

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 9 October 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Christopher Newbury (Chairman)

Cllr Bill Parks (Vice-Chairman)

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Andrew Davis

Cllr Stewart Palmen

Cllr Horace Prickett

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr David Vigar

Cllr Suzanne Wickham

Substitutes

Cllr Matthew Dean

Cllr Jon Hubbard

Cllr Tony Jackson

Cllr Mel Jacob

Cllr George Jeans

Cllr Gordon King

Cllr Mike Sankey

Cllr Tamara Reay

Cllr Bridget Wayman

Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 4 September 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 2 October 2024** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 4 October 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 19 - 54*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications:

7 **PL/2024/00596: Temple Farm, Upton Scudamore, Warminster, BA12 0AQ** (*Pages 55 - 92*)

Change of use from a C3 dwelling house to a C2 residential care home.

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 SEPTEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Pip Ridout, Cllr David Vigar, Cllr Tony Jackson (Substitute), Cllr Gordon King (Substitute), and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Nick Holder

58 **Apologies**

Apologies for absence were received from:

- Councillor Trevor Carbin, who was substituted by Councillor Gordon King
- Councillor Jonathon Seed, who was substituted by Councillor Tony Jackson
- Councillor Suzanne Wickham, who was substituted by Councillor Mike Sankey

59 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 7 August 2024 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 7 August 2024 as a true and correct record.

60 **Declarations of Interest**

There were no declarations of interest.

61 **Chairman's Announcements**

There were no specific Chairman's announcements.

62 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

63 **Planning Appeals and Updates**

Before hearing from Kenny Green, Development Team Leader, the Chairman invited Mr Francis Morland to address the Committee under public participation where he highlighted a missing appeal decision within the published appeal list relating to application PL/2022/09842, Land off Storrige Road, Westbury. Mr Morland also informed the Committee that as part of the appeal, which had been successfully defended by the Council and was dismissed, the appointed Appeal Inspector concluded that after examining the Council's Housing Land Supply Position, the Council was now in deficit, having 3.85 years supply when tested against the extant 4-year requirement.

Kenny Green provided a summary of the key outcomes of the Storrige Farm appeal decision which identified that despite there being a Housing Land Supply deficit, material weight could still be applied to the Council's strategic policies, but more crucially, where there was a robust technical reason for refusing new housing developments (such as noise detriment and concerns over future amenities and living conditions), the Council was able to defend the appeal.

Officers acknowledged that the appeal decision would have been reported to the next Strategic Planning Committee meeting and that there had been no meeting of the Strategic Planning Committee taking place in September 2024. Members were also informed that the appeal had been made after 23 August 2024, and therefore after the publication of the Western Area Planning Committee agenda. At the Chairman's request, Kenny Green assured Members that the appeal decision would be circulated to Members after the meeting.

In addition to the above, reference was made briefly as to officers seeking legal advice on other pending appeals, including Land at Glenmore Farm, Westbury, and Land at Westbury Road, Warminster.

The reported and dismissed appeal for application PL/2023/10654, as set out within the Agenda Pack, was also summarised, and pertained to an outline application for 4 no. dwellings in open countryside and was issued prior to the Storrige Road appeal decision. Members were nevertheless informed of the Council's successful appeal defence, with the Planning Inspector endorsing the delegated refusal reasons citing the unsustainable site location and conflicts with the Council's strategic policies for housing growth alongside robust technical reasons for refusal such as highway safety and unacceptable impacts on the National Primary Road Network.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 26 July 2024 to 23 August 2024.

64 **PL/2023/10641: Emmaus School, School Lane, Staverton, Trowbridge, BA14 6NZ**

Public Participation

- Ms Belinda Bates, Nestlings Pre-School, spoke in objection to the application.
- Ms Heather Derrick, Nestlings Pre-School, spoke in objection to the application.
- Mr James Burgess, representative from Emmaus School, spoke in support of the application.
- Ms Hope Brett, representing the families of the school, spoke in support of the application.
- Mr Neal Thompson, agent, spoke in support of the application.

Russell Brown, Senior Planning Officer, presented the report which recommended that the Committee grant permission for the demolition of an existing modular classroom and rear extension to the main school building to accommodate the erection of a two-storey building on the existing playground with the erection of a single storey rear extension and associated landscaping.

Key material considerations were identified including the principle of development; design and landscape implications; residential amenity; ecology; drainage; and highways safety issues.

Members of the Committee then had the opportunity to ask technical questions to the officer. Members raised the proximity to neighbouring residential properties as well as the adjoining Nestlings Pre-School and queried the associated impacts. Clarity was also sought on safety issues in respect of the playground's proximity to the adjacent carriageway and reassurance that there would be no landscape harm. Previous planning history was noted and Members further queried land ownership/application site adjustments alongside the proposed building materials, design, and its massing.

In response, officers explained the changes that had been made through negotiation to re-draw the red line boundary and revising the proposed extension and its associated features to address some of the raised concerns. As such, officers advised Members that they were satisfied that the application would not materially harm neighbouring/nearby properties, land uses, or the wider landscape character. Furthermore, no objections to the scheme had been raised by the Council's Highway Team or statutory consultees.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Ernie Clark then presented a statement on behalf of Councillor Trevor Carbin, the Local Unitary Member, who was unable to attend the meeting.

A debate then followed where Members discussed the separation distances between the proposal and neighbouring properties, the existing structure and present school accommodation, and the reasons for the application.

At the conclusion of the debate, Councillor Ernie Clark moved to grant the application in line with officer recommendations which was seconded by Councillor Tony Jackson. Following a vote on the motion, it was:

Resolved:

The Committee APPROVED the application subject to the following conditions and informatives:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**

Drawing No. 1421L-01A received on 5 December 2023

Drawing No. 23-06-02E received on 28 March 2024

Drawing Nos. 23-06-01I, 23-06-03F, 23-06-04F received on 12 July 2024

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3. No development shall commence on site, until a Construction Method Statement, which shall include the following:**
 - a) the parking of vehicles of site operatives and visitors;**
 - b) loading and unloading of plant and materials;**
 - c) storage of plant and materials used in constructing the development;**
 - d) wheel washing facilities;**
 - e) measures to control the emission of dust and dirt during construction;**
 - f) hours of construction, including deliveries; and**
 - g) timing of works in relation to Staverton CofE Primary School and Emmaus School term dates;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

4. No development shall progress above slab level until details of the number, design and locations of features for wildlife and new planting for biodiversity shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

5. No development shall progress above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

6. No development shall progress above slab level until a drainage strategy, including a scheme for the discharge of surface water from the site and incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in

an acceptable manner, to ensure that the development can be adequately drained.

7. The development will be carried out in strict accordance with the following documents:

- Preliminary Ecological Appraisal Including a Protected Species Assessment at: Emmaus School Staverton, Wiltshire. November 2023. Skilled Ecology Consultancy Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

9. The school shall be limited to a maximum of 75 students at any one time.

REASON: In the interests of highway safety, amenity of the area and drainage.

Informatives:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1 March and 31 August but some species are known to breed outside these limits.

Protected Species General

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to

the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Network Rail

Network Rail have various structures in this location e.g. retaining walls, bridges which will need to be considered and mitigated through Network Rail's asset protection process, contact to be made at AssetProtectionWestern@networkrail.co.uk. No works are to be conducted until permission for works has been granted.

Sustainable Construction

The applicant is encouraged to consider sustainable construction and employ the following energy hierarchy:

- i. Reduce energy consumption through energy efficiency measures;
- ii. Use renewable or low-carbon energy from a local/district source; and
- iii. Use building-integrated renewable or low-carbon technologies.

65 PL/2023/08046: Land at Pathfinder Way, Bowerhill, Melksham

Public Participation

- Mr Tom Molyneux-Wright, agent, spoke in support of the application.
- Mr Anthony Dixon, Senior Project Manager and applicant on behalf of Wiltshire Council, spoke in support of the application.
- Councillor Alan Baines, on behalf of Melksham Without Parish Council, spoke in objection to the application.

Gen Collins, Principal Planning Officer, presented the report which recommended that the Committee delegated authority to the Head of Development Management to grant planning permission, subject to conditions and informatives, for the reserved matters application pursuant to the construction of a new Primary School (including Nursery and Special Educational Needs (SEN) provision).

Key material considerations were identified including the principle of development; design/visual appearance; heritage impact; impact on the residential amenity; highways/parking issues; ecology; drainage; and Section 106/Community Infrastructure Levy (CIL).

Members of the Committee then had the opportunity to ask technical questions to the officer. The representations received from neighbouring/local residents were raised in relation to the relevant planning history of the site and where the school was indicatively illustrated at outline stage, alongside queries regarding drainage and rainwater harvesting as an option on-site. Additional queries were raised in reference to highway safety and safe walking routes to the school, referencing the objections made by Melksham Without Parish Council.

In response, officers explained that the scheme had been subject to significant revisions and a series of consultations with local Parish/Town Councils and neighbouring residents which had led to design solutions to address the impact on neighbouring amenities. Furthermore, officers confirmed that connectivity and accessibility to the application site and proposed neighbouring 16/01123/OUT development had been discussed in detail alongside the suggestion of a left-turn only junction. However, as set out in the report on Page 72 of the Agenda, the Highways Team had concluded that this would not be required or supported in that location.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Nick Holder, as the Local Unitary Member, then spoke to the application and thanked all officers for their hard work, but reiterated the concerns raised with regard to highway safety and made the case for having a No Right Turn exit restriction.

A debate then followed where Members acknowledged the highway concerns raised by local residents and sought officer advice on whether a condition could be imposed to require the school not to be brought into use until a designed No Right Turn exit junction onto Pathfinder Way from the school had been delivered on site.

Members then discussed a number of additional planning informatives including: encouraging the applicant to consider the use of rainwater harvesting for the school; to seek the completion of the site security boundary fencing prior to the school being brought into use; to encourage the Council, as the applicant, to maximise and bring forward a safe walking route to the school from Berryfield and Semington Road; and to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using Section 106 money already secured from the housing developer as part of the 16/01123/OUT development.

At the conclusion of the debate, Councillor Mike Sankey moved to endorse the officer's recommendation, seconded by Councillor Andrew Davis, with the additional planning condition regarding a designed No Right Turn exit onto Pathfinder Way, and the aforementioned additional planning informatives as discussed during the debate.

