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Tom Buxton
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon SN1 2JG

4th October 2024

Dear Mr Buxton,

S/OUT/24/0982: ERECTION OF DWELLINGS ON LAND AT HODSON ROAD CHISELDON SWINDON WILTSHIRE

This letter is prepared on behalf of Chiseldon Parish Council (hereafter referred to as 'CPC') to provide comments on application S/OUT/24/0982 for the erection of up to 42 dwellings on Land at Hodson Road, Chiseldon. Andrea Pellegram Ltd are advising CPC with respect to planning matters in the parish as well as assisting with the Chiseldon draft Neighbourhood Development Plan ('NDP').

On Thursday 26th of September, a meeting was held by the planning committee to discuss the above application.

Chiseldon Parish Council (CPC) wishes to object to application S/OUT/24/0982 for the erection of up to 42 dwellings at Hodson Road due to concerns regarding major development in the AONB combined with the limited level of infrastructure proposed. Chiseldon Parish Council (CPC) considers that while the proposal does not currently constitute exceptional circumstances to justify major development within the AONB, the application could do so if it delivers the community benefits needed to support the village, and therefore be supported by the Council.

CPC acknowledges that development will ultimately need to be facilitated to ensure the organic growth of the settlement, however, it contends that this application has been expedited based on a previously allocated site in a draft Local Plan that is now withdrawn, and in its current form, does not address the identified needs of the community. Given the scale of the village and Chiseldon's limited role within the Council's development strategy, such opportunities for growth

will arise only every 10 to 20 years, therefore stressing the importance that such benefits are delivered.

The remainder of this letter sets out the relevant factual background to the proposal, followed by the reasons for why the development is considered to constitute major development in the AONB, requiring exceptional circumstances. Lastly, this letter outlines several opportunities for enhancement or provision that CPC believe should be tied to any approval.

Relevant Factual Background

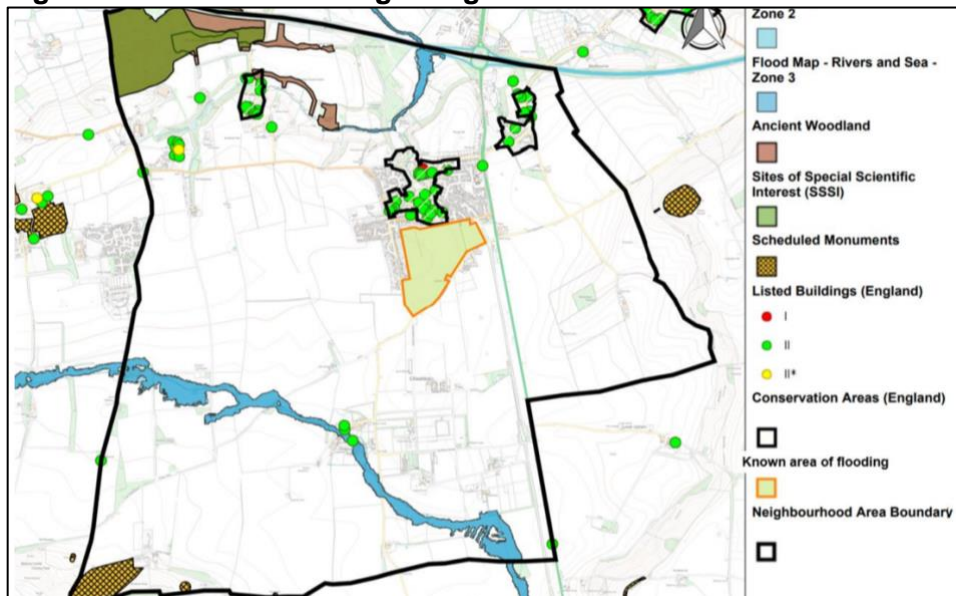
The application site and wider area are situated within the Wessex Downs National Landscape (also referred to in this letter as 'AONB'). The site itself is not located within the defined Chiseldon settlement boundary and therefore is defined as open countryside.

The site is bordered by vegetation on multiple sides however views of the site are regularly experienced by users of the Sustrans National Cycle Route ('NCR') 45 and Hodson Road, and glimpsed views of the site are apparent from the north.

