b) sites

101. Site 3 – A full planning application was approved subject to completion of a s106 Agreement in March 2024. The s106 has not yet been signed. In April 2024, the only remaining disputed elements of the s106 were a relatively small discrepancy in the Nitrogen Mitigation Contribution and other minor technical matters. Nevertheless, it has not yet been signed and no evidence has been provided regarding this delay. I also am conscious that the original outline planning permission for this site was granted in December 2017 and progress towards gaining a full permission has been very slow. There is not, therefore, clear evidence that the full application will be granted and subsequently delivery will commence within five years. The 24 dwellings should therefore be removed from the supply.
102. Site 7 – The developer has confirmed there are issues which are currently preventing implementation of the outline planning permission, although not what these issues are. There is clear intent to progress, including the submission of a reserved matters application. I acknowledge that a national housebuilder is progressing the site, which indicates a willingness to deliver. However, that the site sits adjacent to and nearby to sites from rival national housebuilders does not indicate either a speedy or a slow build out rate. There are various competing commercial pressures which might lead the housebuilder to either try to compete or to try and stagger sales in this context. In addition, I cannot have confidence regarding deliverability without understanding the issues delaying progress on the site. I also am conscious that the reserved matters application is the subject of objections from the landscape, urban design and tree officers at the Council. These might be resolvable, but I have no clear evidence at this stage if this will be achieved and/or how long it might take. There is not, therefore, clear evidence that delivery will commence within five years. The 70 dwellings should therefore be removed from the supply.
103. Site 8 – Phases 1 and 2 have full permission for 145 and 168 dwellings respectively. Phase 3, for 193 dwellings, is the subject of a reserved matters application that has not yet been approved. However, it was only submitted in May 2024 and there is no reason to believe, given the progress on Phases 1 and 2, that approval will not be forthcoming. The developer set out in December 2023 an anticipated build out rate across all the phases of 90 dpa. I see no reason to deviate from the developers predicted build out rates, given that it made them recently. As a sense check, the same developer has achieved 91 dpa on a large multi-phased site in Trowbridge, which is a reasonable comparator. The dwellings should therefore remain in the supply.
104. Site 11 – Outline planning permission was granted at appeal, subject to shorter than usual timescales for the submission of reserved matters applications at one year from the permission and commencement of development at one year from approval of the last reserved matters. The subsequent reserved matters application was submitted on time but is not yet determined. It is currently subject to objections with regard to urban design and highways. However, there is no indication that there are fundamental concerns with the proposal that cannot be overcome. The speed

of the submission of the reserved matters application and the special conditions requiring quick delivery point to a proposal that will likely come forward quickly. This is clear evidence of deliverability within five years and the dwellings should therefore remain in the supply.

105. Site 12 – This is in a very similar position to Site 11. In addition, the housebuilder has provided forecast build out rates and the Council's adopted position is slightly less than this, on a precautionary basis. Therefore, there is clear evidence of deliverability within five years and the dwellings should therefore remain in the supply.
106. Site 13 – This is in a similar position to Site 12. However, this site is being promoted by a strategic land company, rather than a housebuilder. The submitted but not determined reserved matters application was likely submitted to keep the outline permission alive and is the subject of holding objections pending the submission of further material. There is therefore doubt regarding the timing, or even the principle, of approval of the reserved matters submission. In addition, even if granted, then the timing of delivery of housing is in doubt because the site would need to be sold to a housebuilder. There is not, therefore, clear evidence that delivery will commence within five years. The 71 dwellings should therefore be removed from the supply.
107. Site 14 – This is a large multi-phased site, some of which has full planning permission and some of which is in outline only. The delivery adopted by the Council is based on recent, January 2024, forecasts by the housebuilders. In the context of such a complex site, I view the use of the developers' recent data as clear evidence of delivery. The dwellings should therefore remain in the supply.
108. Site 15 – The site has had a full planning application with a resolution to grant permission since April 2022. The delay has been due to agreeing nutrient neutrality mitigation. This is now agreed. The final s106 Agreement is imminent. The developer, a housebuilder, provided likely build out rates in November 2023. This has been adopted by the Council. The build out rates were based on the s106 being signed in January 2024. However, there is sufficient float in the predicted delivery that, even with this delay and any likely further delay in signing the s106, all the 86 dwellings can be delivered within five years. This is clear evidence of delivery and the dwellings should therefore remain in the supply.
109. Site 16 – The development gained full permission in August 2023, after the agreed base date of 1 April 2023. It should, therefore, be included in the list of Part b) sites. However, I am entitled to consider evidence from after the base date. In this regard, the site has full permission and the development was commenced in April 2024. This constitutes clear evidence that the dwellings will come forward within the five years and should therefore remain in the supply.
110. Site 20 – It is common ground, and I agree, that the two dwellings at this site should be removed from the supply because the permission lapsed before the base date. Therefore, the two dwellings should be removed from the supply.

