

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22nd October 2024
Application Number	20/06554/FUL
Application type	Full planning permission
Site Address	Land At Empress Way, Ludgershall, Wiltshire
Proposal	Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school.
Applicant	Foreman Homes Limited
Town/Parish Council	Ludgershall Town Council
Electoral Division	TIDWORTH EAST AND LUDGERSHALL SOUTH – Cllr Tony Pickernell.
Case Officer	Adam Madge

1. Purpose of Report

The purpose of this report is to update the committee on changes that have been made to this application since it was last heard at committee in August 2022. Additionally changes have occurred following publication of the revised NPPF in December 2023 (and related revised Planning Practice Guidance published in February 2024) and it is therefore for the committee to consider the recommendation that the planning application be approved subject to conditions and the signing of a S106 agreement.

2. Background

On 10th August 2022, the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1); work commenced on the legal agreement, although it has not been completed and so the planning permission has not been granted. In making its decision to approve subject to the legal agreement the Committee took account of all matters relevant at the time. These included the development plan policies and national legislation/guidance.

Planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In addition since the point that the committee previously resolved to grant planning permission the applicant has asked the local authority to consider a number of changes to the application which include a proposal to withdraw the previously proposed Skylark and Lapwing mitigation scheme and instead to provide six Skylark plots on arable land at Beacon Hill Cholderton. The applicant has relocated the LEAP from that shown on the previous plans and updated the plans to

accommodate various highway provisions. The two bedroom dwellings have been increased in floor size to 72sqM from 70sqM to meet the requirements of the affordable housing providers. An updated trigger for condition 20 relating to a second access to the site so that this is triggered at the 180th dwelling rather than the 160th as well as a change in wording to condition 5 which relates to foul drainage.

Changes to the application since it was last considered at committee

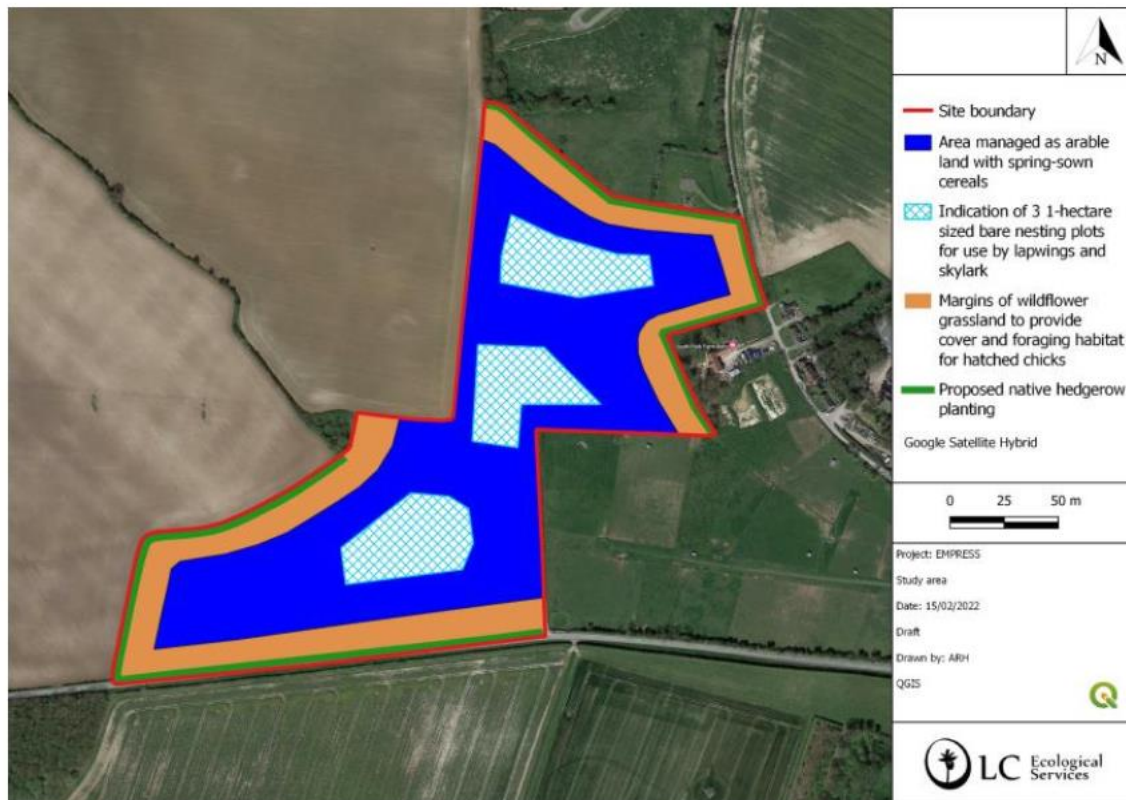
The following changes have been made to this application at the applicants request since it was last considered at committee

Withdrawal of the Skylark and lapwing mitigation scheme on site and replacement with a scheme off site further away.

The proposal previously considered by members in August 2022 proposed an off-site habitat for ground nesting birds. These proposals were summarised within the Committee Report (see appendix 1) at 9.4:

9.4...To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species. As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement.

APPENDIX X: Lapwing and skylark mitigation area (off-site)



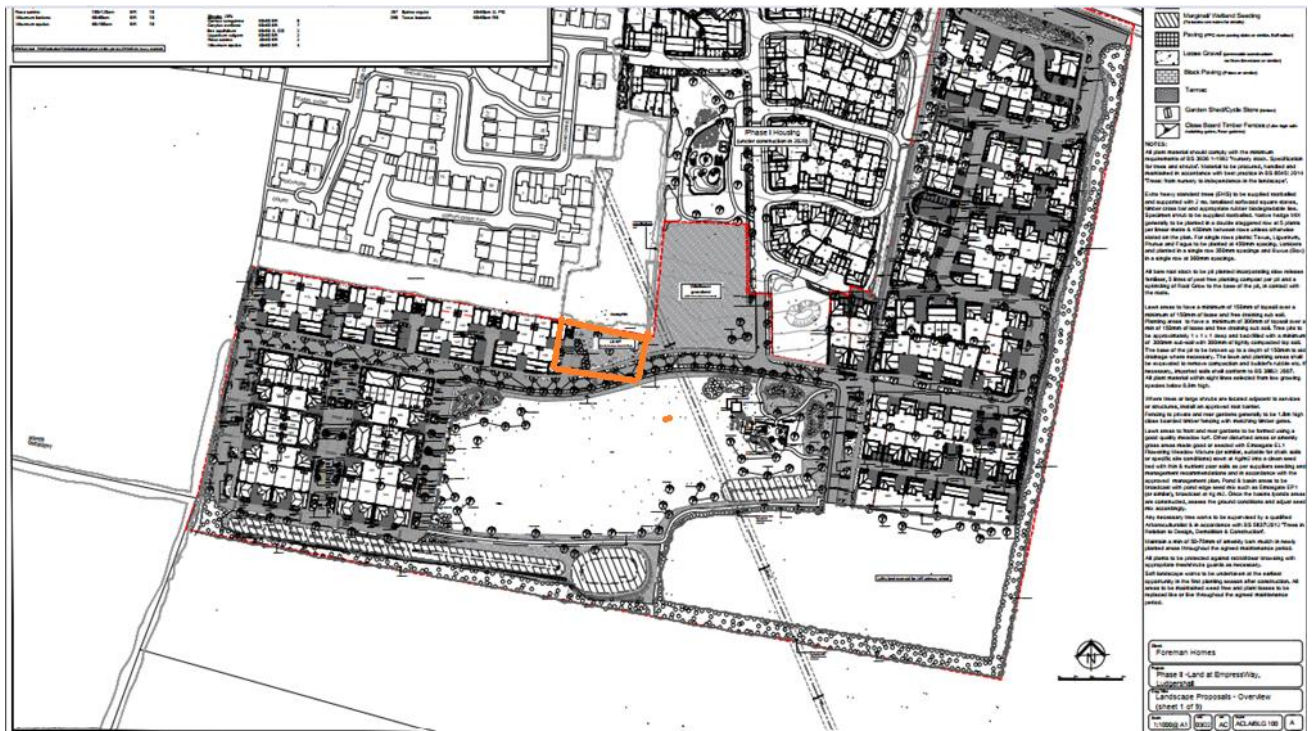
Previously proposed Skylark and Lapwing provision

As this was an over provision of habitat the applicant now proposes an enhancement is to be provided as part of the development, whereby six skylark plots will be created permanently on arable land in the ownership of the same farmer, approximately 10km away at Beacon Hill Farm, Cholderton, Wiltshire. These plots will be created in fields exceeding 5ha in size which is the

minimum threshold for skylark suitability. The plots will be created and managed as per the guidance in the RSPB skylark plots farming for wildlife document. The provision of these plots will accord with Core Policy 50 that sets out that all development should seek opportunities to enhance biodiversity, whereby major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. The councils ecologist has accepted that this an appropriate alternative location for these mitigation measures that were previously proposed closer to the site.

Relocation of the proposed LEAP

The leap previously proposed has been moved slightly south as shown the two drawings below. The specification will be the same and this location is considered acceptable.



Previous location of the LEAP



New location of the proposed LEAP.

Enlargement to the 2 bedroom dwellings

The 2-bedroom affordable dwellings have been marginally increased in size to meet the requirements of the affordable housing providers. The original plans showed the 2-beds at 70sqm, whereas there is a requirement for each to be 72sqm. So these have now marginally increased in size.

Request to remove condition 20 from the proposed decision

The applicant has asked that condition 20 which requires the creation of a second access to the site be removed from the list of conditions as they consider it unnecessary. However the councils highways officers consider such a second access is necessary for the development as such a large development to rely on a singular access would be inappropriate.

It has been pointed out that there was a small conflict in the previous officer report which stated that the access should be implemented prior to the occupation of the 160th dwelling. Whereas the highways officer had stated elsewhere in the report that this should be before the occupation of the 180th dwelling.