The site directly adjoins the northwestern edge of the Chiseldon Conservation area. Areas of ecological potential also exist immediately adjacent to the site and further afield, including pockets of Ancient Woodland and the Burderop Wood and Coate Water SSSIs (approximately 1.5km to the northwest). The site is within Flood Zone 1 and has been identified as a previous location of landfill ('Pinkcombe House', ref. T/77/0010/WD).

An overview of statutory planning designations is provided below.

Figure 1: Relevant Planning Designations



Source: Andrea Pellegram Ltd. Under OS Licence 100063176

Figure 2: Public Rights of Way in Chiseldon Village



Source: Chiseldon Parish Council, under OS licence 100063176.

Planning Policy

For the purposes of this proposal, the relevant planning considerations include the adopted Swindon Borough Local Plan 2026 ('SBLP').

The National Planning Policy Framework (December 2023 version, hereafter referred to as the 'NPPF' or 'Framework'), is a material consideration that holds significant weight in decision-taking.

As mentioned above, Andrea Pellegram Ltd are advising CPC with respect to the preparation of the Chiseldon draft Neighbourhood Development Plan ('NDP'), which is currently under review by Swindon Borough Council (Regulation 15).

It is acknowledged that the site was previously included as an allocation for 42 dwellings as part of the draft Swindon Borough Local Plan Review ('LP Review'), however, the draft was withdrawn in early 2022 to allow the Council to start a fresh local plan and therefore it is unconfirmed whether the site will be re-identified as a potential allocation and what scale/form/provision any such allocation would take.

For clarity regarding the provisions identified, the full wording of the withdrawn policy is provided below:



“Land east of Hodson Road is allocated for residential development about 42 dwellings as shown on the policies map and should make provision for:

- a single point of access from Hodson Road that combines the two existing accesses and access to the development site. A safe pedestrian connection to the existing footway provision on Hodson Road is also required;*
- a high quality entrance with no development near to the SW corner. At the more open NE corner any development must stay back from sensitive edge and manage impacts on adjacent wildlife site. Additional perimeter vegetation to southern and eastern boundaries to respect Sustrans route should be considered;*
- at least 0.3ha of useable public open space (in addition to landscaping areas). This should be provided adjacent to Sustrans Route 45 which passes along the eastern edge of the site;*
- enhancement to the Sustrans route through a public art installation and provision of benches/a picnic area and interpretation board on the history of Chiseldon;*
- a local level equipped Play Space;*
- Ensure any contamination from historic landfill does not pollute groundwater and any require remediation is carried out to the required standard; and*
- pedestrian connectivity to the existing village and via the existing route through Home Close, with the opportunity taken to improve this route. A Landscape and Visual Impact Assessment must be submitted with any application to identify ecologically and visually sensitive areas where there should be no development. Additionally, an archaeological assessment will be necessary.”*

Major Development in the National Landscape

The applicant's planning case is presented in such a way as to claim that the proposal is not defined as 'Major Development' for the purposes of Paragraph 183 of the NPPF. CPC disagree and raise questions regarding the scale of the proposals and their impact upon the AONB.

Paragraph 183 of the NPPF states:

“When considering applications for development within ... Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Footnote 64 defines major development as:

“For the purposes of paragraphs 182 and 183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

As such, whether a development constitutes ‘Major Development’ is dependent on the local context and factors relating to the impact of the proposal upon the AONB, and the judgement of the decision maker. Factors relating to the nature, scale and setting, of the proposal, and accordingly its potential for significant adverse impacts, have been considered below:

- **Scale of the Proposal:** Paragraph 5.9 of the Planning Statement states that the proposal would represent a 4.2% increase in the total scale of the village, which is considered to represent unprecedented rate of growth compared to previous applications approved in the area. By comparison, in the appeal for Land adjacent to Badger Close, Newton Poppleford, Devon (APP/U1105/A/14/2211701), a proposal for 46 dwellings, which equated to approximately 5% of the existing village, was considered by an inspector to constitute as major development, highlighting the sensitivity of this proposal.
- **Local Plan Policy SD2:** Over the plan period, the SBLP states that approximately 100 dwellings should be delivered in ‘other villages’ **in total** (including Chiseldon). A single windfall development of 42 dwellings would make up a significant proportion of this requirement, and thus could be considered major. In a similar case, regarding Land at Manor Road, Goring-on-Thames, Oxfordshire (APP/Q3115/W/16/3146109), the inspector concluded that a development proposal for 35 dwellings compared with the Local Plan requirement of 105 dwellings represented a significant proportion of the requirement (33.3%) therefore making the proposal a ‘major development’.
- **Strategic Allocation:** The applicant’s proposal and planning case is based upon Swindon Local Plan Policy LA22, now withdrawn, in which the site was previously identified as a strategic allocation for 42 dwellings. Given its previous designation as a strategic site and the range of provisions identified, the development should be considered major in nature, (a) due to its intended role as part of a larger strategic housing provision over the plan period, and (b) considering the requirements outlined in the policy to reduce the proposal’s impact on the AONB which had not yet been tested by a planning inspector.

- **Loss of Openness:** The site is an open field with a strong sense of agricultural character and is a key viewpoint at the entrance of the village, resulting in a clear delineation between the countryside to the north and the settlement to the south. The LVIA acknowledges that motorists along Hodson Road and cyclists using NCR 45 observe long-distance views of the landscape to the north during all times of the year, and that the subsequent development of the site would erode this character by removing this delineation and creating a new urban location which would appear somewhat detached from the settlement. In the appeal Land to the south of Church Lane, Birdham, West Sussex (APP/L3815/A/13/2208162), the inspector considered that the openness and semi-rural character of sites within villages (and not necessarily in open landscapes) are factors which can be considered when determining if a development is ‘major’.
- **Light Pollution:** Further to the above, it should be noted that views to the north of the site become particularly apparent at night, including views of the M4 motorway and Badbury Wick. As such the proposal would be visible from these locations during nighttime particularly in the short to medium term, it can be reasonably argued that this supports the case for the proposal being considered as major development.
- **Lack of Contiguity:** Whilst satellite imagery may suggest that the site shares a meaningful connection to the settlement, CPC would disagree, as the existing hedgerow along the southern boundary and dense vegetation along the northern side of Hodson Road offer a strongly defined existing edge to the settlement. This is particularly apparent when observing street view imagery upon the approach to the settlement from NCR 45, where views of the existing built edge are significantly obscured. As such, in the approach to the settlement from Hodson Road and along NCR 45, views presently experienced of the site lean towards a sense of rural/semi-rural character, rather than urban. The proposal to develop 42 dwellings on the site would significantly change the character of the site which is regularly experienced by motorists and cyclists, therefore supporting that it should be considered major development.
- **Pinkcombe House:** The proposal would substantially erode the character of Pinkcombe House, a large 116-year-old isolated dwelling adjoining the north of the site. Due to the number of dwellings proposed, the current proposal concentrates dwellings towards into the northwestern boundary resulting in a strong sense of overbearingness on this particular residence, as well as a significant erosion to its rural setting by merging it with the village.

Overall, the above evidence suggests why the proposal is considered to constitute major development in the AONB. Given the current size and role of Chiseldon in the development strategy, such a development would be automatically major and would be most appropriately led by a strategic allocation within the future Local Plan.

Should Swindon Borough Council agree that the proposal would constitute major development, Paragraph 183 of the NPPF requires that such developments should be refused unless

exceptional circumstances are demonstrated for why it should be approved. The case for exceptional circumstances should consider the need for the development, the economic impact of approving/refusing it, the availability of alternative sites in the borough, and the level of harm caused to the National Landscape.

The applicant has not yet demonstrated exceptional circumstances; however, Chiseldon Parish Council (CPC) recognises that such circumstances could be supported if the development includes provisions that address key community needs. While concerns remain regarding the broader sustainability of the site for a development of this scale, CPC is open to further engagement and consideration should additional information be provided that illustrates how the proposal could fulfil these local priorities. CPC reserves the right to provide additional comments as further details become available.

CPC also wish to raise the following concerns regarding the detail submitted in the planning application.

