

**REPORT FOR STRATEGIC PLANNING COMMITTEE**

<b>Date of Meeting</b>	1 November 2023
<b>Application Number</b>	PL/2021/09013
<b>Application type</b>	OUTLINE
<b>Site Address</b>	Land West of Westbury Road, Warminster
<b>Proposal</b>	Outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works (access to be approved with all other matters reserved)
<b>Applicant</b>	Barratt Homes
<b>Town/Parish Council</b>	Warminster Town Council
<b>Electoral Division</b>	WARMINSTER NORTH & RURAL – Cllr Bill Parks
<b>Case Officer</b>	David Cox

**Reason for the application being considered by Committee**

This application has been 'called in' for Committee to determine at the request of the local Warminster Division Member, Cllr Bill Parks, for the following reasons:

- Visual impact on the surrounding area
- Design - bulk, height, general appearance
- Outside town settlement boundaries

This is an application for a large-scale major development which represents a significant departure from the housing delivery policies of the development plan, and so is a matter to be decided by the Strategic Planning Committee.

**1. Purpose of Report**

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions and s106 obligations.

**2. Report Summary**

The key determining planning issues are considered to be:

- Principle of development
- Access and Highway Impact
- Landscape Impact
- Drainage and Flood Risk
- Impact on biodiversity including phosphorus
- Impact on neighbouring amenity
- Noise impact on potential residents

- Archaeology
- Urban Design
- Section 106 Legal Agreement

Warminster Town Council has raised objections to the application. Upton Scudamore Parish Council (adjoining) has also raised objections, and so have 66 further interested third parties.

### 3. Site Description

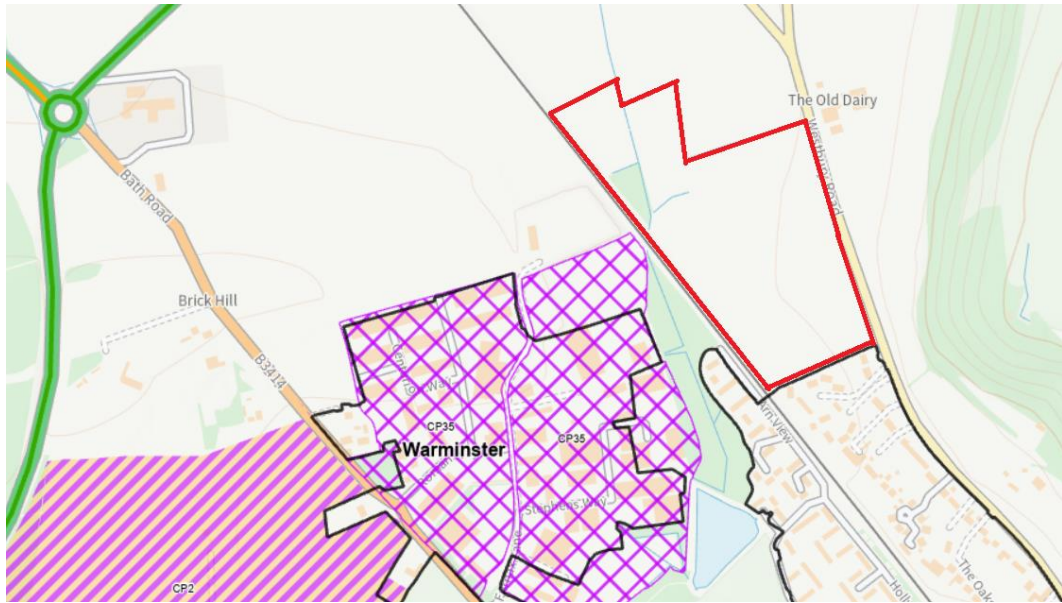
The site comprises open fields covering approximately 10.45 hectares, located to the north of the market town of Warminster. The site has access from Westbury Road (a 'C' class road) that connects to the A350 to the north and leads directly into Warminster town and town centre to the south.

The site is immediately adjacent to the settlement boundary for Warminster to its south side, and separated from the Crusader Park & Warminster Business Park and a residential development at Hollybush Road/Portway Lane to the west by the railway line (which is elevated on an embankment above the application site). The site is approximately 570m east of the limits of the strategic allocation at the West Warminster Urban Extension (WWUE), as seen in the snip images below.

Immediately to the south of the site lies no. 27 Westbury Road (the end house in a row of large, detached houses that front Westbury Road and form the outer suburbs of Warminster); and to the rear of no. 27 on 'backland', The Woodlands – a cul-de-sac of 9 houses accessed from the Westbury Road. To the east, on the opposite side of Westbury Road, the land rises towards a wooded hillside, forming part of the Arn Hill Down Golf Course.



**Site Location Plan and Council Mapping Image of the site in relation to Warminster**



**Red outline of the application site in relation to the existing limits of development for Warminster (black line), the Existing Employment sites (purple hatch) and WWUE (purple and yellow diagonal lines)**

The land is understood to be used for a mixture of agricultural purposes including crop growing and for cattle farming, and comprises swathes of Grades 3a (good), 3b (moderate) and 4 (poor) agricultural land.

Public Right of Way (PROW) WARM18 runs through the site and crosses over the railway line, and connects into the housing estate on Arn View road and Portway Lane. There are also two further PROWs to the east, WARM26 and WARM27, which are elevated relative to the application site, but only WARM26 would offer any potential views due to being on the western side of the woodland that rises up Arn Hill.