Therefore it is intended to still require the second access by condition but to change it such that it now reads -

20. Prior to first occupation of the 180th dwelling hereby permitted, the proposed link between the site and Moyne Drive(Empress Way)/Roberts Road / Simonds Road, including its carriageway and footways as detailed on plan number ITB15328-GA-022 RevA – to provide a second vehicular and pedestrian access to the site – shall have been constructed/completed (surfaced in final tarmacadam wearing course).

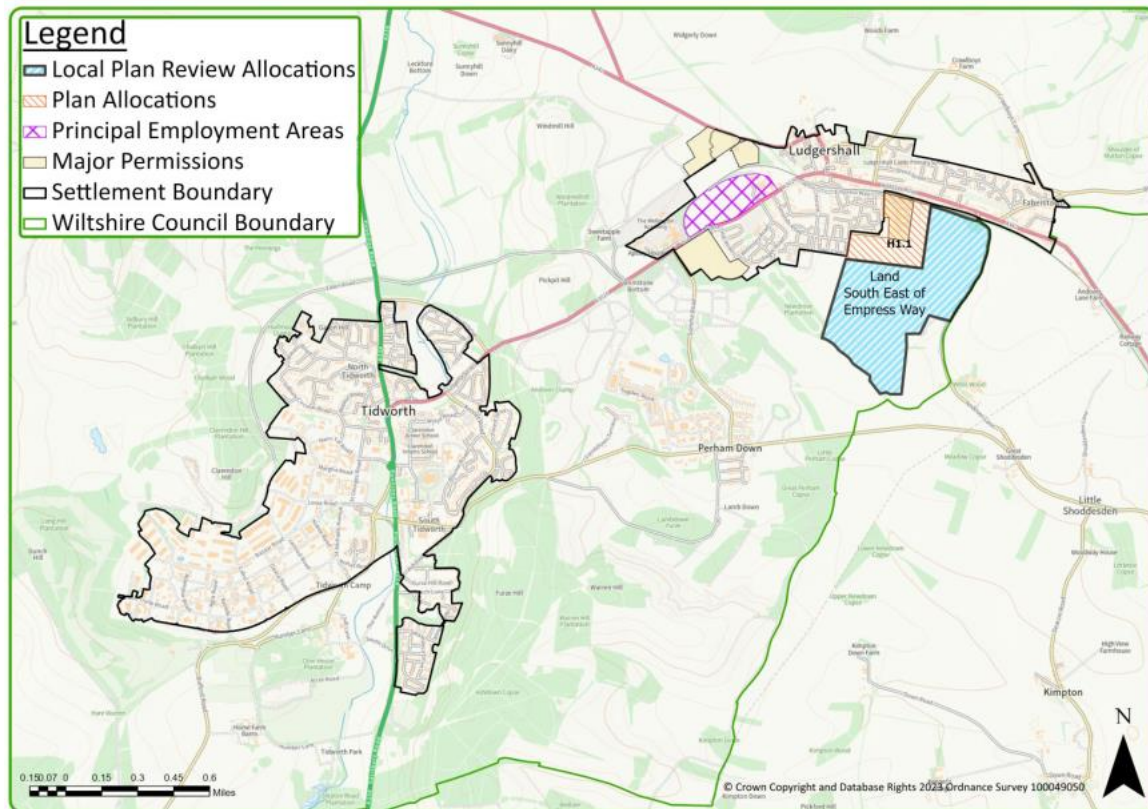
REASON: In the interests of good planning and to ensure resilience in the highway network achieved by a second vehicular access.

Changes to the NPPF since last consideration of the application

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must now be taken into account. The effects of the changes in relation to this planning application are minimal and are not considered to materially alter the recommendation for this application.

The site is allocated as part of the Wiltshire Housing Sites allocation plan.(policy H1.1) and as such the revisions to the NPPF are not considered to significantly effect this development. The 2023 NPPF required local planning authorities to identify a 4 year housing land supply and this proposal contributes to that supply within Wiltshire. At present the council can demonstrate a 3.85 year supply the approval of this scheme is therefore required.

Members should also note that the Wiltshire council draft local plan allocates the adjacent site at land to the South East of Empress Way for the development (the land in light blue below) so this site fits with that one that has been allocated for 1200 dwellings.



Site allocations in the Wiltshire Core strategy.

Other amendments were made to the NPPF at the time but it is not considered that those change the main considerations of this application which remain the same as in the original officer report at annexe 1

3. Conclusion

The site is one that is allocated for development within the Wiltshire housing sites allocation plan and as such provides 190 much needed dwellings for Wiltshire. The site is largely unaffected by the changes brought in, in 2023 by the revised NPPF and it is considered that the smaller changes made to the application since the original consideration of the application by committee are largely acceptable and as such it is recommended that planning permission be granted for the revised development.

RECOMMENDATION:

That subject to the completion of a Section 106 covering the matters set out in the report at annexe 1 and below, the Head of Development Management be given delegated authority to then grant planning permission, subject to the conditions listed below.

Draft Section 106 Heads of Terms legal agreement to secure the following:

- o Air Quality monitoring - £10,000
- o Waste & Recycling Facilities – £17,290
- o Highways and Transport - £90,820
- o Public Art - £57,000
- o Sports -£77,976
- o Early Years / Nursery education provision - £385,484
- o Nutrient Neutrality - £831,850
- o Affordable Housing Provisions:-
 - 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
 - 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
 - Tenure to be as defined in the planning obligation, or otherwise agreed in writing.
 - Creation of skylark and Lapwing plots at Beacon Hill Farm, Cholderton.

And subject to the following conditions

New plans

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 plans list attached to this permission.

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

3. No development shall commence until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
 - Arrangements for liaison with the Council's Public Protection Team
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Control measures for dust and other air-borne pollutants.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Construction traffic routing details

No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

4. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 3rd March 2022, Reference 15675-HYD-XX-XX-RP- D-5001.

Prior to commencement of development the following additional drainage information shall be submitted to the local planning authority for approval in writing –

- calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving groundwater. This can be undertaken based on the Simple Index Methodology outlined within the CIRIA SuDS Manual.
- revised hydraulic modelling calculations setting the MADD value to 0m³/ha in order to ensure that the on-site attenuation storage is not overestimated. If the applicant believes that a value of 20m³/ha is appropriate, quantitative justification should be provided to support this.
- evidence of the applicant's engagement with the Water Company for the adoption of Sustainable Drainage Features.
- plans showing finished floor levels (FFL) and threshold levels set to minimum FFLs at 150mm above adjacent infrastructure thoroughfare levels.

The development shall be carried out in strict accordance with the approved additional drainage information.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

5. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the local planning authority. No dwelling shall be first occupied until the approved details have been fully implemented in accordance with the approved plans.

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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc.);

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, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. 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.

8. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan will align with recommendations in Section 5 and Appendix IX of the submitted Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022) and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles and bats.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors 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.

9. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will align with recommendations in Sections 5.3, 5.8 and 5.9 and Appendices XII and IX of the submitted

Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022). It will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

10. Prior to construction commencing details of existing and proposed new lighting shall be submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate that a level of 0.5Lux or less can be achieved at the edges of sensitive habitat features as defined in Section 4.2.2 and displayed on Appendix VII of the Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) including, but not exclusively; H2 along the northern boundary, H1 along the south western boundary, retained woodland shelter belts and new planting at the eastern and southern boundaries.

REASON: To avoid illumination of habitat used by bats.

11. Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and integral swift bricks within

buildings. The agreed Plan shall show the specification of the swift bricks and bat roosting features to be provided on a minimum of 20% of the new dwellings (approximately 38) and where they will be located, together with a timetable for implementation.

REASON: to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

12. Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

13. No development shall commence within the red line boundary of application 20/06554/FUL until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest. This is in accordance with Paragraph 205 of the NPPF, which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance

and the impact, and to make this evidence (and any archive generated) publicly accessible'.

The programme of archaeological work should provide for the investigation in advance of the commencement of development of an area in the north-east of the application area where exploratory geophysical survey and archaeological investigation identified evidence for Roman settlement. This should be followed by a programme of assessment, analysis, reporting, publication, and archiving commensurate with the significance of the results to achieve the public benefit of the exercise.

14. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in

accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

15. Prior to the commencement of development the applicant shall undertake an Air Quality Assessment (AQA) or Screening Assessment, to be approved in writing by the Local Planning Authority prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any recommended measures to effectively mitigate emissions shall be implemented in accordance with the AQA.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

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

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

17. Within 6 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

18. Prior to first occupation of any dwelling hereby permitted the access from the development to the extension of Empress Way shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 90 metres to the west. The visibility so provided shall thereafter be maintained.

REASON: In the interests of safe and convenient access.

19. Prior to first occupation of any dwelling hereby permitted the extension of Empress Way including its verges and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been provided to base course level and lit by street lighting.

REASON: In the interests of safe and convenient access.

20. Prior to first occupation of the 180th dwelling hereby permitted the extension of Empress Way including its carriageway and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been surfaced in tarmacadam wearing course.

REASON: In the interests of ensuring that the access road is properly completed. HIGHWAYS

21. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local

planning authority for its written approval.

REASON: To ensure that the development will be nutrient neutral.

DRAINAGE INFORMATIVES:

1. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at HighwaysDevelopment@wiltshire.gov.uk
2. The applicant should note that new Sewerage Sector Guidance (published 1st April 2020) enables Water Companies to adopt SuDS features as part of the surface water drainage network.
3. If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Southern Water, prior to the submission of any drainage scheme details to the local planning authority, to ensure compliance under the new adoption codes and to formally commence the adoption process.
4. Applicants should contact Southern Water for further information/ discussion. The Lead Local Flood Authority will support any applications brought forward through the Southern Water adoption process.
5. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
6. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
7. Wiltshire Council's land drainage bylaws can be downloaded here. The land drainage consent application form and guidance notes can be found on our website here.
8. There are private soakaways proposed in the boundaries of properties. Homeowners will need to be made aware of their maintenance responsibilities and this should be written into the deeds of the properties
9. It is noted that if surface water drainage will be offered for adoption by Wiltshire Council and the Water Company; the applicant will need to apply for adoption of these assets separately to this planning application.
10. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.

