

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	22 nd February 2024
Application Number	PL/2021/11719
Site Address	Former Marlborough Resource Centre, Cherry Orchard, Marlborough, SN8 4AR
Proposal	Erection of 24 dwellings (10 affordable and 14 market dwellings) and associated works and widening of the public right of way along the eastern site boundary
Applicant	Stone Circle Development Company
Town/Parish Council	Marlborough Town Council
Electoral Division	Marlborough West
Type of application	Full Planning Permission
Case Officer	David Millinship

1. Reason for the application being considered by Committee

The Scheme of Delegation requires this application to be decided by Planning Committee because whilst the applicant (and landowner) is a recognised and separate legal entity, the company is affiliated with Wiltshire Council. As the Council is the shareholder of the company the application is being referred to committee for determination.

2. Purpose of Report

To consider the above application and the recommendation that the application be approved for the reasons detailed below.

3. Report Summary

The main issues to be considered are as follows:

- Whether the development is acceptable in principle (CP1 and CP2)
- Whether the proposal constitutes high quality design and layout (CP57)
- Whether the proposal would have an acceptable landscape impact, including on the National Landscape (NL) (CP51)
- Whether the proposal has suitable regard to the compatibility and impact on neighbouring amenities (CP57)
- Whether there are suitable highways, rights of way, access arrangements and sufficient parking (CP61 and CP64)
- Whether the proposals demonstrate suitable protection for features of nature conservation and biodiversity (CP50)

- Whether the site can be adequately drained and suitably protect the Source Protection Zone (CP67 and CP68)
- Whether the suitable mitigation measures in relation to ground conditions and pipeline easement have been demonstrated (CP56)
- Whether suitable development contributions can be secured - waste, public open space/play, education, affordable housing, off-site biodiversity net gain
- Whether there are any other planning considerations associated with the development

The application generated a letter raising no objection from Marlborough Town Council (subject to comments), 25 letters of objection from members of the public and 7 letters raising comments.

4. Site Description

The application site falls within the defined settlement boundary of Marlborough, defined as a 'Market Town' for the purposes of the adopted Wiltshire Core Strategy (WCS). The site has been allocated for development within the Marlborough Neighbourhood Plan, made in March 2023.

The application site comprises a 0.9ha brownfield site, previously the site of the Wyvern Unit Adult Training centre (closed in 2009) and the Marlborough Resource Centre. The buildings associated with these uses have since been demolished and the site is currently vacant.

The site is situated south of Marlborough town centre, in an area where land levels fall steeply away from north to south. The site is of a largely linear form, running northeast-southwest along the levelled ground of the former railway line that previously ran through the site. On higher ground to the north, the boundary of the site adjoins the rear private gardens of residential dwellings on Upper Churchfields, Cherry Orchard and Orchard Road alongside St John's Academy (secondary school). A mature belt of trees runs along this northern boundary embankment of the site. To the west are the grounds of St John's School. To the southern boundary of the site, a tree belt embankment drops away to the recent 'Land West of Salisbury Road' development; a strategic site allocated within the Wiltshire Core Strategy (WCS), approved under application ref. 15/02026/OUT in 2016, for up to 175 dwellings.

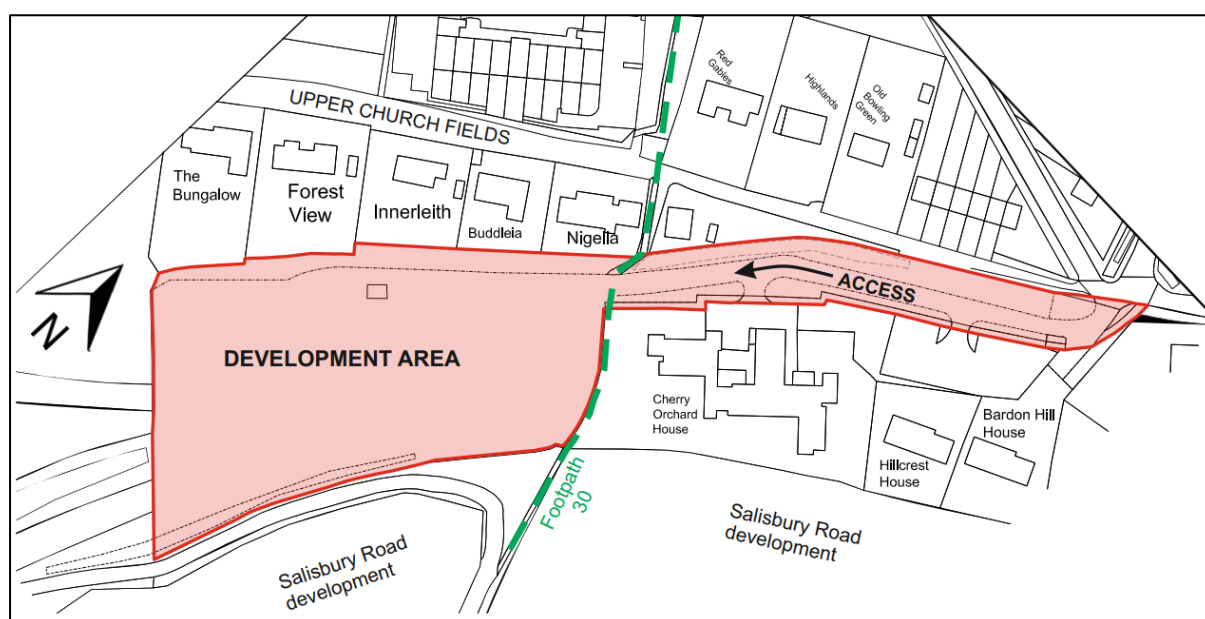
The main vehicular access into the application site is via an existing driveway from Cherry Orchard from the east, that passes by the apartments of Cherry Orchard House. There is an existing public right of way footpath (Marl30) that runs north to south along the eastern boundary of the site, which will be improved and widened as part of these proposals.

The site lies within the North Wessex Downs National Landscape (NL). It is not within a conservation area and there are no heritage assets in close proximity. The site itself is not designated for ecology purposes, however, the edge of Savernake Forest SSSI lies approximately 300m to the southeast of the site. The disused railway tunnel adjacent to the southwestern boundary of the site is on Natural England's list for future SSSI designation given its use by protected bat species and is also designated as a UK Biodiversity Action Plan (BAP) priority habitat (deciduous woodland).

The site is within Flood Zone 1, at the lowest risk of flooding, with the southern area of the site falling partially within an Environment Agency (EA) designated inner source protection zone (SPZ1).

There is a section of underground oil pipeline (operated by Exolum/Fisher German) running east-west across the southwestern corner of the site. According to the submission, the precise location of the pipeline has been surveyed and the proposed layout has taken account of the easement strips either side of the pipeline whereby no development can take place without specific permission.

There is an existing electricity sub-station remaining on the site in poor condition which would need replacing as part of the new development.



Site Location Plan

5. Planning History

- Pre-application advice was previously sought (ref. 21/00939/PREAPP) prior to this application in 2012.
- The former disused resource centre building was demolished under a prior approval notification consented in 2019.

Application history:

- 19/03953/DEM - Demolition details - Approved 16/05/2019
- 19/05564/DEM - Prior notification of demolition - Approved 16/05/2019
- K/76/0173 - Extension to adult training centre- Approved 29/04/1976

- K/34822 - Construction of single storey building to accommodate additional classrooms and staff facilities, together with extension to existing car park- Approved 21/11/1997
- K/35881- Construction of a timber clad modular building and revision to parking layout- Approved K/35881

6. The Proposal

Full planning permission is sought for 24no. x two storey dwellings along with associated works including parking, landscaping and public open space. The following mix of dwellings is proposed:

- 10no. x 2 bedroom homes
- 4no. x 3 bedroom homes
- 10no. x affordable homes comprising:
 - 2no. x 1 bedroom homes
 - 5no. x 2 bedroom homes
 - 3no. x 3 bedroom homes

The development proposes to use the existing vehicular access into the site which is at the end of an unnamed road leading off the priority junction between Cherry Orchard, Orchard Road and Upper Church Fields. The proposal also includes widening and improvement works to the existing public right of way (MARL30) that runs north-south alongside the eastern boundary of the site.

As well as retention and enhancement of the wooded tree belts surrounding the site, new areas of landscaping and an area of casual play space of some 380sqm to the north-east corner of the site are proposed.

The existing southeastern tree belt would be preserved as an ecological priority area and dark corridor for conservation of bats and other wildlife. Provision of ecological mitigations and enhancements including bat boxes, bird boxes and bee bricks would be secured via condition.

The proposed materials for the dwellings include red brick facing brickwork and stone detailing, with slate roof tiles (dark), black rainwater goods, white cottage style (upvc windows) and solid timber doors to reflect the local vernacular. Suitable locations for bin collection and storage have been included.

Financial contributions associated with the development would be secured by way a legal agreement, as detailed in section 11 in this report below.