**The public rights of way**

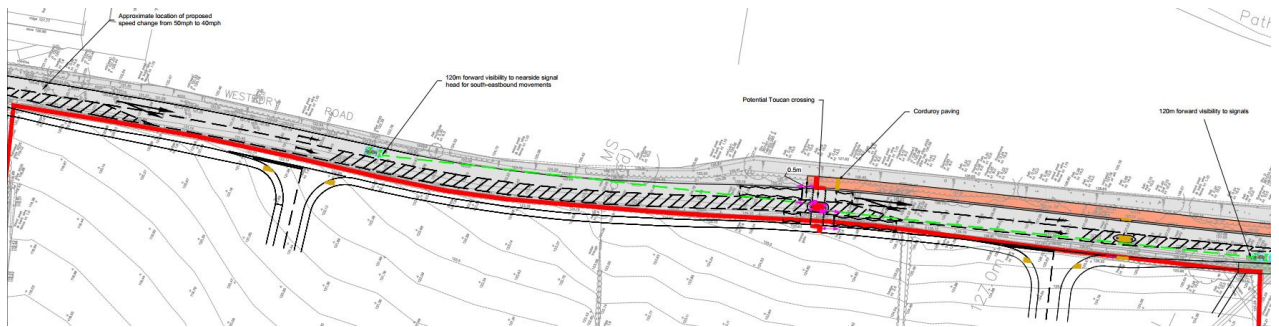




## 5. Proposal

The application is for outline planning permission to erect up to 205 dwellings, community hub, public open space, access, infrastructure and associated works. Details of the access are to be considered at this stage with all other matters reserved.

The 'access' would be in the form of two new road junctions on the Westbury Road, along with an extended footpath from no. 27 Westbury Road across the entirety of the application site's eastern frontage with Westbury Road. Each of the accesses would be provided with right-turning lanes to ensure continuity of traffic flows and would be provided with suitable visibility splays for the current speed limit of 50mph. This said, a reduction in the speed limit to 40mph along this section of Westbury Road is also proposed by the applicant.



**Extract from plan P19-2831 SK/13Rev B showing the proposed access points and part of the proposed off site junction improvements**

Off-site road improvements are also proposed as shown in the two snipped images below. The off-site works propose ghost islands, central islands and new shared footway/cycleway paths on the eastern side of Westbury Road to the south of the application site, and would also be subject to a separate 's278 application'. The works extend down to, and include, the junction with Elm Hill, Cophead Lane and Portway.



**Extracts from plan P19-2831 SK/13Rev B showing the proposed off-site highways works**

The application includes an illustrative masterplan which is shown in the snip image below. The yellow circles show the location of the two proposed vehicular accesses.



**Illustrative Proposed Site Layout**

The masterplan shows that the built form is to be on the southern and eastern parts of the site and adjacent to Westbury Road, wholly within Flood Zone 1 and set back from the railway line.

Each development block would have small landscape strips around them, and toward the western and north-western part of the site it is proposed that a flexible community building would be provided. A substantial green buffer is to be incorporated at the northern most part of the site, thus creating a more graduated transition to the countryside where currently there is a fairly hard urban edge. This would also allow additional habitat creation and would soften distant views of Warminster from the village of Upton Scudamore.

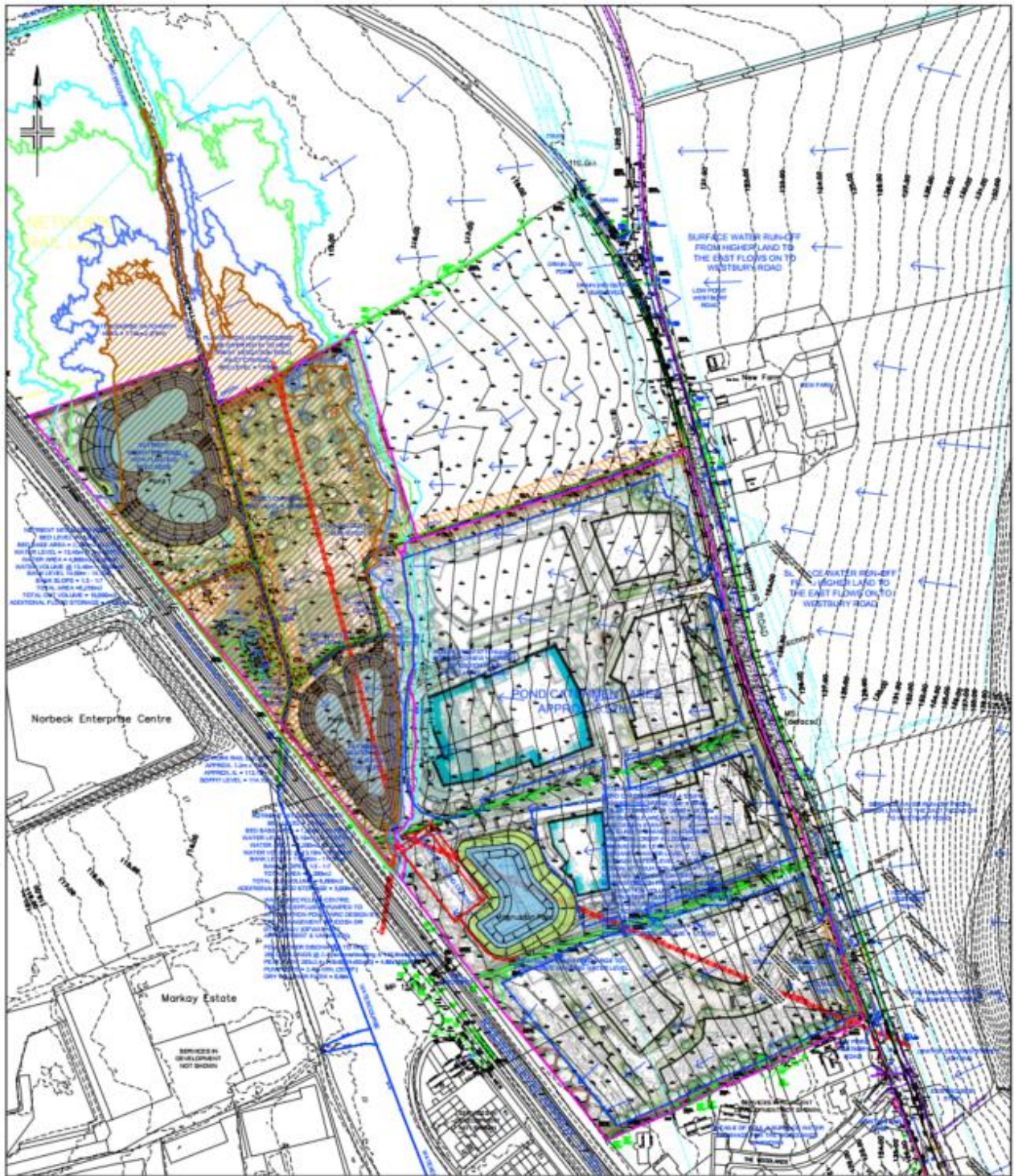
The application has been delayed in view of highways negotiations (for the access and off-site work details) and initial objections from Natural England on phosphorus impacts on the River Avon, which has led to the applicant submitting a 'Phosphorous Neutrality Report (revision 3)'. The Report sets out how phosphates generated by the development would be captured and processed on site before treated water is then released into the watercourses. This process includes a 'Water Recycling Centre' and two ponds adjacent to the western boundary which would be "nutrient mitigation ponds with floating reed beds".