Following a vote on the motion, it was then:

Resolved:

The Committee delegated authority to the Head of Development Management to GRANT planning permission subject to the conditions and informatives listed below:

1. The development hereby permitted shall begin no later than two years from the date of the last suspensive planning condition being discharged pursuant to this reserved matters approval or three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with following plans and documents:

Location Plan – drawing ref. MKS-AWW-XX-XX-D-A-0010-P03

Existing Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0011-P05

Proposed Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0100-P03

Proposed Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0300-P03

Proposed Site Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0305-P02

Proposed Ground Floor Plan – drawing ref. MKS-AWW-XX-00-D-A-0200-P03

Proposed Ground Floor Context Plan – drawing ref. MKS-AWW-XX-XX-D-A-0101-P05

Proposed First Floor Plan – drawing ref. MKS-AWW-XX-01-D-A-0201-P03

Proposed Roof Plan – drawing ref. MKS-AWW-XX-XX-D-A-0202-P02

Proposed Lighting Plan – drawing ref. MKS-HYD-XX-XX-D-E-0851 Rev: P01

Landscape Plan and Schedule (Sheet 1 of 2) ref: MKS-AWW-XX-XX-D-A-0380-P0

Landscape Plan and Schedule (Sheet 2 of 2) ref: MKS-AWW-XX-XX-D-A-0381-P03

Enclosure Details - Bin Store ref: MKS-AWW-XX-XX-D-A-0388-P02

External Canopy Details ref: MKS-AWW-XX-XX-D-A-0385-P02

Cycle Parking Details ref: KS-AWW-XX-XX-D-A-0386-P03

Enclosure Details - Air Source Heat Pump ref: MKS-AWW-XX-XX-D-A-0387-P03

Drainage Report ref: MKS-HYD-XX-XX-T-C-9000

Transport Statement ref: FS0614-HYD-XX-XX-DR-D-5001-P01-S4

Travel Plan ref: FS0614-HYD-XX-XX-DR-D-6001-P01-S4

Desk Study and Ground Investigation Report prepared by Hydrock;

Ecological Report prepared by Wessex Ecological Consultancy;

Flood Risk Assessment ref: 27203-HYD-XX-XX-WET-RP-0001 P02 prepared by Hydrock;

Drainage Strategy MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock;

Noise Impact Assessment prepared by Hydrock

**Energy Statement prepared by Hydrock
BREEAM Pre-Assessment prepared by Hydrock**

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- The movement of construction vehicles;
- The parking of vehicles and storage of materials
- The cutting or other processing of building materials on site;
- Wheel washing and vehicle wash down facilities;
- The transportation and storage of waste and building materials;
- The recycling of waste materials (if any);
- The loading and unloading of equipment and materials;
- The location and use of generators and temporary site accommodation;
- There shall be no burning undertaken on site at any time.
- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday

The development shall be undertaken in accordance with the details set out in the approved Construction Management Statement.

REASON: To ensure the amenities and safety of future occupants and highway safety of the development

4. No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Precautionary Methodology of Working for Great Crested Newts shall be submitted to the local planning authority for approval in writing and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase.

Development shall be carried out in strict accordance with the approved Precautionary Methodology of Working for Great Crested Newts.

REASON: To ensure adequate protection and mitigation for Great Crested Newts prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

5. No development shall commence above ground slab level until a plan showing the details for siting, positioning and installation of integral nesting features for bats and birds has been submitted to, and approved in writing by, the local planning authority.

The integral nesting features should identify:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained (or replaced as necessary) for the lifetime of the development.

REASON: For the protection, mitigation and enhancement of biodiversity.

6. No development shall commence on site above slab level until details of the materials to be used for the external walls, cladding and roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

REASON: In the interests of visual amenity and the character and appearance of the area.

7. The development hereby approved shall not be brought into use until details of a design showing a no right hand turn exit onto Pathfinder Way from the school entrance have been submitted to the LPA and approved in writing. The approved scheme shall be delivered on site prior to first use of the building and shall be retained as such for the lifetime of the development

REASON: In the interests of highway safety

8. No part of the development hereby permitted shall be first brought into use until the car parking spaces shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05, have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site and in the interests of highway safety.

9. No part of the development hereby permitted shall be first brought into use until the cycle and scooter parking as shown on the

approved drawing ref: Cycle Parking Details 0386 Rev P03, has been provided in the locations shown and in accordance with the approved details. This provision shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made within the site for the parking of cycles and scooters in the interests of sustainable travel.

10. No part of the development hereby permitted shall be first brought into use until the pedestrian access gate and path have been provided on the northern site boundary (to the west of the Gas Governor) to connect with the path on the site perimeter and as shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05. The access and gate shall be retained and maintained for the lifetime of the development and made available for use at school drop off and pick up times.

REASON: To encourage sustainable travel choices and in the interests of highways safety.

11. No part of the development hereby permitted shall be first brought into use until, a small sign shall be provided near to the school main entrance gate, to direct pedestrians arriving along the footway adjacent Pathfinder Way from the north to the pedestrian access gate (located to the west of the Gas Governor). The sign shall be retained for the lifetime of the access use.

REASON: In the interests of pedestrian safety

12. No part of the development hereby permitted shall be first brought into use until the window in the southwest facing elevation at first floor level and the last window on the western side of the rear facing elevation at first floor level have been glazed with obscure glass to an obscurity level of no less than level 3 and thereafter, the windows shall be permanently maintained with obscure glazing in perpetuity

REASON: In the interests of residential amenity and privacy.

13. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

14. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy ref: MKS-HYD-

XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

15.The development hereby approved shall be undertaken in accordance with the approved landscape strategy.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

16.All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Informatives:

- 1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**
- 2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.**
- 3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise**

the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

4. Wiltshire Council as Highway Authority is proposing to install 'No Waiting At Any Time' markings on Pathfinder Way. The applicant must liaise with the Highway Authority to ensure the timescales for the necessary TRO correspond with the school delivery programme to meet Condition 7.
5. The applicant is encouraged to consider the inclusion of rainwater harvesting as part of school site to maximise the sustainability performance of the school.
6. The applicant is also encouraged to enter discussion with the Council's highways team, the respective Town and Parish Councils and education colleagues to bring forward a safe walking route to the school for residents from Berryfield and Semington Road.
7. It is noted that the proposed boundary treatments for the school site can be erected under permitted development rights, and it is understood that the applicant intends to erect a secure boundary fence of 2m in height and secure gates to ensure the safety and of users of the school. It is strongly encouraged and advised that the applicant provides this before the school is brought into use
8. The applicant is also strongly advised to enter discussions with respective colleagues within the Council to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using received s106 money secured from the housing developer as part of the 16/01123/OUT development.

66 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 5.25 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

**Wiltshire Council
Western Area Committee
9th October 2024**

Planning Appeals Received between 23/08/2024 and 27/09/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/05349	Former Commercial Nursery, Barters Farm, High Street, Chapmanslade, Westbury, BA13 4AL	Chapmanslade	Erection of 9 Dwellings, demolition, and associated works (additional information)	DEL	Written Representations	Refuse	11/09/2024	No
PL/2024/02905	Stone End, 375 The Street. Holt, Trowbridge, BA14 6RS	Holt	The reconfiguration of front garden including retaining boundary wall & lowering front section to pavement level to create an off-street bay parking space (parallel to the road).	DEL	Householder Appeal	Refuse	20/09/2024	No

Planning Appeals Decided between 23/08/2024 and 27/09/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/09842	Land Off Storridge Road, Westbury, Wilts	Heywood	Outline application for 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, and sustainable drainage system (SuDS) and vehicular access point. (All matters reserved except for means of access)	DEL	Inquiry	Refuse	Dismissed	30/08/2024	None
PL/2024/00785	1 Philip Close, Melksham, SN12 7AP	Melksham	Proposed detached 1 bed dwelling on vacant land to the rear of 1 Philip Close	DEL	Written Reps	Refuse	Dismissed	11/09/2024	None
PL/2024/02905	Stone End, 375 The Street. Holt, Trowbridge, BA14 6RS	Holt	The reconfiguration of front garden including retaining boundary wall & lowering front section to pavement level to create an off-street bay parking space (parallel to the road).	DEL	Householder	Refuse	Withdrawn by Appellant	24/09/2024	None

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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 MIEEnvSc 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



Appeal Decision

Site visit made on 23 July 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/Y3940/W/24/3342907

1 Philip Close, Melksham, Wiltshire SN12 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Carl Whiting against the decision of Wiltshire Council.
 - The application Ref is PL/2024/00785.
 - The development proposed is a detached 1 bed dwelling on vacant land to the rear of 1 Philip Close.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before the final document is published. The consultation closes on 24 September 2024. I have sought comments from the parties as to whether these proposed reforms have any relevance to the appeal, and I have taken the comments received into account in my consideration of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether acceptable living conditions would be provided for future occupiers of the proposed dwelling with regard to private garden space.

Reasons

Character and appearance

4. The appeal site comprises a small parcel of land formed through the subdivision of the garden to No. 1 Philip Close. It has a frontage to Littlejohn Avenue. It lies between the retained garden of No. 1 and The Pig and Whistle public house car park. The area is mainly residential. Surrounding dwellings predominantly consist of two storey terraced and semi-detached houses, set back from the street behind front gardens and parking areas. The plot sizes vary, but this pattern of development nonetheless provides a sense of openness and contributes to the spacious character of the area.

5. The plot width of the proposed dwelling would be noticeably wider than some of the terraced dwellings on its opposite side along Littlejohn Avenue. The appeal dwelling would sit in very close proximity to its side boundary with the public house car park, and to its rear boundary with No. 3 Philip Close. Its side elevation would also extend outwards at an angle towards and along the car park boundary, noticeably contrasting from the more regular right-angled footprints of the surrounding dwellings. This means that the garden area of the appeal dwelling would be to its front and side only, which further diverges from the surrounding dwelling layouts.
6. Despite the setback distances of buildings from the street, the proposed layout and footprint of the appeal dwelling, especially its tight proximity to two of its boundaries, would appear cramped and contrived in comparison to the surrounding residential plots. This jarring layout with its surroundings would be readily visible from the surrounding area, and harm would arise from this.
7. I accept that it would be possible to maintain the proposed dwelling, despite being so close to the boundaries. The proposed dwelling would also be similar to nearby properties in respect of its roof form, fenestration details and materials. However, these matters do not overcome the harm I have identified.
8. The appeal proposal would cause significant harm to the character and appearance of the area and would fail to effectively integrate into its setting. The proposal therefore conflicts with Core Policy 57 of the Wiltshire Core Strategy (WCS) 2015, insofar as it requires all new developments to respond positively to the existing townscape in terms of building layout and plot size. In this respect, the proposal also conflicts with Policy 6 of the Joint Melksham Neighbourhood Plan (JMNP) 2021, which requires housing development within settlements to have regard to the character of, and integration with, the surrounding area.

Living conditions

9. The private garden space would be to the side and north west facing. It would be modest in size, indicated to be around 10.6 metres in length and up to 6.2 metres at its widest point to the boundary with No. 1. The drawings indicate that it includes a shed, path and vegetable patch. Due to its narrowness and orientation, most of the space would experience significant shading impacts from the new dwelling and enclosing fences across much of the day, especially in wintertime. Whilst the level of sunlight would improve during summer when people are more likely to want to sit out, the garden would nonetheless be in the shade for much of the time.
10. Paragraph 9.2.2 of the Wiltshire Design Guide Supplementary Planning Document (SPD) 2024 advises that minimum garden areas for all houses should be equivalent to the footprint of the house. It also provides general minimum garden depths of between 10m to 12m, depending on the orientation. I have had regard to this advice, and also accept that some people may be flexible in terms of their level of need for outdoor amenity space. The size of the garden would be similar to the footprint of the appeal dwelling and whilst its length would be around 10.6 metres, its depth would be much shorter. In any event, whilst the overall garden size may be suitable in quantitative terms given the small size of the proposed dwelling, for the above reasons it would not provide satisfactory living conditions.