7. Considered drawings and details:

Document/Plan	Reference	Date Received latest version
Application form		17 th December 2021

Site Location Plan		17 th July 2023
Design & Access Statement	Rev G	12 th December 2023
Topographical survey – 2 sheets	20261-A	17 th December 2021
Flood Risk Assessment and Drainage Strategy - Issue 4 (dated 10 th Sept 2021)	AcI592/21021/FRA/DS	17 th December 2021
Additional Information Statement requested by the LLFA (dated 10 th Feb 2022)	AcI631/21021/TN	10 th Feb 2022
Drainage Strategy & Surface Management Update Statement (dated 7 th Dec 2022)	AcI698/21021/A/DS	8 th December 2022
Additional Information Statement requested by the LLFA (dated 5 th May 2023)	AcI759-21021-TN	13 th June 2023
Drainage Update Technical Appendices-part-1 and part 2 (dated 4 th January 2024)	AcI807-21021/TA	5 th January 2024
Ecological Assessment (Ethos)	November 2023 - ETH21-106 - V.4	12 th December 2023
Biodiversity Net Gain Results (Ethos, November 2023)	V.2	12 th December 2023
Arboricultural Method Statement – including Tree Protection Plan	October 2021	17 th December 2021
Retention Removal Tree Plan Sheet 1 of 2	C871.PL.060 Rev A	12 th December 2023
Retention Removal Tree Plan Sheet 2 of 2	C871.PL.060 Rev A	12 th December 2023
Indicative details of boundary fencing tree retention	C871.PL.071 Rev A	12 th December 2023
Sketch showing planting adjacent to bat corridor	C871.PL.072 Rev A	12 th December 2023
Ground Investigation Report	6219-B/GIR, October 2018	17 th December 2021
Phase 1 Contaminated Land & Geotechnical Desk Study	6219-B/DS	17 th December 2021
Transport Statement	AcI538-21021-TS Issue 08 dated 20 th December 2023	5 th January 2024
Proposed Site Plan	C8671.PL.050 Rev K	12 th December 2023
Enlarged Proposed Site Plan	C8671.PL.051 Rev G	12 th December 2023
Enlarged Proposed Site Plan showing protected	C8671.PL.051-1 Rev D	12 th December 2023

future cycle and footpath connection to adjacent land		
Proposed Refuse Strategy Plan	C8671.PL.053 Rev E	12 th December 2023
Proposed Land Use Plan Sheet 1 of 2	C8671.PL.054 Rev F	12 th December 2023
Proposed Land Use Plan Sheet 2 of 2	C8671.PL.054 - 1 Rev A	12 th December 2023
Proposed Affordable Tenure Plan	C8671.PL.055 Rev J	12 th December 2023
Proposed Boundary Treatment Plan	C8671.PL.056 Rev G	12 th December 2023
Indicative Landscape Plan Sheet 1 of 2	C8671.PL.057 Rev F	12 th December 2023
Indicative Landscape Plan Sheet 2 of 2	C8671.PL.057 - 1 Rev A	12 th December 2023
Proposed Surface Finishes Plan	C8671.PL.052 Rev E	12 th December 2023
Proposed Site Section A-A and B-B	C8671.PL.070 Rev G	12 th December 2023
Plots 1,2,3: Proposed Floor Plans and Elevations	C8671.PL.110 Rev D	13 th June 2023
Plots 4-5: Proposed Floor Plans and Elevations	C8671.PL.130 Rev D	13 th June 2023
Plots 6, 7, 8, 9: Proposed Floor Plans and Elevations	C8671.PL.150 Rev D	13 th June 2023
Plots 10,11,12,13: Proposed Floor Plans and Elevations	C8671.PL.170 Rev D	13 th June 2023
Plots 14, 15, 16 and 17: Proposed Floor Plans and Elevations	C8671.PL.190 Rev D	13 th June 2023
Plots 18, 19 and 20: Proposed Elevations and floor plans	C8671.PL.210 Rev D	13 th June 2023
Plot 21, 22,23 and 24 Proposed Floor Plans and Elevations	C8671.PL.230 Rev F	13 th June 2023
Proposed Materials Schedule Sheet 1 of 2	C8671.PL.058 Rev A	13 th June 2023
Proposed Materials Schedule Sheet 2 of 2	C8671.PL.059 Rev A	13 th June 2023
Enlarged Proposed Site Plan Swift Bricks Position	C8671.PL.080	15 th December 2024
Proposed Elevations Swift Bricks Position	C8671.PL.081	15 th December 2024

8. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1 Settlement strategy

Core Policy 2	Delivery strategy
Core Policy 3	Infrastructure Requirements
Core Policy 14	Spatial Strategy: Marlborough Community Area
Core Policy 41	Sustainable Construction and Low-Carbon Energy
Core Policy 43	Providing affordable homes
Core Policy 45	Meeting Wiltshire's housing needs
Core Policy 50	Biodiversity and geodiversity
Core Policy 51	Landscape
Core Policy 52	Green Infrastructure
Core Policy 57	Ensuring high quality design and place shaping
Core Policy 60	Sustainable Development
Core Policy 61	Transport and New Development
Core Policy 62	Development impacts on the transport network
Core Policy 64	Demand management (parking)
Core Policy 67	Flood risk
Core Policy 68	Water resources

Saved Policies - Kennet Local Plan – (Adopted 2011)

HC34	Recreation Provision on Large Housing Sites (Appendix D saved Kennet Local Plan policy)
HC37	Demand for Education (Appendix D saved Kennet Local Plan policy)

Marlborough Neighbourhood Plan - made March 2023

MARL1	Delivering Affordable Homes in Marlborough
MARL3	Meeting Local Housing Needs
MARL8	Protecting and Improving Sports Facilities
MARL14	Protecting and Improving Green Infrastructure
MARL17	Conserving the Scenic Beauty of the AONB
MARL19	Building to the Passivhaus Standard

Wiltshire Waste Core Strategy 2006 – 2026 (July 2009)

National Planning Policy Framework (NPPF) (2023)

9. Consultation responses

A summary of comments received is below. Final comments are provided where reconsultations have taken place. Full sets of comments are also published online.

Marlborough Town Council: No Objection subject to comments

Comments of 11/01/23:

At the Planning Committee of Marlborough Town Council held Monday, 10 January 2022 it was RESOLVED: that Marlborough Town Council has no objection to this application.

We note comments about the adjacent footpath and ask the Officer to consider adding a condition to ensure the public footpath MARL30 is temporarily redirected in a safe manner during the development work in the interests of pedestrian safety

Comments of 24/04/23:

At the Planning Committee meeting held Monday, 24 April 2023 it was resolved that Marlborough Town Council has no objection to this application subject to the Officer being content that the questions raised by Wiltshire Council Principal Development Officer for Housing can be addressed to everyone's satisfaction; Committee Members reinforced the requirement for affordable housing in Marlborough and noted the site is designated within the Marlborough Area Neighbourhood Plan (Made 23 March 2023)

Wiltshire Council Highways: No Objection subject to conditions

I am pleased to see that the applicant has provided drawings which now outline the land required for the widening of the PROW as well and noting the location for an "indicative" cycle link to the east of the site. As such based on the information provided I am happy to raise no highway objection subject to the following conditions:

No development shall commence on site until a full set of drawings detailing the width, construction and surfacing (including retaining wall, drainage and lighting) of the PROW (shown on C8671.PL.051-1) along the eastern side of the site frontage have been submitted to and approved by the LHA.

No part of the development will be occupied until the improvements to the PROW have been fully implemented and the construction works given approval by the LHA as per the approved drawing(s). (The works will be fully inspected throughout construction by the LHA).

The development hereby permitted shall not be first brought into use until splays have been provided on all private driveways (with planted boundary treatments) on both sides of the access from the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall always be kept free of obstruction above a height of 600mm.

No part of the development hereby permitted shall be first occupied [to include at least 1 Electric Vehicle space per unit] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

Wiltshire Council Drainage: No Objection subject to conditions

Following the submission of further information and undertaking of further ground investigations, the following final comments were received:

We are in position to withdraw our objection.

*We received the following recommendations that the designer must take forward:
-all foundation to be at 1.6m depth for unity and to ensure that they are all in chalk
-all soakaway to be located in chalk and not the above layers*

As per table 5.1 of Drainage Update Technical Appendices Part 1.

Any issues encountered on site during the foundations/drainage construction to be reported to this office for consideration. Any changes in the design to be subject to further approvals.

Wiltshire Council Education: No Objection subject to contribution

Financial contribution needed towards provision of 4 x secondary school places at St John's Secondary.

Wiltshire Council Housing: No Objection subject to conditions

Having reviewed the AH Tenure plan 'Plan drawing No.C8671.PL055 Rev H Proposed Affordable Tenure Plan' and the Schedule provided at pages 33 & 34 of the Design and Access Statement, I can confirm that the revised layout meets the requirements of, and reflects discussions with, the Housing Enabling Team in terms of size, tenure mix and distribution of the Affordable Housing dwellings. The suggestion to provide the Affordable Rented housing on the land that is currently subject to a restrictive covenant is also reflected. The layout of gardens and parking spaces also reflects the discussions that have been had with the applicant and are supported.

The Affordable Housing mix that reflects the demonstrable need in Marlborough and the discussions between the Enabling Team and the Applicant is as follows:

Affordable Rented Accommodation:

- *2 x 1 bed flats including 1 x GFF built to M4(2) standards**
- *2 x 2 bed houses*
- *2 x 3 bed house*

First Homes:

- *2 x 2 bed houses*
- *1 x 3 bed house*

Shared Ownership:

- *1 x 2 bed houses*

With regards to the plot 6, the Ground Floor flat, the ground level floor plan shows the level access shower as requested in addition to being built to meet M4(2) standard, please be aware that this standard extends to the parking space, with the requirement for it being capable of being widened to 3.3m.

As advised in the consultation response dated 30th December 2023 the following should be noted:

First Homes must be discounted by a minimum of 30% against the market value, with the sale price, at first sale, no higher than £250,00 after the discount has been applied. They must be sold to qualifying first time buyers with the discount and restrictions passed on to subsequent owners in perpetuity.