Sewage pipes would take all foul water from the development into the recycling centre prior to discharge in 'Pond 2'. As explained in in the Report ....

*"The key updated information presented in this report includes the introduction of an on-site Water Recycling Centre (WwRC) to treat the foul water generated by the Proposed Development prior to discharge into Pond 2 with the floating treatment wetland for tertiary treatment alongside treatment of surface water. Pond 2 has been moved and modified to facilitate treatment of foul and surface water. The treatment of the foul water generated by the Proposed Development at the WwRC will also mean that none of the proposed foul water will be treated at Warminster Waste Water Treatment Works (WWTW). Furthermore, this change in approach focuses treatment on the foul and surface water generated on site, with Pond 1 (which continues to treat water from the unnamed*



watercourse) providing an extra buffer to ensure that the Proposed Development is nutrient neutral.”



**Drainage Strategy plan – showing Water Recycling Centre, on-site Ponds and wetlands**

The recycling centre would require regular maintenance and would also be a self-monitoring system.

A further attenuation pond to deal with surface water is proposed near the south-western corner where ground levels are lowest. In the Neutrality Report paragraph 4.41 states;

*“Prior to discharge from the Site, the surface water run-off from the Proposed Development will be collected and pass through, as a minimum, the attenuation pond which has been designed to provide storage of, and some treatment, including sedimentation and removal of total suspended solids, from the proposed residential development’s surface water run-off before the water flows to Pond 2 and the floating treatment wetland for removal of Total Phosphorus.”*

As part of the Phosphorous Neutrality Report, the applicant has had to submit details of phosphorus calculations. In order to provide more certainty of the calculations the applicant has proposed a phased approach to the proposed development with ‘Phase 2’ dependant on the monitored performance of the two floating wetlands and because the proposed Water Recycling Centre would not reach maximum efficiency until the new houses are actively discharging into it. Therefore, the calculations are based on ‘Phase 1’ comprising 165 dwellings and then - following data collection and monitoring of the phosphorus removal performance, and evidencing that the mitigation works - ‘Phase 2’ for the remaining dwellings.

For the avoidance of doubt the water recycling centre/treatment plant would need a Permit from the Environment Agency (EA) and one pond would also need a water abstraction licence. Both of these are separate legislative processes (with the EA) and so are not planning reasons to object to the development.

It is also important to note that this is an outline application for ‘up to’ 205 dwellings. The reserved matters application(s) could come in for 205 dwellings or less depending on layout and design considerations. Furthermore, it could transpire that the developer may only be able to secure a licence from the EA for ‘x’ number of dwellings, which would then influence the reserved matters application(s). The applicant has confirmed agreement to a clause in the s106 to secure the phased approach to the development with no more than 165 dwellings in the first phase, and the remainder subject to the evidence and monitoring.

The application also seeks to stop public right of way WARM18 that passes over the railway line and divert it across the site and onto Westbury Road, where it would link with WARM16 (which has a bridge over the train line). However, this would also require a separate application process under highways legislation outside the remit of this planning application. Should the separate application to divert the footpath not be successful then the footpath route and its crossing over the railway line would remain, would be improved, and would be incorporated into the reserved matters application(s). This can be addressed by planning condition.

It is the applicant’s intention that following the determination of the application by the Strategic Committee (and the completion of the s106 process, as relevant) for these two separate application processes for an EA Permit and for the footpath diversion to be started, in order for them to be completed alongside or in advance of submitting the reserved matters application(s).

