

AGENDA SUPPLEMENT (2)

Meeting: Cabinet
Place: The Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 15 May 2018
Time: 9.30 am

The Agenda for the above meeting was published on 4 May 2018. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email william.oulton@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

5 **Public participation and Questions from Councillors (Pages 3 - 18)**

- Responses to Public Questions

DATE OF PUBLICATION: 14 May 2018

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Wiltshire Council

Cabinet

15 May 2018

Rachel Hunt - Trowbridge

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (1)

I would like to submit some questions at the Cabinet meeting on Tuesday 15th May regarding the submission of the Wiltshire Site Housing Allocations Plan with specific reference to the proposed development at Church Lane.

a) The amended strategy states: Para 5.68 "Access to the site must be sensitively designed and accommodated in manner that minimises harm to heritage assets." This has been changed from: "access to the site would need to be secured via a new junction arrangement off the A361, rather than improvements to Church Lane." Church Lane is not suitable for access to further properties as stated in your previous assessments. Please can you confirm that access to the site will not be from Church Lane?

b) The site area has been expanded from 3.72 ha to 5.93ha (para 5.67) to allow for mitigation for bats. However, such mitigation should not be restricted to the lower part of the site. A bat corridor of 16m around all the hedgerows would be required. Can you confirm that mitigation will be across the whole site as there is evidence that Bechstein bats forage up to Church Lane?

Response

a) Clarification about the intended access for the site has now been set out in an amendment to Proposed Change 47, which states "This would need to be achieved via the A361, rather than improvements to Church Lane."

b) The site area is proposed to be increased (Proposed Change 46, Appendix 2) in response to a representation from Natural England to extend the site boundary to include land up to the river, which would allow for this land to be used to provide for mitigation for bats. This is in addition to any other mitigation that needs to be made on site, for example, as set out in paragraphs 5.70 and 5.71 of the draft Plan, the "boundary hedgerows" should be "retained and / or buffered from development...by wide (10-16m), dark (<1 lux), continuous corridors of native landscaping which will allow for their long-term protection in order to secure continued or future use by Bechstein's bats." The draft Plan will therefore ensure any subsequent development proposal appropriately protects and bolsters existing site boundary features.

Timothy Purnell

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (2)

Appertaining to the 180 houses and single form entry primary school Waddeton Park Ltd wish to build on Land belonging to Southwick Court, I would like to raise a point that I have included in several letter to Wiltshire councillors. This being the unsuitability of the A361 as an access road for said houses and school. As an already busy road, it is lucidly illogical to have yet more vehicles pull in and out of and travel along it. In order to ascertain how (in)appropriate it is as an access road, surely an extensive survey should be undertaken, and not by anyone with vested interests in the development project, of the A361 in regards to number of vehicles using it and projections if many more vehicles use it in the future. Please forgive me if such a survey has been carried out.

There are other valid issues I have already raised in previous and evidently vain letters to councillors, both regarding legal and logical facets respectively, but as these have been disregarded as of no consequence, then the absurd use of the A361 as an access road for the new development should be the one that signifies most. Even if the developers decide not to construct a school (and if they don't where are all the new students to go? considering local schools have already met carrying capacity) and build yet more houses on the plot, the A631 is a dangerous choice.

There is one very important issue that has not been raised up until now by myself, yet can be considering the decision made, and which will signify no doubt in the future and affect more people, and it is as follows. Why has Wiltshire council not put any genuine value in the opinions of the people who will be directly impacted by the new development - whichever development that has been a recent point of contention within Wiltshire - considering that an overwhelming number of locals do not want the developments.

Response

The proposed site allocations have been assessed in terms of their ability to achieve a safe means of access/egress onto the highway network around the town. The assessments provided by the Council's highway engineers was fed into the Sustainability Appraisal at Stage 3 of the site selection process. The assessments included a review of accident data and with specific regard to the A361, no impediments to securing a safe means of access for the proposed site allocations at Southwick Court, Upper Studley and Church Lane were identified.

Since then, the Trowbridge Transport Strategy Refresh (May 2018), published alongside the Agenda, has been prepared to support the draft Plan. This does not identify any issues that would preclude the allocation of the sites on transport grounds.