Transfer of Affordable Rented and Shared Ownership Units to Registered Provider

The affordable dwellings (other than First Homes) will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

It is strongly recommended that the applicant makes contact with Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council, and contact details for Wiltshire Council's Residential Development Team, can be provided on request.

Sale of First Homes

The First Homes will be required to be sold in accordance with procedures and eligibility criteria set out in government guidance. Please see First Homes - GOV.UK (www.gov.uk) for more information. First Homes should be marketed to households with a local connection to Wiltshire for the period that local eligibility criteria apply.

Nominations

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

Wiltshire Council Urban Design: No objection subject to final amendments

Whilst I've now no objection to the structure of the revised scheme, there are still issues with inadequate detailing, which must be fixed before the scheme could be judged compliant with CP57.

Wiltshire Council Landscape: No objection subject to conditions

As per my previous landscape response I have no objection subject to a pre-commencement condition for the provision of a detailed planting plan setting out species, densities, and specification (To National Plant Specification), along with a Landscape and Ecology Management Plan (LEMP).

Wiltshire Council Waste & refuse: Support subject to conditions

As discussed, the RCV tracking looks fine with the only issue would be if any cars were parked on the road. This could restrict the vehicle cleanly moving around the development. The plan clearly shows bin storage and collection points so there is no issue with these. Waste management would now in principle support the application subject to any further changes in the planning.

Contribution needed of £101 per dwelling needed towards provision of waste and recycling containers.

Wiltshire Council Play/ open space: No objection subject to contributions

Wiltshire Council Public Rights of Way: No objection subject to comments

As identified in the Transport Assessment PRow MARL30 runs along the eastern boundary of the site. This PRow provides a valuable access route and connects to both the recently developed Marlberg Grange site and towards the centre of Marlborough and St Marys

Primary School. A section of MARL30 leading directly from Marlberg Grange has recently been improved (see photo attached) and now provides a pleasant walking route, however where it meets the boundary of the Cherry Orchard site the paths condition significantly reduces in quality as per the photos attached, which were sent to us by a member of the public this week.

We are currently looking to improve walking / cycling connectivity from the eastern side of Marlborough from NCN 403 (Five Stiles Road) to NCN 403 Isbury Road / George Lane and the town centre, as per our town cycling network plan that was approved by Council in 2013 (attached).

A link through this development is key to us being able to deliver the proposed route(s) for the town cycle network in Marlborough.

Wiltshire Council Ecology: No objection subject to conditions

Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The following submitted documentation was reviewed to inform this response:

- Biodiversity Net Gain Results. November 2023. Ethos;*
- Cherry Orchard, Marlborough BNG Assessment 3.1 Final. Ethos;*
- Ecological Assessment. November 2023. Ethos;*
- Indicative Landscape Plan Sheet 1 of 2 C8671.PL.057 F. October 2022. DPDS;*
- Indicative Landscape Plan Sheet 2 of 2 C8671.PL.057-1 A. July 2023. DPDS;*
- Enlarged Proposed Site Plan Swift Bricks Position C8671.PL.080. December 2023. DPDS;*
- Retention Removal Tree Plan Sheet 1 of 2 C8671.PL.060 A. July 2023. DPDS;*
- Retention Removal Tree Plan Sheet 2 of 2 C8671.PL.060-1 A. July 2023. DPDS*
- Proposed Land Use Plan Sheet 1 of 2 C8671.PL.054 F. October 2022. DPDS;*
- Proposed Land Use Plan Sheet 2 of 2 C8671.PL054-1 A. October 2023 DPDS;*
- Proposed Boundary Treatment Plan C8671.PL.056 G. October 2022. DPDS;*
- Indicative Details of Boundary Fencing/Tree Protection C8671.PL.071. October 2023. DPDS;*
- Proposed Site Section A-a and Section B-B C8671.PL.070 G. October 2022. DPDS and;*
- Sketch Showing Planting Adjacent to Bat Corridor on South Eastern Boundary C8671.PL060-1 A. July 2023. DPDS*

Protected Species

We welcome the updated information submitted to support the retention of the important ecological features on site, namely the woodlands running along the eastern and western boundaries which have been noted to support a number of bat species, dormice and reptiles.

The latest Ecological Assessment outlines a number of working method statements which support these species which should be incorporated into the construction environment management plan. However, our concerns remain with regards to the proposed fencing design along the key ecological boundaries. To ensure these areas are retained for the benefit of wildlife, and to reduce light spill and disturbance during both construction and occupation, we would advise that the fencing proposed is altered to include close boarded fencing along the perimeter of the woodland belts. This can be addressed through condition.

Lighting

Increases in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can also have a substantial adverse effect on wider biodiversity.

Therefore, any new lighting should be for the purposes for safe access and security only and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

A lighting strategy will be required and should demonstrate that flight lines remain dark to allow for foraging and commuting bats and that levels of no greater than 0.5 lux occurs along the woodland edges and trees adjacent. The lighting plan could be secured through condition.

BNG

We welcome the updated BNG assessment and metric spreadsheet which shows that there will be a deficit of no net loss for both area and linear units on site. It is our understanding that this will be addressed through an Offsite Biodiversity Scheme and secured through a section 106 agreement. A Habitat Management and Monitoring Plan for those areas to be retained, created and enhanced on site will be required and can be secured through condition.

CONDITIONS:

- 1. The development will be carried out in strict accordance with the following documents:*
 - Biodiversity Net Gain Results. November 2023. Ethos;*
 - Cherry Orchard, Marlborough BNG Assessment 3.1 Final. Ethos;*
 - Ecological Assessment. November 2023. Ethos*
 - Indicative Landscape Plan Sheet 1 of 2 C8671.PL.057 F. October 2022. DPDS;*
 - Indicative Landscape Plan Sheet 2 of 2 C8671.PL.057-1 A. July 2023. DPDS;*
 - Enlarged Proposed Site Plan Swift Bricks Position C8671.PL.080. December 2023. DPDS*

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

- 2. 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 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:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- A tree protection plan, showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations;
- Working method statements for protected/priority species, such as nesting birds and reptiles.
- Mitigation strategies already agreed with the local planning authority prior to determination, such as for dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- 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 in relation to species and/or habitats.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- 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.

3. *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 in support of the BNG Metric assessment. The LEMP will include;*
 - *Details of the habitats to be retained, created and enhanced in line with the submitted BNG metric;*
 - *The short and long term objectives and targets to ensure the metric conditions as stated will be achieved;*
 - *Details of the management responsibilities and maintenance schedules for each ecological feature within the development;*
 - *Details of the mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets and;*
 - *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.

4. *No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.*

REASON: In the interests of conserving biodiversity

5. *Prior to commencement, the approved boundary fencing and all means of enclosure, including walls and railings, shall be agreed and included on technical drawings, to ensure the protection and retention of the eastern and western woodland habitats.*

REASON: In the interests of conserving biodiversity

Wiltshire Council Archaeology: No objection

Wiltshire Council Public Protection: Comment

The proposal is for the erection of 24 dwellings (10 affordable and 14 market dwellings) and associated works at the former Marlborough Resource Centre, Cherry Orchard, Marlborough. There are residential dwellings on three sides of the proposed development. Our main concerns relate to possible impacts on amenity for existing residential dwellings during the construction phase due to noise and dust.

It is accepted the construction work is noisy, however, to reduce the impact on amenity for nearby residential dwellings, an hours of construction condition is warranted as below. A Construction Management Plan condition is also warranted to reduce and manage the emission of noise, vibration and dust. Please see condition below.

Air Quality:

Marlborough is within an Air Quality management Area and as such it is expected that the relevant provisions will be made to ensure adequate provision is made for a scheme of Ultra Low Energy Vehicle infrastructure. A condition is warranted as below.

Contaminated Land:

Mapping layers indicate areas of potential concern due to former railways infrastructure. The applicants have submitted a Desk Study and Ground Investigation report. The Ground Investigation Report (6219-B/GIR) dated October 2018 by terrafirma (south), advises that mitigation will be required due to elevated PAH concentrations on the site. A

Contaminated land condition is advisable as below. It is accepted that part i) has been complied with, however this has been left in for the sake of completeness

Natural England: Comments

After reviewing the plans and documents submitted alongside this planning application, we have a number of concerns and points to raise.

Protected Species - Bats

The planning application site is located less than 500m from the Savernake tunnel, which supports a significant number of hibernating natterer bats and also hibernating barbastelle bats. The tunnel is in the Natural England pipeline for SSSI designation Natural England's designations programme - GOV.UK (www.gov.uk) thus identified as a site of national importance, and the woodland strip to the east of the site provides connectivity from the tunnel to surrounding habitats. In order to comply with NPPF para 174, (Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures), any planning application on this site, must, at a minimum, demonstrate that it will have no net detrimental impact on these bat species. Therefore, the ecological functionality of the bat corridor to the east of the site must be maintained. We recommend that a lighting plan be produced to ensure that light levels from the proposed development do not impact upon the bat corridor. We concur with the Ecological Assessment which states that light levels should be maintained at less than 0.5 lux on the edge of the woodland.

However, a lighting plan should evidence how this will be achieved and that the 2m scrub buffer proposed in the Ecological Assessment is sufficient to ensure light levels of 0.5 lux or less.