11. I have therefore found that future occupiers of the appeal dwelling would be provided with inadequate living conditions in terms of sunlight provision to its private garden space. In this regard, the appeal proposal is contrary to Policy 57 of the WCS and the Framework, which together require new development to ensure that appropriate levels of amenity are achievable, and the supporting guidance of the SPD as referred to above.

Other Matters

12. The appellants allude to the possibility that the adjacent public house, like many others in recent times, may be considered for redevelopment and should this happen, the appeal proposal would “lead the way” in terms of future considerations. I have not however been provided with any substantive evidence of this. In any event, I have considered the appeal proposal on its own planning merits.

13. It is also put to me that appeal site has become a vacant site because of the size of the original garden of No. 1 Philip Close, which was becoming too much to manage and maintain. However, this garden is of similar size to others along that road. I am therefore not persuaded that this garden is unduly large to maintain or manage. The provision of suitable bike and bin storage, off-road parking, and a study room to support working at home, are all neutral factors that neither weigh in favour or against the appeal proposal.

14. The Council has demonstrated 4.2 years of deliverable housing supply, which under the provisions of paragraph 226 of the current published Framework is the Council’s requirement in respect of housing land supply. This has not been disputed by the appellant and although the Government’s draft reforms may increase the required supply of housing, they are at the early stages of consultation and I therefore only afford them limited weight.

15. The proposal would provide a small, one-bedroom house, described by the appellants as ‘affordable’ although to be provided as market housing. Its small size would appeal to certain households and it would therefore contribute to the overall housing mix. This contribution to the Council’s overall housing supply, whilst welcome, would be limited. I also note that the proposal would be within the existing built-up area in an accessible location for the town centre by foot or cycle, and it indicates a provision of solar panels and electric vehicle charge point for future occupiers. The Council’s development plan and the Framework both support sustainable construction techniques. The above factors do not however outweigh the harm that I have identified.

Conclusion

16. The proposal would conflict with the development plan as a whole and the material considerations before me, including the Framework, do not indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Cahalane

INSPECTOR

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PlanningAppeals

From: NEW RT1 <RT1@planninginspectorate.gov.uk>
Sent: 24 September 2024 11:59
To: Elle Edwards
Cc: PlanningAppeals
Subject: RE: Planning Inspectorate APP/Y3940/D/24/3350710: Stone End, 375 The Street,, BA14 6RS

Hi Elle

Thank you for your email.

As requested, this appeal has been withdrawn and no further correspondence will be accepted.

Kind regards



The Planning
Inspectorate

Caroline Tranter (pronouns: She/Her)
Casework Officer
Regional Team 1
The Planning Inspectorate



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From: Elle Edwards
Sent: Monday, September 23, 2024 5:37 PM
To: NEW RT1 <RT1@planninginspectorate.gov.uk>
Subject: Re: Planning Inspectorate APP/Y3940/D/24/3350710: Stone End, 375 The Street,, BA14 6RS

You don't often get email from [redacted]. [Learn why this is important](#)

Good afternoon,

Please could we withdraw our appeal application?

Kindest regards,

Elle Edwards

On 20 Sep 2024, at 09:09, RT1@planninginspectorate.gov.uk wrote:

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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<HAS Start Letter - Elanor Edwards - 20 Sep 2024.pdf>

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DPC:76616c646f72

REPORT FOR WESTERN AREA PLANNING COMMITTEE

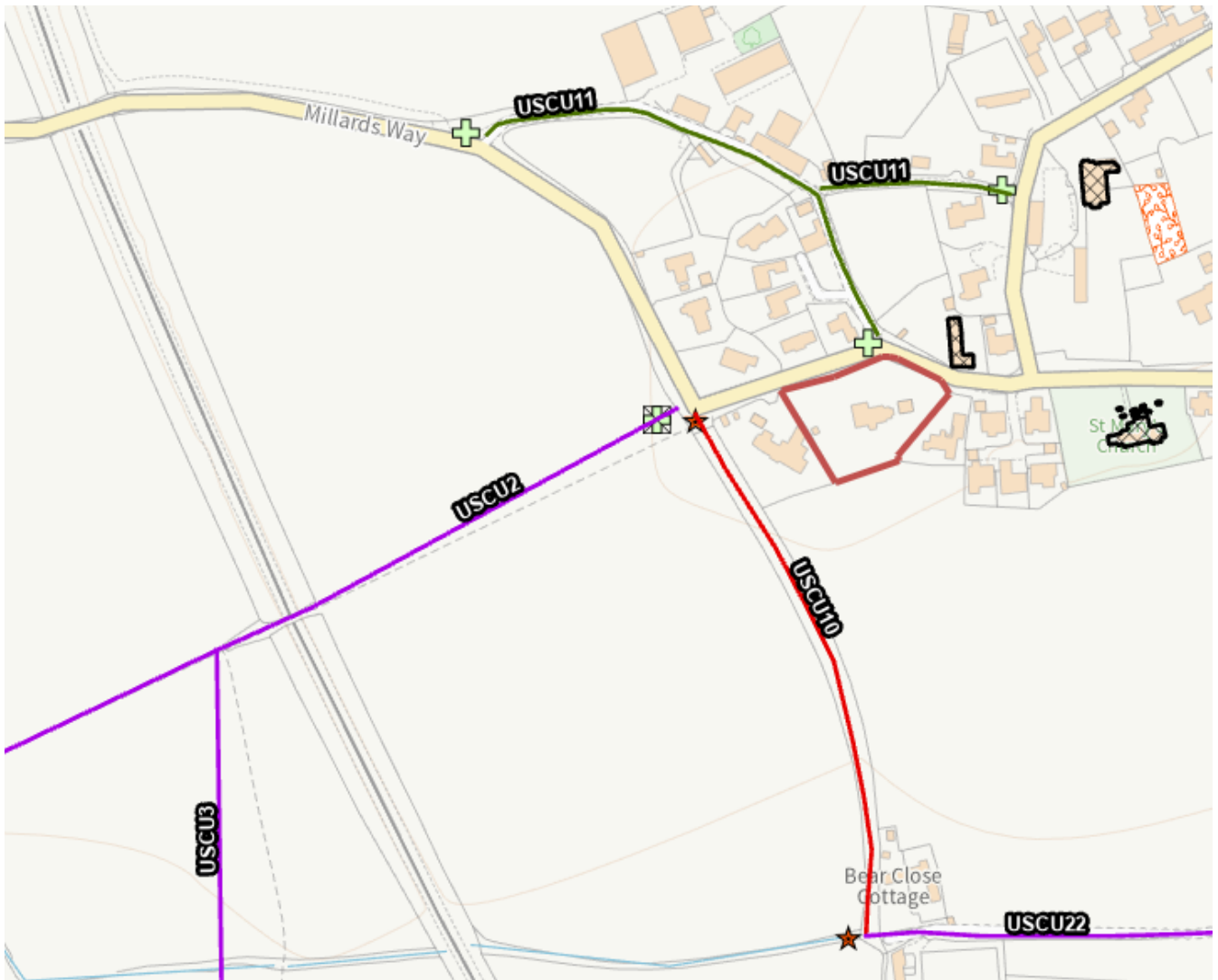
Date of Meeting	9 October 2024
Application Number	PL/2024/00596
Site Address	Temple Farm, Upton Scudamore, Warminster, BA12 0AQ
Proposal	Change of use from a C3 dwelling house to a C2 residential care home
Applicant	New Day Children's Services
Town/Parish Council	UPTON SCUDAMORE PARISH COUNCIL
Electoral Division	Warminster North & Rural - Cllr Bill Parks
Grid Ref	ST863476
Type of application	FULL PLANNING
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: This application has been called in to committee by Cllr Parks on the basis that officers are minded to recommend the application for approval, so that members can consider the relationship of the application site to adjoining properties. Cllr Parks has queried its compliance with WCS Core Policy 46, and questioned whether this type of *“accommodation should be provided in sustainable locations, within the settlements identified in Core Policy 1 where there is good access to services and facilities. Upton Scudamore has none that are accessible from the site or from within the entire village, with no footways, bus services, shops, and community centre”*.

- 1. Purpose of Report:** The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.
- 2. Report Summary:** This report appraises the: principle of the change of use; impact on neighbouring amenity; highway safety; heritage impacts; and ecology matters. A summary of the received consultations responses and third-party representations are provided within sections 8 and 9 of this report.
- 3. Site Description:** The application site known as Temple Farm relates to an existing detached dwelling (a chalet style bungalow) located within a generous plot within Upton Scudamore - which is identified as a small village which does not have a settlement (limits of development) boundary. The existing dwelling benefits from an established vehicular access and on-site car parking provision.

The immediate area is characterised by residential use, with many dwellings in the vicinity of the application site being detached.

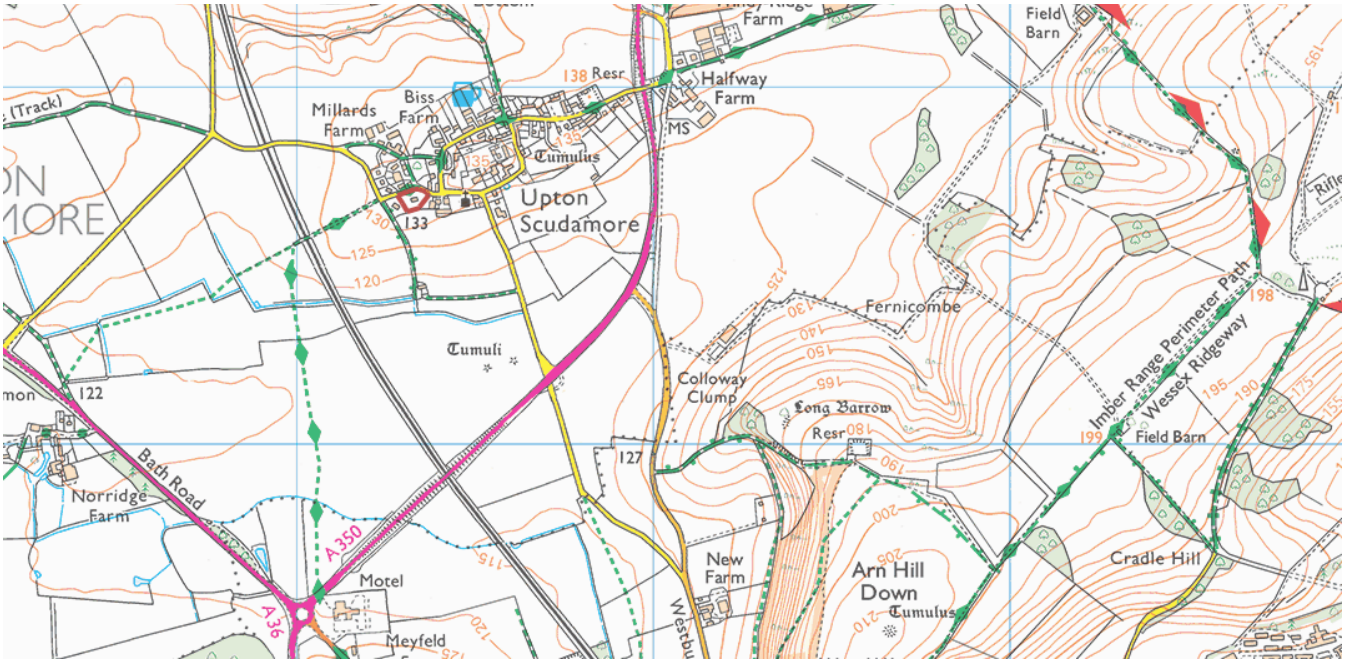
A public right of way (PRoW), a bridleway (reference USCU11) is located opposite the site to the north. Additional PRoWs are found to the west beyond the property known as Cherry Croft, as illustrated on the following page. This change of use application would have no impact on the nearby rights of way.