In preparing the draft Wiltshire Housing Site Allocation Plan, the Council has considered and values the representations submitted through the formal consultation undertaken in 2017 as well as the consultations prior to that. The Regulation 22(1)(c) Statement of Consultation is testament to that fact. Indeed, where considered appropriate, proposed changes to the draft Plan have been prepared to address points raised through representations.

All representations received will now be submitted to the Secretary of State and examined in detail along with all evidence prepared to support the draft Plan. It will be for the appointed Planning Inspector to ultimately determine whether the Plan is considered to be sound. If further modifications are required, they will need to be consulted upon before the examination process is concluded.

Megan Hughes

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (3)

Why don't Wiltshire Council adopt the policy of building on brown field sites first? I know other regions have done this, one such area is in Lancashire. We have acres of brown field sites and many mill building they could all be used for housing before destroying the fields.

Response

As anticipated by the National Planning Policy Framework, the Wiltshire Core Strategy recognises the need to prioritise the re-use of previously developed ('brownfield') land. This is set out in Core Policy 2, which has a target for "approximately 35%" of development to take place on previously developed land over the period 2006 to 2026. The Core Strategy recognises therefore that while brownfield sites form an important part of supply for housing, greenfield sites will also need to be brought forward alongside these.

The Council's calculation of housing land supply already makes allowance for previously developed land within settlement boundaries (i.e. the urban area), such as the former East Wing site at Trowbridge, which will be regenerated as a matter of course.

At Trowbridge, Core Policies 2, 28 and 29 of the Core Strategy assumes that the regeneration of previously developed land will occur alongside the release of greenfield sites to ensure the delivery of housing meets indicative requirements.

Wiltshire Council

Cabinet

15 May 2018

Michael Roberts

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (4)

I refer to Site 3565, H2.6 Land East of the A361 at Southwick Court and in respect of overall suitability.

My question is: "Why was this site not removed from the process since it was immediately significantly reduced from 280 to 180 dwellings with the Western area effectively removed from the proposal?".

Response

Site 3565 was submitted for inclusion in the Strategic Housing Land Availability Assessment (SHLAA) for approximately 280 dwellings. Through the site selection process, all SHLAA were subjected to more detailed assessment of constraints that led to reductions in site capacity.

With regard to the proposed Southwick Court (H2.6) site, the capacity was reduced to 180 dwellings to address constraints. However, it is considered that a site capacity of 180 dwellings would still deliver significant benefits and help address the indicative housing requirement at the town.

Wiltshire Council

Cabinet

15 May 2018

Jeff Marshall

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (5)

Ref Southwick Court Development

I have grave concerns ref my hedge boundary that will separate housing from my farm where the development stops at Axe and Cleaver Lane. I have maintained this boundary for years and on the proposed plans the developer has incorporated my hedge into their property. I have emailed them stating my concerns but have been ignored. Can you please put my concerns on record because if this development goes ahead I want the plans amended and written permission that I will have access for a tractor driven hedgecutter to allow me to maintain my boundary at Bramble Farm.

Response

The proposed allocation at Southwick Court (H2.6) is based on the submitted Strategic Housing Land Availability Assessment (SHLAA) boundary.

It is understood that the field boundaries are within the developer's ownership. Hedge cutting is an issue that would need to be resolved with the land owner at the detailed planning application stage. However, we can forward your concern to the developer promoting the site for their consideration.

Graham Hill

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (6):

Comments in relation to 'Southwick Court, Trowbridge' (site H2.6)

1. What meetings and substantive contacts have there been between Spatial Planning; the department responsible for a factual, evidence-based and unbiased report, and the landowner and agent/representative/employee. What is the date range for these meetings and how many similar meetings have taken place with elected members (County, Parish or Town Councillors) administrative officers and those registering objections or concerns over the same period?

2. Is it a matter of some embarrassment that, in a response to the Housing Site Allocation Plan that Natural England should be forced to write:

"We note that the Wiltshire Core Strategy says (CP51 – green infrastructure) "If damage or loss of existing green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity and functionality of the green infrastructure network, will be required. Proposals for major development should be accompanied by an audit of the existing green infrastructure within and around the site and a statement demonstrating how this will be retained and enhanced through the development process."

We are unaware of any such audits being undertaken since the Core Strategy was adopted, and our impression is that, compensatory provision has rarely, if ever, been made."?

3. In respect of the qualifying 'Important' hedgerow surrounding three sides of this site, protected as it is by section five of the 1997 Hedgerow act.