## **6. Planning Policy**

### National Context:

National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG)

### Local Context:

Wiltshire Core Strategy (WCS) adopted 2015;

CP1 - Settlement Strategy;

CP2 - Delivery Strategy;

CP3 - Infrastructure Requirements;

CP31 - Spatial Strategy for the Warminster Community Area;

CP43 - Providing affordable Homes;



CP45 - Meeting Wiltshire's Housing Needs;  
CP50 - Biodiversity and Geodiversity;  
CP51 – Landscape;  
CP52 - Green Infrastructure;  
CP55 - Air Quality;  
CP57 - Ensuring High Quality Design and Place Shaping;  
CP58 - Ensuring the Conservation of the Historic Environment;  
CP60 - Sustainable Transport;  
CP61 - Transport and Development;  
CP62 - Development Impacts on the Transport network;  
CP64 - Demand Management;  
CP67 - Flood Risk  
CP68: Water Resources

West Wiltshire District Plan 1<sup>st</sup> Alteration (2004) 'saved policies'

C3 - Special Landscape Areas;  
C40 - Tree Planting; R12 – Allotments;  
U1a - Foul Water Disposal;  
I2 - The Arts  
I3 - Access for Everyone

Wiltshire Landscape Character Assessment 'Greensand Terrace A6'

West Wiltshire Character Assessment 'G3 Upton Scudamore Greensand Terrace'

West Wiltshire Leisure and Recreation DPD (adopted January 2009)

LP4 Providing recreation facilities in new developments;  
LP5 New Sport and recreation facilities;  
CR1 Footpaths and Rights of Way;  
CR3 Greenspace Network;  
GM2 Management and maintenance of new or enhanced open space;  
YP1 Children's play areas  
YP2 Provision for teenagers

Wiltshire Housing Site Allocations Plan (Adopted February 2020)

Wiltshire and Swindon Waste Core Strategy 2006-2026

WCS5: The Wiltshire and Swindon Waste Hierarchy and Sustainable waste Management  
WCS6: Waste Reduction and Auditing

Warminster Neighbourhood Plan (November 2016)

Policy L1 – Design  
Policy E2 – New Leisure Facilities  
Policy E5 – Surrounding Environment  
Policy GA4 – Rights of Way

Emerging Wiltshire Local Plan Review (Regulation 18 consultation undertaken, draft submission pending)

Wiltshire Council's adopted Car Parking Strategy

## **7. Consultations**

Warminster Town Council: Objection.

#### Principle of development -

- The proposed development is contrary to national and local planning policy by being outside the Settlement Policy Boundary. The proposed development is also not in-keeping with the stylistic context or scale of the local area.
- This development should not be permitted on land outside the Policy Settlement Boundary, as other land is available and allocated for housing in the area. Allowing it would create a dangerous precedent.
- The application does not comply with paragraphs 77, 109, 110, 111, 117, 127, 130, 131, 137, 150, 170, 175, 177 and 180 of the NPPF.

#### Design –

- The layout and density of the proposed development is inappropriate.
- The type of housing proposed will not satisfy local housing needs. The ‘affordable housing’ proposed is beyond the reach of those in housing need.

#### Highways –

- The development will cause traffic problems such as traffic generation, access and safety problems. There is a significant safety issue with regards to the entrance and exit to the development. The plan shows a straight road whereas in reality there is a blind bend, thus vehicles would be in danger of collision upon exit and causing a hazard when turning into the development.
- This development would also increase cross town traffic due to the need of access to services that sit on the opposite side of town, bringing gridlock to the already congested town centre.
- There is a protected verge that would be adversely affected by the development.

#### Ecology –

- There is great biodiversity in this area and protected species which would be adversely affected by the development.
- The development will increase phosphate levels and associated problems, particularly having an adverse impact on local rivers.

#### Landscape –

- The proposed development will adversely affect the vista of and from the hills which are a key cultural and heritage feature of Warminster.

#### Drainage –

- The proposed development will have a negative impact on the amenity of other residents by increasing the risk of flooding elsewhere in the town.
- The proposed development falls within flood zone 2 & 3. There will be a loss of water courses leading to increased flooding across Warminster, where the sewerage system currently struggles to cope. Wessex Water have already reported that there is a significant rise in water levels in the area. The recreational areas mentioned within the proposal are situated in the zone 3 areas. This would render them boggy and unusable at regular intervals.

#### Upton Scudamore Parish Council: Objection.

#### Principle of development -

- This site is contrary to national and local planning policy as it is outside the Settlement Policy boundary. Other land is available and allocated for housing so there is no need for this development and allowing it would set a dangerous precedent and make it harder to stop similar proposals.

- This site ignores the Warminster Neighbourhood Plan updated and endorsed by the local community in Warminster in 2021. Although this Plan shows a need to increase the land for housing by 2036 the shortfall is only 60 dwellings and the proposed development is for 205 houses.
- This is a greenfield site – it is agricultural land which has been farmed for centuries. Planning guidelines stipulate that such sites should only be used to meet local housing need if there are no available brownfield sites. The proposed development would not meet local needs as the Affordable Housing element is beyond the reach of those in the area in housing need. In addition, there are ample brownfield sites within the town itself to meet the requirement for additional homes.

#### Landscape –

- The development sets a dangerous precedent for further expansion threatening the integrity and identity of the village of Upton Scudamore with the importance of visual separation between Warminster and Upton Scudamore being included in the Wiltshire Local Plan 2020. It is overdevelopment both in terms of line of sight to Upton Scudamore and its place in the landscape. It is also out of character with the area which is much less densely populated and it will have a significant impact on the local landscape.
- The development will increase light pollution in an area which currently has relatively dark skies. Warminster being on the edge of the Cranbourne Chase AONB International Dark Sky Reserve.