Extract of the Council's mapping system with the PRowS illustrated by the purple, red and green lines and the listed buildings shown by the black cross-hatching

It is appreciated that some of the submitted representations (as listed and summarised in Section 7 of this committee report) raise concerns over the proximity of the application site to the nearby railway line, the A36 and MOD land. The application site is however located 370 metres from the railway to the west (which can be accessed by the USC02 footpath shown above), 0.5 miles from the A350 to the south, 0.9 miles to the A36 further west, and 1.25 miles (as the crow flies) from the closest parcel of MOD land (on the Salisbury Plain) to the east. It is however important to mention that as an existing dwellinghouse which could be occupied by children, these same risks would exist.

The following OS extract shown on the next page is taken from the Council's mapping system and illustrates the application site's location (outlined in red) and wider context with the railway line to the west, the routing of the two A roads, and the MOD danger zone at Salisbury Plain to the east:



To the north-east of the site is the Grade II listed property known as The Grange (an early 18th century dwelling) with the Grade II* listed Church of St Mary the Virgin located c.100m to the east. The application site is located within the 6.4m buffer zone for the Salisbury Plain Special Protection Area (SPA) for stone curlews, and the 4km core roost buffer zone associated with Greater Horseshoe bats and within the Hampshire River Avon Catchment.

4. Relevant Planning History: The following applications are of relevance to this application:

W/09/02604/FUL - Erection of sunroom – Approved with conditions

W/08/00680/FUL - Erection of conservatory - Approved with conditions

PL/2024/05258 – Lawful Development Certificate for the proposed use of the dwelling as a children’s home for up to 4 children with three staff present in the day and 2 overnight – Refused

5. The Proposal: This application seeks planning permission for the change of use of an existing detached dwelling (known as Temple Farm) to a C2 (residential institution). This application does not seek to make any alterations to the external appearance of the dwelling and is therefore solely seeking a change of use of the existing dwelling (from C3 to C2).

The proposal seeks to provide accommodation for up to 4 children/young adults with three members of staff being present during the day and 2 staff sleeping at the property overnight. The supporting statement provided by the applicant dated 7 March 2024 indicates that those occupying the home would be of the ages between “7 to 18 years old, of any gender. Our intention is to provide a long-term stable home for young people who have not had one, this may be because they have previously experienced trauma or abuse. We hope that young people are with us for long periods of time until independence, however there are reasons that

they may move on from us early including, stepping down to foster care, moving back to live in a family home or that the home is not right for the child".

The application includes the proposed altering of the existing driveway (measuring 28m²) to provide turning and manoeuvring space on site for motor vehicles. An extract of the submitted Proposed Driveway Widening plan (drawing no. SK02 Rev A) is reproduced below which shows the extension of the existing on-site access to be surfaced in shingle/gravel, which itself does not require planning permission, but it is included within the application to show on-site works to improve the on-site car parking arrangements. Planning permission would however be required for the driveway works if it was to be completed in an impermeable hard surface, exceeding five square metres.

An extract of the proposed extension to the existing car parking arrangement is provided below:



The applicant's statement also sets out the following in terms of how the home would operate:

"2 staff members who will work in the home on a rolling shift pattern, they will sleep in at the home also. A third staff member will work during the day only at the home but will not stay overnight. We will be running a 24-hour shift pattern this provides stability for the young people, minimal amount of changeover and disruption and provides consistency and continuity".

The applicant intends to have a team of 8 full time team members who would work on a rolling shift rota.

6. Planning Policy

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP31 - Spatial Strategy for the Warminster Community Area; CP46 - Meeting the Needs of Wiltshire's Vulnerable and Older People; CP50 - Biodiversity and Geodiversity; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP61 - Transport and New Development; CP64 - Demand Management; CP69 - Protection of the River Avon SAC

Also of relevance: Wiltshire Design Guide, adopted March 2024; Wiltshire Local Transport Plan 2011- 2026; saved policy U1a Foul Water Disposal of the West Wiltshire District Plan 1st Alteration 2004.

7. Summary of Consultation Responses

It should be noted that the original planning application submission was supported by only very limited detail regarding the intended use of the dwelling as a children's home and therefore additional information was requested from the applicant during the application process. This additional information was subject to a fresh consultation exercise and the following comments reflect those consultations.

Upton Scudamore Parish Council: Objects for the following reasons:

Upton Scudamore Parish Council wishes its original objection to remain on record. The applicants have provided further information in support of their application, and we wish to respond to these.

There is considerable emphasis on the need for accommodation for looked after children in Wiltshire but there is also a clearly stated requirement in Core Policy 46 that such accommodation should normally be provided within Principal Settlements or Market Towns with good access to services and facilities. Even in exceptional circumstances, it does require that any location should respect the character of the settlement.

As Upton Scudamore has a very large proportion of elderly and retired residents and very few young people, we would suggest this location does not respect the character of the village. A survey carried out by a village resident found only 9 houses with children, some of whom are pre-school age while over 50% of the houses are occupied by retired people.

In addition, we feel that placing vulnerable young people in such an isolating situation will not meet their needs as the applicants themselves state that "there are no locations in the village where groups of young people may choose to meet".

The applicants may intend to encourage these young people to be part of the community but there is no indication of any proposals regarding how this will be achieved. The Parish Council had hoped that the applicants might choose to attend one of the meetings where their application was being discussed to clarify their plans, but this opportunity has not been taken up.

We are still concerned about the proposed residents' safety given the opportunity for self-harm provided by the proximity of the location to the railway, the two main roads and the flyover. We also feel that while the applicants suggest that difficulty in accessing rail travel may be an advantage, Upton Scudamore has direct access to buses travelling to Salisbury in one direction and to Trowbridge and Bath in the other.

Our concerns regarding the increase in traffic remain as with shift patterns requiring a number of changeovers during the day, there will inevitably be congestion in the area of the residence as well as a significant increase in traffic as care givers arrive and depart with noise and disruption to neighbours, possibly at unsocial hours.

As stated in our previous objection, our main concern is the welfare of the young people who will be placed in this home. They will be isolated from families and friends and making new friendships will be difficult given the lack of young people in the village and difficulties maintaining contact with other young people out of school hours. They will effectively be in "lockdown" for much of their time.

The logistics of living in a village with no facilities make encouraging the residents of the home to develop independence and good social relationships extremely difficult and would not help these young people acquire the skills needed to allow them to go on to successfully live independently within the wider community.

The Parish Council have held two extra meetings regarding this application with a total of 31 residents in attendance, we were disappointed the applicants did not attend either meeting. We would also like to highlight the number of objections raised given the size of the village community. While there are clearly concerns regarding the impact on the existing residents, the emphasis is on the detrimental effect the isolation and lack of facilities will have on these young people.

The Parish Council have requested Cllr Parks to call the application into planning committee if it is likely to be approved by the planning officer.

Wiltshire Council Families & Children Commissioning: No objections

Wiltshire Council Highways: No objection subject to a planning condition requiring the access, turning area and car parking spaces to be completed prior to occupation.

Wiltshire Council Public Protection: No objections

8. Publicity

Third-Party Representations: A total of 50 representations have been received, including one petition, raising the following summarised concerns:

- The proposed use would impact the tranquilly of the village
- Unsuitable, unsustainable and isolated location of the proposed use
- Concern over the contents of the applicant's Location Risk Assessment and the robustness of the assessment
- Application site being close to A roads, railway line and MOD land
- Lack of evidence for why a children's home is needed in this location
- Lack of infrastructure to support the needs of the home
- Lack of facilities in Upton Scudamore including no playground
- Loss of a dwelling through the conversion of the existing bungalow into a business use
- Proposed use is incongruous as there are no other commercial premises in village
- Increase in noise and nuisance
- Increase in traffic and vehicles arriving and leaving the site
- Lack of regular and accessible transport links
- Lack of pedestrian access to Warminster
- Reliance on private vehicles
- Lack of manoeuvring and turning space on-site
- Lack of on-site car parking space
- Safety concerns relating to the existing access serving Temple Farm
- Closest hospitals are 40 mins away
- Cars parking on the public highway
- Existing access is constrained
- New gate has been added to the entrance of the site
- Lack of pavement/unsafe pedestrian access
- Possible contamination from ex-farming use
- Outside play equipment would likely be required at Temple Farm
- Safety and welfare of the children in the home
- Population of the village are predominantly retirement age/has an older population
- The number of children in the village has fallen
- Disruption to existing residents
- Covenant on the dwelling preventing it being used for anything other than a single private dwelling
- How would problems/complaints be raised if planning permission is granted
- Constant changeover of staff disruptive to children and neighbours
- Temple Farm is already being advertised as a business and is recruiting for staff in the absence of planning permission

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications

must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including the relevant policies from the West Wiltshire District Plan that continue to be saved in the WCS, form the relevant development plan for the area.

9.1 Principle of the Development:

9.1.1 In terms of assessing the principle of the proposed change of use, Core Policy 46 of the adopted Wiltshire Core Strategy is of most relevance to this particular case. This policy relates to meeting the needs of Wiltshire's vulnerable and older population and seeks to ensure that there is adequate provision of such specialist accommodation within the county.

9.1.2 The policy supports the provision of sufficient new accommodation and homes for Wiltshire's older population and vulnerable residents, including young people at risk. The policy supports the provision of homes and accommodation for vulnerable people including, but not limited to, the following:

Provision of homes and accommodation for vulnerable people will be supported, including but not limited to:

- iv. people with learning disabilities
- v. people with mental health issues
- vi. homeless people and rough sleepers
- vii. young at risk and care leavers.

9.1.3 The Policy leads on to state that "*such accommodation should be provided in sustainable locations, where there is an identified need, within settlements identified in Core Policy 1 (normally in the Principal Settlements and Market Towns) where there is good access to services and facilities*".

9.1.4 The Policy clearly does not restrict such accommodation to only principal settlements and Market Towns, with the use of the word 'normally' being applicable. It is fully appreciated that the subject property is located within the small village of Upton Scudamore, and the application seeks to change the use of an existing dwelling to a children's home, with the property changing from Class C3(a) (a single person or by people to be regarded as forming a single household) to a Class C2 (provision of residential accommodation and care to people in need of care) use (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)).

9.1.5 The policy text for CP46 leads on to state that in "*exceptional circumstances, the*

provision of specialist accommodation outside but adjacent to the Principal Settlements and Market Towns will be considered, provided that the following criteria can be met:

viii. a genuine, and evidenced, need is justified

ix. environmental and landscape considerations will not be compromised

x. facilities and services are accessible from the site

xi. its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement.

Officers fully appreciate that the subject property is not located adjacent to a principal settlement or market town but have nevertheless considered each of the above criteria in turn below.