INFORMATIVE:

Public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed, except where temporary closures or diversions are required to construct the second point of access, or a diversion order must be achieved to divert the footpath to an unobstructed route. The legal line of the PROW route must be kept open at all times, except where temporary closures or diversions are required to construct the second point of access. The definitive (legal) width of the route is 1m but a corridor of at least 2m must be kept open at all times, except in the above circumstance.

INFORMATIVE:

The traffic calming scheme shall be designed to achieve traffic speeds on the road no greater than 20mph.

Plans list

Drawing Title	Strategic Committee (2022) Drawing No.	Revised Drawing No. (October 2024)	Reason for Revision 2024
Site Location Plan	19.096.01B		
Block Plan	19.096.02F	19.096.02K	Reflect landscaping and highway revisions
House Type A – Floor Plans and Elevations	19.096.03		
House Type B – Floor Plans and Elevations	19.096.04		
House Type C – Floor Plans and Elevations	19.096.05		
Block A – Floor Plans and Elevations	19.096.06A		
Block B – Floor Plans and Elevations	19.096.07		
Block C – Floor Plans and Elevations	19.096.08	19.096.08A	Affordable home size
Block D – Floor Plans and Elevations	19.096.09	19.096.09A	Affordable home size
Block F – Floor Plans and Elevations	19.096.10A	19.096.10B	Affordable home size
Block G – Floor Plans and Elevations	19.096.11	19.096.11A	Affordable home size
Block H – Floor Plans and Elevations	19.096.12A	19.096.12B	Affordable home size
Block I – Floor Plans and Elevations	19.096.13D		
Block J – Floor Plans and Elevations	19.096.14C		
Block K – Floor Plans and Elevations	19.096.15A		
Block L – Floor Plans and Elevations	19.096.16		
Block M – Floor Plans and Elevations	19.096.17B		
House Type A Version 1 – Floor Plans and Elevations	19.096.18		
House Type B Version 1 – Floor Plans and Elevations	19.096.19A		
House Type D Version 1 – Floor Plans and Elevations	19.096.20		
Block E – Floor Plans and Elevations	19.096.21		
House Type A Version 2 – Floor Plans and Elevations	19.096.22A		
Block A Version 1 – Floor Plans and Elevations	19.096.23		
Block D Version 1 – Floor Plans and Elevations	19.096.24B	19.096.24C	Affordable home size

Drawing Title	Strategic Committee (2022) Drawing No.	Revised Drawing No. (October 2024)	Reason for Revision 2024
Site Location Plan	19.096.01B		
Block Plan	19.096.02F	19.096.02K	Reflect landscaping and highway revisions
House Type A – Floor Plans and Elevations	19.096.03		
House Type B – Floor Plans and Elevations	19.096.04		
House Type C – Floor Plans and Elevations	19.096.05		
Block A – Floor Plans and Elevations	19.096.06A		
Block B – Floor Plans and Elevations	19.096.07		
Block C – Floor Plans and Elevations	19.096.08	19.096.08A	Affordable home size
Block D – Floor Plans and Elevations	19.096.09	19.096.09A	Affordable home size
Block F – Floor Plans and Elevations	19.096.10A	19.096.10B	Affordable home size
Block G – Floor Plans and Elevations	19.096.11	19.096.11A	Affordable home size
Block H – Floor Plans and Elevations	19.096.12A	19.096.12B	Affordable home size
Block I – Floor Plans and Elevations	19.096.13D		
Block J – Floor Plans and Elevations	19.096.14C		
Block K – Floor Plans and Elevations	19.096.15A		
Block L – Floor Plans and Elevations	19.096.16		
Block M – Floor Plans and Elevations	19.096.17B		
House Type A Version 1 – Floor Plans and Elevations	19.096.18		
House Type B Version 1 – Floor Plans and Elevations	19.096.19A		
House Type D Version 1 – Floor Plans and Elevations	19.096.20		
Block E – Floor Plans and Elevations	19.096.21		
House Type A Version 2 – Floor Plans and Elevations	19.096.22A		
Block A Version 1 – Floor Plans and Elevations	19.096.23		
Block D Version 1 – Floor Plans and Elevations	19.096.24B	19.096.24C	Affordable home size

ANNEX 1: 1 November 2023 Committee Report

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 August 2022
Application Number	20/06554/FUL
Site Address	Land at Empress Way, Ludgershall, Wiltshire
Proposal	Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school.
Applicant	Foreman Homes Ltd
Town/Parish Council	Ludgershall
Electoral Division	TIDWORTH EAST & LUDGERSHALL SOUTH – Cllr Pickernell
Grid Ref	427046 150467
Type of application	Full Planning
Case Officer	Martin Broderick / Andrew Guest

Reason for the application being considered by Committee

This application was 'called in' for Committee to determine by Cllr Christopher Williams on 8 October 2020. Changes to Division boundaries since this date mean that the Division Member is now Cllr Tony Pickernell. However, the original call-in request stands. The reason for the call-in is:

- Environment and Highways

This is a large-scale residential site and as such is to be considered by the Strategic Planning Committee.

1. Purpose of Report

The purpose of this 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 should be approved.

2. Report Summary

The key determining planning issues are considered to be:

- The principle of development;
- Impact upon the area and wider landscape;
- Flooding and drainage;

- Biodiversity;
- Archaeology;
- Nutrient neutrality;
- Neighbouring amenity;
- Highway Impacts;
- S106 contributions (Affordable Housing, Education, Air Quality, Public Art, Public Open Space, 2nd access, Waste, Biodiversity and Nutrient Neutrality).

3. Site Description

The Application Site ('The Site') is located at the town of Ludgershall, which is situated on the Wiltshire and Hampshire border, approximately 2.4 km north east of Tidworth (Figure1).

The L-shaped Site comprises land in arable agricultural use (cereal cropping) and extends to approximately 12.8 hectares, and is located to the south of the railway line that runs parallel to Andover Road (A342). The Site is positioned at the south-eastern edge of the settlement at the far eastern end of Empress Way and wrapping around to the east and south of the housing estate formed by Princess Mary Gardens, Camomile Drive, Orchid Drive and Cornflower Way (Figures 1 and 2).

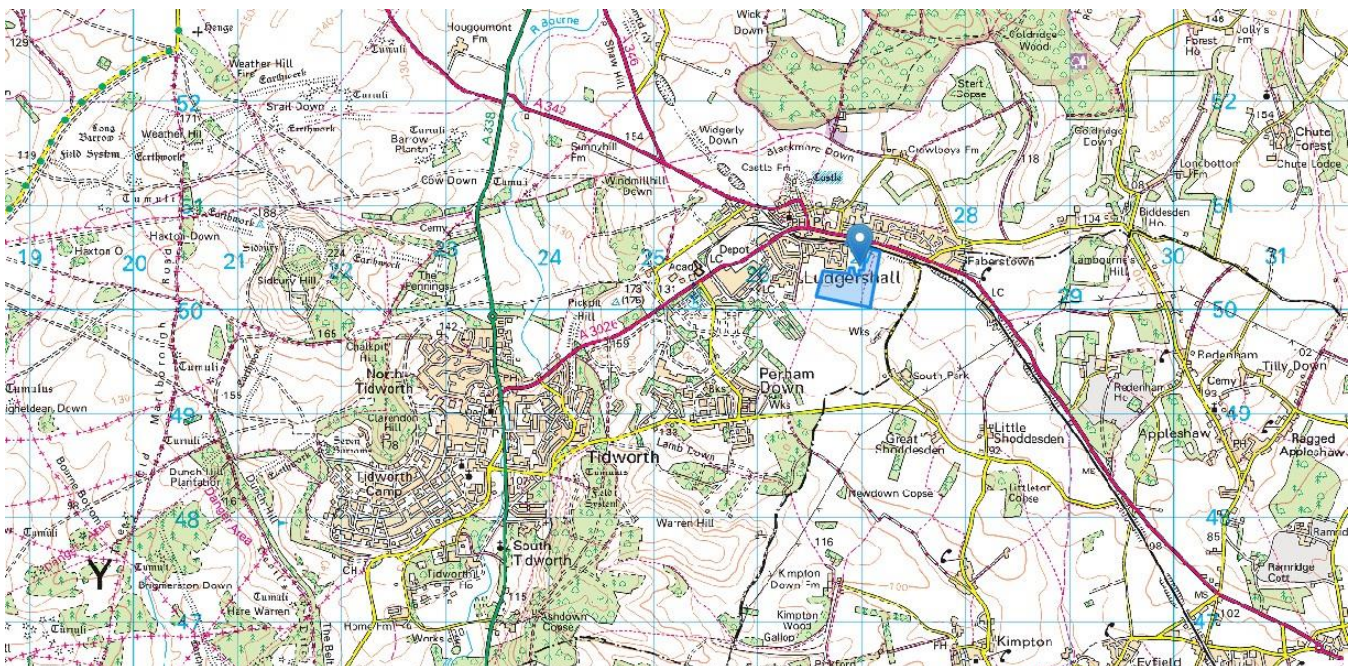


Figure 1 Site Location

The Site is bordered to the north by the railway line (serving MoD facilities) and mixed hedgerows and to the east and south by open fields. To the west, leading from Empress Way, the site is bound by land which benefits from planning permission for 80 dwellings (under application 18/04346/REM), while further south, the far western boundary also adjoins a residential site and allocation (Garden Centre, Granby Gardens) for 181 homes currently being developed by Foreman Homes (planning permission 14/06522/FUL) which is accessed from Simonds Road and Astor Crescent.

The Site benefits from an existing vehicular access point at the eastern end of Empress Way, which connects to the main road network at the junction with Tidworth Road (A3026) to the west.

A Public Right of Way – reference LUDG2 – runs east / west across the northern edge of the site and parallel to the railway line from Empress Way, before turning to follow a route due south before

facing east towards Shoddesden Lane. Another Right of Way – reference LUDG1– runs north to south along the far western boundary to Sidbury Meadows.