111. Site 21 – This site has a resolution to grant full planning permission, dating from August 2022. The delay in securing permission is related to nutrient neutrality. Because of the delays, further information and amendments to the proposal are required. Material in this regard has been submitted. There remain unresolved objections but the principles of the proposal have been agreed. Full permission is therefore likely to be forthcoming in a relatively timely manner. The housebuilder is the same as for the adjacent Phase 1 of the same scheme. This constitutes clear evidence that the dwellings will come forward within the five years and should therefore remain in the supply.

Calculation and conclusion

112. The Council's position is that it can demonstrate a 4.2 year supply of housing land, through 8,193 homes versus the target of 9,760. As set out above, based on the evidence before me, I deduct 477 dwellings from the windfall allowance and a further 187 homes from the disputed supply sites. This results in a supply of 7,529 homes, which equates to 3.85 years.

PLANNING BALANCE

Positive

Market housing

113. The proposals are for up to 200 homes, of which 60% would be for market housing. The Council can only demonstrate a 3.85 year supply of housing land, below its target of four years. I would not expect the homes to be delivered within five years, because even if allowed this appeal is in outline and the site is being promoted by a strategic land company not a developer. However, there is no reason to believe they would not be forthcoming in a reasonable timescale if permission were granted. The provision of housing is a key part of national and local planning policy, as has recently been re-enforced by a Written Ministerial Statement²¹.
114. It is also common ground, and I agree, that the appeal site is in an accessible location, within walking distance of the large employment centre of WWTE and the services and facilities of Westbury, as well as its particularly well served train station.
115. Overall, therefore, I place substantial positive weight on the proposed market housing.

Affordable housing

116. The proposal would deliver 40% affordable housing, therefore up to 80 dwellings. This is above the adopted policy requirement of 30% for Westbury, as set out in Core Policy 43 of the CS. The Council currently has a shortfall of 936 affordable homes against its target in the CS. This is a significant shortfall, as agreed by the Council under cross-examination. There are 4,270 households on the housing register, a 76% increase since 2017. I therefore place substantial positive weight on the proposed affordable housing.

²¹ Made by Angela Raynor, Deputy Prime Minister and Secretary of State for Housing Communities and Local Government, on 30 July 2024, titled "Building the Homes We Need".

Economic

117. The proposal would generate short term economic benefits during construction. It would also generate long term economic benefits from the expenditure on local goods and services by the future occupants of the proposal. The proposal is relatively large and the benefits would therefore be relatively large as well. I place significant positive weight on these benefits.

Biodiversity

118. As set out in the Ecology Statement of Common Ground, the proposal could achieve a BNG of 14% both for habitat and hedgerow units. This could be secured by condition. The level of BNG goes beyond the requirement for a biodiversity net gain, but without specific targets, as set out at Paragraph 180 of the Framework. I therefore place moderate positive weight on the proposed BNG.

Open space

119. The proposal includes significant areas of formal and informal open space, including an equipped play area and allotments. These facilities would be useable both by future residents of the proposal and by existing residents and visitors to the area. I therefore place moderate positive weight on these elements of the proposal.

Highways

120. The proposal includes improvements to the footway in the vicinity of the site along Storridge Road, a contribution towards strengthening a rail underbridge so that it could accommodate busses, and upgrading existing zebra crossings to puffin crossings on The Ham and Station Road as they run into the roundabout to the east of the appeal site. All these works would enhance highway safety and accessibility both for the future occupants of the proposal and for existing residents and users of the highway. I place limited positive weight on these elements.