9.1.6 WCS CP46 criterion viii sets out that proposals such as the one listed under this application requires a genuine, and evidenced, need: The Council's Families & Children Commissioning team were consulted and they have confirmed that there is a genuine need in the County, with this need being high, reporting that there *"are currently 40 children and young people living in residential children's homes, of which 14 are out of the County"*.

9.1.7 Wiltshire Council is part of central government's 'Staying Close' scheme, whereby local authorities bid to apply for grant funding to deliver a Staying Close 'offer' in the County. Wiltshire Council has successfully bid for and has been allocated funding to deliver such a program, which provides an enhanced support package for young people leaving residential children's homes, to support them to remain and return to Wiltshire. The county currently has about 15 children and young people in this project, with the aspiration of bringing them back to Wiltshire.

9.1.8 The Council's Families & Children Commissioning team have offered the following additional comments:

"Wiltshire local authority has a statutory duty to provide suitable accommodation for children looked after. The Children's Act 1989 states: a range of placement options should be considered and Section 22A imposes a duty on the responsible authority when a child is in their care to provide the child with accommodation.

We currently have a higher proportion of children living in residential out of the County, and we know the outcomes for those children are best met in their community where they will have consistency in regulated services and promote links to family".

9.1.9 The consultation response continues through providing comments on the location of the proposed children's home under this application:

"We have reviewed the Location Risk Assessment for Upton Scudamore [produced by the applicants for Ofsted purposes, and a copy of which is provided in Appendix A] and find it a suitable location. Due to the risks young people face within urban areas, we need homes in rural locations to be able to meet their needs. Upton Scudamore has very low crime rates and

significantly lower the national averages as detailed on the Location Risk Assessment, making it an ideal location for vulnerable young people and those with additional needs. There are strong links to local services, supporting young people to be safe in their community.

Being close to Westbury, Frome and Warminster, there are wider opportunities for the young people for education and recruitment. Local SEND post-16 College (Fairfield Farm) may be a good provision for young people for preparation for adulthood and independent living.

Residential homes should look and be located in the same area as any other family home. They should not look institutionalised and looked after young people should be able to contribute towards their community in the same way other children do”.

9.1.10 As detailed above, local authorities have a responsibility to provide suitable homes for children and currently there is shortage of homes within Wiltshire to provide the necessary accommodation for children.

9.1.11 The Council’s Families & Children Commissioning team submit there is a genuine need in the county for providing this type of accommodation for children in need.

9.1.12 The applicant asserts that this location would be ideal for their requirements as a children’s home with tangible benefits comprising the detached house occupying a generous plot with a large garden, with a 19.5m separation between the closest part of the host property to the boundary shared with Swallows Lea to the east and a 25m separation distance between the western elevation of Temple Farm to the neighbouring property (Cherry Croft) to the west.



Site photos taken from the rear of the Temple Farm – left image facing towards the eastern boundary and the right image facing towards the western boundary

9.1.13 Furthermore, the existing dwelling has a sufficient number of communal rooms with each child having their own bedroom, with additional rooms being available for staff to sleep in overnight.

9.1.14 In addition to the above, this rural location away from a town is viewed as a positive by the applicants, as the children they are seeking to house would have a history of trauma or abuse whereby a rural setting is considered best for each child. The applicants have also stipulated that they would not be taking on young people who have “*significant learning*

disability, significant physical disability or mental health diagnosis” so Temple Farm’s location is considered to reduce some risks “*including exploitation, gang affiliation, anti-social behaviour*”, unfiltered internet, access to illegal substances and direct train routes.

9.1.15 Officers understand that the applicants are experienced in working with vulnerable young people and have both previously worked in children’s homes and are seeking to operate the proposed children’s home at Temple Farm as close to a nuclear family home as possible.

9.1.16 The concerns raised by third parties about the site proximity to A roads, a railway line and MOD controlled land are duly noted, however these exist for thousands of families across Wiltshire and officers do not consider this to be a compelling reason to reject the application. For example, the Salisbury Plain Training Area (SPTA) is the country’s largest military training area, covering 11% of Wiltshire¹.

9.1.17 The Registered Manager and staff of the proposed children’s home would have a duty of care, and officers note the applicants commitment to provide a long-term, safe home for children which would operate as much as possible as a ‘normal’ family home. Staff would be present on a 24/7 basis and the applicants have argued the following within their March 2024 statement:

“The home will ensure that there is an up-to-date location risk assessment, this risk assesses the property and the local area, ensuring that the team are well aware of any risks and action taken to mitigate these risks. Prior to any young person moving into the home a full assessment of need is completed and we review these needs in relation to the location and the home.”

9.1.18 It is also important to record that the Council’s Families and Children’s Commissioning department complete due diligence with all new providers and as part of this process a copy of the homes’ location risk assessment is requested, in accordance with Regulation 46 of the Children’s Homes Regulations 2015, which places a statutory requirement on children’s homes to review the suitability of their location on an annual basis.

9.1.19 The applicants have made it very clear before any children are homed at Temple Farm, they would be screened first to ensure that they would be suitable for the property and its location and would not be taking on young people with complex learning or physical disabilities, or mental health diagnosis. The fact that the application site is located in a village setting is seen as a positive and would be more beneficial for the intended young persons’ support and wellbeing, compared to a more urban town setting.

9.1.20 The Council’s Families and Children’s Commissioning team consider the location of Temple Farm to be a safe place for children to live, and it would be for Ofsted to carry out their own assessment on the suitability of the site as part of the registration process. Officers argue that it is not for the planning regime to get involved in such detailed site suitability matters when there exists separate legislation and registration checks undertaken by specialists. Whilst

¹ [Salisbury Plain Training Area – Inside DIO \(blog.gov.uk\)](https://blog.gov.uk/salisbury-plain-training-area/)

officers understand the third-party concerns, however the needs and best interests of children that are from a rural setting or would benefit most from a rural setting does appear to be a very robust material consideration.

9.1.21 Adopted WCS CP46 does include provision for specialist accommodation outside of principal settlements and market towns and under criterion ix, the policy requires qualifying development to ensure *environmental and landscape considerations [are not] compromised*. This application does not propose any external alterations to the property apart from a minor alteration to the existing driveway which could be completed utilising permitted development rights.

9.1.22 Officers are satisfied that this application would not lead to environmental or landscape harm.

9.1.23 CP46 Criterion x requires new proposed development to have - *facilities and services... accessible from the site*. As detailed in numerous third-party representations, it is appreciated that Upton Scudamore, as a small village, does not have many facilities and services within the village. However, officers argue that the village is located reasonably close to Westbury with its main service provision about 3 miles away, with Warminster being even closer at just over 2 miles to the town centre, from site. Both nearby towns offer a range of facilities and services that local residents from the village no doubt benefit from and the subject property and proposal is seen as being no less sustainable than all the other existing properties, some of which have children. It is also important to appreciate that the Policy does not require such facilities and services to be within walking distance or within the respective settlement.

9.1.24 The applicant's statement sets out the number of adults to be present at any one time and should the need arise, officers would expect any associated facility/service related trips to be taken via either private motor vehicle or by using the bus services that operate from Upton Scudamore – which has two bus stops – with one being located adjacent to the A350 Warminster Road, and a further bus stop near The Angel Inn. Services that operate from these bus stops travel to Bath, Frome, Warminster, Trowbridge, Bradford on Avon using the D1 and 58 bus service routes.

9.1.25 It is appreciated that the public transport offer in the village is however limited. The D1 bus service (which operates from the A350 road – is approximately a 16-minute walk away from Temple Farm) and operates an hourly bus service to Warminster from 6:23am until 19:32pm and to Bath on roughly an hourly basis from 06:55am until 20:02pm on weekdays and similarly once an hour basis during weekends.

9.1.26 With regard to the No.58 bus service from The Angel Inn, this bus stop is only a 5-minute walk from Temple Farm, but only operates one trip to and from Warminster on weekdays (and not including Bank Holidays), leaving Kingdown School in Warminster at 3pm.

9.1.27 As an existing 5-bed dwellinghouse, the property could accommodate a large family, and depending on the occupants, there could well be the need to access regular health care

and associated support services from Westbury, Warminster or even further afield, and when compared to what may be necessary for the proposed children's home, officers have concluded that whilst there may be a reliance of privately owned motor vehicles, there would be the option of using public transport, and given that there is a genuine need for more specialist children's homes, when balanced against the needs of delivering new specialist accommodation and meeting the needs of children who would benefit most in having a rural/village home setting, officers are satisfied that this proposal would comply with the key objectives of the Core Strategy.

9.1.28 It was noted from the case officer's site visit that there are stretches of public highway through the village that has limited pavement provision, but this limitation is beyond the reasonable reach of the applicants to address and it has to be appreciated that the same limitations apply to all the existing residents of the village and officers are not aware of any reported near miss collisions or pedestrian/traffic related accidents to raise this matter as a reason to refuse planning permission.

9.1.29 The Council's highway officer was consulted and as confirmed earlier in this report, they raised no objection. In response to the third-party concerns, the highway officer has confirmed that over the last 5-year period for Upton Scudamore, there has only been one recorded accident involving an injury, which involved one vehicle and the driver, and no reported pedestrian accidents. In the absence of any clusters of accidents within the village, the highway network is considered to be operating relatively safely. It is however important to caveat the above by recognising the accident data is only one measure of safety and is not the only factor the Council's highways authority considers when responding to planning application consultations.

9.1.30 When tested against the NPPF, the proposal would not conflict with paragraph 115, and as such, planning permission should not be refused on highway grounds, as mandated by the Government.

9.1.31 Officers fully acknowledge that the proposed children's home would most likely be reliant on the use of private vehicles for the majority of trips, but when tested against the pre-existing circumstances and the use of the existing dwelling, there would likely be the same levels of reliance, and as such, officers do not consider this proposal to be unsustainable or inappropriate when tested against CP46 criterion X.

9.1.32 CP46 Criterion xi relates to the *scale and type being appropriate to the nature of the settlement and respect the character and setting of that settlement*. Given that there are no proposed external alterations or extension to the host building, the property would remain having 5-bedrooms, criterion xi is not identified as being conflicted with under this proposal.

9.1.33 Whilst there may be some additional traffic movements to and from the dwelling to accommodate the adult staff shift changeovers, the number of associated trips would be within acceptable parameters.

9.1.34 With reference to the applicants' supplementary statement, it is noted that a fire alarm system and fire doors have been added internally, however these do not require planning permission and do not alter the appearance of the dwelling.

9.1.35 Officers fully appreciate the local concern raised about noise and disturbance; however, this could equally apply to a standard dwelling being occupied by 4 children. In the absence of any substantiated evidence, officers are satisfied that the proposed use, with properly trained adults providing the necessary continuous on-site management and care, the proposed use would operate similar to a dwelling in terms of having a range of deliveries and with there being no highway related reason to oppose granting permission, the C2 use is supported by officers, and is considered compliant with policy CP46 of the adopted WCS.

9.2 Impact of the proposal on the setting of the nearby Listed Buildings: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

9.2.1 The Framework requires great weight be given to the conservation of heritage assets and advises on a balanced approach pursuant to any public benefits, which may result from proposals being weighed against any harm caused. In particular, NPPF paragraph 205 advises that when *"considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.

9.2.2 NPPF Paragraph 206 requires that any harm or loss of significance to a designated heritage asset should require clear and convincing justification.