- **Access / Traffic:** CPC wish to echo the Highway Comments regarding the inadequacy of the site access. The NDP recognises that this turning point where the access is proposed is considered to have known safety issues (see Figure 4 above). To address these concerns effectively, CPC believes that a more substantial traffic solution, such as the installation of a roundabout, should be considered to enhance safety. Simple traffic calming measures may not be sufficient, and a comprehensive review of road safety, incorporating this type of infrastructure, would better address existing risks and support the proposed development.
- **Sewerage:** It is acknowledged that the proposal is supported by a flood risk and drainage assessment which comments on the likelihood of flooding including from Sewers and that Thames Water have commented on sewer capacities, however, CPC wish to stress that there are local concerns regarding the capacity of the sewage system which must be addressed to ensure the infrastructure can cope with additional housing.
- **Historic Landfill and Contamination:** The site is recorded as an ex-landfill location (Wiltshire ref. CC T/77/0010/WD) which does not appear to have been addressed in the application. This raises concerns about potential pollution to groundwater and the need for remediation, which should be confirmed through a contamination assessment. This was an expectation of the LP Review LA22 allocation.

Key Community Benefits for Support

CPC considers that the following community benefits, if delivered as part of the proposed development, would provide the exceptional circumstances required for the proposal to be supported.

- **Affordable Housing and First Homes:** Addressing housing affordability is essential for Chiseldon's long-term sustainability, particularly given the village's declining population and the impact on local services like Chiseldon Primary School, which is often undersubscribed,

and amenities such as local pubs that are struggling to remain viable. The Housing Needs Assessment (HNA) and the Draft Neighbourhood Development Plan (NDP) both underscore the need for affordable housing to attract and retain residents, which in turn supports local services and businesses. For this reason, it is crucial that genuinely affordable homes are secured by a legal agreement, particularly First Homes at a 50% discount, as highlighted by NDP Policy 1 (see Figure 3 below). The Planning Practise Guidance states that First Homes are the government's preferred form of discounted market housing and should constitute at least 25% of the affordable housing provided. The HNA concluded that First Homes at a 50% discount would be comfortably affordable for average-earning households in Chiseldon, making them an important component of any housing mix if the development were approved. Chiseldon Parish Council strongly advocates for this requirement to address local housing needs and ensure affordability for both current and future residents.

Figure 3: Draft Policy 1 Housing Mix

Policy 1: Housing mix

When meeting the requirements of Swindon Borough Local Plan policies HA1, HA2 and HA3, the following mix of housing will be required in Chiseldon Parish:

- A. A minimum of 30% required affordable housing will be provided of which at least 25% will be First Homes.
- B. First Homes will have a 50% discount applied and will be offered first to people with a local connection to Chiseldon Parish.
 - 1. The First Homes discount percentage may by exception vary on a site-by-site basis, taking into account viability. In the event that concerns are raised that the requirements may render development unviable, a viability assessment must be prepared to justify any variation.
 - 2. A local connection can be proven by demonstrating: current residency, employment requirements, family connections or special circumstances such as caring responsibilities. Buyers with a local connection should be given priority over non-local residents for a minimum marketing period of 3 months.
- C. Dwelling sizes of market and affordable housing should be predominantly 2-3 bedrooms, will conform to the nationally described space standard.
- D. New dwellings should conform to building regulations M4(2) and M4 (3) to be accessible and adaptable to residents at all stages of their lives.