Further to the north, beyond the railway, lies the wider built-up area of Ludgershall with a large employment area, the Castledown Business Park, located to the west of the A3026 Tidworth Road. The A3026 Tidworth Road and the Castledown Business Park site are located approximately 650m to the west, whilst the local shops and facilities on the A342 Andover Road are located approximately 650m to the north (Figures 1 and 2).

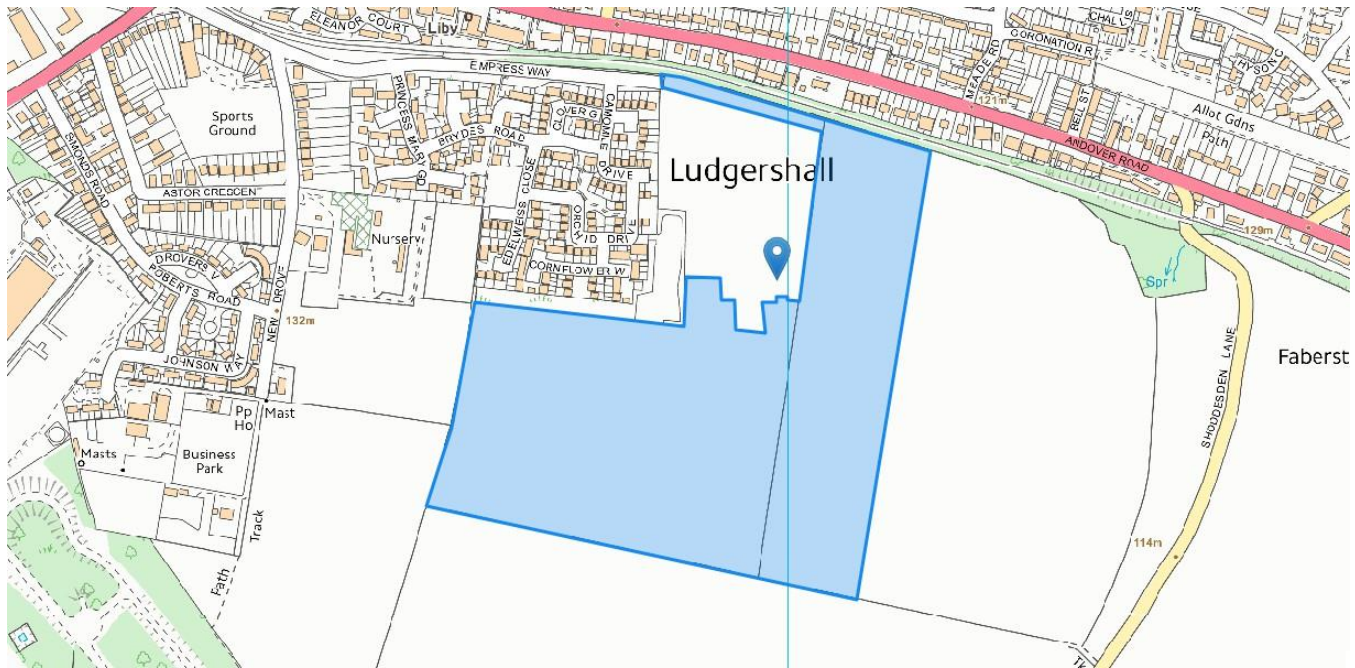


Figure 2 Detailed Site Location

4. Planning History of Application site

The application site now forms the larger part of the ‘Land at Empress Way’ housing site, as allocated under Policy H1.1 of the Wiltshire Housing Sites Allocation Plan 2020 (adopted February 2020).

The following planning application history is relevant:

Reference	Description	Decision	Date
K/59593/O	Erection of a garden centre incorporating associated landscaping, car parking and café	Approved	06.07.2012
E/2013/0234/OUT	Outline application for residential development (Class C3) of up to 109 dwellings with an extension to Empress Way, car parking, public open space and associated landscaping.	Approved	15.05.2015
18/04346/REM	Approval of the scale, appearance, layout and landscaping for the residential development of 80 dwellings with car parking, public open space and	Approved	03.06.2019

	associated landscaping pursuant to Outline Planning Permission E/2013/0234/OUT.		
16/10907/OUT	Outline application for up to 269 dwellings (Use Class C3), 2-form entry primary school, highways including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works – External Access from Empress Way not reserved	Refused & Dismissed	05.02.2017 06.02.2018
19/11699/DOC	Discharge of conditions 8, 10, 12, 13, 14, 16, 17 & 19, application reference E/2013/0234/OUT.	Awaiting decision	n/a

As set out in the above table, planning application 16/10907/OUT – which included land within the current application site – was refused and subsequently dismissed at appeal. 16/10907/OUT was submitted prior to the site's more recent allocation as a housing site under Policy H1.1 of the Wiltshire Housing Site Allocations Plan, and so it was concluded by the Inspector at the time that the proposal for 269 dwellings was not required and would not represent sustainable development.

It is important to note that the LPA's and the Inspector's consideration of 16/10907/OUT established common ground on all technical and environmental matters including highway safety, landscape impact, drainage, arboriculture and heritage. In respect of infrastructure matters the appeal scheme was the subject of a bilateral agreement concerning conditions and obligations that was subject to review by the Inspector.

Following the allocation of the site in the Wiltshire Housing Site Allocation Plan under Policy H1.1, the Inspector's issues on principle are addressed.

5. The Application

This Full Planning Application is made to Wiltshire Council in accordance with the plans (as submitted April/May 2022) for the following:

- 190 dwellings, including 30% (57) affordable homes;
- An extension of Empress Way to distributor road standards;
- Demonstrating a road connection within Foreman Homes' control to the boundary of the site to facilitate potential future connection of the road westwards into Granby Gardens and Simonds Road;
- A reserve 1.8-hectare site for a new two-form entry primary school;
- New substantial areas of public open space including tree and hedgerow planting, habitat creation and two children's play areas; and
- New pedestrian connections.



Site layout plan

Whilst the application does not seek to achieve planning consent for a new school, in line with Policy H1.1, land will be included to be safeguarded for Wiltshire Council to call on in the future to enable a school to be constructed, should this be required. As there remains significant uncertainty as to the need for a school on the site, other than ensuring the layout facilitates access to the safeguarded land, this application does not consider the impacts that may arise from a school being delivered. This instead will be for later planning applications in the event Wiltshire Council calls on the land.

Vehicular access to the site is proposed to be solely from Empress Way on the north side of the site. Although a road is proposed to be provided on the east side of the site, this would terminate short of the boundary and so not provide connectivity to the road beyond.

6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,

- CP26 - Spatial Strategy for the Tidworth Community Area,
- CP41 - Sustainable construction and low-carbon energy,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

Retained saved policies of the **Kennet Local Plan 2011 (LP)** adopted June 2004.

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework July 2021 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- The Revised Wiltshire Council Planning Obligations SPD was adopted in October 2016 and supports the policies of the CS, particularly Policy CP3 concerning infrastructure requirements. This SPD identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure.
- The Kennet Community Benefits from Planning SPG was adopted by the former Kennet District Council in 2005. The SPG remains relevant where it provides guidance to saved LP policies, namely HC34 and HC37.

7. Consultations

Ludgershall Town Council – Object because:

- The Traffic Survey A.3026/Astor Crescent was carried out during a holiday period, hence lower than normal traffic flows. The proposed new layout at traffic lights on the bridge has a potential for accidents to happen. Approaching the traffic lights from Astor Crescent is difficult due to parked cars and this stretch of road should have double yellow lines.
- I-Transport Statement where traffic lights at War memorial junction are mentioned at 6.11.3. The Council can see no benefit at all in this proposal and will be detrimental to all traffic through the Town can it be removed before any decision is made.
- There are no traffic calming measures along the main road through the proposed estate as this will encourage speeding and anti-social behaviour.
- Empress Way – only one access to the proposed development site for 190 dwellings, if this road was compromised due to accident/inclement weather emergency vehicles could not

access the site. This is of the highest importance for safety due to poor design of the traffic layout and breaches the Planning Policy Statement PPS3.

- Policy H1.1 states there should be a second egress/exit into Moyne Drive, Granby Gardens this road is also proving dangerous being a long straight stretch with play areas opening onto it. There has already been accidents involving children. Traffic calming measures have been removed due to flooding problems.
- The long sweeping design of the main site road could potentially cause speeding traffic (this already happens on Granby Gardens site) There should be traffic calming measures along this stretch of road.
- Drainage – no provision in the plans for site drainage (this is also a problem on Granby Gardens site) and could lead to flooding.
- Public Rights of Way – under Policy H1.1 there should be retention and enhancement of Ludg1 & Ludg2 footpath, especially over Network Rail property.
- Education – designated land for Primary education to remain until it is required, however there is a more pressing need for Secondary Education in the Ludgershall area.
- Loss of arable land and wildlife habitat.
- No consultation seen from Southern Water/Wessex Water/Veolia Water.
- Additional screening of boundaries on southern and eastern edges of the site are needed due to the site being on a high elevation and to enhance wildlife.
- With the recent weight restrictions in High Street/Castle Street more HGV's are having to use the traffic lights as through traffic and in bad weather could block the only access to The new development for emergency vehicles.
- To keep adding properties in Ludgershall, our infrastructure cannot cope without facilities being added.
- Over-development of the area.
- On Empress Way at the crossing which links the pathway to lady Jane walk, across the railway foot crossing behind the co-op, due to the amount of new traffic it would need a zebra crossing or traffic calming at this point on empress way.

Wiltshire Council Highways – No objection subject to conditions and S106 contribution. Heads of Terms (HoTs) agreed.

Wiltshire Council Archaeology - No objection subject to conditions. It was recommended that a programme of archaeological investigation is carried out in order to excavate and record these remains considered to be of archaeological interest. This is in line with the National Planning Policy Framework.

Wiltshire Council Drainage – No objection subject to the proposed development been subject to the drainage conditions being applied (and their previous comments being addressed within the detail submitted to discharge these conditions).

Wiltshire Council Public Open Spaces – No objection subject to S106 contribution. HoTs agreed.