9.2.3 In addition to the above, CP58 of the adopted WCS requires that *"designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance"*. Policy CP57 also requires a 'high standard of design' in all new developments and for developments to be *"sympathetic to and conserving historic buildings and historic landscapes"* as set out within criterion iv.

9.2.4 Regard has been given to the above necessary statutory tests, in terms of the proposed use on the nearby designated heritage assets.

9.2.5 Officers have concluded that the significance of the nearby listed buildings derive from their architectural interest and historical associated with the farmland. This proposal relates solely to the change of use of the existing dwelling from a residential dwelling (C3 use) to a children's home, without any external alteration to the existing building, which would cause no harm to the nearby designated heritage assets or their respective settings.

9.2.6 Accordingly, the proposal would satisfy the requirements of CP57 and CP58 of the adopted WCS, the Framework and relevant sections of the Planning (Listed Building and

Conservation Areas) Act 1990.

9.3 Impact on the Amenity of Existing and Future Neighbouring Occupiers: Policy CP57 of the adopted WCS requires in criteria vii for developments to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*.

9.3.1 NPPF Paragraph 135(f) requires planning policies and decisions to *inter alia* ensure that developments *"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"*. It is also noted that footnote 52 on page 40 within the NPPF advises that planning policies may *"make use of the nationally described space standard, where the need for an internal space standard can be justified"*.

9.3.2 The concerns raised within the submitted representations are duly noted and officers understand the expressed concerns regarding potential disruption created by the changeover of staff over the course of the day. However, given the scale of the development, the number of staff to be present at any one time, and the associated arrival/departure related traffic movements site each day, the extent of disruption would likely be very limited and temporary in nature.

9.3.3 As a 5-bed family home, the potential for vehicle movements associated with school trips and taking children to and from extracurricular activities, for shopping and medical appointments, and out-commuting for work purposes – all need to be factored in terms of having a full understanding of the potential and probable baseline circumstances. Officers have carefully considered all of the above and have concluded that there would be no material difference between a 5-bed dwelling and the property being operated as a children's home for a maximum of 4 children in terms of the impacts on neighbours.

9.3.4 In an appeal decision (reference APP/P9502/X/13/2205394, against Brecon Beacons National Park Authority refusal of a lawful development certificate for up to 5 children), the appointed inspector accepted the following position (as set out within paragraph 20 of the decision letter):

"The grounds of appeal lodged by the appellant refer to the fact that, due to their background, some of the children may be in receipt of 'care' that goes beyond the care normally associated with bringing up a child or adolescent. It is possible that such children could make more noise and create more disturbance than children associated with a typical family dwelling, but I note that the proposal is small in scale with no more than 5 children at any time) and that Ty Rhos Bach is a detached house (which could reasonably be occupied by a family with more than 5 children) and not bounded by other residential properties.

*In my view, any change to the character of the Ty Rhos Bach arising from **noise and***

disturbance emanating from the intended occupiers of the proposal would not be significant and would not have a material impact on local amenity.” (Emphasis added by officers).

9.3.5 Consistent with the approach taken for the above cited appeal, officers raised no conflict with CP57 for the Temple Farm application.

9.3.6 In response to third party concerns regarding the welfare of children, it is important to acknowledge that the home would be required to be registered, regulated and assessed by Ofsted.

9.3.7 Ofsted would also need to sanction the children’s home in terms of the location, in consultation with the Police and the Council’s children’s services team and the premises would be inspected on at least on an annual basis. It is important to appreciate that are other regulatory bodies and legislation, outside the planning system, which focus on safeguarding and the welfare of children in a care setting.

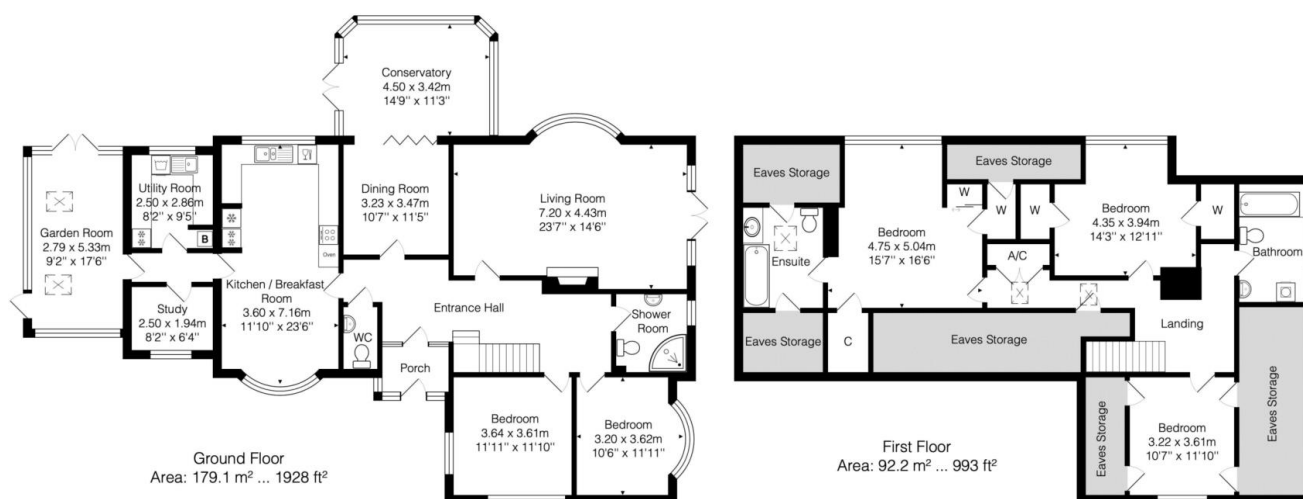
9.3.8 Officers fully recognise the importance of there being a mechanism in place for any complaints to be raised regarding noise and disturbance from the premises. The Council has a well-established complaints system, and any statutory noise nuisance would fall to the Council’s environment control and protection team to investigate, which falls outside the planning regime.

9.3.9 Planning conditions restricting the use of the property and the number of children to be houses are recommended to strictly define the terms of any planning permission. Any material breach would be enforceable.

9.4 Highways Safety: In accordance with CP64 of the adopted WCS and the Council’s adopted car parking strategy, there is a requirement to provide a minimum of three on-site car parking spaces for a 4+ bed dwelling and two on-site car parking spaces for a 2-3 bed dwelling. The submitted site block plan drawing confirms that the required on-site car parking provision. Therefore, there is no highways reason for refusing the application.

9.4.1 Within the submitted third party representations a number of concerns have been raised regarding the rural nature of the road through Upton Scudamore and its proximity to major trunk roads (the A350 and A36) along with the lack of pavement through the village.

9.4.2 However, no objection has bene raised by the highways authority and mindful that the existing dwelling and all of the existing residents of the village experience the same limitations, officers find there to be no justified reason to refuse this application.



9.5 Ecology Matters: CP50 of the adopted WCS and the NPPF requires the local planning authority to ensure the protection of important habitats and species in relation to development and to seek the enhancement of biodiversity through the planning system. Whilst the site is not adjacent to any rivers or at risk of flooding, it is situated within the River Avon (Hampshire) Special Area of Conservation (SAC) catchment area.

9.5.1 The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen discharges via sewage treatment works or from fertilizers used on farmland throughout the catchment.

9.5.2 This application does not propose any alterations to the dwelling. As such, there would be no significant harm to the SAC compared to the existing use of the bungalow as a family home.

10. Conclusion (The Planning Balance): As detailed above, the local concerns are all fully noted and understood. However, officers have not identified any substantive material harm or policy conflict with either the adopted Core Strategy or the NPPF. Whilst it is appreciated that the proposal may lead to an increase in vehicle movements to and from the site, associated with staff shift patterns, this would not be significant and nor would it amount to an unacceptable impact on neighbouring amenity. In the absence of any technical grounds to refuse the application and with due regard to the existing use of the site being a 5-bed dwellinghouse, which would also generate a number of vehicles movements over the course of a day, there is no evidence presented within the objections to justify a refusal in terms of highway impacts, sustainability, noise and disturbance.

RECOMMENDATION: Officers therefore recommend that this application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing No's: Location Plan; and Site Plan; as received on 22 January 2024; Existing Floor Plans (Not to scale - For information only - No changes to floor plan), as received 13 February 2024; SK01, Existing Car Park Layout Plan; SK02 Rev A, Proposed Widening of Car Park Plan; SK03, Swept Path Analysis Large Car Plan; SK04, Swept Path Analysis Ambulance Plan, as received on 7 May 2024

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall only be used as a children's residential home (C2 use) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior expressed planning permission of the Local Planning Authority.

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. The development hereby approved shall not be occupied by more than four children at any one time.

REASON: In the interests of neighbouring amenity and to define the terms of this permission.

5. No part of the development hereby permitted shall be first brought into use until the access, turning area and 5 car parking spaces as shown on drawing no. SK03 have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes at all times for the lifetime of this permission.

REASON: In the interests of highway safety.

6. The development hereby approved shall not be first brought into use until an on-site management plan has been submitted to and approved in writing by the Local Planning Authority which shall include:

- a. A management plan for the day-to-day operations of the site
- b. A protocol of how complaints (including from local residents) can be raised with the provider (separate to any corporate /statutory noise nuisance complaint)
- c. Details of how complaints will be managed by the provider and the respective timescales
- d. Contact details of named personnel to be contacted to enforce the abovesaid management plan

REASON: to define the terms of this permission and in the interests of protecting neighbouring amenity

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APPENDIX A – Applicant’s Location Risk Assessment for Ofsted purposes

Location Risk Assessment

Date of Assessment: 20.01.2024

Assessed by: *Claire Bates, Director, Intended Registered Manager*

Home Address: Temple Farm, Upton Scudamore, Warminster, Wiltshire. BA12 0AQ.

Introduction

Children need to feel safe in their immediate environment and surrounding area and the area needs to meet their needs and provide for their safety. We have chosen our location to support the development and transition of our children. We feel that the area around our property provides a safe and vibrant environment, filled with opportunity. However every area comes with risk, and any potential risks need to be assessed and mitigated. The purpose of this document is to identify these risks and strategies that can be used to mitigate them to provide the best possible service to our children.

A location is dynamic and changes constantly; the risks may change with time and different risks may apply to each young person differently according to their vulnerability. This location risk assessment is therefore under constant review and will be reviewed by the Registered Manager at least once a year. This review will include:

- relevant risk mitigation strategies and actions taken to reduce potential risks
- When the home has young people it will include their views and experiences.

The availability of appropriate support and services in the local area (e.g. education, health, CAHMS), as well as risk factors, will be considered before accepting the placement of a young person.

This location risk assessment follows Regulation 46 of the Children’s Homes Regulations 2015 places this statutory requirement, on children’s homes to review the suitability of their location on an annual basis.