#### Ecology –

- The site is important for its biodiversity with protected species which would be threatened. In addition, it falls within flood zone 2 and 3 which should not normally be used for housing.

#### Drainage –

- Development in this area also increases the risk of flooding for other residents. With the increase in extreme and wetter weather this raises further concerns.

#### Highways –

- The site will bring increased traffic to an already congested town centre which, at times, is already gridlocked. It will put further strain on local infrastructure e.g., schools, single GP surgery, dentistry, which residents of Upton Scudamore require access to.

#### Wiltshire Council Spatial Planning: General comments

*The proposal is in conflict with WCS policies CP1, CP2 and CP31. Additionally, we have during the course of site assessment for the local plan looked at sequential testing for site. When looking at the pool of sites we have applied an area based strategy and worked on a place based assessment. The site has performed well against all reasonable alternatives at the town.*

#### Wiltshire Council Highways Officer: No objection subject to s106 and conditions

#### Highways England: No objection

*Having reviewed the revised/additional documents submitted, we are satisfied that there is no change to the proposed quantum of development for which an assessment of traffic impact has already been provided by the applicant, and reviewed by us in terms of the A36 trunk road. We therefore remain satisfied that our formal recommendation of no objections dated 9 December 2021 remains appropriate and we have no further comments.*

#### Wiltshire Council Housing Officer: No objection subject to s106.



*An on-site affordable housing provision of 30% will be sought in this location. As this site is proposing up to 205 new homes, the on-site affordable housing requirement will be for 62 affordable homes (the applicant is proposing 61 affordable homes). From this we will require a tenure split of 60% affordable rented homes and 40% shared ownership homes. Therefore, we would seek 37 homes for affordable rent and 25 homes as shared ownership dwellings.*

Wiltshire Council Public Rights of Way (PRoW) Officer: No objection (following the consultation response from Highways)

Wiltshire Council Landscape Officer: No objection subject to conditions

*Cranborne Chase AONB approximately 2.7km to the southwest and Norridge Wood Ancient Woodland approximately 950m to the west.*

*The site is not within a designated landscape however Salisbury Plain SLA lies immediately to the north of Westbury Road. Here the ground rises steeply to Arn Hill Down, a dramatic, rounded hill to the north of Warminster. It is the northern most hill of a chain of chalk hills around the east of Warminster, which forms the edge of Salisbury Plain and sweeps around to form the scarp backdrop to Westbury with its White Horse.*

*The site was considered in the Landscape Appraisal of Potential Sites (2020) for the Local Plan Review (LPR). The boundary for the review included land to the north of Westbury Road around New Farm that forms the lower slopes of Arn Hill. While it was considered that land to the south of Westbury Road could accommodate some development with mitigation the LPR would not uncouple the land to the north of Westbury Road, so the site was rejected.*

*The site comprises a series of small to medium size fields predominantly bound by low, often gappy hedgerows. The site forms part of an expansive, generally low-lying, open landscape that extends north of Warminster, at the foot of the chalk hills and escarpment of Salisbury Plain. The wooded slopes of Arn Hill Down form the eastern setting of the site. The west site boundary is formed in part by the Great Western Railway, which is bound by a low embankment with scattered shrubs and trees. The north site boundary to the A350 is also formed of a low, grass embankment with scattered trees and shrubs. The short southern boundary is comprised of residential properties with hedgerow boundaries containing occasional trees and forms a relatively well integrated settlement edge and soft transition from the countryside to the suburbs of Warminster.*

*Warminster is generally well integrated by surrounding vegetation, within the lower-lying valley of the River Wylye. More recently, Warminster has begun to expand to the west (WUE) from the town centre, although remains largely located on lower-lying landform. Settlement to the north of the site comprises the small, nucleated village of Upton Scudamore on a low hill to the north of the site and scattered small farmsteads and cottages. The site contributes to rural sense of separation between Warminster and outlying settlement of Upton Scudamore. The site has a strong rural character, with some localised intrusion from traffic along the A350 to the north of the site.*

*Arn Hill Down is one of a series of dramatic chalk hills around Warminster, from which there are wide-ranging, expansive views across the landscape north of Warminster, in which the site is located. The site contributes to the distinctive transition from the well-integrated, treed settlement edge to the open, large-scale rural landscape that extends north towards Westbury and around the edge of Salisbury Plain. It lies within an identifiable, open, chalk landscape that contains distinctive local features of value. The site contributes to the separation between the town and outlying rural village of Upton Scudamore. The features of the site are in generally moderate condition and the surrounding landscape provides a good sense of place and scenic quality, particularly considering rural intervisibility between the distinctive hills.*

*The LPR site assessment included the lower slopes of Arn Hill. However, the current proposals are confined to the lower ground that relates to the town and therefore provides more opportunity for integration through landscape mitigation. It is recognised that there is potential for the development to form a hard, prominent settlement edge in the open landscape and stand out in expansive views from the surrounding hills; and for the development to contribute to coalescence of Warminster with outlying rural settlement including Upton Scudamore.*

*If you are minded to approve the application further detailed landscape plans will be required at the Reserved Matters application stage where detailed landscape mitigation can be addressed including the following:*