Tree Coverage

We note that trees were previously felled during demolition works relating to Planning Application 19/03953/DEM. We further note that a number of trees are intended to be removed, as per the Arboricultural Method Statement, and that other individual trees may be damaged during construction works. We would expect trees along the eastern boundary of the site and adjacent to the woodland corridor to be preserved to maintain this as a dark corridor. We are also concerned that if buildings are erected too close to retained trees that there will be post development pressure to fell or reduce these trees. 'Guideline Distances from Development to Trees – Securing Space for Existing and New Trees' Guideline distances from development to trees.pdf (leeds.gov.uk) provides useful information regarding this.

Biodiversity Net Gain

Natural England remains concerned that the site is proposed to deliver a net loss of biodiversity. Measures to ensure that a biodiversity net gain of 10% is achieved should be approved by your Local Authority's Ecology Team. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service

Case Officer Note: Plans have since been amended to protect tree belts; contribution towards off-site biodiversity has been agreed.

Exolum Pipeline (Fisher German): Objection withdrawn, subject to comments

Letter received dated 13th June 2023:

Further to our letter of 19th March 2021 and following discussions between our client and the applicant, our client's objection to the application is withdrawn. We confirm that our client Exolum's apparatus will not be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact Exolum to arrange a site visit.

You should note that the interests of Exolum are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from Exolum. Exolum's Easement Strips are 6 metres wide and can incorporate other associated Exolum facilities.

Exolum will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining a Works Consent can take between four and six weeks depending on circumstances at the time of application.

To reiterate, you should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirements for Crossing or Working in Close Proximity to Exolum Pipelines, please visit <https://lsbud.co.uk/wp-content/uploads/2021/10/lsbud-standard-requirement-uk-um.pdf>. This will provide you with practical information regarding the legislation that governs the Exolum

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage Exolum apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.

Please note that implementation of any unapproved work that affects the Exolum Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage.

Letter received dated 21st December 2023: Further standard letter received acknowledging that apparatus will be affected and Works Consent will be required.

Police Liaison Officer: Comments

I have read the Design and Access Statement and am pleased to note p16 point 4.5 which states that the development has been designed to follow Secure by Design principles. However, there are several areas where there are gates missing which, by their omission, would not provide the homes and the occupants the minimum security that should be provided for every home, and the lack of these gates is, therefore, not compliant with Secure by Design. This may be an oversight. I would ask that gates be fitted at the top of the alleyway between plots 2 and 3, the alleyway at the rear of plots 4 – 8 incl. and that the gate beside plot 16 be moved to the building line. This is required to protect the rear of the homes and remove any hiding places that the alleyways provide for offenders.

I could not see the access for the rear of plot 23 on the plans. If the access creates an alleyway I would ask that the access is gated at the entrance to the alleyway and again at the entrance to the plot.

Plot 8 requires defensible space at the side of the building of not less than one metre to prevent anti-social behaviour and crime such as graffiti. The lack of defensible space in this location which is adjacent to public open space, is likely to cause a reduction in the quality of life for the occupants as well as making it liable to crime. As it stands the public private boundary is the wall of the home. This is not compliant with Secure by Design principles.

Plot 19 also requires defensible space of not less than one metre due to it being immediately adjacent to visitor parking. Again, the public/private boundary is the wall of the home which is not compliant with Secure by Design principles. The proximity of the visitor parking is likely to cause nuisance and noise which will adversely affect the quality of life for the occupants. Additionally, the lack of defensible space leaves this wall likely to be used for anti-social behaviour such as ball playing, and crime such as graffiti.

Case Officer Note: Plans have since been updated to address comments (with the exception of Plot 19)

Thames Water: No objections subject to comments

Waste Comments:

This site is affected by wayleaves and easements within the boundary of or close to your site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should contact Thames Water Property Searches for information relating to the wayleave or easement if they have not already done this.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network

infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments:

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Wales and West Utilities: No objections subject to comments

Wales & West Utilities have no planning objections to these proposals, although it should be noted that Wales & West's apparatus is held pursuant to easements and it has other private law rights in relation to the use of the land in the vicinity of its apparatus. Wales & West's private law land rights are not material planning considerations and therefore no comment is made in relation to those rights and they have no impact on whether or not planning permission should be granted, or whether, if permission is granted, it can lawfully be implemented. It should also be noted that Wales & West's apparatus may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

10. Publicity

The application was advertised by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application.

Many of the consultee and third-party responses were received during the first round of consultations. The main design, utilities, drainage, waste and ecological issues have been addressed over the course of the application and this is described in the relevant sections below. The most recent revisions to plans have included only minor revisions that have not warranted full reconsultation.

The following is a summary of the issues raised by members of the public/third parties:

25 objection letters from members of the public were received over the course of the application. 7 letters of comments were received with some expressing general support for the principle of delivering more affordable housing.

A letter of objection was received in Dec 2022 from the Cllr for Marlborough West regarding the need for a cycle route to be included which has since been included. Letters were also received from North Wiltshire Swifts and Action for the River Kennet.

Key concerns raised by members of the public include the following (full comments available online):

- Concerns regarding proposed boundary treatments along northwestern boundary:
 - Revised plans are a '*vast improvement in terms of relocation of boundary fencing and the existing hedgerow being retained*' – request that preservation order be a condition before work commences.
 - Relief that previously proposed close boarded fence at the bottom of garden is to be replaced with a 5 ft high mesh fence.
 - Objection to wooden fencing being placed at top of bank at end of gardens – due to impact on views, impact on trees/tree removals, wildlife (such as hedgehogs).
 - Concerns over whether fencing is proposed within private land ownership outside site boundary – any fence should be placed at the bottom of the slope not the top or have no fence at all.
 - The embankment is a haven for wildlife and would not want to see if affected.
 - Neighbour's bank collapsed and required retaining wall put in place so integrity of wall and bank needs to be maintained.
 - Existing footpath along the north of the site should be maintained.

Case Officer Note: The boundary arrangements along the northwestern boundary have since been amended since these comments were received. Wooden fencing along top of embankment is no longer proposed.

- Access and traffic related concerns:
 - Concerns regarding additional traffic using the access lane – safety risks for school children/dog walkers that currently use the route as a low trafficked route,

- particularly during construction phase when heavy vehicles will need to access the lane.
- Concern over damage being done to the lane during the construction period – could a before and after survey be required to see if any damage needs to be repaired.
 - Insufficient parking spaces being proposed.
 - Object to the lane being reduced in width which would cause more problems for access/egress.
 - Need to improve the footpath from Jennings Road/Garside Way which is used by children attending St Mary's and St Johns schools – currently in disrepair. Need for a traffic calming measure at the crossing point.
 - Concern about risk of gridlock given the parents currently use the lane for drop off and pick up taking children to school at the five-way junction at top of Cherry Orchard Road.
 - Who will be responsible for private road maintenance?
- Construction site is too close to existing properties – concerned about responsibilities for any problems during construction phase.

Case Officer Note: Improvements to the footpath are now included as part of the proposals; the access lane is no longer to be reduced in width; a condition is placed requiring construction management plan to address risks during construction phase.

- Overdevelopment of the site:
 - 24 houses is too many.
 - Properties already standing vacant on Cherry Orchard – why are more houses therefore needed.
- Concern over impacts on wildlife including impacts on nearby bat colonies, disruption to flight paths, need to retain dark skies; impacts on adders and hedgehogs that use the area.

Case Officer Note: Dark corridor is being maintained to southeastern boundary and northwestern tree to belt to be retained and unaffected, various ecological enhancements to be secured via condition.

- No street lights shown on plans for pedestrians or cars.
- Concerns over impact on Water supply/ pressure problems.
- Adding to existing air pollution problem.

Case Officer Note: a street lighting strategy will be required under condition and electric vehicle charging points will be provided to all properties as required under building regulations.

North Wiltshire Swifts (summary of final comments)

The ecological assessment points towards 23 integrated bird bricks being installed in this development, which, although is not the number that will be required in Wiltshire's Local Plan Pre-Submission Draft (Cabinet Version) 2020-2038 September 2023, is very welcome. (see Note below)

However, it is extremely importantly that these bricks are marked on site plans and elevations. The site plan submitted does have some 'red dot' and 'green dot' markers which may or may not indicate ecological enhancements, but there is no key to inform the construction team of their presence which will result in them being omitted.

Ecological enhancements should be clearly marked and labelled on site plans and elevations. We have cases of where they are only marked in LEMPs and these are either not given to the construction teams, or the construction teams are not aware they may contain ecological enhancements that need to be built into the development.

Given this is a Wiltshire Council build please would you add and label the locations of the swift bricks on site plans and elevations.

Case Officer Note: Revised plans have since been submitted marking on the location of bricks – notwithstanding these plans, these details will also be subject to a condition and further consultation with the Council's ecologist.

Action for the River Kennet

The SuDS options included in this design are limited to water butts and plastic subsurface crates. We are pleased to see the inclusion of SuDS, but we are disappointed that the design has not included any measures that support biodiversity, amenity or water quality. The CIRIA SuDS manual is clear that all four pillars of SuDS should be supported in designs, and this is not the case here. The table on p24 contradicts itself about whether green roofs are included or not, but from the designs it appears that they are not. We urge the designers to be more ambitious in their approach to sustainable drainage and embrace options to include surface features to support biodiversity and create greener, more beautiful spaces for people to live. As a minimum we would like to see water butts with overflows into rain gardens.

Case Officer Note: Potential options for Drainage Strategy are restricted by site conditions, since receiving comments plans have been amended to include bio-retention rain gardens with every property.