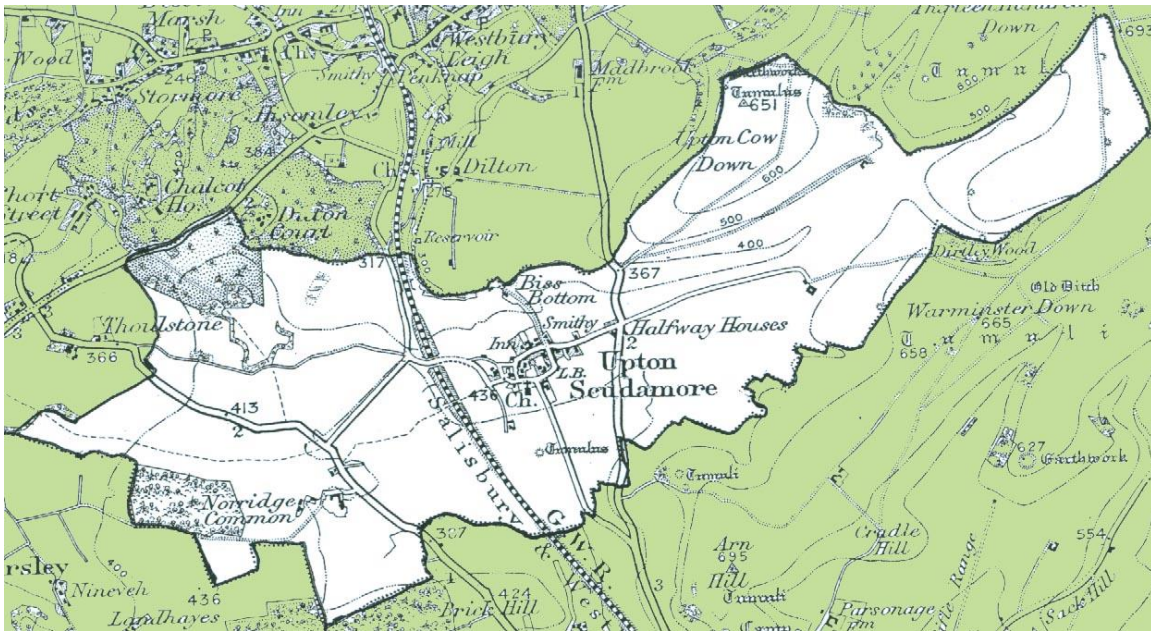
46.—

- 1 *The registered person must review the appropriateness and suitability of the location of the premises used for the purposes of the children’s home at least once in each calendar year taking into account the requirement in regulation 12(2)(c) (the protection of children standard).*
- 2 *When conducting the review, the registered person must consult, and take into account the views of, each relevant person*

Location Overview

Temple farm is a large detached 5 bedroom house set in its own grounds with around an acre of land. The home is located in the quiet rural village of Upton Scudamore.

The homes location, design and size, complements its function and purpose as well as serves the needs of the young people it will accommodate. Temple Farm is going to be registered for young people from the ages of 6-18 and is a group-living setting for all genders. Each young person has their own bedroom, which they can decorate and personalise to their own taste. In the best interests of protecting young people's privacy and the security of their possessions, locks have been fitted to all bedroom doors which are fully accessible by adults in an emergency, locks will have a thumb turn on the inside and a key hole on the outside meaning a person could not get locked in. Each young person is encouraged to take responsibility for their bedroom and their immediate environment. Temple Farm has two main bathrooms as well as one separate toilet, in order to accommodate the personal needs of all young people. The home has a pond in the garden which has a depth of 2 foot at its deepest point. The pond will have a mesh put over the top to ensure the safety of the young people. Ultimately, the ethos within the home is to provide a holistic, nurturing, child centred approach; within a safe and stimulating family environment. All young people at Temple farm will experience positive role modelling and peer group living. Clear boundaries, structured routines and personalised, achievable outcomes consistent with the Placement Plan are implemented and evidenced. Leisure and recreational activities are also an integral part of daily life, encouraging all young people to develop a positive role within the community and in turn develop new skills or interests.



Demographics

Upton Scudamore is made up of a population of 286 people according to the 2021 population census. The village is 9.531 km² which equates to a population density of 30.01/km² which is much lower than the national average.

Its split between Males and Females is similar to the national average with there being 47.2% male and 52.8% female.

Age distribution:

Below is a graph taking the age disruption of Upton Scudamore from the 2021 Census. Data shows that just over 10% of the population is under the age of 19 with just over 8% of these being 10-19 years old this is slightly lower than the national average of 11% but will give them ample of opportunity due to the small size of the village to socialize with peers.

Age Distribution (C 2021)	
80+ years	23
70-79 years	52
60-69 years	49
50-59 years	55
40-49 years	30
30-39 years	17
20-29 years	24
10-19 years	22
0-9 years	14

Local Crime Data

The home is situated in a small village and short drive from market towns, where all young people can access facilities in the community. The quality standards state the importance of all young people developing a role within the community and the impact this has on their social, economic and emotional



well-being. Having a direct role in the community also helps young people to understand and conform to social norms as well as build trusting, healthy relationships with authoritative members

The towns of Warminster and Frome can be appealing to our young people. This could lead to engagement in anti-social activities such as drug, alcohol use and criminal activity. Temple Farm itself is situated in a small village, it is over an hours walk, across countryside, from the nearest town which helps reduce the level of risk to our young people.

At Temple Farm we will work in partnership with varying agencies in order to provide the best quality of care possible. Wiltshire Police offer support and risk management to the young people we care for. If adults within the team have concerns about the safety of a child or proposed risk they can contact Wiltshire police:

If your call is an emergency please dial 999.

If you need to report a non-urgent crime/incident/anti-social behaviour, request an update on an investigation or make a complaint then please dial 101.

To contact your Community Policing Team (CPT) about a community-related matter, then please email cptwestwiltshire@wiltshire.pnn.police.uk

All staff at Temple Farm will empower each young person to understand the benefits of working together with the police and other authorities, some of our children will have a positive rapport, understanding the police are there as a resource to keep others safe. However, unfortunately due to some of our young people's adverse childhood experiences they struggle to maintain a healthy rapport with authority figures such as police.

There are no known gangs' in the area, due to being a very rural. However due to the high level of risks some of our young people may have had previous involvement in gang culture, county lines or anti-social behaviour. The adults at Temple Farm will adopt a multi-agency approach working with the local police, youth offending teams and substance misuse workers. Additionally they will have training in CSE, county lines and substance misuse in order to help minimize the level of risk and educate our young people. If an adult suspects any gang related activity they will follow all safeguarding procedures and report any concerns to the appropriate agencies.

Crimes reported in Upton Scudamore in 2023

Nov 23 - 1 x Vehicle Crime

Oct 23 – 1 x anti-social behaviour

Aug 23 – 1 x violence or sexual offences

May 23 – 1 x burglary

March 23 – 1 x criminal Damage and arson

Crime is significantly lower than the national average and there has been no one crime more than once in the year of 2023.

Local Consultation

At Temple Farm we will work in partnership with varying agencies in order to provide the best quality of care possible. Wiltshire Police offer support and risk management to the young people we care for. If adults within the team have concerns about the safety of a child or proposed risk they can contact Wiltshire police:

We also ensure we maintain at least bi-monthly communication with Wiltshire Police Missing from care coordinator ([REDACTED]), all of our young people will have a Philomena Protocol to ensure the most valid and accurate data is shared with police in case of an emergency or missing period.

Some of the Wiltshire police team within the local area are as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DOFA dofaservice@wiltshire.gov.uk 03004560108 out of hours 03004560100

MASH mash@wiltshire.gov.uk 03004560108 out of hours 03004560100

Accessibility of Amenities and Services

The local area around Upton Scudamore has a wealth of services and amenities to make it a vibrant and interesting place to live, with plenty of opportunities for leisure, learning and developing life skills within a short driving distance. There is a wide range of health providers and a diverse selection of religious organisations to keep our children safe and healthy in their bodies and their souls.

We will have cars within the home to transport young people around the local area and will also ensure that we teach them around the use of public transport that can be used locally.

Health Services:

GP Avenue Surgery, Warminster 01985 224600 14-16 The Avenue, Warminster BA12 9AA

Opticians Specsavers 01985 219016 Unit 26 Three Horseshoes Walk, Warminster BA12 9BT

Opticians Boots Opticians 01985 213018 51/53 Market Pl, Warminster BA12 9AZ

Dentist My dentist 01985 213073 48 High St, Warminster BA12 9AF

Dentist Bupa Dental Care Warminster 01985 846100 1 Station Rd, Warminster BA12 9BR

Dentist Chantry Dental 01985 846576 48 High St, Warminster BA12 9AF

A&E Frome Community Hospital 01373 454740 Enos Way, Frome BA11 2FH

A&E Salisbury Hospital 01722 336262 Odstock Rd, Salisbury SP2 8BJ

A&E RUH, Bath 01225 428331 Combe Park, Bath, Avon BA1 3NG

CAMHS Melksham Hospital CAMHS service 01865 903777 Spa Road Melksham Wiltshire SN12 7NZ

Wiltshire Sexual Health Service WISE 01722 425120 Spa Road Melksham Wiltshire SN12 7NZ

Motiv8 Substance Misuse Service Motiv8 0800 1696136 14 St. James' Parade, Bath BA1 1UL – Head office address

Dentist Dental care Westbury 01373 858580 11 Westbury Mall Edward Street Westbury Wiltshire BA13 3DR

Despite being in a rural area all health care providers are located within the surrounding local towns and cities which are a short drive away. All young people will be registered at all healthcare practices including dentistry, general practitioners and opticians; additionally due to the varying needs of the young people who will be residing at Temple Farm, they may require additional healthcare provisions including clinical interventions such as CAMHS, there is a local CAMHS service based in the South West as well as sexual health clinics if the need is there. We also have access to a wide range of local hospitals or Accident and Injury units.

Education and Training Providers

Specialist Provision Wessex Lodge School 01373 453414 Wessex Lodge, Frome BA11 4LA

Further education Bath College 01225 312191 Avon Street, Bath BA1 1UP

Further education Yeovil College 01935 423921 Mudford Road, Yeovil BA21 4DR

Further education Wiltshire College 01225 350035 College Road, Trowbridge, Wiltshire BA14 0ES

Secondary Education Kingdown School 01985 215551 Woodcock Rd, Warminster BA12 9DR

Secondary Education John of Gaunt School 01225 762637 Wingfield Rd, Trowbridge BA14 9EH

Secondary Education Clarendon Academy 01225 762686 Frome Rd, Trowbridge BA14 0DJ

Secondary Education Matravers School 01373 822666 Springfield Rd, Westbury BA13 3QH

Primary Education Princecroft Primary School 01985 212704 Princecroft Lane, Warminster BA12 8NT

Primary Education St John's C of E Primary School 01985 213446 Boreham Road, Warminster BA12 9JY

Primary Education The Avenue Primary School 01985 213383 7 The Avenue, Warminster BA12 9AA.

There are many mainstream and specialist educational provisions to meet the individual needs of our young people. Many of the children who will be living at Temple Farm will often have disrupted, inconsistent periods in schools. Therefore it is very important to work alongside the team around the child, the young person themselves and the placing authorities in order to establish the best educational setting for them.

Due to living in a rural area, all young people will be provided with transport in order to fully access their education. Depending on the developmental and safety needs of the child, they may work towards getting means of public transport independently, although this will be a phased transition with adult support and guidance.