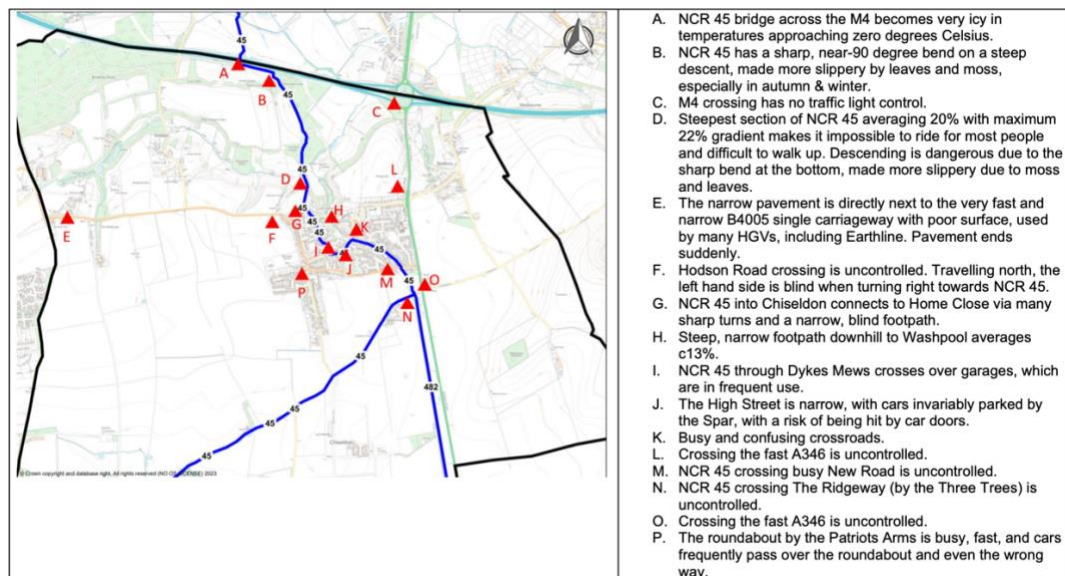
- **Children's Play Space:** As required by withdrawn LP Review Policy LA 22, a local play space was a requirement of the development. CPC therefore consider that specific and adequate play equipment provision should be a condition of approval. Such provision should meet the requirements identified in the draft NDP (provided in the box below). Paragraph 5.19 of the Planning Statement prepared by Raw Architecture states that Play Equipment could be provided; however, it is not committed within the proposed heads of terms and therefore CPC request this to be amended for inclusion.

Any new play equipment within the Parish should take note of the following considerations:

- All equipment should be provided by a recognised national equipment supplier. Equipment should not be bought from unknown/local sources or created by the developer or their builder/contractor.
- All equipment should pass current British and European safety standard BS EN1176 before installation. This applies to all fencing, flooring, and auxiliary equipment provided such as bins and noticeboards.
- Play equipment should not be situated near any water hazard. • Play equipment should not be situated near any roads unless suitable fencing is installed, which is at least 4 foot tall and gated.
- All equipment should include a range of inclusive equipment which is accessible by those with disabilities. Installation should follow the principles found in the Disability Discrimination Act 2004 and Equality Act 2010 and not contravene these laws in any way.
- All equipment installed should have a 10 year manufacturer guarantee.
- The age range for equipment should be between 2-16 years of age.
- The council prefer equipment made of metal to ensure longevity.
- The council will not accept responsibility for the insurance, maintenance or other liability of zip wires or high rope equipment.
- All equipment should be accessible by the whole parish –private play areas will not be supported.
- Suitable poured rubber flooring should be supplied under all equipment with a fall height in excess of 1500mm. Grass may be used for fall heights under 1500mm. (RoSPA recommendations as of 2023) British Standards EN1176 and EN1177 should be followed.
- Suitable flooring should be supplied under all equipment to minimise the degradation of grass.
- No bark mulch is to be used on site.
- Suitable waste receptacles should be on site which includes recycling facilities.
- Suitable benches should be on site. Chiseldon Parish Neighbourhood Development Plan
- There should be vehicle access available to the site, for grass cutting machinery or maintenance vehicles.
- A metal notice will be supplied and erected to outline any rules or procedures required on site, with the Parish Council providing the required wording.
- Play equipment should be situated a minimum of 30 metres from the nearest dwelling boundary.
- Design should be in accordance with Let's Play Fair | Bringing inclusive playgrounds to life | Disability charity Scope UK