Wiltshire Council Public Protection Officer – No objection subject to conditions and S106 contribution. HoTs agreed.

Wiltshire Council Air Quality Officer - No objection subject to conditions and S106 contribution. HoTs agreed.

Wiltshire Council Public Rights of Way Officer – No objection subject to condition.

Wiltshire Council Landscape Officer – No objection subject to conditions.

Wiltshire Council Education Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Affordable Homes Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Urban Designer – No objection subject to conditions.

Wiltshire Council Conservation Officer – No objection.

Wiltshire Council Public Arts Officer – No objection , S106 contribution is required. HoTs agreed.

Natural England – No Objection

Natural England notes that Wiltshire Council, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that Wiltshire Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

On 24/06/2022 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) of Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA.

Defence Infrastructure Organisation Head Office – Drainage concerns but addressed by the applicant.

Salisbury and Wilton Swifts – No objection subject to condition.

8. Publicity and Subsequent Representations

The application was advertised by:

- press notice,
- site notice,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

64 letters of objection were received on the amended plans. The application has been the subject of consultation exercises (Statement of Community Involvement 3 August 2020), and the following is a summary of the position reached following these. This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

- 190 houses is overdevelopment;
- Inadequate infrastructure;
- Too much traffic;
- Road safety especially for children;
- Services will not cope;
- Only one entrance and exit;

- Permission refused for previous development on this site;
- Need to divert footpath LUDG2;
- Effects on biodiversity e.g. skylark;
- An access through Granby Gardens will be dangerous;
- Noise pollution;
- Air quality;
- Current construction traffic is disruptive;
- Increase in anti social behaviour;
- Link road not included in plans;
- Loss of amenity e.g. dogwalking;
- More bus services needed;
- Cumulative effects with other developments;
- Effects on parking;
- One access/exit is adequate;
- Will affect house prices;
- Alternative 2nd access/exit to Shoddesdon Road; and
- Climate change effects.

- **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.

Principle

The site is positioned to the south-east of the Ludgershall settlement boundary. The entirety of the site is associated with Policy H1.1 of the Wiltshire Housing Sites Allocation Plan (WHSAP) adopted February 2020, albeit land to the north-west of the allocation has Outline and Reserved Matters permission for housing development, and as such the Full application relates to the remainder of the allocation boundary, as outlined by the Policies Map.

Allocation H1.1 provides in principle support for the development of up to 270 homes at Empress Way, south-east Ludgershall. The allocation asks that development, including land permitted and land associated with this application, comprises:

- approximately 270 dwellings;
- vehicular access from Empress Way and Simonds Road/Moyne Drive, via the Granby Gardens development site, together with a connecting highways link between the two points of access;
- 1.8ha of land reserved for a two form entry primary school in the south eastern corner of the site; and
- improvements to cycling and walking routes through the site to link into the existing network, including the retention and enhancement of public rights of way LUDG1 and LUDG2.

Policy H1.1 sets out requirements for development, which are necessary for ensuring that the proposal is acceptable. These are:

- a planning obligation to safeguard land for a primary school for an agreed period of time;
- a transport assessment that will determine the trigger point for the delivery of the access via Simonds Road/Moyne Drive and inform detailed measures to mitigate impacts on the local road network;

- a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site;
- layout and design of the development will be expected to take particular care to ensure that a suitable boundary with the open countryside is provided; and
- layout of the development will be informed by an odour assessment, to be undertaken in consultation with Southern Water to ensure a satisfactory living environment will be created.

Wiltshire Council specialists have determined whether the proposed development sufficiently meets these requirements relating to education, transport, flood risk, design and public protection. Matters directly relating to the location, proposed land use and scale of development are considered below.

The site is situated south-east of Ludgershall Market Town, as defined by Core Policy 1 of the Wiltshire Core Strategy adopted January 2015. Ludgershall is considered alongside Tidworth to have the ability to support sustainable patterns of living through the current levels of facilities, services and employment opportunities, as described by Core Policy 1. There is the potential for significant development at Market Towns to increase the number of jobs and homes to sustain and enhance services and facilities and promote self-containment.

Core Policy 2 Delivery Strategy of the Wiltshire Core Strategy provides that unless identified by policies of the Plan, development will not be permitted outside of the limits of development (settlement boundary). It also sets out that subsequent Site Allocations DPDs will identify sites for development in line with the Area Strategies. This relates to Core Policy 26: Tidworth Community Area with regards to the application proposal.

The Wiltshire Housing Sites Allocation Plan (WHSAP) identifies land at Ludgershall for housing development to support the role of settlements in the East Wiltshire HMA, to ensure supply, improve choice and competition in the market for land. Policy H1.1 allocates land at Empress Way for development and in hand identifies it as a sustainable location for growth in line with Core Policy 26 of the WCS.

In line with the above the allocation identifies this land for the development of housing in order to support the delivery of the Core Policy 26 Tidworth Community Area Strategy and the Wiltshire Core Strategy as a whole.

Additionally, land for a school has been identified in order to support a growing population in this location. This land should be secured as part of the requirements of Policy H1.1 to meet primary education needs in this area based on an assessment of future need. This should be retained for a defined period, as agreed with the Wiltshire Council Education Department and in the event that it is not required within the defined period, the land should revert to agricultural use.

The application proposes the development of 190 homes, in addition to the 80 homes permitted by the Reserved Matters application (18/04346/REM) to the north-west of the site. The WHSAP anticipated that an additional 160 homes would come forward in the remainder of the site and these would be in addition to the 109 homes permitted by the previous Outline application (E/2012/0234/OUT). In both circumstances, the number of homes to be delivered by the site as a whole is equal to or less than 270 homes and accords with Policy H1.1 and paragraph 5.16 of the WHSAP.

Policy H1.1 Empress Way of the Wiltshire Housing Sites Allocation Plan provides support for the proposed development in principle. The proposed development generally conforms with the allocation and Wiltshire Council colleagues have provided specialist input into whether the proposal has sufficiently met the elements and requirements of the policy which relate to specific matters such as transport, education and design.

9.2 Impact upon the character and appearance of the area and wider landscape

Core Policy 51 states that:

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. This advice is echoed in paragraph 174 of the NPPF.

Core Policy 57 states that:

New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.

There are no national or local landscape designations across this site and this site has never been designated as Green Belt. A Landscape and Visual Impact Assessment, a Landscape and Environment Mitigation Plan and an Arboricultural Impact Assessment have been submitted with the application.

It is accepted that approval of this application would change the character and appearance of the area as it is currently greenfield land which will be lost and replaced with dwellings and associated landscaping. However, as the land is designated for this purpose in the WHSAP this cannot amount to a sustainable reason to object. And in any event, the proposal incorporates landscaping and open spaces which will enable the development to blend satisfactorily into the landscape without causing harm to the wider landscape and amenity in general.

The Council's Landscape Officers have made no objection to the proposal subject to conditions and it is therefore considered that the proposal would not result in a detrimental impact upon the local area in this regard.

9.3 Drainage and Flooding

Core Policy 67 seeks to ensure all new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental factors make these measures unsuitable. The NPPF at paragraph 167 requires all major development to incorporate SUDS unless there is clear evidence this would be inappropriate. The advice also requires advice from the LLFA to be taken into account and should have minimum operational standards and maintenance and where possible have multifunctional benefits.

The sites allocation plan states:

A Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.

The application has been submitted with a Flood Risk Assessment & Drainage Strategy and it confirms that the site lies within Flood Zone 1 (least likely to flood).

The entirety of the site is confirmed to be within Flood Zone 1, and at low risk of flooding from all other potential sources assessed. The use of the site for residential use is concluded to meet the requirements of the Sequential and Exception Tests.

Whilst no significant flood risks have been identified, in order to afford the site additional protection from any potential 'residual' flood risks, finished floor levels will be set a minimum 150mm above adjacent infrastructure thoroughfare levels. The current site layout with proposed highway and buildings shown has also been designed to create a preferential overland flow route through the site.

The proposed scheme will not result in a loss of floodplain storage or redirect any surface water overland flows onto adjacent land / properties.

Preliminary surface and foul water drainage strategies have been prepared which demonstrate that the site can be satisfactorily drained without detrimental effects to third party land. The system is based around infiltration so they will be dry basins & swales which will fill up to varying depths during different storm events.

Wiltshire Council Drainage has no objection, subject to conditions and believes the revised Drainage Strategy (Rev P04) has significantly addressed the drainage team's previous concerns, and has indicated how the site is at low risk of groundwater flooding, and has shown how infiltration-based drainage in accordance with Wiltshire Council's Soakaway Guidance can be utilised on the site.

Subject to conditions it is not considered there is conflict with Core Policy 67 or guidance within the NPPF.

9.4 Biodiversity

CP50 states that:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 of Wiltshire Core Strategy where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.

The following documents have been submitted and reviewed by Wiltshire Councils ecologist alongside plans and drawings:

- Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022).
- Landscape Proposals – Overview (sheet 1 of 9). Drawing ACLA/BLG 100 A/.
- Biodiversity Metric 3.0 (Biodiversity Net Gain Calculations).

The amended report (Lyndsay Carrington Ecological Services, March 2022) satisfactorily addresses concerns previously raised in relation to the assessment of impacts on bats, great crested newts, reptiles and birds.

Lapwing and Skylark –

To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species.

As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement.

Biodiversity enhancement and net gain –

The submitted BNG calculation predicts on-site net gain in 60.05% habitat units and 140.06% hedgerow units. These gains are based on the landscaping plan shown in Appendix XII of the Ecological Appraisal and Phase 2 Surveys prepared by Lyndsay Carrington Ecological Services (May 2022).

The achievement of these gains will depend on the successful completion of these features and their subsequent biodiversity led management. A Landscape and Ecological Management Plan is conditioned to demonstrate that the predicted net gains will be provided.

Lighting –

Features are being retained to mitigate and enhance the site for foraging and commuting bats including Annex II species.

In order to ensure these features are suitable for use by foraging and commuting bats a lighting strategy demonstrating no negative impact on bat flight paths has been conditioned.