It has been identified in the HRA with the recommendation that it should be: "buffered and/or protected" the Natural England response to the HRA as being:

"We note that the onsite mitigation policy requires 10-16m of native landscaping. It is not clear why these figures were chosen, and why there is such a spread in width. We suggest this is reviewed and justified, to provide greater certainty in the conclusions of the HRA."

and the Environment agency pre-stipulation that a 20 metre buffer must be imposed at minimum.

How can a plan which proposes currently to bisect this hedgerow in two separate 7 metre sections and which proposes to build a road and culvert across notified level three floodplain (not surface water as professed by the agent of the landowner) be defined as sound and legal?

Response

1. Officers from the Spatial Planning team met with the landowner and their agents on 7 November 2017 and 9 March 2018. The purpose of the meetings was to provide officers with the opportunity to discuss representations submitted in respect of the proposed site allocation H2.6 - Southwick Court. In addition, the landowner and their agents were offered the opportunity to present how they intend to address concerns submitted through the consultation process.

Councillor Sturgis, as Cabinet Member, has been briefed throughout the plan preparation process. No meetings have been held with those who submitted representations through the formal consultation.

2. The representations submitted by Natural England have been duly noted. Notwithstanding their assertion, the Council is confident that it implements the policies of the Wiltshire Core Strategy (including Core Policy 51) diligently through plan making and the determination of planning applications.

An example of this would be the Ashton Park Urban extension. This involved significant assessment that led to the provision of enhanced green infrastructure as an integral part of developing the proposals for the benefit of local communities, as well as to protect important bat species.

Turning to the provisions of the draft Plan, the Council has identified and positively responded to the need to protect and bolster existing green infrastructure consistent with national policy. To illustrate this, a proposal has been put forward to further extend the Church Lane site area to allow for the provision of additional green infrastructure.

With specific reference to the proposed Southwick Court site, paragraphs 5.79 through to 5.82 present explicit guidance to any site developer and decision maker as to what measures would be expected to be delivered to facilitate sustainable development including green infrastructure.

3. The Council acknowledges the importance of the hedgerows that form boundaries to the site; and the extent of flood risk zones associated with the Lambrok Stream. In respect of these matters, the draft Plan has been prepared in conformity with the policies of the Wiltshire Core Strategy and National Planning Policy Framework and responds accordingly.

Paragraphs 5.79 through to 5.82 of the draft Plan, set out a range of matters that will need to be addressed to deliver a comprehensive, high quality development scheme. These include, but are not limited to: the protection of mature hedgerows and trees; bolstering green infrastructure; and ensuring

built form development is directed away from critical flood zones associated with the Lambrok Stream.

It is recognised that the site will need to be accessed via the A361 and hence the roadside hedgerow will need to be breached in order to deliver vehicular access for the site.

With specific regard to hedgerows, the Council is familiar with legislative requirements. Alongside the planning system, the Hedgerows Regulations 1997 provide some protection for hedgerows, including provisions for determining whether a hedgerow is 'important'. Section 5 of the Regulations sets out specific guidance and provisions for the 'Removal of hedgerows'. In summary, this involves the owner submitting a 'hedgerow removal notice' to the local planning authority and consulting the relevant parish council before a decision is made. It is not unusual for hedgerows to be partially removed as part of development proposals in the light of the legislative procedure outlined above.

Diccon Carpendale

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (7)

Re: Wiltshire Housing Site Allocations Development Plan Document – Proposed submission

I would be grateful if the following concerns/objections are noted in relation to the lengthy report to Cabinet and the supporting documentation. We wish for the following matters to be put on record, to be appropriately noted and minuted and to be comprehensively considered and assessed through any subsequent examination unless adequately addressed in advance:

1. With over 400 pages for the report itself and over 8000 pages of supporting documentation only made available late on Friday before a bank holiday weekend, it is most disappointing (and unreasonable) that only two working days have been provided in which statements or comments can be made to this meeting of the Council.
2. The settlement boundary review is considered to be entirely inappropriate with the criteria for consideration of how the boundary should be re-drawn being too stringent and the resulting plans being entirely misleading excluding any proposed (or existing) allocations. In this regard, the process does not appear fit for purpose and achieves nothing with all new sites to be considered falling beyond such boundaries. The process should be reconsidered and boundaries reviewed (particularly at the more strategic locations e.g. larger market towns) to clearly identify existing and proposed allocations. Without this the plan fails to provide any certainty in terms of the delivery of housing during the plan period.
3. The assessment of sites through the sustainability appraisal process in relation to potential site allocation has been undertaken at a very high level and without the (necessary) detailed site specific knowledge required to properly appraise individual sites. In relation to site 239, in Warminster, the sustainability appraisal is flawed as this high level assessment has been undertaken without consideration being given to the detailed site specific analysis undertaken in the context of a current application for outline planning permission. Had such, up to date information, been taken into account it is considered this site would have been ranked lower than currently scored and, as a consequence, should have been identified for formal allocation being as sustainable or more sustainable than other sites within Warminster that have been identified for formal allocation. There is no certainty that allocated sites will in fact be developed or progressed. This contrasts with site 239 which is

well advanced and subject to a current application for outline planning permission. If approved this will provide certainty that it will be developed and add to the required housing provision. There is no certainty about other sites in Warminster.

It is imperative that Wiltshire Council is consistent in terms of the analysis of sites undertaken and that decisions are based on the most up to date and detailed analysis of sites available (particularly where such detailed analysis has been endorsed and accepted by Officers of the Council).

Taking into account the above, it is clear that both the Housing Site Allocations Plan Assessment process (in this instance in relation to Warminster) is flawed and that it should be re-undertaken in light of more up to date/detailed information available before the Council approves the documentation for submission to the Secretary of State.

Similarly, the settlement boundary review and the fashion within which it has been undertaken fails to allow for the level of growth required within the plan period such that it fails to plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the NPPF.

The Council is respectfully requested to urgently review the above matters to ensure that the Development Plan document accords with the requirements of the NPPF. Also, it should be clearly stated that any policy arising from the review of settlement boundaries and the Housing Site Allocations Development Plan document do not in any way affect the NPPF presumption in favour of sustainable development and that applications for planning permission for sustainable development on land will be granted irrespective of whether the land is allocated or whether it is within the settlement boundary.

Please ensure that this representation is brought to the attention of the Secretary of State and note the author continues to wish to be heard at the examination in order to provide further evidence in support of the concerns raised above.

Response

1. The draft Plan is supported by an appropriate evidence base. In the interest of openness and transparency this has been made available as part of the Agenda. Whilst it is unfortunate that there are so many pages to consider, for ease of reference the documents are set out individually and/or broken down into relevant sections. The Community Area Topic Papers are designed to allow people to consider the implications of the draft Plan for areas they may be interested in, without necessarily referring to the more detailed evidence that underpins them.
2. The settlement boundary review has been carried out in accordance with the published methodology. For instance, at Topic Paper 1, paragraph 7.17 states "...the purpose of the settlement boundary is to define the built form of a settlement. There is likely to be uncertainty over how much space within the red line on a site plan drawing is taken up by the built form. Therefore, the revised settlement boundary review methodology will exclude site allocations

identified in the development plan.” The positive allocation of sites for housing development through a plan provides certainty of housing delivery on these sites during the plan period.

3. In relation to site 239, in Warminster, the Sustainability Appraisal was undertaken in a systematic fashion with all sites being considered on an equal basis. The appraisal used an evidence base available for all sites and the process therefore ensured a transparent, consistent and equitable comparison of all reasonable alternatives (Topic Paper 2, paragraph 5.4). The sites that were assessed at Stage 3 of the site selection process (sustainability appraisal) were compared in terms of the balance of their sustainability benefits versus adverse effects. In accordance with the Sustainability Appraisal methodology (Topic Paper 2, paragraph 2.3.18) where sites score five or more adverse moderate effects the site was considered as being ‘less sustainable’. This is the case with site 239. At pre-submission stage, the developer of site 239 put forward information that removed the initial concerns that the site could not be accessed. The site was therefore re-assessed and taken forward to Stage 3 of the site selection process. However, the site scored 6 moderate effects and when compared against other sites was not carried through to the next stage of assessment. All sites that are proposed for housing site allocations have been confirmed as available and deliverable within the plan period.
4. This question flows from the representation made to the consultation on the draft Plan by Mr Carpendale on behalf of his client Greatworth Developments Ltd. This representation (representation ID number 2726) will be sent to the Secretary of State when the Plan is submitted together with the request to be heard at examination, which is included within this representation.