11. Assessment

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

Environmental Impact Assessment

Notwithstanding the Strategic Environment Assessment (SEA) carried out for the NP, the proposed development falls within 'Schedule 2 development' as an urban development project within a 'sensitive area' being within the National Landscape boundary. This requires the council to decide whether the development is likely to have significant effects on the environment that would warrant Environmental Impact Assessment. Given the location within the defined settlement of Marlborough combined with the small scale of the development and the embedding of mitigation measures within the scheme; an Environmental Impact Assessment is not considered to be required in this instance.

Principle of development

The site is located within the defined settlement boundary for Marlborough, identified as a Market Town under Core Policy 1 of the WCS. In relation to Market Towns, Core Policy 1 states:

Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

WCS Core Policy 14 states that development within the Marlborough Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and assigns a housing requirement of 680 homes for Marlborough over the plan period. to 2026. Core Policy 2 establishes that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Market Towns.

This Site is allocated within the made Marlborough Neighbourhood Plan under Policy MARL1 ('Site 2') '*for at least 15 homes on a developable area of no more than 1 hectare, limited to ensure that the development retains a natural setting*'. The full wording of the policy and policies map extract is included below.

Land off Cherry Orchard

Within the site boundary shown on the adjacent plan, proposals will be supported for at least 15 homes on a developable area of no more than 1.0 Ha, limited to ensure that the development retains a natural setting, and subject to the following:

- a. The proposals shall include for 40% affordable housing:**
- b. The scheme shall have a highways access on to Cherry Orchard only with appropriate mitigation to assure safe vehicular, cycle and pedestrian access:**
- c. The layout shall retain public right of way MARL30 through and on the boundary of the site:**
- d. The issues arising from part of the site's location within the Marlborough public water Source Protection Zone 1 must be satisfactorily addressed:**
- e. A biodiversity strategy shall include retaining the green infrastructure along its south-western boundary to protect the habitat corridor (the former railway line) towards the Savernake Forest SSSI to its south, as well as demonstrating proposals to deliver a biodiversity net gain; and**
- f. The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB.**

Marlborough Neighbourhood Plan – Policies Map Extract (MARL 1 Site 2):



Housing Land Supply – tilted balance not engaged

At the time this application was submitted, under the provisions of the NPPF the Council was required to demonstrate a 5-year supply of housing land. The NPPF was subsequently updated in December 2023 and as such, under the latest national policy requirements, the Council is now only required to demonstrate a 4-year housing land supply given the stage of advancement of the emerging Local Plan. At present the Council is able to demonstrate 4.6 years housing land supply; this is currently confirmed at 4.6 years via the Housing Land Supply Statement (Base date: April 2022) that was published in May 2023. As such, the presumption in favour of sustainable development (or 'tilted balance') does not automatically apply to this application in respect of housing land supply. Furthermore, footnote 7 to paragraph 11 of the NPPF requires consideration of the policies within the Framework that protect areas or assets of particular importance. In this case, the application falls within a National Landscape (formally Area of Outstanding Natural Beauty). The tilted balance would not apply where conflict is identified with the NPPF policies that protect these assets.

Principle of development summary

In policy terms, the principle of the development is supported under CP1 and CP2 of the WCS. The site lies within the settlement boundary of a Market Town and is allocated for development within the NP.

The proposals will include the delivery of new affordable homes which is in line with the stated local needs for this area and supported under Core Policy 43. The local need for additional

affordable housing is clearly set out within the NP (i.e. paragraph 2.24, 3.12, 4.1). The need for more affordable homes for low-income groups, including young people, forms part of the vision and is a key objective of the NP to 2036.

The proposals involve the regeneration of a previously developed brownfield site which aligns with the objectives of the Core Strategy (Strategic Objective 5) and is supported under Core Policy 36. Core Policy 2 also states that new development will be delivered through the re-use of previously developed land. Furthermore, paragraph 123 of the NPPF clearly promotes the use of previously developed land in making effective use of land in meeting the need for homes.

Landscape and Visual Impact – National Landscape (formally AONB)

The site lies wholly within one of the two largest settlements within the North Wessex Downs National Landscape, within the built-up urban edge of Marlborough. Core Policy 51 provides that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Proposals should, amongst other things, be informed by and be sympathetic to, the distinctive character areas identified in the relevant Landscape Character Assessment(s)¹ and any other relevant assessments and studies. Within the AONB, proposals need to demonstrate that they have taken account of the AONB Management Plan.

NPPF paragraph 182 advises that ‘great weight’ should be given to conserving and enhancing landscape and scenic beauty in AONBs (now NLs). Paragraph 183 of the NPPF states that planning permission should be refused for ‘major’ development in the AONB (now NL) other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Whether a proposal is considered ‘major development’ in the AONB (now NL) is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant impact on the purpose for which the area has been designated or defined. Given the limited contribution the site directly makes to the wider designation of the NL, the proposal is not considered to be ‘major development’ for the purposes of the NPPF.

The principle of new housing within the NL area is supported by the North Wessex Downs AONB Management Plan 2019-2024 in certain circumstances, “*only where it is necessary to meet appropriate local needs will new housing be supported. This should be within existing settlements, preferably on previously developed sites*”, but “*small scale housing sites within or on the edges of the secondary larger villages may be supported where all landscape and other planning issues have been resolved*” (paragraphs 7.25-7.26). Paragraph 7.25 states that “*Good design and siting of all new developments in the North Wessex Downs is essential. They should reflect the local landscape character and architecture and make use of local materials.*” Housing is also supported by the plan where it is delivered through a Neighbourhood Plan process and is considered appropriate in terms of landscape and environmental impact (paragraph 7.27).

Development policies of relevance within the Management Plan include DE01 requiring development to conserve and enhance the character and quality of the AONB (now NL) and DE02 encouraging high standards of design, landscaping and traditional building styles and energy conservation and innovation.

¹ As listed in Core Policy 51 supporting text para. 6.80

Policy MARL1 of the Neighbourhood Plan in respect of the visual impact of the development, requires that *'The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB'*.

At a strategic level, the principle of this development within the NL has already been considered through the allocation and independent examination of the NP. Both the Local Authority and the AONB unit supported the principle given the location within the defined limits of development and it being a brownfield site. However, the examination report on the NP highlighted the need to remain cautious in terms of respecting the AONB status and in particular the ecological sensitivities and constraints as discussed in further detail below.

In respect of the NL setting, the development would retain and reinforce the mature tree belts surrounding the site that would help to visually screen it from surroundings. The new development would be viewed in the context of the existing surrounding housing and would be an improvement compared with the current vacant state of the site. Given its location, it is not considered that the development would give rise to unacceptably adverse effects on the wider landscape and scenic beauty of the North Wessex Downs NL. The Council's Landscape Officer and other consultees have raised no objection in this regard, subject to sensitive design.

In conclusion, subject to securing the retention of the landscape setting around the boundaries of the site, the proposal is considered acceptable with regards to impact on the NL in accordance with Core Policies 51, 57 and Policy MARL 1 of the NP.

Design and Layout

Core Policy 57, as well as the AONB Management Plan, require a high quality of design to create a strong sense of place through drawing on the local context and being complementary to the locality. Proposals must demonstrate how they will make a positive contribution to the character of Wiltshire by, amongst other things, relating positively to the landscape setting and the existing pattern of development and responding to local topography (57(i)).

The application site is discretely positioned and largely screened by mature tree belts such that the development would have a relatively limited direct impact on the character of the surrounding streets. However, glimpses through to the new development would be afforded from the PROW and from the access lane. The site has several constraints which limit the potential options for the layout, including the presence of the underground oil pipeline, the steep embankments on either side and the need to maintain wide tree buffers for conservation of protected species including a dark corridor on the eastern side, designed to prevent public access. The layout has been through several iterations during the determination period, with amendments made to address comments raised by consultees, including local residents, urban design, highways, police liaison, drainage and public protection officers.

It has been recognised that the existing dwellings to the north have the potential to be affected by any new boundary treatments put in place within their rear gardens along the northwestern tree embankment. Amendments have been made to the masterplan to reduce the potential for adverse visual and amenity impacts on the occupiers of these properties and to retain the existing rear garden arrangements as existing as far as is practicable.

conditions have been placed to ensure the quality of final finishes, use of materials and selection of boundary treatments.

Core Policy 41 and NP Policy 4 encourages development designed towards achieving zero emissions of CO₂. The development has been designed to future planned building regulation standards and is to be all-electric with no reliance on gas. It is likely that air source heat pumps will be incorporated into the development at detailed design stage where possible to do so.

Following the amendments, it is concluded the development is capable of satisfying the requirements of good design as set out in Core Policy 57. Subject to conditions, no unacceptable impacts are considered likely to arise either on the built environment or the surrounding landscape which would otherwise warrant the refusal of planning permission.

Neighbour amenity considerations

Core Policy 57 requires proposals to demonstrate how they will have regard to the impact on the amenities of existing neighbours and to ensure that appropriate levels of amenity are achievable within the development itself for future occupants including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Properties in Upper Churchfields

The rear gardens of the five closest detached properties in Upper Churchfield back onto the application site. They are set on higher ground with garden depths ranging from approximately 8.5m to 25m. Some residents have raised concerns regarding the introduction of new boundary fencing that was originally proposed to be erected at the top of the embankment along the northern site boundary, which would be visible at the end of their gardens. Concerns were also raised by the Council's ecologist regarding the splitting up of the tree belt to be conveyed into separate sections within the new private gardens. The masterplan has since been amended to retain a continuous tree belt for the benefit of wildlife without the need to place fencing at the end of the existing gardens. The base of the embankment will continue to be retained by the existing retained wall and the introduction of new timber sleepers with fence above, to prevent public access. The retention of the tree belt will reduce the risk of adverse visual and amenity impacts on the occupiers of these adjacent properties.