- Limit the height, scale and density of development to ensure that it does not break treed skylines or form prominent settlement edges or conspicuous settlement expansion in views to and from the surrounding hills;*
- Establish a substantial and appropriate landscape buffer through the north of the site, to maintain the sense of separation and separate identity between Warminster and Upton Scudamore;*
- Retain and enhance shrubs, trees and hedgerows as part of a mature landscape framework that contributes to landscape buffers to development and maintains the integrated settlement edge character.*
- Seek opportunities to establish new, small-scale woodland planting through the development to break up massing of development and contribute to the treed settlement character, with green links through the landscape to adjoining woodland;*
- Seek opportunities to create biodiverse, accessible and connected greenspaces throughout the development that conserve and augment existing vegetation and public rights of way as part of the landscape strategy for the site, in order to contribute to placemaking quality, to appropriately integrate existing landscape features within development and to provide effective landscape transitions between urban settlement edges and the surrounding dramatic countryside;*
- Seek opportunities to enhance the sense of place through use of appropriate building materials and housing densities in respect of new development.*

Wiltshire Council Conservation Officer: No objection

*No designated or non-designated built heritage assets will be affected by the proposed development and there is no objection from this point of view.*

Wiltshire Council Public Open Space Officer: No objection subject to s106 contribution to Public Open Space (POS) onsite requirements being met as follows:

POS – 7523.09m<sup>2</sup>

Equipped Play – 362.85m<sup>2</sup>

Sports - 4838.00m<sup>2</sup>

Wiltshire Council Ecology Officer: No objection subject to condition/s106

Natural England: No objection subject to condition

*We have received the following revised phosphorus reports and budgets for the aforementioned proposals from the applicant:*

- New Farm Warminster Phosphorus Neutrality Report 260523 (Revision 5)*
- Appendix 3 – Avon\_Nutrient\_Budget\_Calculator 120922*
- Appendix 3 – P loading with WRC and FTW 230523*

- Appendix 8 – P loading with WRC and FTW 250523 165 dwellings

*On this basis Natural England is satisfied that the scheme can achieve phosphorus neutrality for the phase 1 (165 units).*

*The remainder of the scheme should, however, only proceed once your Authority has received adequate monitoring data from the floating wetlands to demonstrate they are achieving the sufficient phosphorus reductions to offset the additional phosphorus budget for the remainder of the scheme.*

*Should the monitoring data not come forward then the land earmarked for Phase 2 should be secured as additional greenspace. In such an event we would recommend that any permission required the conversion to greenspace of the Phase 2 land within 5 years of completion of Phase 1.*

*Interim Drainage Solution for up to 20-30 dwellings (Before the WwRC is Fully operational). Provided the measure is appropriately secured Natural England has no objection to the proposal for tanking out foul water from the first 20-30 units to the Westbury WWTWs.*

Wiltshire Council Urban Design Officer: Holding objection

*“The Concept and DAS show a good understanding of basic urban design principles. It appears, in my view, a legible, landscape-led concept, with coherent, efficient urban form nestled within a strong GI framework.*

*There is a simple, legible strategy for Access/movement and with good balance of permeability of both streets and pedestrian routes.*

*My main criticism of the application is that The Framework Plan only appears to demonstrate how a maximum of up to about 184 homes might fit.”*

Wiltshire Council Archaeology Officer: No objection subject to condition.

Wiltshire Council Public Protection Officer: No objection subject to condition (acoustic report)

*The Phase 1&2 Site Investigations undertaken by Clarkebond on behalf of Barratt Homes are sufficiently detailed, and follow current guidance. This study concludes that there are no risks to human health, plants or groundwater on the site, and no remedial action needed. So, we have no further comments regarding contaminated land.*

Wiltshire Council Drainage Officer: No objection subject to conditions.

*The application has been supported with a Site-Specific Flood Risk Assessment (FRA).*

*The drainage team have reviewed the revised information provided. We thank the applicant for providing additional information which has demonstrated that flows will be restricted in accordance with the Council’s betterment policy for greenfield sites, and now agree with the proposed discharge rates.*

Environment Agency: No objection subject to conditions

Wiltshire Council Education Officer: No objection subject to s106 contribution.

Wiltshire Council Waste Management Officer: No objection subject to s106 contribution and conditions.



Historic England: No comments to make

Wessex Water: No objection.

Sports England: No objection.

Network Rail: Support subject to condition

*In order that the crossing is closed prior to any occupation of the proposed development a suitably worded condition should be added....*

*Suggested condition 1;*

*i) No development shall commence until a diversion order of the existing footpath (WARM18) under section 257 of the Town and Country Planning Act 1990 to prevent any public access to the railway level crossing (including the erection of signage and fencing prohibiting such access) has been made and confirmed by the local planning authority or the Secretary of State.*

*ii) No dwelling hereby permitted shall be occupied until:*

- the railway level crossing has been closed; and*
- in the context of i) above, an alternative route (temporary or otherwise) is made available to the written satisfaction of the Local Planning Authority.*

*The agreed diverted route shall be provided in full to adoptable standard and to the written satisfaction of the Local Planning Authority prior to the final occupation of the last dwelling hereby approved. In the event that the diversion order is not confirmed, the Railway Bridge Contribution shall become payable pursuant to the Section 106 Agreement. or;*

*Suggested condition 2:*

*Using proposed condition 20 from application 15/04736/OUT*

*Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way WARM18 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:*

*i) A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or*

*ii) the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.*

*Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way WARM18.*

*REASON: To ensure the continued safe operation of the rights of way network.*

*INFORMATIVE: Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the railway level crossing are fully considered before a decision on the stopping up or diversion of the public rights of way WARM18 is taken by the local planning authority or Secretary of State.*

Sailsbury and Wilton Swifts: No objection subject to condition.