Wiltshire Council

Cabinet

15 May 2018

Geoff Whiffen

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (8)

How many objections to the inclusion of the site Southwick court development were made by, electronic means? How many were made by paper means? How many were submitted by signatures on the petition

Why are there no cabinet members from Trowbridge? No one to speak up for our town where is the democracy?

Response

Email: 40

Letter: 42

Direct via the Consultation Portal: 6

The fact that there are no Members from Trowbridge represented in the Cabinet does not mean the issues the town faces in respect of addressing the need for additional dwellings will be ignored. Cabinet will consider the draft Plan proposals equitably in accordance with the Council's Constitution.

Matt Williams

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (9) Statements

REPRESENTATION NUMBERS 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120 and 3121 (Shrewton)

These representations promote five different sites in Shrewton for development but they are rejected at S3 on the basis of alleged major adverse effects on the River Avon SAC as a matter of principle.

This reason for discounting the sites cannot, however, be substantiated as the impact of identified development requirements in the Core Strategy is to be dealt with by way of a Memorandum of Understanding to achieve phosphate neutral development that is unlikely to have adverse effects upon the integrity of the River Avon SAC.

As such, the Sustainability Appraisal needs to be re-run on the basis that the impact of development in Shrewton on the River Avon SAC can be mitigated as is the case with other planned developments within proximity of the SAC.

REPRESENTATION NUMBER 3138 (Codford)

This representation promoted a site in Chitterne Road (site 612) for consideration but has been rejected at S3 of the Sustainability Appraisal on the basis of alleged major adverse effects on the River Avon SAC as a matter of principle.

This reason cannot, however, be substantiated as the impact of the identified housing requirements in the adopted Core Strategy is to be dealt with by way of a Memorandum of Understanding to achieve phosphate neutral development that is unlikely to have adverse effects upon the integrity of the River Avon SAC.

The Sustainability Appraisal recognises that other impacts associated with the development of this site can be satisfactory mitigated through the planning process.

As such, the Sustainability Appraisal needs to be re-run on the basis that the impact of development on River Avon SAC can be satisfactory mitigated.

REPRESENTATION NUMBER 3225 (Shrewton).

These representation relates to a site in Elstone Lane (OM010) which has been discounted on the basis that the site is isolated from the main settlement.

This reason cannot, however, be used to the site from S2A of the Sustainability Appraisal in light of the recent Court of Appeal Judgement involving Browntree District Council the Secretary of State for Communities and Local Government, Grey Read LTD and Granville Developments [2018] EWCA Civ610.

Site OM010 should have therefore been taken forward to the next stages of the Appraisal where it would have been identified as being suitable on the basis that the Council is taking steps through a Memorandum of Understanding to ensure that the identified development growth in the Core Strategy can be phosphate neutral and therefore unlikely to have a significant effect on the integrity of the River Avon SAC.

As such, the Sustainability Appraisal needs to be re-run on the basis that the sole adverse impact identified with this site can be mitigated.

Response

The statement is noted. Representations have been submitted in respect of the matters raised which will be considered in detail through the Examination process.

Wiltshire Council

Cabinet

15 May 2018

David Goodship

To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property

Question (10)

Site 3565 - Southwick Court

Page 164 - lists "the issues emanating from the representations"

Please can the council confirm that vehicle access/egress to Site 3565 from the north through Sandringham & Balmoral Rds FROM Silver St Lane will not be allowed, as it is of great concern to many residents and was included in their comments.

Page 8144 - Please can this be amended to include the following addition, (shown in red):-

"Vehicular access/egress to the site would need to be holistically **and sensitively planned to conserve heritage assets in a manner appropriate to their significance**", **and is excluded from the immediate north onto Silver St Lane through existing built form.**

I note Vehicular has been struck through "~~Vehicular~~", however I implore you to recognize the legitimate anxiety and concern of residents and provide further clarity. I trust you will make this small addition, which will have a dramatic impact on the lives of residents in the immediate area.

Response

As recognised above, it is already proposed that that the word 'vehicular' is removed from the Trowbridge Community Area Topic Paper because vehicular access is not expected to be provided through existing built form to the north of the site. The text now only refers to pedestrian and cycle routes through the built form. It is considered that the concerns above are therefore already addressed through this change to the Community Area Topic Paper.