Habitat Regulations Assessments –

Salisbury Plain SPA

This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In July 2021 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. Appropriate assessment of the proposal has been carried out and reached a conclusion of no likely significant effect on the conservation objectives of the SPA, after mitigation.

It is not considered there is conflict with Core Policy 50 and BNG requirements.

9.5 Nutrient Neutrality

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA

–

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent (Figure 3). This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour

SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020). Nutrients are generated by the new people in the housing (nutrients enter the water environment via wastewater discharges), and from their activities and pets. Nutrients can move to designated sites by streams, rivers or through the groundwater.

Accordingly, the Local Planning Authority considers this proposal, in combination with other developments, is likely to lead to significant effects on the European Sites and this is considered within the Appropriate Assessment (AA).

Nitrogen burden –

In line with Natural England's Advice on Nutrient Neutrality¹ a calculation of the nitrogen burdens has been completed by the applicant for the proposal and approved by Wiltshire Council. This has confirmed that a nitrogen burden of 332.74 kg/N/yr will result and mitigation is required to ensure there are no adverse effects on the integrity of the Solent protected sites.

Mitigation scheme –

Natural England has advised that permanent land use change by converting agricultural land with higher nitrogen loading to alternative uses with lower nitrogen loading, such as for local communities and wildlife is one way of neutralising nutrient burdens from development.

A Council led strategic mitigation scheme is available to help development in Wiltshire achieve nitrogen neutrality. In 2021 the Council permanently removed an intensively managed (~120 hectare) dairy farm (a high nitrogen input use) on Council land located at Roundbarrow Farm near Pitton, east of Salisbury and will convert the land to a (low nitrogen input) nature reserve (Figure 3). The proposal for the long term management of the land is to restore the land to chalk grassland, lowland meadow with some areas of natural regeneration and woodland planting for ecological connectivity. This approach has been discussed with Natural England.

The farm is within the River Test catchment, near a tributary of the River Dunn which drains into the River Test (Figure 3). A hydrogeological assessment² has been undertaken of the farmland to assess its suitability as mitigation for development in Wiltshire.

Natural England's Nitrogen Neutrality advice includes evidence of nitrogen leaching rate for dairy farms within the Solent catchment at 36.2 kg/N/ha. Nature Reserves have a nitrogen leaching rate of 5 kg/N/yr. The applicant has agreed to use the Council led scheme to achieve nitrogen neutrality. Table 2 shows the area of mitigation land required for this proposal.

¹ New Nutrient Neutrality advice was released from Natural England in March 2022. This is available here - [Phosphorus and nitrogen mitigation - Wiltshire Council](#)

² Nutrient neutrality – Hydrological Appraisal for a site at Pitton in Wiltshire, H2Ogeo, Jan 2022 (20210615P1)

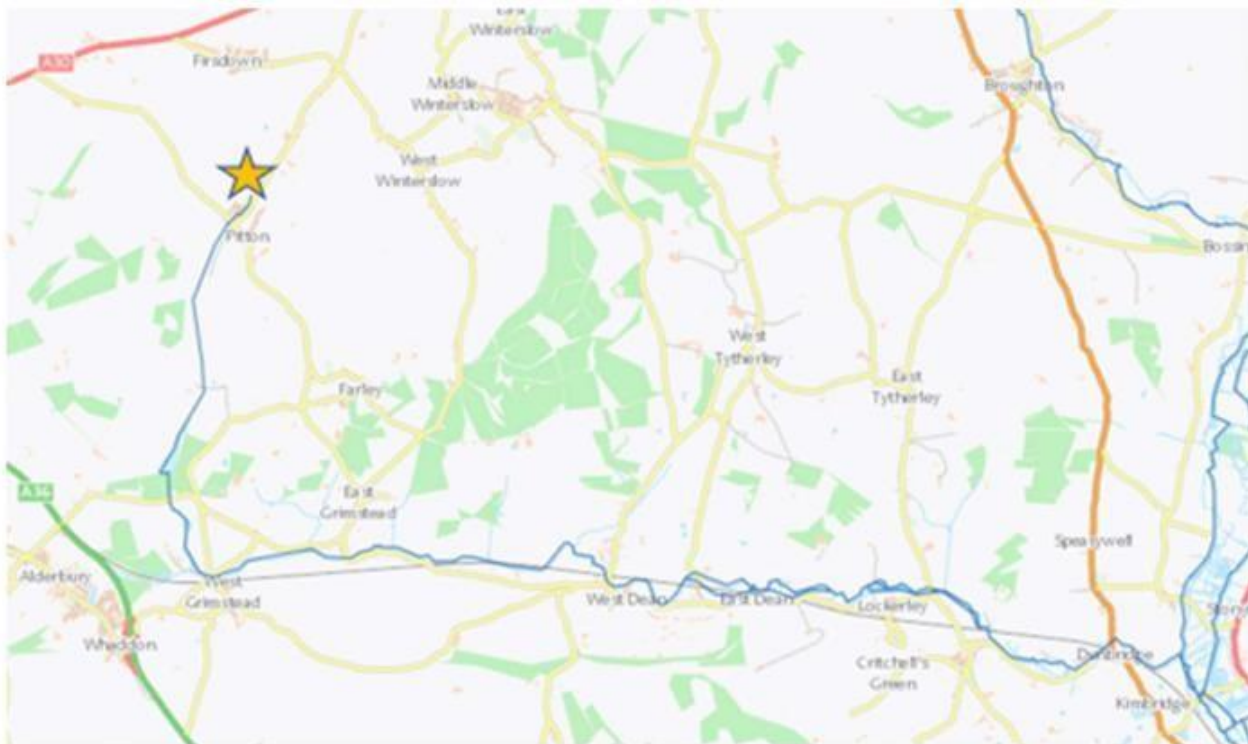
Nitrogen budget (kg/N/yr)	Area of mitigation land required (ha)
332.74	10.3

Table 2 – Mitigation area required

The mitigation site has capacity for both existing planned developments and anticipated local plan growth in the River Test catchment. Wiltshire Council will maintain up-to-date records and tracking of the developments that are using the scheme.

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality. This is secured by Section 106 agreements at time of permission with contributions secured prior to commencement. Securing contributions in this way enables the Council as local planning authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) (as amended) and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (“WCS”).

It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. There will be no in combination effects with other developments, therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of the development.



9.6 Archaeology

The entirety of the proposed development site has been previously archaeologically evaluated. A portion of the site, the North-East corner (Figure 2), has been identified as archaeologically sensitive. The remains suggest that there may be settlement activity within this part of the site. It is therefore considered that a programme of archaeological works, in the form of an archaeological excavation (strip, map, sample and record), is carried out in advance of any construction activity within the area defined by the Northern edge of the site boundary and an East-West line drawn along the Northern end of trench 8 (T8), to include T9, T7, T6 and T5, as

shown on the submitted Archaeological Evaluation Report No: R12655. This is in line with the previous recommendations made by this department.

The County Archaeologist therefore recommends that a programme of archaeological investigation is carried out in order to excavate and record these remains which are considered to be of archaeological interest. This has been requested via appropriate conditions. This is in line with the National Planning Policy Framework.

The proposal is therefore considered to comply with CP58 of the WCS.

9.7 Impact upon neighbouring amenity

Air Quality is of significance in Wiltshire due to development pressures and prevailing concerns. The adopted Wiltshire Council Air Quality Strategy commits to “*securing air quality objectives in the eight Air Quality Management Areas (AQMA’s)*” and “*maintaining good air quality across the county*” and as such air quality needs to be protected across the county where development adds internal combustion engine vehicles using its road network. In view of this an Air Quality Assessment is required that demonstrates what the additive impact of the development site is likely to be within Ludgershall. This will be secured via a condition and s106 contribution.

The Public Protection Team has no significant concerns with the proposals subject to the above and also the following conditions to minimise disturbance to neighbouring residents during construction stages;

- No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

9.8 Highway Impact

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the stated ways of achieving this is by planning developments in suitable locations.

Paragraph 111 of the NPPF states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Inspector for the sites allocation policy document confirmed that with appropriate mitigation there was no clear evidence to suggest that the cumulative impact of these allocations along with other growth planned for the areas, would be severe in relation to highways, local services, facilities or biodiversity. This opinion is echoed by the Councils Highways Officer when assessing this application.

The Councils Sustainable Transport officers have reviewed the Transport Addendum, Infrastructure Statement, Draft S106 HoT's, and various revised plans from March 2022, and provide highway comments as follows:

Traffic impacts –

A3026 / Astor Crescent Junction

The Transport Assessment Addendum dated 23rd March 2022 is thorough, detailed and helpful. A full review of the original traffic models / assumptions has been carried out and the modelling refined. Drummond Park has now been fully included in the assessments as a committed development.

Using a 2026 base, Table 2.1 demonstrates that the existing A3026 / Astor Crescent junction can accommodate the traffic impacts of the junction if there is some further optimisation of signal timings.

The Lin Sig model of the existing junction has been refined and reviewed. This refinement includes possible future reduction in inter-green times but still within the minimum inter-green times as in the Traffic Signs manual. This review confirms that the existing junction can operate within capacity in 2026 with the development, committed developments, and with adjustments to inter-green times.

Table 2.3 provides the junction capacity results after the introduction of full MOVA optimisation. The results show as expected that the introduction of MOVA improves the operation of the junction enabling shorter cycle times, reduced queue lengths, and improved user experience.

Second access to Simonds Road/Moyne Drive –

The Highways Officer considers that a second access to the site from Simonds Road to be important for accessibility, avoidance of an effective cul-de-sac serving over 500 dwellings, active travel reasons, and to comply with policy H1.1. However, Table 2.6 shows that the second access would, in fact, have negligible impact on the capacity of the A3026 / Simonds road junction. The operation of A3026 / Astor Crescent will be improved in any event as a consequence of the measures referred to above.

The Highways Officer still considers the second access to be necessary, but to assist its achievement is prepared to accept a late trigger as the capacity assessments have demonstrated that this is appropriate (Figures 4 & 5). As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement³.

³ Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by Wiltshire Council.

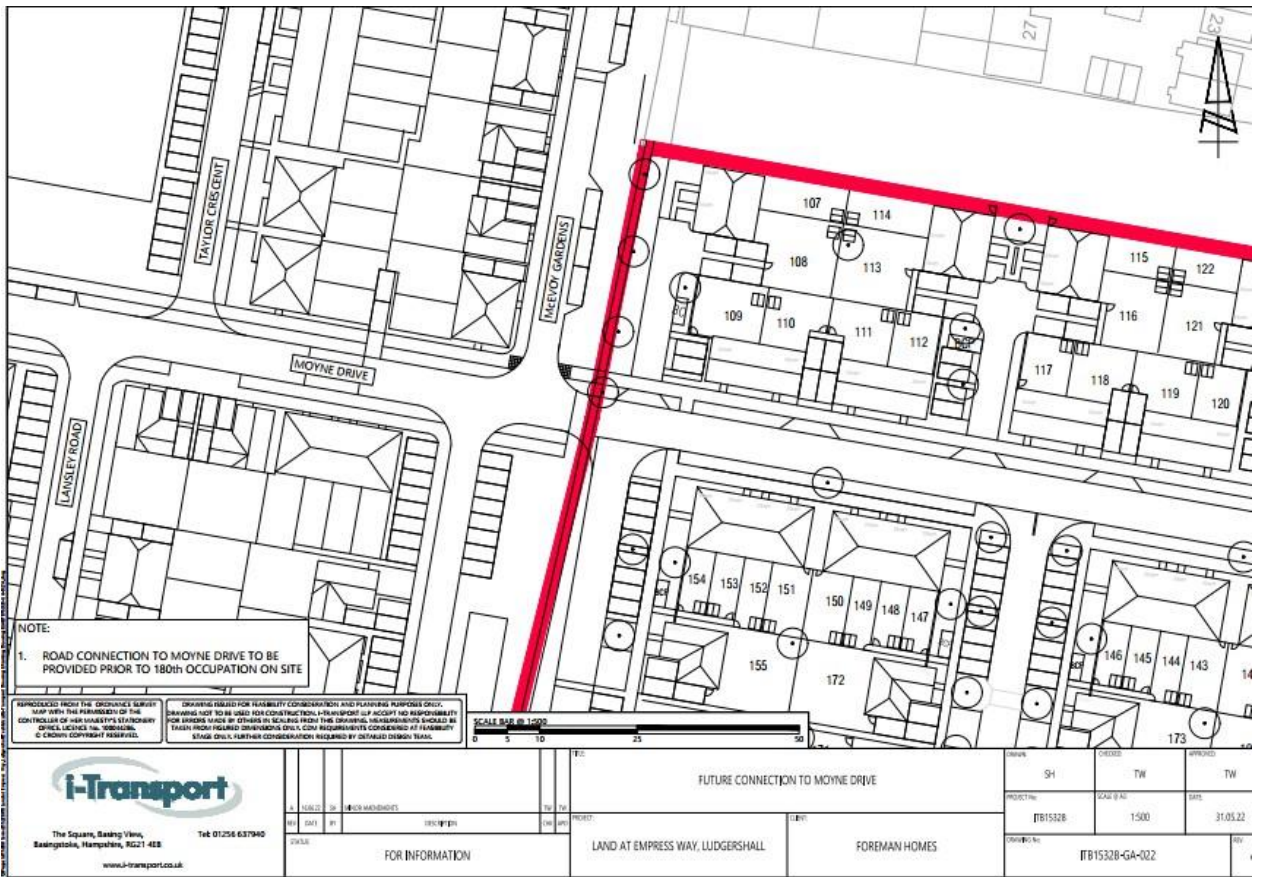


Figure 4 & 3 - 2nd Access

War Memorial Junction –

The previous assessments in the TA have shown that the development will have some impact on the forecast capacity issues at this junction. The significant issues are in the evening peak hour and on the A342 Andover Road approach where queuing will eventually be lengthy. Other Ludgershall developments have contributed to a potential signalisation scheme to address the capacity constraint, and it is equitable that this development makes a proportionate time limited contribution.

Recommended obligations –

- The introduction of MOVA signal optimisation and improved inter-green and cycle times at the A3026 / Astor Crescent traffic signalled junction prior to occupation of the 100th dwelling.
- A financial contribution proportionate to the Empress Way Phase 1 development 13/0234 (£52,145 /109 x 190) of £90,820 time limited and index linked, for the alleviation of congestion within Ludgershall.
- The putting forward of the Empress Way extension for adoption as public highway by means of a Highways Act 1980 Section 38 Agreement.
- 2nd access via Simonds Road. Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by WC.

Public Right of Way (PRoW) –

A public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed or a diversion order must be achieved to divert the footpath to an unobstructed route.

All the detailed highway matters regarding this application can be controlled by suitably worded conditions.

9.9 Other Matters

SECTION 106 –

WCS Core Policy 3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising from the proposal.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework 'The Framework'. These tests are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The sites allocation plan also confirms that appropriate contributions would be likely to be sought to help fund an increase in capacity at local schools at the town in accordance with Core Policies of the Wiltshire Core Strategy.

The developer has agreed to the following Section 106 requirements:

Affordable Housing -

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 30% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 30% Affordable Housing Zone. There is therefore a requirement to provide 57 affordable units within a scheme of 190 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in Ludgershall where there demand for both affordable rented and shared ownership housing.

To meet need, the affordable housing units should be provided with a tenure mix of 60% of the units (34 units) being for Affordable Rented housing, and 40% of the units (23 units) being provided for shared ownership.

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. There is currently a need for all sizes of affordable accommodation in Ludgershall. 30% of all dwellings on-site (57) shall be affordable housing to be provided at Nil Subsidy.

- i. 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
- ii. 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
- iii. Tenure to be as defined in the planning obligation, or otherwise agreed in writing.

Housing Mix: An indicative mix which would reflect current need would be:

Affordable Rented (34 units):

10 x 1 bed / 2 person flat
2 x 2 bed / 3 person flat
15x 2 bed / 4 person house;
6 x 3 bed / min 5 person house;
1 x 4 bed / min 6 person house.

Shared Ownership (23):

15 x 2 bed / 4 person house;
8 x 3 bed / min 5 person house

- iv. Location of the affordable homes to be as defined on the Affordable Housing Plan, or otherwise agreed in writing.
- v. To enter into contracts to transfer the affordable housing to Registered Provider(s) in accordance with timetable to be agreed.
- vi. Mortgagee exclusion of liability clause.
- vii. Nomination rights.

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council on a nil subsidy basis.

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

The proposed units have been considered acceptable by the Councils Housing Officer.

Education –

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities. The Inspector when

assessing the site for the site allocations policy document confirmed that a new primary school was no longer necessary and the additional school places could be achieved in other ways via appropriate contributions being made in line with WCS policies.

- Primary School Land

Means a freehold interest in 1.8 hectares of the Land (or such lesser area up to 1.8 hectares as required by the Council) in the location shown on the drawing Nos. 19.096.02 and ACLA/BLG 01 to be transferred to the Council free from encumbrances, if the Council serves a Primary School Land Notice.

- Primary School Land Notice

Means a notice to be served by the Council on the Owner no later than 25 (twenty-five) years from the date of the Planning Permission stating that the Council requires the transfer to it of the Primary School Land

- Early Years

To pay the Council the Early Years Contribution of £385,484 (subject to indexation⁴) 50% prior to the commencement of construction and the remaining on 50% occupation.

Waste –

A contribution of £91 per dwelling would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development. The total sum for the 190 dwellings would therefore result in £17,290.00.

Air Quality –

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and a submitted report identifies that the proposal would have a slight impact upon the air quality at local receptors and as such a financial contributions towards Air Quality Action Planning projects is required which would result in a total contribution of £10,000.00.

Leisure and Play –

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space.

The requirement for this development has been calculated using the latest Sport England Guidance and is as follows:

- To pay the Council the Sports Contribution of £77,976 prior to the commencement of construction.
- To provide a Play Area (LEAP) of at least 1,008.80sqm in line with programme for Development
 - i. The LEAP is identified on Drawing No.ACLA/BLG 109A
 - ii. To provide the LEAP in accordance with the specification on Drawing No.ACLA/BLG 109A to be appended to Agreement prior to the 100th house Occupation
 - iii. Management company provisions

⁴ BCIS all in tender price

- Covenant to not use the LEAP (or any relevant part) or allow or suffer it (or any relevant part) to be used at any time other than LEAP

Public Art –

CP57 requires developments to integrate art and design into the public realm. CP3 promotes art as a type of place shaping infrastructure. Both the PPG and the NPPF state that public art can play an important role in making interesting and exciting places that people can enjoy using whilst it is also listed within the Planning Obligations SPD:

- A sum of £300 per residential unit to be used for the purpose of preparing and implementing the Public Art scheme on the Land.
- To not occupy any residential units until the Public Art Scheme has been approved in writing by the Council.

Highways & Public Right of Way –

CP63 ensures that packages of transport measures will be identified to help facilitate sustainable development growth through improved network routes, enhanced public transport, traffic management measures, road improvements, which will be supported and implemented through developer contributions. The contributions considered necessary for this development are as follows:

- i. To pay the Council the Transport Contribution of £90,820 time limited and index linked, for the alleviation of congestion within Ludgershall, prior to the commencement of construction.
- ii. The introduction of MOVA signal optimisation and improved intergreen and cycle times at the A3026 / Astor Crescent traffic signalled junction prior to occupation of the 100th dwelling.
- iii. The putting forward of the Empress Way extension for adoption as public highway by means of a Highways Act 1980 Section 38 Agreement.
- iv. 2nd access via Simonds Road. Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by WC.

Biodiversity –

The proposed enhancements will only be successful if they are supported by effective long-term management. This is especially important for the success of the proposed off site mitigation.

This will form the basis of a detailed management plan for this part of the site, and part of the wider Landscape and Ecological Management Plan that would be updated for any condition discharge application.