Ecology

121. The proposal would represent a demonstrable improvement and enhancement on the existing habitat and wide swathes of suitable bat habitat would be provided. However, the enhancements would be relatively limited and there would be areas where lightspill, in particular, moderate the benefits of the proposed wide swathes of land. I therefore place limited positive weight on this factor.

Neutral

Local infrastructure

122. The contributions and other obligations in the s106 that would mitigate the effect of the proposal on local infrastructure, other than those otherwise assessed in this section of my Decision, would not give rise to any benefit beyond mitigation. These therefore weigh neutrally in the planning balance.

Ecology

123. The site falls within the Zone of Influence for the Salisbury Plain Special Protection Area and Special Area of Conservation (the Salisbury SPA and SAC). It is common ground, and I agree, that the effect of the proposal on these sites, in-combination with other developments, would be appropriately mitigated by the provision of on-site open space that would help deflect recreational pressure away from the sites. The appeal site also falls within the Zone of Influence for the River Avon Special Area of Conservation (the River Avon SAC). However, there would be no likely significant effects on this site because of the intervening distance between the appeal site and the SAC and the lack of a hydrological linkage.
124. The s106 secures a contribution towards mitigating the recreational impact arising from the future occupants of the proposal on the Pickett and Langer SSSI and a further contribution to mitigate the loss of bat habitat in the Trowbridge Community Area as a result of the proposal.
125. The above ecological factors weigh neutrally in the planning balance.

Negative

Principle

126. The proposal does not comply with Core Policies 1, 2 and 32 and the WHSAP, which are the key policies dealing with the principle of development in this location and setting out the spatial strategy of the Council. Whilst I reduce the weight I apply to this conflict, for the reasons set out above, it still carries significant negative weight.

Noise

127. The proposal would create unacceptable living conditions for the future occupiers of some of the proposed homes, through requiring that many of the windows be kept closed to avoid unacceptably harmful levels of noise pollution. This would apply to approximately 35% of the proposed properties for significant periods of time, including at nighttime and to bedrooms and living rooms. The quality of the proposed accommodation would not, therefore, be acceptable. This is a fundamental issue with the proposed development. I place significant negative weight on this factor.

Agent of change

128. It has not been satisfactorily demonstrated that the proposal would not create potential future risks to the operation of the WWTE with regard to noise pollution and the agent of change principle. This is particularly important because of the size and economic importance of the WWTE. I place moderate negative weight on this factor.

Character and appearance

129. Although character and appearance is not a disputed issue, it is common ground, and I agree, that the development of a field into a housing development would cause some intrinsic harm to the character and appearance of the appeal site. Because of the amount of open space proposed the harm would be limited. In addition, because of the surrounding

built form and other screening the harm to the wider landscape would be very limited. Overall, I place limited negative weight on this harm.

Construction

130. There would be some harm to the living conditions of nearby occupiers and to the free-flow of traffic and highway safety during the construction period for the proposal. However, this could be controlled by condition to limit the disruption. I place limited negative weight on this factor.

The Balance

131. The proposal fails to comply with the spatial strategy for the Council, and there are also significant adverse effects regarding the living conditions of the future occupiers of the development with regard to noise. In addition, it has not been satisfactorily demonstrated that the proposal would not create potential future risks to the operation of the WWTE, there would be limited harm to the character and appearance of the area, and limited short term harm to living conditions of nearby occupiers during construction. The proposal therefore fails to comply with the Development Plan, when considered as a whole.
132. The Framework is an important material consideration. There is only limited inconsistency between the spatial strategy and the Framework. The Proposed Framework has not been adopted and might be the subject of modification. It also does not fundamentally alter the approach with regard to the spatial strategy as it relates to the appeal proposal. Therefore, in accordance with Paragraph 225 of the Framework, I do not consider the policies to be out-of-date with regard to consistency with the Framework.
133. I have been directed to the Haygate Road appeal decision²², where the Inspector concluded that the inconformity between the Framework's approach to development in the countryside and the greater restrictions in the spatial strategy policies was in itself reason to consider the policies out-of-date. However, the precise wording of the policies are not before me and I am unable to consider how similar the policies are to those under consideration for this appeal. In addition, the decision was over eight years ago, was in a different local authority with a much older Development Plan adopted prior to the Framework and had a spatial strategy based on out-of-date housing figure, all of which are different to the situation for Wiltshire Council.
134. However, the Council can only demonstrate a 3.85 year supply of housing land. None of the provisions of Paragraph 11di apply. Therefore, in accordance with Paragraph 11dii and Footnote 8 of the Framework, the 'tilted balance' is engaged.
135. I acknowledge that the Council stated under cross-examination that if I found no harm against ecology and a tilted balance, then the appeal should be allowed. However, I do not agree. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is primarily because of the conflict with the spatial strategy of the Council and the poor quality of accommodation that would be provided because of the design