Cherry Orchard House

A public footpath separates properties at Cherry Orchard House from the application site. The footpath is proposed to be widened to a width of 3.5 metres (through dedicating land from within the development site boundary). Plots 1 and 2 would face across the footpath at an angle towards the rear gardens at a distance of 10m+. 10m is generally accepted as the minimum acceptable distance between a rear of a property and the side of a neighbouring rear garden. Given also the angled relationship directing views towards the end of the gardens rather than squarely across them, it is concluded that there would not be an unacceptable effect in terms of privacy, light loss or overbearing impact.

32 & 34 Garside Way

These properties to the south of the site are set on lower land than the application site. No. 32 is circa 27m from the nearest dwelling (Plot 5) and No. 34 circa 20m from proposed new Plot 9. The new properties do not have south-facing windows at first floor level and given the separation distance, gradient and intervening tree cover there would not be material impacts on amenities in terms of privacy, light loss or overbearing impact.

Amenity for future occupiers

The proposed properties broadly comply with the Nationally Described Space Standards. All properties have the use of private garden spaces, with adequate parking and waste arrangements. Amendments have been made to the plots with elevations on to the eastern tree corridor to increase the amount of defensible space and planting to manage this transition. The layout has also been designed to ensure that utility easements have been respected.

A Construction Management Plan as well as a Construction Environmental Management Plan would be required by way of planning condition to manage the construction phase in a way that does not give rise to unacceptable adverse effects on local residents. A restriction limiting working hours is also proposed to be imposed.

In conclusion, the proposal as amended is considered to comply with CP57 and CP51 of the WCS. Appropriate levels of amenity are achievable within the development.

Ecology, Trees, and Hedgerows

Core Policy 50 of the WCS states that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All developments should seek opportunities to enhance biodiversity.

The application site does not lie within or immediately adjacent to any sites designated for nature conservation, however the Savernake Forest SSSI lies approximately 500m to the southeast of the site. The Savernake Bat Tunnel to the immediate southwest is in the process of being considered for designation by Natural England as a new SSSI. An Ecological Assessment was submitted with the application, which included a UK habitat and species assessment with extended surveys for bats and reptiles. It concluded as follows:

- The bat habitat assessment identified the existing woodland as a potential commuting corridor between a known natterers roost in the railway tunnel, the Savernake SSSI, and the wider environment.
- The site is likely used by badger, hedgehog, dormouse and polecat.
- The grassland contained a low population of slow worm and potential habitat for common species of amphibian.

The report recommended the following:

- Working method statements be provided for slow worms, amphibians and dormouse.
- Works to be timed to avoid impacting nesting birds.
- A lighting plan to avoid impacting bats foraging and commuting on the woodland.

- Habitat recommendations include the retention/enhancement of grassland and woodland and the creation of scrub, grassland, hedgerow and small orchard.

Following various amendments, the Council's Ecologist is now satisfied that the final plans retain suitable functional habitat for biodiversity by retaining vegetated boundary features, including a darkened corridor for bat foraging and commuting, and additional planting of scrub and wildflower/grassland that will sustain bats, dormice and reptiles. The eastern boundary of the development has been designed, through planting and use of boundary fencing, to prevent and deter public access into the ecological corridor.

Biodiversity Metric 3.0 has been used to calculate the loss of habitat resulting from the development, as required by CP50 and the NPPF. Given the various site constraints, it has not been possible to achieve no net loss within the site itself, however the functionality of the retained habitat will be maintained. The Council's ecologist has agreed that a financial contribution can be made to secure habitat units off-site, deliverable through Wiltshire Council's own scheme, to make up for the shortfall. This would be secured via a S106 legal agreement.

Conditions are proposed to be imposed to ensure compliance with the various agreed ecological mitigations and enhancements as detailed set out within the ecology assessment. Subject to such conditions and off-site financial contribution, no outstanding objections are raised under CP50.

An Arboricultural Impact Assessment (AIA), Tree Constraints Plan and Method Statement have been submitted to support the application. As detailed above, the masterplan has been designed to retain the mature tree belts surrounding the development site for the purposes of both visual screening and for the benefit of biodiversity. Some 14 trees are proposed to be removed as part of the development. An Indicative Landscape plan has been submitted indicating areas for new and retained planting with several new and replacement trees proposed. The final details of the landscaping scheme will need to be agreed via condition. A requirement for a Landscape and Ecological Management Plan (LEMP) setting out the details of the long-term management arrangements can be secured via planning condition. During the construction phase, landscape and ecological features will be protected by way of a Construction and Environmental Management Plan (CEMP), including Tree Protection Plan.

Following the amendments, it is considered that the proposals are now acceptable in relation to the retention and protections afforded to the tree belts surrounding the site. In conclusion, subject to conditions, no objection is raised under policies CP57, CP50 and CP51 in this regard.

Highways, Access and Rights of Way

Core Policy 60 seeks to reduce the need to travel, particularly by car, and supports and encourages the sustainable, safe and efficient movement of people and goods through a series of initiatives and together with Core Policy 62 seeks to mitigate any adverse impact on the transport network on transport users, local communities and the environment.

Core Policy 61 requires proposals to demonstrate that the proposal is capable of being served by safe access to the highway network and states in the supporting text that transport impacts

of new developments need to be assessed and connection to the highway should be safe for all road users.

Vehicular access would be gained from the east along Cherry Orchard, the access previously used for the former Resource Centre, as well as the housing at Cherry Orchard House. Tracking plans have been submitted to demonstrate that the layout would be accessible for the largest vehicles of refuse truck and fire tender. The Highways Officer is satisfied with the level of parking provided as well as the provision of EV charging points and cycle parking.

Given there is no vehicle through-route, the road layout is not required to be adopted by the Highway Authority. If the roads were to be adopted in the future, the existing access track would need to be assessed for its suitability to be brought up to adoptable standards.

The development is proposing to deliver a significant benefit in terms of widening of a section of footpath Marl30 which links northwards towards the town centre. The development would provide for widening and surface improvements of the path to a width of circa 3.5 metres to better enable cycling. This is supported by local members as well as the Council's highway, transport and public rights of way teams as part of a strategic objective to improve the local pedestrian and cycling network. This commitment would be secured by way of legal agreement.

Concerns have been raised by local residents in terms of disturbance from vehicles during the construction phase, as well as the potential for an increase in the risk of accidents. A Construction Management Plan would be required to be submitted via condition, this to be agreed with the highway authority and restrictions on working hours imposed.

In conclusion, subject to conditions, the proposal is considered acceptable in terms of highways and access matters and no outstanding objections are raised under Core Policies CP57, 60 and 61.

Drainage and flood risk

Core Policy 67 requires proposals to include measures to reduce the rate of rainwater run-off through the use of sustainable drainage measures.

The site falls within Flood Zone 1 and is an area of low risk of flooding from surface water. A Flood Risk Assessment has been submitted with the application, along with a proposed drainage strategy and number of subsequent technical notes addressing various technical issues raised. Further ground investigations took place during September 2023 to ensure the ground conditions are suitable for the drainage infrastructure proposed. Rainwater garden planters are also now proposed within the garden of each dwelling. The Drainage team, as the Lead Local Flood Authority have now removed their holding objection subject to certain compliance conditions.

In conclusion, following amendments, no outstanding objections are raised under Core Policies CP67 subject to conditions.

Water quality – Source Protection Zone

Policy MARL1 requires that “The issues arising from part of the site's location within the Marlborough public water Source Protection Zone 1 must be satisfactorily addressed”.

The southern corner of the site falls within Source Protection Zone 1 as highlighted yellow on the plan below. The Environment Agency provides guidance on groundwater protection².

Residential occupation of the site is a low-risk use of the land in terms of potential direct or indirect contamination of ground water, other than a potential impact in the event of faulty sewers. The construction phase also gives rise to potentially polluting activities.

A condition to secure details of and adherence to a Construction and Environmental Management Plan is considered sufficient to ensure that the development avoids direct and indirect contamination of groundwater.



Ground Conditions and Pipeline Easement

There is a pipeline operated by Exolum crossing the southern corner of the site requiring a 6m easement strip (3m either side), whereby no development works can take place. Development and intrusive activities within this easement are prohibited under separate legislation outside of planning. The masterplan has been designed to respect the location of the easement and no objection has been sustained by the pipeline operator. A Works Consent will be required to be entered into with the pipeline operator under separate agreement post-planning.

The former uses of the site may have given rise to potential sources of land contamination. As such a condition has been placed that would require a scheme of remediation to be submitted for approval prior to commencement to avoid and prevent any risks.

Developer contributions - affordable housing, waste, public education, open space/sports facilities, off-site biodiversity, PROW widening

CIL

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. An informative would be placed on any permission.

Affordable housing

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the NPPF, sets a requirement for 40% on-site affordable housing, which equates to 10 dwellings. The Housing Team advises that this should comprise the following tenure mix to meet identified needs as follows:

Affordable Rented:

- 2 x 1 bed flats including 1 x Ground Floor Flat built to M4 (2) standards
- 2 x 2 bed houses
- 2 x 3 bed houses

² <https://www.gov.uk/government/collections/groundwater-protection>

First Homes

- 2 x 2 bed houses
- 1 x 3 bed houses

Shared Ownership:

- 1 x 2 bed house

With regard to plot 6, the Ground Floor flat, the ground level floor plan shows the level access shower as requested in addition to being built to meet M4(2) standard. This standard extends to the parking space, with the requirement for it being capable of being widened to 3.3m.