Leisure Facilities

Gym and Swimming Warminster sports Centre 01985 212946 Woodcock Road, Warminster BA12 9DQ

Trowbridge Odeon cinema 0333 014 4501 St. Stephen's Place, Trowbridge BA14 8TQ

Hollywood bowl 0844 477 0492 Aspects Leisure Park 2, Longwell Green, Bristol

Musical youth group Rock project 01225 774306 Trowbridge City Hall, Trowbridge, Wiltshire

Wiltshire ACF HQ services 01380 724114 Woodcock Lane, Warminster, Wiltshire

Warminster Saddle Club 01747 854021 Coppice St, Shaftesbury SP7 8PF

Air cadet force HQ services 07870 660330 Off Woodcock Ln, Imber Rd, Warminster BA12 9JJ

Highbury Football Club 07769 641546 Highbury Ground Woodcock Road Warminster Wiltshire BA12 9DG

Sky blue girls football club 07595512468

Warminster Cricket Club 01985 219039 34 Sambourne Rd, Warminster BA12 8LH

Warminster Rugby Club 01985 214755 Folly Lane, Warminster BA12 7RG

Frome youth and community Centre 01373 489598 Vallis Road, Frome BA11 3EF

Centre Parcs Activity/ holiday venue 01985 848068 Longleat Forest, Warminster BA12 7PU

Bloc indoor rock climbing 0117 955 8508 Bloc Climbing Units 2-3 New Gatton Road Bristol BS2 9SH

White Horse Equestrian Horse riding lessons 01373 822057 Long river farm, Newton, Westbury BA13 3ED

Snooker Club Players Westbury 01373 858270 26 Quartermaster Rd, West Wilts Trading Estate, Westbury BA13 4JT

Bouldering Cafe Frome Boulder Rooms 01373 474914 unit 3 & 4 The cotton Works, Vallis Road, Frome, BA11 3EN

The rural nature of the home could lead to isolation or barriers to social participation and engagement. We will have two cars available to adults and young people at all times. Adults will work proactively with the local community to identify opportunities for engagement in sporting/leisure and social events. This includes participation in youth groups, hobbies and voluntary sector services. At Temple Farm all young people will be encouraged to participate in a range of activities within the community, whether this be adult led, time out with family/ friends, attending a club/ sports team or having a part time job. There are a wide range of activities available to the young people within a 15/20min radius in Trowbridge, Warminster and Frome; and a larger selection of activities in the nearby cities such as Salisbury, Southampton, Bath and Bristol.

Religious Organisations

St Mary the Virgin 01985 215460 Church lane Upton Scudamore BA12 0AH

St John's Church 01985 840187 11 Springhead, Sutton Veny, Warminster BA12 7AG

Foundation Christian Fellowship Church Grace Christian Centre 01985 217613 Unit 1, Woodcock Industrial Estate, Warminster BA12 9DX

United Church 01373 858805 George St, Warminster BA12 8QA

Warminster Baptist Church 01985 212162 N Row, Warminster BA12 9AD

Christ Church 01985 212138 Weymouth St, Warminster BA12 9NS

St Catharine's Church Catholic Church 01373 462705 4 Park Rd, Frome BA11 1EU

Trowbridge Mosque 01225 777993 54 Long field Road, Trowbridge, BA14 7AE

Park Row Synagogue 0117 4270613 9 Park Row, Bristol, BS1 5LP

All young people will be encouraged to celebrate their ethnicity, diversity and beliefs. If a child has any religious commitments, they will be fully supported to access and attend all ceremonies. It is important for all young people to feel empowered, listened to and encouraged to explore different cultures and communities. Despite being a rural area, all children will be able to access their places of worship. Any cultural needs/ practices will be explored when visiting the young person, before they move to Temple Farm to establish the best support techniques and ensure all preparations are ready for their arrival.

Transport Links

Warminster Train station 0345 7000125 Station road, Warminster, BA12 9BP

Starline Taxi Service 01985 212288 38A Market Place, Warminster

Frome Bus 01373 471474 Georges Ground, Frome, BA11 4RP

DJs Taxis 01985 215151 The Old Parcel Office, Station road, Warminster

There is a bus service through the village of Upton Scudamore which is first bus D1 service.

Feedback from Children

We will look at gaining the views of the young people once they move into the home and add this into the risk assessment on its review every 3 months.

Consultation with local authorities and services:

Although Temple Farm is yet to open we have reached out to the following who we have shared our intentions with, both the intended Registered Manager and Intended Responsible Individual already have relationships and experiences with the following:

Wiltshire Local authority – Commissioning team

Local Police – Early Intervention Officer

Local Missing Persons Police Liaison

Local Substance Misuse Service manager – Motiv8

CAMHS Wiltshire – Salisbury Hospital



Risk Assessment

All young people who live at Temple Farm will have an individual risk assessment which will detail specific known individualised risks, alongside all young people having an impact risk assessment completed for them prior to admission to the home, all impact risk assessments will run alongside and in conjunction with the location risk assessment.

Risk Identified	Details of risk	Protective factors, positive counterpoints, and mitigating actions	Risk Level
Road traffic dangers in the local area	Roads always pose a danger from both traffic accidents and from children having a lapse of judgement and behaving inappropriately and unsafely near roads.	The roads around the property are quiet residential streets that pose no unusual danger. We will discuss road safety with our children on a regular basis.	Low
Problems with neighbours/local community	Neighbours may be unhappy about a residential children's home in their area, and this may make things more difficult for our children.	The property does not stand out as different from the majority on the road being a detached home. There are no obvious indicators that the property is a residential children's home so as not to draw attention to it. The local area has an average population of teenagers so the residents will not be unusual or stand out. The staff will encourage participation in community events as well as local volunteering to help raise the profile of the young people and gain local support.	Medium



<p>Train and bus links</p>	<p>Train lines pose a threat of danger if children behave inappropriately on them.</p> <p>Train and bus network could present an missing risk.</p> <p>Train and bus networks provide connections to the wider area and the risk that poses.</p>	<p>We will support young people throughout the daytime on a ratio of at least 1 adult to 2 young people. We will have missing persons protocols for each young person which will detail the transport police if the train station has been used - this is one of the main areas the team will check when the young people go missing or walk away from the home.</p> <p>The train station is approx. 3 miles away from the home which will give the adults time to be able to follow and alert train stations if young people were to walk away.</p> <p>The d1 bus runs from the village approx. once per hour. The timetable will be available to adults so that they are aware of these.</p> <p>The risk that connectivity to the wider community poses is something that will always be present. Work will be done with children to help them identify safe relationships, and healthy and safe behaviours to help mitigate these everyday risks.</p> <p>The transport networks also provide connections to the opportunity to see friends and family which is protective to mental health, and provides increased job and education opportunities.</p>	<p>Medium</p>
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<p>Education providers</p>	<p>These are areas where lots of children mix. This will always come with a risk of issues between peers – bullying (online and in person), peer pressure, and being drawn into inappropriate behaviour. This may be heightened when children are being placed from out of area and have to change schools.</p>	<p>Whilst there are risks to attending education opportunities generally the benefit to the children will outweigh these. Staff will maintain open relationships with children so they can come to us with any concerns. We will also offer regular work on staying safe, and identifying healthy relationships.</p>	<p>Low</p>
<p>Mental health concerns</p>	<p>Young people are always going to be at risk of mental health issues. It is a stressful period and many of them will likely have had some serious struggles in life with poor support networks. Mental health can be worsened by moving, especially when out of area and away from friends.</p>	<p>The home will work closely with key mental health services such as the GP and CAHMS.</p> <p>The home will work with a clinician in order to deliver bespoke training to the team and well as individual support for young people and there care plans.</p> <p>Young people will be assigned a keyworker in order to build up a trusting relationship and a key support.</p>	<p>Medium</p>



<p>Drug and alcohol misuse</p>	<p>There will always be some risk of this due to the nature of young people. Young people could engage in substance/alcohol misuse leading to health risks and a range of potential safeguarding issues including sexual exploitation The young people may be able to obtain substances from local drug dealer via group chats on social media</p>	<p>Young people have the opportunity to access regular meetings with Motiv8 workers, to help raise awareness and understanding of the risk around substance misuse. If any concerns arise, the team will complete key works with the young people in line with any work that Motiv8 is completing with them. We will have a bespoke training package and practice guideline which informs and guides practice in relation to working with substance misuse issues.</p> <p>The home WIFI will monitor and restricted access to certain social media sites and Apps such as Telegram where young people have been known to have obtain substances from.</p>	<p>Medium</p>
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<p>Child Sexual Exploitation</p>	<p>Young people may be targeted by local people and could be sexually exploited The young people we care for are more vulnerable due to their life experiences and delay in emotional development. As well as a need to feel acceptance and develop a self-identity.</p>	<p>We assess individual risk prior to placement and ensure there are structured behaviour management strategies in place to help reduce the likelihood of risk. All adults must complete mandatory safeguarding training, adults are to attend safeguarding training annually.</p> <p>As a team we will ensure all staff are given opportunity to reflect on practice during debriefs and regular team meetings, as well as individual supervision every 4-6 weeks.</p> <p>We will work in partnership with Wiltshire Police to share intelligence, coordinate the response to concerns and ensure an effective multi-agency approach. We will work closely with local Police teams, MISPER coordinators the Youth Offending Team. We will also work within Wiltshire Safeguarding Vulnerable People Partnership protocols.</p> <p>In addition if a young person requires medical assistance or further support, there are local sexual health clinics based in Chippenham, Warminster and Melksham. Adults will support with any appointments or visits required to keep each young person safe.</p>	<p>Medium</p>
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<p>Gangs, extremist groups, and County Lines.</p>	<p>Young people may become involved in local gangs leading to an increase in criminal activity Young people may engage in antisocial behaviour locally leading to a risk of criminalisation and engagement in the criminal justice system There are no known gangs in the area</p>	<p>We will work in partnership with the local Police to share intelligence, coordinate the response to concerns and ensure effective multi-agency coordination of the approach to safeguarding. We will work closely with local Police teams, Missing from home coordinators and the YOT. We will provide structured and targeted care packages designed to address and reduce risk. This includes work on offending such as clinical input, enhanced supervision, provision of positive activities, therapeutic parenting and coordinated response to risk</p>	<p>Low</p>
<p>Environmental Hazards</p>	<p>There is a pond in the garden which has a depth of approx. 2 foot at its deepest.</p>	<p>Young people in the home will be made aware of the pond and the risks around it.</p> <p>A mesh will be put over the pond so as young people will not be able to trip and fall into this.</p>	<p>Low</p>
<p>Bridges</p>	<p>There is a bridge over the A36 which is within walking distance of the home.</p>	<p>Individual Risk Assessments will be carried out for all young people and any young person with a historic risk around bridges will be considered and control measures implemented.</p> <p>The staff team are aware of the locality of the local bridge and will consider this in the case of any young people who may go missing or have had a previous risk around bridge.</p>	<p>Medium</p>



The Local Area and recruitment: The towns of Warminster, Westbury, Trowbridge and Frome are all within approximately a 15 mile radius of Temple Farm, further afield are the larger cities of Bath, Bristol and Salisbury, all within commutable distance. Although there are a number of other providers within the area we have carried out a review of salary and benefits and will be offering competitive packages, as we have experience of recruitment in the area for the last 5 years we have a good understanding of the local recruitment pool and actions required to continue to recruit in a timely manner.

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Reviewed by: Claire

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