Management would be required to continue in line with the requirements of the biodiversity net gain good practice guidance and the requirements of the legislation relating to biodiversity net gain as set out in *The Environment Act 2021*. The Environmental Act received Royal Assent in November 2021, meaning that the expectation for all planning permissions to include a biodiversity net gain of at least 10% will become a legal requirement.

The Environmental Act 2021 includes provision for biodiversity net gain to be applied to every planning permission. Schedule 14 of the draft Environment Bill sets out amendments to the Town and Country Planning Act 1990 for the inclusion of biodiversity net gain as follows:

“Biodiversity gain objective

- (1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.*
- (2) The biodiversity value attributable to the development is the total of—*
- (a) the post-development biodiversity value of the onsite habitat,*
- (b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and*
- (c) the biodiversity value of any biodiversity credits purchased for the development.*
- (3) The relevant percentage is 10%.”*

The implementation and success of these interventions would be monitored annually, with a review every five years.

The Owner covenants with the Council in the draft s106 to:

- i. To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species.
- ii. The land is shown on Appendix X of the submitted Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) and managed according to a 'Ground nesting birds lapwing and skylark mitigation strategy' based on the management recommended in Section 5.7.2 of the same report.

Nutrient Neutrality –

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality. This is secured by Section 106 agreements at time of permission with contributions secured prior to commencement. Securing contributions in this way enables the Council as local planning authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) (as amended) and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (“WCS”).

It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. There will be no in combination effects with other developments, therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of the development.

The Owner covenants with the Council in the draft s106:

- To pay a Nitrate Neutrality Contribution of £831,850⁵ prior to the commencement of construction.

4. Conclusion (The Planning Balance)

The site subject of this application is an allocated site known as H1.1 in the Wiltshire site allocations policy document and this application is to determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF.

The benefits of development include:

- the boost to the supply of land for housing; and
- the provision of affordable housing

⁵ £2500 kg/N at 332.74kg/N/year + plus legal and administration costs

both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H1.1.

In addition, the proposals result in some economic benefits through construction and the additional spending of the new population supporting services and facilities in the locality and these can be afforded neutral weight.

It is considered that the proposal in principle would not cause a detrimental impact upon the neighbourhood amenity of existing or future occupiers subject to relevant conditions.

The potential harm arising from the proposals arise from effects on:

- **Character and Appearance -**
The Council's Landscape Officers have made no objections to the proposal and it is therefore considered that the proposal would not result in a detrimental impact upon the local area. It is accepted that approval of this application would change the character and appearance of the area as it is currently greenfield land which will be lost and replaced with dwellings and associated landscaping. However, the site is allocated for future housing and as such the identified impact upon the immediate area is considered not to warrant a reason to refuse the application. Any negative impacts can be mitigated as far as possible through conditions for sensitive design and landscape measures. This is considered to be harm that carries limited weight in the planning balance.
- **Drainage and Flooding -**
The Council's Drainage Team and Southern Water in their response have confirmed that the level of detail provided as part of this application proves that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk and therefore support the application in principle. This is considered to be harm that carries limited weight in the planning balance.
- **Biodiversity -**
This is considered to be harm that carries limited weight in the planning balance, not least in view of the mitigation measures that are proposed.
- **Nutrient Neutrality -**
This is considered to be harm that carries neutral weight in the planning balance in view of the mitigation measures.
- **Archaeology -**
A programme of archaeological investigation is to be carried out in order to excavate and record those remains which are considered to be of archaeological interest. This has been requested via an appropriate condition. This is considered to be harm that carries moderate weight in the planning balance.
- **Neighbouring Amenity -**
The Council's Public Protection Officers have made no objection to the proposal subject to conditions and it is therefore considered that the proposal would not result in a detrimental impact upon amenity the local area.

This is considered to be harm that carries limited weight in the planning balance.
- **Highways -**
The highways officer has confirmed that there will still be some network detriment as set out in the Network Modelling section discussed above. All the detailed highway matters regarding this application can be controlled by suitably worded conditions and obligations.

This is considered to be harm that carries moderate weight in the planning balance.

OVERALL BALANCE

On balance, it is considered that the adverse impacts identified do not substantially and demonstrably outweigh the benefits that the development would provide. Therefore, in accordance with the provision of paras 11 and 12 of the framework permission is recommended.

RECOMMENDATION

That subject to the completion of a Section 106 covering the matters set out below and in this report, the Head of Development Management be given delegated authority to then grant planning permission, subject to the conditions listed below.

Planning Policy Framework. Draft Section 106 Heads of Terms legal agreement (July 2022) to secure the following:

- Air Quality monitoring - £10,000
- Waste & Recycling Facilities – £17,290
- Highways and Transport - £90,820
- 2nd Access
- Public Art - £57,000
- Sports -£77,976
- Early Years / Nursery education provision - £385,484
- Nutrient Neutrality - £831,850
- Affordable Housing Provisions:-
 - 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
 - 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
 - Tenure to be as defined in the planning obligation, or otherwise agreed in writing.

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 listed in Procedures for maintaining good public relations including complaint management, public consultation and liaison schedule [INSERT name or number & date of schedule of plans]

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

3. No development shall commence until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to

Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routing details

No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

4. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 3rd March 2022, Reference 15675-HYD-XX-XX-RP-D-5001.

Prior to commencement of development the following additional drainage information shall be submitted to the local planning authority for approval in writing –

- calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving groundwater. This can be undertaken based on the Simple Index Methodology outlined within the CIRIA SuDS Manual.
- revised hydraulic modelling calculations setting the MADD value to 0m³/ha in order to ensure that the on-site attenuation storage is not overestimated. If the applicant believes that a value of 20m³/ha is appropriate, quantitative justification should be provided to support this.
- evidence of the applicant's engagement with the Water Company for the adoption of Sustainable Drainage Features.
- plans showing finished floor levels (FFL) and threshold levels set to minimum FFLs at 150mm above adjacent infrastructure thoroughfare levels.

The development shall be carried out in strict accordance with the approved additional drainage information.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

DRAINAGE INFORMATIVES:

1. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at HighwaysDevelopment@wiltshire.gov.uk

2. The applicant should note that new Sewerage Sector Guidance (published 1st April 2020) enables Water Companies to adopt SuDS features as part of the surface water drainage network.
 3. If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Southern Water, prior to the submission of any drainage scheme details to the local planning authority, to ensure compliance under the new adoption codes and to formally commence the adoption process.
 4. Applicants should contact Southern Water for further information/ discussion. The Lead Local Flood Authority will support any applications brought forward through the Southern Water adoption process.
 5. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
 6. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
 7. Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).
 8. There are private soakaways proposed in the boundaries of properties. Homeowners will need to be made aware of their maintenance responsibilities and this should be written into the deeds of the properties
 9. It is noted that if surface water drainage will be offered for adoption by Wiltshire Council and the Water Company; the applicant will need to apply for adoption of these assets separately to this planning application.
 10. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.
5. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer and any improvements required to off-site sewerage treatment works (and any related programme for delivery) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;

- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc.);

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, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. 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.

8. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan will align with recommendations in Section 5 and Appendix IX of the submitted Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022) and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles and bats.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors 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.

9. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will align with recommendations in Sections 5.3, 5.8 and 5.9 and Appendices XII and IX of the submitted

Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022). It will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

10. Prior to construction commencing details of existing and proposed new lighting shall be submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate that a level of 0.5Lux or less can be achieved at the edges of sensitive habitat features as defined in Section 4.2.2 and displayed on Appendix VII of the Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) including, but not exclusively; H2 along the northern boundary, H1 along the south western boundary, retained woodland shelter belts and new planting at the eastern and southern boundaries.

REASON: To avoid illumination of habitat used by bats.

11. Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and integral swift bricks within buildings. The agreed Plan shall show the specification of the swift bricks and bat roosting features to be provided on a minimum of 20% of the new dwellings (approximately 38) and where they will be located, together with a timetable for implementation.

Reason: to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

12. Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

13. No development shall commence within the red line boundary of application 20/06554/FUL until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest. This is in accordance with Paragraph 205 of the NPPF, which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance

and the impact, and to make this evidence (and any archive generated) publicly accessible’.

The programme of archaeological work should provide for the investigation in advance of the commencement of development of an area in the north-east of the application area where exploratory geophysical survey and archaeological investigation identified evidence for Roman settlement. This should be followed by a programme of assessment, analysis, reporting, publication, and archiving commensurate with the significance of the results to achieve the public benefit of the exercise.

14. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency’s “Model Procedures for the Management of Land Contamination CLR11” and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

15. Prior to the commencement of development the applicant shall undertake an Air Quality Assessment (AQA) or Screening Assessment, to be approved in writing by the Local Planning Authority prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any recommended measures to effectively mitigate emissions shall be implemented in accordance with the AQA.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

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

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

17. Within 6 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

18. Prior to first occupation of any dwelling hereby permitted the access from the development to the extension of Empress Way shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 90 metres to the west. The visibility so provided shall thereafter be maintained.

REASON: In the interests of safe and convenient access.

19. Prior to first occupation of any dwelling hereby permitted the extension of Empress Way including its verges and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been provided to base course level and lit by street lighting.

REASON: In the interests of safe and convenient access.

20. Prior to first occupation of the 160th dwelling hereby permitted the extension of Empress Way including its carriageway and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been surfaced in tarmacadam wearing course.

REASON: In the interests of ensuring that the access road is properly completed.

HIGHWAYS INFORMATIVES:

Public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed, except where temporary closures or diversions are required to construct the second point of access, or a diversion order must be achieved to divert the footpath to an unobstructed route. The legal line of the PROW route must be kept open at all times, except where temporary closures or diversions are required to construct the second point of access. The definitive (legal) width of the route is 1m but a corridor of at least 2m must be kept open at all times, except in the above circumstance.

21. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development will be nutrient neutral.

Background Documents Used in the Preparation of this Report:

Application Submissions

Wiltshire Core Strategy

NPPF 2021

HLS Statement 2019

Draft S106 Agreement HoTs