First Homes must be discounted by a minimum of 30% against the market value, with the sale price, at first sale, no higher than £250,00 after the discount has been applied. They must be sold to qualifying first time buyers with the discount and restrictions passed on to subsequent owners in perpetuity.

The affordable dwellings (other than First Homes) will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

On this basis, the housing officer supports this mix of housing which will be secured in the associated legal agreement accordingly.

Therefore, no objection would be raised under CP43 subject to the applicant entering a Section 106/legal Agreement to provide affordable homes in line with the Council's standard requirements set out in the full response from housing.

Education

Core Policy 3 requires new development to provide for essential related infrastructure (including education facilities) to be delivered, where appropriate, through financial contributions. Similarly saved policy HC37 states that 'a contribution towards improvement of the existing school infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development'. The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006.

Early Years Places

The Council's Head of School Place Commissioning reports that for pre-schools there is currently no requirement for a developer contribution towards the expansion of Early Years infrastructure in this area.

Primary School Places

It has been assessed that primary education capacity within the vicinity is sufficient and that no contribution is required in respect of primary education as the pupil yield of the development can be accommodated within St Mary's CE Primary and Preshute CE Primary.

Secondary School Places

The designated secondary for this site is St John's, Marlborough which currently has no spare capacity. As such a contribution is needed towards provision of 4 additional secondary school places. Using the current cost multiplier of £22,940 per place x 4 = £ £91,760. (subject to indexation).

Open space and sports provision

Open space and play areas are 'place-shaping infrastructure' for the purpose of Core Policy 3 which requires that development provides for the infrastructure requirements for the development. Saved policy HC34 sets out the recreation provision required in developments of 20+ dwellings. Core Policy 52 requires the provision of accessible open space and arrangements for ongoing management and maintenance.

For this site, the SPG indicates a requirement for 1400m² of play and open space provision comprising:

Equipped play space	179	m ²
Casual play space	236	m ²
Formal sports pitches	985	m ²

Diagram 3.1 of the SPG identifies that no equipped play space is required on-site when there is adequate provision for primary school children within 240m radius of the site. Adequate provision is defined as 'a well-maintained equipped play area of at least 400m² with at least 5 pieces of play equipment'. The Orchard Road Play Area is a c. 380m² existing play area 50m to the north of the application site. It is identified in MARL16 as a 'Valued Community Open Space'. It appears to be well-maintained and with a variety of play equipment.

The site plan identifies an a 380m² area of new public open space within the site. Together with the Orchard Road Play Area it is concluded that this would provide for adequate equipped and casual play space to meet the needs of the development.

Sports pitches cannot feasibly be provided on-site and notwithstanding the comments of the Play and Open Spaces Officer, the SPG highlights that developments of less than 157 houses should contribute towards improvement of off-site sports facilities. A contribution of £11,256 is identified in accordance with the SPG.

Refuse and Recycling

Waste Core Strategy Policy WCS6 requires developers to provide facilities for separation and storage of waste for recycling and composting. It also states that any such provision must "have regard to the existing Municipal Waste Management Strategy". The Council's waste strategy expects that new developments are designed to enable waste collection services to operate safely and efficiently, and, to this end, the waste SPD sets out what is deemed to be safe and efficient.

Recycling and collection facilities are classified as essential infrastructure for the purposes of WCS Core Policy 3: Infrastructure Requirements. The Council's Waste Storage and Collection: Guidance for Developers SPD requires financial contributions towards the provision of bins and boxes for the dwellings at £101 per dwelling to be secured by way of planning obligation. As such a financial contribution of £2424 would be secured via legal agreement.

Off-Site Biodiversity Contribution

A financial contribution to the delivery of off-site habitat units has been sought to offset the net loss on-site. The development would deliver a net loss of -6.34% for habitats (0.26 biodiversity units) and a net loss of linear units of -9.7% (0.2 biodiversity units) for hedgerows. This translates into a financial contribution of £13,800 based on £30,000 per biodiversity unit.

PROW Widening

The S106 agreement will include the requirement for the applicant to enter into an agreement with the Local Highway Authority to complete the widening and surfacing of MARL30 in accordance with drawings submitted and approved under that agreement. The description of the works will be:

PROW MARL 30 will be widened to a width of between 3m and 3.5m. The construction will meet Highway Adoption Standards. It will be surfaced in tarmac with concrete edging kerbs and provided with positive drainage. The level of the path incline will be within the criteria outlined in the relevant Government guidance. A retaining wall will be required with details to be submitted to and approved in writing by the LHA. A temporary closure of the PROW will be required during construction and the applicant will be required to fund any TROs associated with the diversion/closure.

Summary of Developer Contribution Matters

The education, waste, affordable housing, ecology, and public open space teams have all made representations regarding the proposals. Following amendments, no objections have been raised subject to the appropriate contributions being secured via suitably worded legal agreement. As such the proposal is considered to comply with policies CP3, CP43, the adopted Planning Obligations DPD, and policy WCS6 of the Waste Core Strategy.

12. The Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. For this application, paragraph 11d of the NPPF ('the tilted balance') would not automatically apply due to the National Landscape (formally AONB) location, which is one of the exceptions under NPPF footnote 7.

The principal benefit of the proposed development is in terms of its contribution to the supply of new homes in Wiltshire, and particularly in meeting locally identified needs for Marlborough, as identified through the Neighbourhood Plan. The delivery of 24 new homes, including 10 affordable homes on a brownfield site, in a sustainable location within the settlement boundary is afforded substantial weight in favour of the development. There would also be economic benefits through the construction phase and when in operation, the associated boost to local businesses and community facilities within the village assisting with continued viability. The delivery of a new open space area, the improvements to the right of way as well as the off-site financial contributions, including education places are also benefits of the scheme. These further benefits attract moderate weight.

Concerns have been raised during the course of the application with particular regard to suitably addressing the constraints of the site, ecological and landscape impacts, boundary features and drainage strategy. These matters are now considered to have been satisfactorily resolved following further rounds of amendments to plans. The provision of biodiversity protection and enhancement measures and retention of boundary tree belts will help to avoid and mitigate risk of ecological and landscape harms and impacts. Drainage and flooding matters have been thoroughly considered and can be suitably conditioned to ensure that the new dwellings can be adequately served by on site infrastructure and a SUDs scheme provided.

Subject to securing conditions and legal agreement, officers it is considered that any adverse impacts of approving the development would not significantly or demonstrably outweigh the benefits of the scheme, when assessed against the policies of the Local Plan and the NPPF. The planning balance weighs in favour of the development and planning permission should therefore be forthcoming.

13. RECOMMENDATION:

Subject to the applicant entering into a Legal Agreement to secure the following financial contributions:

- **£ £91,760** for secondary school places
- **£2,424** for provision of containers for waste and recycling
- **£11,256** for Off-site sports pitches
- **£13,800** for off-site biodiversity contribution
- **£1,192 for S106 monitoring fee (1% of total contributions)**

and to secure a scheme of 10 Affordable Housing Units with the agreed tenure mix, at nil subsidy, meeting NDSS design and floorspace standards, subject to the nomination rights remaining with Wiltshire Council and the homes being transferred to a Registered Provider, approved by the Council, or to the Council.

and to secure the requirement to enter into an agreement with the Local Highway Authority to complete the widening and surfacing of MARL30.

APPROVE subject to the following conditions:

1. **Timeframe**

The works 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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- C8671.PL.050 REV K - Proposed Site Plan
- C8671.PL.051 REV G - Enlarged Proposed Site Plan
- C8671.PL.051-1 REV D - Enlarged Proposed Site Plan for Future Connections
- C8671.PL.052 REV E - Proposed Surface Finishes Plan
- C8671.PL.053 REV E - Proposed Refuse Strategy Plan
- C8671.PL.054 Rev F - Proposed Land Use Plan Sheet 1 of 2
- C8671.PL.054 - 1 Rev A - Proposed Land Use Plan Sheet 2 of 2
- C8671.PL.055 REV J - Proposed Affordable Tenure Plan
- C8671.PL.056 REV G - Proposed Boundary Treatment Plan
- C8671.PL.057 REV F - Indicative Landscape Plan Sheet 1 of 2
- C8671.PL.057 -1 REV A - Indicative Landscape Plan Sheet 2 of 2
- C8671.PL.058 REV A - Proposed Materials Schedule Sheet 1 of 2
- C8671.PL.059 REV A - Proposed Materials Schedule Sheet 2 of 2
- C8671.PL.070 REV G - Proposed Site Section A- A and Section B-B
- C8671.PL.110 REV D - Plot 1 - 3 - Proposed Floor Plans and Elevations
- C8671.PL.130 REV D - Plot 4 - 5 - Proposed Floor Plans and Elevations
- C8671.PL.150 REV D - Plot 6 - 9 - Proposed Floor Plans and Elevations
- C8671.PL.170 REV D - Plot 10 - 13 - Proposed Floor Plans and Elevations
- C8671.PL.190 REV D - Plot 14 - 17 - Proposed Floor Plans and Elevations
- C8671.PL.210 REV D - Plot 18 - 20 - Proposed Floor Plans and Elevations
- C8671.PL.230 REV F - Plot 21 - 24 - Proposed Floor Plans and Elevations
- Retention Removal Tree Plan Sheets 1 of 2 and 2 of 2 - C871.PL.060 Rev A
- Indicative details of boundary fencing tree retention- C871.PL.071 Rev A
- Sketch showing planting adjacent to bat corridor- C871.PL.072 Rev A
- Design and Access Statement (A3 Landscape) Cherry Orchard (Revised June 2023) Rev G
- Ground Investigation Report-6219-B/GIR, October 2018
- Phase 1 Contaminated Land & Geotechnical Desk Study-6219-B/DS
- Flood Risk Assessment and Drainage Strategy - Issue 4 (dated 10th Sept 2021) - Acl592/21021/FRA/DS
- Additional Information Statement requested by the LLFA (dated 10th Feb 2022) - Acl631/21021/TN