Police Architectural Liaison Officer: No objection but subject to further consideration of detail in the reserved matters application

## **8. Publicity and subsequent representations**

The application was advertised by:

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

66 letters of objection were received on the application plans. This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

- not appropriate development in a rural location beyond settlement boundaries;
- flooding risk;
- no need established;
- conflicts with NPPF;
- increased noise and light pollution;
- loss of best and most versatile farmland;
- climate effects;
- increased traffic causing danger to road users;
- biodiversity losses;
- infrastructure will not cope;
- contrary to neighbourhood plan;
- nutrient neutrality;
- too high a density of housing;
- landscape and visual effects;
- effects on ProWs;
- urban sprawl;
- SCI is flawed;
- Object to the offsite works including the cycle path;
- Offsite works make no provision for the signs that would need to be re-installed;
- Offsite works would not respect the landscape character of Warminster;
- Proposing a cycle crossing on a blind bend at the bottom of Elm Hill is dangerous;
- Proposed cycle lane would be on a 'protected verge'.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### 9.1 Principle of the Development

#### 9.1.1 Wiltshire Core Strategy 'Spatial Strategy'

The Wiltshire Core Strategy (WCS) sets out a ‘Settlement Strategy’ and ‘Delivery Strategy’ for development across the County. WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – ‘Principal Settlements’, ‘Market Towns’, ‘Local Service Centres’, and ‘Large and Small Villages’. Within the Settlement Strategy, Warminster is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Warminster – and further states that housing should not be permitted outside the limits except in the few circumstances explained at paragraph 4.25, none of which apply in this case. Core Policy 2 continues that the limits of development may only be altered through the identification of sites through a site allocations DPD or a neighbourhood development plan. The Council adopted the Wiltshire Housing Sites Allocation Plan (WHSAP) in February 2020 and it allocates 3 sites for new development at Warminster (Bore Hill Farm, Boreham Road and Barthers Farm Nurseries in Chapmanslade).

WCS Core Policy 31 sets out the Council’s sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Warminster Community Area. Paragraph 5.157 of the WCS states that the strategy for the Warminster Community Area “*is to increase the level of employment, along with residential development, as part of sustainable growth. .... It will deliver, within the overall objective of conserving the designated landscape, a modest and sustainable level of development.*”

The Warminster Neighbourhood Plan (WHP) was ‘made’ in 2016. It sets out principles for new housing and good design (Policy L1); it, however, relies on the WCS and WHSAP to define the settlement boundary and make allocations for new development.

This application site is not allocated in either the WCS or the WHSAP (nor the WNP). Therefore, as the site lies outside of the limits of development and none of the exception policies apply, the proposal does not accord with the WCS Core Policies CP1, CP2 and CP31, and the general principles set out in the Neighbourhood Plan.

#### 9.1.2 Housing Land Supply and the ‘tilted balance’

The Council is at the present time unable to demonstrate a 5-year supply of deliverable housing land, and this is a significant material consideration. According to the most up to date Housing Land Supply Statement (dated April May 2023 (base date: April 2022)), the number of years deliverable supply is 4.6 years (since ‘agreed’ to be 4.59 yrs following a more recent appeal decision). This means that the ‘tilted balance’ flowing from paragraph 11d)ii of the National Planning Policy Framework(NPPF) is engaged; it says the following –

***“For decision taking this means: .....***

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

***d) Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:***

*i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*



*ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must be treated as being out of date. This does not mean that the policies carry no weight, but rather that the NPPF expectation that planning permission should be granted (... *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole*) has effect. And the effect in this case is – in the context of there being no identified adverse impacts outweighing the benefits of the development in terms of it delivering housing – that planning permission should be granted. The other ‘non-impacts’ of the development are discussed later in the report.

In a recent allowed appeal decision relating to a proposal for 200 dwellings in countryside on the edge of Devizes the Inspector considered the housing land supply position, and concluded as follows (with emphasis added) –

*“The proposal would help boost the Council’s supply of deliverable housing sites through a mix of market units next to a second-tier settlement that offers accessible facilities and services. The proposed units could be delivered in the short term, and they would help address the persistent shortfall of housing in Wiltshire when there is not a plan-led mechanism to address this until the DPD is potentially adopted. Against this backdrop, I do not consider the shortfall to be modest, regardless of the number of permissions which the Council have granted and the Council’s performance on the Housing Delivery Test. The extent of the shortfall has largely been flat in recent times despite the Council’s briefing notes. I therefore attach substantial weight to this social benefit in the context of the Framework’s aim to significantly boost the supply of housing.”*

In another recent (July 2023) allowed appeal relating to a site in the countryside on the edge of Holt for up to 90 dwellings (ref. PL/2022/03315), the Inspector said the following –

*“When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council’s position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future.”*

There have been 26 appeals since 2019 where 5 year land supply has been a principal material consideration. 19 of the appeals have been allowed, with 12 of 15 allowed in the last 16 months. Those few appeals that were dismissed had, in the main, other technical objections which tipped the balance the other way (for example, ecology, highway safety, loss of a country park, etc.). There are no technical objections relating to this application.