²² Ref APP/C3240/W/15/3025042, dated 15 April 2016

approach that has ensured that a significant proportion of the proposed dwellings would require closed windows for significant periods of time to create adequate living conditions.

APPROPRIATE ASSESSMENTS

136. The site falls within the Zone of Influence for the Salisbury Plain SAC and SPA and the River Avon SAC. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an AA relating to each site as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken the AAs.

FUTURE RESIDENTS

137. Clause 7.4 of the s106 was discussed at the Inquiry, relating to whether or not future occupants of the proposal should be bound to the agreement. This is not a material planning consideration and is instead a legal matter. Because I am not minded to grant planning permission, I do not need to consider this matter further.

REVISED DRAWING

138. During the Inquiry the appellant submitted a revised Development Framework Plan²³. The revised plan reduced the area of proposed built development from 5.04 hectares (ha) to 4.74 ha, by bringing the proposed built up areas back from the north west and north east boundaries of the site. This change reduced the proposed residential development to up to 180 dwellings. However, although I accepted the document during the Inquiry and it was discussed throughout, it was only submitted as a potential alternative approach with regard to ecology and it was confirmed by the appellant that it would not make a material difference to the main issue regarding noise and living conditions. As set out above, I have found the original proposal to be acceptable in this regard. I do not, therefore, refer to the revised Plan in my Decision.

CONCLUSION

139. For the reasons above, the appeal is dismissed.

O S Woodward

INSPECTOR

²³ Ref CSA/2974/119

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Mr Richard Kimblin KC – No.5 Chambers

Dr Suzanne Mansfield PhD MCIEEM CMLI – Senior Ecology Director, FPCR
Environment & Design Ltd

Mr Clive Bentley CIEH MEnvSc MIOA CEnv CSci – Acoustic Consultant and Partner,
Sharps Acoustics

Mr Barry Redman – Consultant, Silcock Dawson and Partners Ltd

Mr Ben Pycroft MRTPI – Director, Emery Planning

Mr Christien Lee MRTPI – Planning Director, Gladman Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary A Grant, of Counsel – Kings Chambers

Mrs Elizabeth Burrows CIEEM – Senior Ecology Officer, Wiltshire Council

Mrs Vicky Brown CIEH – Senior Environmental Health Officer, Wiltshire Council

Mr Chris Roe MRTPI – Strategic Planning Manager, Wiltshire Council

Mr Andrew Burgess MRTPI FRSA – Managing Director, Andrew Burgess Planning Ltd

Christopher Mead - Highways Officer, Wiltshire Council

INTERESTED PARTIES:

Mr Francis Morland – Local resident

Mr David Jenkins – Local resident

ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

DOCUMENTS

- ID1: Housing Land Supply – Rebuttal Statement, by Wiltshire Council (inc appendices)
- ID2: Appellant’s Appearances
- ID3: Draft Conditions Schedule
- ID4: Appellant’s Opening Statement, by Richard Kimblin KC, dated 9 July 2024
- ID5: Opening on behalf of the LPA, by G.A.Grant, dated 9 July 2024
- ID6: Scott Schedule of Disputed Sites
- ID7: Site Notice Locations and Photographs
- ID8: List of Appearances for LPA
- ID9: Draft Conditions Schedule (inspector comments)
- ID10: s106 Draft (inspector comments)
- ID12.1: s106 Agreement Version A
- ID12.2: s106 Agreement Version B
- ID12.3: Note on S106 Agreement Version A and Version B
- ID12.4: S. 106 Note on Non-Enforcement Clause
- ID14.1: Email from Mr Jenkins, dated 16 July 2024
- ID14.2: Letter from Environment Agency to Mr Jenkins, dated 19 June 2024
- ID15.1: Email from appellant, dated 16 July 2024, regarding off-site highways works
- ID15.2: Note on Proposed Highways Improvements
- ID16: Email from Mr Morland regarding the s52 agreement, dated 16 July 2024
- ID17.1: Draft Conditions Schedule Appellant Comments
- ID17.2: GDL proposed condition amends
- ID18: Procedure for the assessment of low frequency noise complaints, Revision 1 December 2011 Contract to NANR45
- ID19: s106 Agreement, dated 17 July 2024
- ID20.1: s106 Agreement, dated 29 February 2024, relating to Land at Mount Royal, 46 Lymington Bottom, Four Marks, Alton, Hampshire, GU34 5AH
- ID20.2: s106 Agreement, dated 15 June 2023, relating to Land off Melksham Road, Holt
- ID20.3: s106 Agreement, dated 17 June 2024, relating to Land on the south side of Elm Close, Wells, Somerset
- ID20.4: s106 Agreement, dated 3 August 2023, relating to Land south of London Road, Newington, Kent
- ID20.5: s106 Agreement, dated 14 May 2021, relating to Land at Green Farm, Chippenham Road, Lyneham, Chippenham SN15 4PA
- ID21.1: Appeal Decision Ref APP/Y3950/W/23/3315432, dated 21 July 2023
- ID21.2: Appeal Decision Ref APP/Y3940/W/22/3290305, dated 31 October 2022
- ID21.3: Appeal Decision Ref APP/Y3940/W/22/3309170, dated 5 May 2023
- ID21.4: Appeal Decision Ref APP/Y3940/W/20/3253204, dated 22 November 2021
- ID22: Closing on behalf of the LPA, by G.A.Grant, dated 18 July 2024
- ID23: Closing submissions on behalf of the appellant, by Richard Kimblin KC, dated 18 July 2024
- ID24: Appellant response to the WMS and Consultation Draft of the NPPF
- ID25: Council response to the WMS and Consultation Draft of the NPPF, in email dated 1 August 2024
- ID26: Signed and engrossed s106 Agreement, dated 30 July 2024

PLANS

- ID11.1: Development Framework Plan Ref CSA/2974/119, dated July 2024

ID11.2: Trowbridge Bat Mitigation Strategy (TBMS) Compliance Plan Figure 5 Ref 7289-E-05, dated 15 July 2024

ID11.3: Ecological Parameters Plan 2. – Habitat Creation & Enhancement Figure 4a Ref 7289-E-18, dated 15 July 2024

ID11.4: Ecological Parameters Plan – Core Bat Habitat Buffers and Enhancements Figure 4 Ref 7289-E-04, dated 15 July 2024

ID13: Proposed Waling Route & Points of Interest Ref 2019-048 301

ID15.3: Proposed Upgrade of Zebra Crossings to Puffin Crossings Ref P22036-002



Land at Southampton Road and Junction Road,
Alderbury

Planning Statement

Document 3

Draft Heads of Terms

Land at Southampton Road and Junction Road, Alderbury

DRAFT HEADS OF TERMS

The applicant agrees to the following draft Head of Terms in relation to the proposed outline planning application:

- Affordable Housing – Provision of 40% Affordable Housing – In accordance with Policy CP45 of the Core Strategy
- River Avon SAC Mitigation
- Nitrogen compensation for River Test
- Off site BNG Credits
- Financial Contributions in respect of the following matters are anticipated:
 - Education
 - Highway improvements to include: Footway improvements to the northern side of Southampton Road; Provision of a crossing facility on the Southampton Road; Upgrading to the bus stops on Southampton Road (northbound and southbound) and footway improvements between the site and the bus stops.
 - Travel Plan Monitoring
 - Waste Management