- Drainage Strategy & Surface Management Update Statement (dated 7th Dec 2022)- Acl698/21021/A/DS
- Additional Information Statement requested by the LLFA (dated 5th May 2023)- Acl759-21021-TN
- Drainage Update Technical Appendices-parts-1 and 2 (dated 6th Oct 2023)- Acl807-21021
- Ecological Assessment (Ethos) - ETH21-106 - V.4
- Biodiversity Net Gain Results (Ethos, November 2023) – V.2

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

3. **Materials**

No development of the new buildings shall progress above ground floor slab level until full details, including a Materials Plan, of the materials and finishes to be used, including external walls, all visible features on external facades and roofs (including external walls, brickwork, lintels/cills, roof tiles, windows, joinery/paint colour, rainwater goods, doors and garage doors and porches) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The details to be submitted under this condition shall include for example, product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested, samples of materials and finishes are to be made available for inspection on the development site. The details to be submitted of the porches shall include all construction materials, which will be expected to be of traditional construction and not of GRP pre-fabrication.

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

4. **Scheme of footpath widening**

No part of the development shall be occupied until the improvements to the section of the MARL30 Public Right of Way (area as indicated on approved plan C8671.PL.051-1 Rev D) have been fully implemented and the construction works given approval by the Local Highway Authority. The works shall be fully inspected throughout construction by the Local Highway Authority.

REASON: In the interests of highway safety.

5. **External Lighting**

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the

Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of the amenities of the area to minimise unnecessary light spillage above and outside the development site and for the protection, mitigation and enhancement of biodiversity.

6. Ecology – Compliance with assessment

The development hereby approved shall be carried out in strict accordance with the submitted Ecological Assessment (Ethos) - ETH21-106 - V.4.

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

7. Ecological Enhancements Plan

Notwithstanding the approved plans, no development shall commence until an Ecological Enhancements Plan has been submitted as well as specifications and full details of the following ecological features to be submitted and approved in writing by the Local Planning Authority, in accordance with the provisions set out within the Ecological Assessment (Ethos) - ETH21-106 - V.4:

- Details of artificial bat boxes and roof tiles to include one integrated bat brick for each house backing on to the woodland edge, three bat boxes for the woodland and a bat access tile for each dwelling within the development.
- 24 integral bird nesting bricks will be installed into the buildings and four external board boxes within the new orchard and retained habitat.
- 24 integrated bee bricks to be installed one per housing unit (ideally south-facing)
- Insect hotel.

Prior to first occupation, all approved ecological features shall be implemented thereafter and maintained for the lifetime of the development.

REASON: For the protection, mitigation and enhancement of biodiversity

8. Site planting scheme

i) No development shall commence until details of a site planting scheme have been submitted to and approved in writing by the local planning authority, the details of which shall include:

- a) all soft surfacing materials,
- c) a detailed plan identifying existing trees and hedges to be retained and a planting plan and specification showing all plant species, supply and planting sizes and planting densities, and details of after-care.

ii) All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial completion of the development whichever is the sooner.

iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iv) Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.

REASON: To ensure a satisfactory landscaped setting for the development.

9. Implementation of Boundary Fencing

Prior to first occupation, the approved boundary fencing and all means of enclosure, including wall and railings, shall be constructed/installed in accordance with the details of approved plan no. C8671.PL.056 REV G (Proposed Boundary Treatment Plan) and retained in accordance with the approved details thereafter.

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

10. Landscape and Ecology Management Plan (LEMP)

No development shall commence until a Landscape and Ecology Management Plan (LEMP), in accordance with the measures outlined in the Ecological Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall 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 include the recommendations set out within the Ecological Assessment (ETH21-106 - V.4).
- 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 to ensure long-term management of landscape and ecological features 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.

11. Tree Protection Plan

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until tree protection fencing has been erected in the location shown on approved plan no. C8671.PL.060 Rev A (Retention/Removal Tree Plan Sheet 1 of 2) in accordance with protective fencing design specifications of British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations".

The protective fencing shall remain in place for the construction phase of the development until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations and construction shall be completed strictly in accordance with the recommendations of the submitted Arboricultural Method Statement (Author: Sharples Tree Services, Dated: October 2021).

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

12. Construction And Environmental Management Plan (CEMP)

No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction

Environmental Management Plan (CEMP) has been submitted to the Local Planning Authority and approved in writing. The Plan shall include the recommendations set out within the Ecological Assessment 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:

- i. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- ii. Working method statements for protected/priority species, such as nesting birds and reptiles.
- iii. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre- construction/construction related elements of strategies only.
- iv. 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.
- v. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- vi. 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.

13. **Construction Management Plan**

- No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- - I. The movement of construction vehicles;
 - II. The cutting or other processing of building materials on site;
 - III. Wheel washing and vehicle wash down facilities;
 - IV. The transportation and storage of waste and building materials;
 - V. The recycling of waste materials (if any);
 - VI. The loading and unloading of equipment and materials;
 - VII. The location and use of generators and temporary site accommodation;
 - VIII. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.

The details to be submitted under this condition shall include all details of timing and phasing of proposed measures to ensure that they are in place and maintained for so long as required.

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- The construction/demolition phase of the development shall be carried out fully in accordance with the construction management plan at all times. The development shall not be carried out otherwise than in full accordance with the Plan without the prior written permission of the Local Planning Authority.
- Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

14. Hours of Demolition/Construction

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

15. Highways - Visibility Splays

The development hereby permitted shall not be first brought into use until splays have been provided on all private driveways (with planted boundary treatments) on both sides of the access from the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall always be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety.

16. Highways - Electric Vehicle Charging

No dwelling hereby permitted shall be occupied until an electric vehicle charging point has been provided for that unit in accordance with details first to have been submitted to and approved in writing by the local planning authority. The details to be submitted for consideration under this condition will be expected to comply with Approved Document S of the Building Regulations 2010.

REASON: In accordance with national move to reduce reliance on fossil-fuelled vehicles, and to avoid the need for retro-fitting of electric vehicle charging facilities at a later date.

17. Parking and Vehicle Turning

No part of the development hereby permitted shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details

shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: To ensure adequate off-street parking provision and vehicle turning manoeuvring space in the interests of amenity and highway safety and to prevent displaced parking on to adjacent highway. To meet National guidance in relation to Electric Vehicle Charging.

18. Drainage Works compliance

The development hereby permitted shall not be occupied until the works set out in the approved drainage strategy (including foul drainage) have been implemented in full and completed in accordance with the submitted and approved details. The drainage works must be delivered in full accordance with the details set out in Drainage Update Technical Appendices-parts-1 and 2 (dated 6th Oct 2023)- Acl807-21021. All foundations shall be at 1.6m depth for unity and to ensure that they are all in chalk. All soakaways shall be located in chalk and not the above layers (as per Table 5.1).

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.

19. Bioretention rain garden planter Maintenance Plan

Prior to first occupation a management and maintenance plan for the on-going maintenance of the bio-retention rain garden planters shall be submitted and approved in writing by the Local Planning Authority.

Each householder shall be provided with the approved plan upon taking occupation of each new dwelling.

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.

20. Contaminated Land

No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until the below requirements of steps (i) to (ii) have been fully complied with and no dwellings shall be occupied until the requirements of steps (iii) and (iv) have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (ii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iii) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (iv) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report should be submitted to and approved in writing of the Local Planning Authority.

Step (v) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: Core policy 56, To reduce the risks associated with land contamination
Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

INFORMATIVES

1. This planning permission is to be read alongside the associated legal agreement drafted under the provisions of Section 106 of the Town and Country Planning Act. 1990 (as amended) (the s.106 agreement) the requirements of which must be met, before the development can commence or at such a time as defined within the s.106 agreement, along with the requirements of the conditions of this planning permission.
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.
3. The attention of the applicant is drawn to the contents of the letter from Fisher German LLP dated 4th May 2023 pertaining to the pipeline (Fisher German/Exolum) that crosses part of the site. Development and intrusive activities are prohibited within the Pipeline Easement Strips without specific consent from Exolum. You should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirements for Crossing or Working in Close Proximity to Exolum Pipelines, please visit <https://lsbud.co.uk/wp-content/uploads/2021/10/lbud-standard-requirement-uk-um.pdf> for further information.
4. There are water mains crossing or close to the site. Thames Water do not permit the building over or construction within 3m of water mains. If planning significant works near the mains (within 3m) Thames Water will need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit their services. The applicant is advised to read the Thames Water guidance for working near or diverting our pipes. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
5. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

6. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
7. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All appropriate licences for skips or waivers for construction-related vehicles should be sought from the appropriate teams within the Council.
8. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.