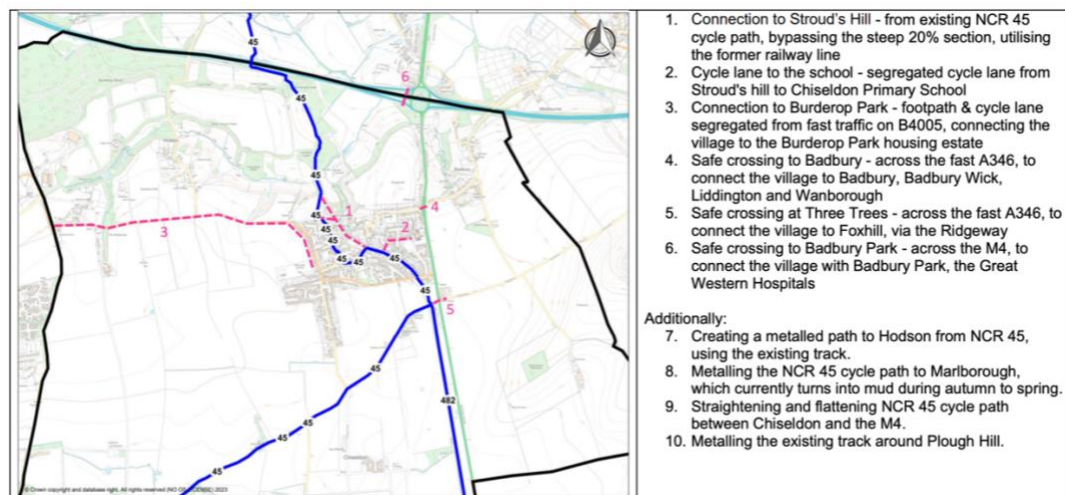
- Sustrans Route:** Withdrawn Policy LA22 of the LP Review states that enhancement is required to the Sustrans route through a public art installation and provision of benches/a picnic area and interpretation board on the history of Chiseldon. In addition, the draft NDP, identifies several other improvements to the route which could be funded and/or delivered by the applicant. Therefore, CPC would ask if either the provisions identified in withdrawn Policy LA22 or some of those identified in the draft NDP could be committed to the scheme and tied to any approval.

Figure 4: Identified weaknesses in the cycle and pedestrian network



Source: Andrea Pellegram Ltd. under OS licence100063176.

Figure 5: Proposed improvements to the cycle and pedestrian network



Source: Andrea Pellegram Ltd. under OS licence100063176.

- **Pedestrian Connectivity:** The current application lacks any offer to enhance pedestrian routes through Home Close, as required by the Withdrawn Local Plan Review Policy LP22. However, the Parish Council believes there is an opportunity to meet community aspirations for improved pedestrian connectivity by delivering Objective 3 of draft NDP Policy 2 (see Figure 5 above). As an alternative, enhancing this connection would provide a direct link between the new development and the bus stop on Hodson Road as well as the junction with Hodson, improving access to public transport. Furthermore, it would create a crucial pedestrian route to the hamlet of Hodson, facilitating access to local amenities and encouraging better community cohesion. In addition, these enhancements would provide residents of Hodson hamlet with a safe pedestrian route into Chiseldon village, addressing a key safety concern. The improved links would support broader efforts to strengthen walking and cycling infrastructure in the parish, aligning with Swindon Borough Council's Sustainable Transport Plan. This would also tie in with the Parish Council's recent initiative to develop a Chiseldon Parish walking map, for which funds have been allocated and a designer contracted. Finally, the enhanced routes would improve access to Coate Water and Swindon, encouraging greater use of local walking paths and boosting sustainability.
- **Footpath Improvement and Maintenance:** Regarding S106 funds, CPC requests that funding be allocated to support the improvement, maintenance, and clearance of the existing footpath running from the edge of the proposed site to the junction with Hodson Hamlet. This footpath is currently overgrown, with the ground vegetation not adequately cleared, and the adjacent hedging, owned by the landowner, frequently becomes overgrown. Ensuring this path is accessible and well-maintained is crucial for safe pedestrian movement and connectivity between the development and the wider village.

I trust that the above comments will be given full consideration in the overall assessment of the proposal. We would welcome the opportunity to discuss any aspects of the submission further with the applicant or the planning officer, should this be necessary. Please may I request that we are kept informed of any updates or decisions regarding this application, should the Parish Council wish to provide further comment.

Thank you for your attention to this matter.

Yours sincerely,



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