In order to address the shortfall the Council has issued two briefing notes, in September 2020 and April 2022. The April 2022 note is appended to this Committee report. In section 6 – *What can we do to restore a five-year housing land supply?* – the note states that the Council will:

*iii) Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.*

In the Holt appeal decision the Inspector stated the following in relation to this Briefing Note –

*“I afford significant weight to this Briefing Note, as it is a realistic attempt to address the shortfall and, as such, I also attach significant weight to this stated intention in paragraph 6.1. To my mind, this case falls under this intention, for although I found harm to the character and appearance of the area, that harm was primarily due to the effects of placing a housing estate on a field and so commonly arises when the site is outside a settlement. As such, while that is a policy objection I do not consider it to be a major one. ....*

*Overall, I attach significant weight to the content of the Framework in relation to the need for a 5-year supply and the consequences that flow from failing to identify that quantity of housing land. I also attach significant weight to the delivery of 90 dwellings, as it would make an appreciable contribution to addressing a shortfall of this size”.*

#### 9.1.4 Principle of development – conclusion

The Council does not currently have a 5-year supply of housing, and accordingly WCS Core Policies CP1, CP2 and CP31 cannot be given full weight. In the context of a lack of any detailed objections from statutory consultees, the NPPF ‘tilted balance’ favours the application as “any adverse impacts of granting permission” cannot demonstrably outweigh the benefits, the main benefit being the supply of housing, including up to 62 affordable units.

Notwithstanding the site’s location in ‘countryside’, it is considered to be reasonably sustainable being adjacent to the existing edge of the town. Whilst there would be some undoubted change to the landscape at and around the site, it is not considered that there would be sufficient ‘harm’ arising from this to warrant a refusal decision under WCS Core Policy 51 (Landscape).

There are no other ‘policy obstacles’ (as highways, drainage, phosphates and ecology issues are all satisfactorily addressed in the application).

Regarding the relevance of the Warminster Neighbourhood Plan (NP), paragraph 14 of the NPPF provides guidance, stating the following –

*In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

*a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made: .....*

The Warminster NP was made in 2016 meaning that it became part of the development plan more than two years ago. It follows that in accordance with paragraph 14, the policies of the WNP cannot significantly and demonstrably outweigh the benefits of the proposed development in supplying housing. And in any event, as the WNP relies on the WCS housing delivery policies which are now out of date in the context of the NPPF, little weight can be given to it anyway.

#### 9.2 Access and Highway Impact

The application is accompanied by a Transport Assessment which addresses the impact of the proposal on the adjoining highway network. This shows that there will not be an unacceptable impact in highways safety terms. The Council’s Highways Officer agrees with these conclusions. The proposed site access complies with current standards. In view of this, there is no highway safety objection to the application.

The Highways Officer has, however, engaged with the applicant to ensure the proposal satisfies all reasonable safety and sustainable development requirements. The comments of the Highways Officer are produced below;

#### *Walking and Cycling –*

*The site is currently afforded direct access across the railway line that segregates the site from employment opportunities to the west and alternative quiet and possible dedicated active travel route to the town centre and education facilities. However, this direct access, following Public Rights of Way WARM18, is served by a level crossing which would receive an intensification of use from the development and thus Network Rail are concerned that this presents a significant safety issue. The Highway Authority do not disagree with this position, but seek opportunities to retain the PROW in situ, avoiding intensification or indeed enhancement and this will be subject to a condition. With specific regard to avoiding intensification, this may be achieved by re-routing the PROW towards the eastern boundary of the site and provide secure fencing to private properties to avoid development access to the route. This retention would meet the aims of Wiltshire Council's Public Rights of Way team but would not aid the wider accessibility demands of the site and this would only be maximised by enhancement of the route; notwithstanding this, the potential deleterious impact on the Public Rights of Way network would be mitigated.*

*With regards to route enhancement, this would be in the form of a new railway bridge that would directly link the site to routes on to the western side of the railway line, providing traffic free routes to local employment opportunities and the northern areas of the town. However, as established through previous comments, the cost of the bridge is not considered economically viable for delivery by the development at the proposed scale and is hence not directly attributed to the site.*

....

*In addition to WARM 18, alternative means to cross the railway line is provided by PROW WARM 16, however this route is narrow, overgrown, unlit and not overlooked. With the absence of access to WARM 18, in order to improve the attractiveness of the alternative route an obligation has been agreed to provide a contribution for the upgrade of surfacing, lighting and improvements to the existing railway bridge to facilitate improved cycle access – this is in the form of specialised cycle ramps to allow dismounted cyclists to push their bikes up/down the existing stepped provision. Improved access and attractiveness of WARM 16 is necessary to offset the relatively inhospitable pedestrian access along Westbury Road, which is subject of relatively high traffic flows being a key commuter route into and out of the town.*

*With specific regards to cycling, the applicant has proposed a new route provided on the northern side of Westbury Road, which will facilitate a walking/cycling route to bus stops and a cycle priority scheme thereafter. This route is located within an ecologically protected verge, and this is a matter of consideration for Ecology rather than highways. The delivery of this scheme is covered by an obligation, which further considers possible timely local interventions as a result of the Warminster Urban Extension scheme located between Bath Road and Victoria Road; the obligation sets out a contribution towards the delivery of additional crossing facilities required as a result of the delivery of the Urban Extension Scheme – the contribution dictates the need for an obligation rather than condition. Given the cycle priority of this scheme and the segregation from traffic, the route provides a quick and attractive designated cycle route along Westbury Road; cyclists are less affected by heavy traffic flows, when segregated, due to higher comparable speeds – the cycle route does not present an attractive route for pedestrians.*

*With regards to 3<sup>rd</sup> party representations the 'detailed design' for the scheme at S278 stage will need to take account of local constraints and this will include existing access points. I do not believe that the delivery of the cycleway will result in a 0.6m level differential between the cycleway and an access into an adjoining field.*

### *Bus Service Accessibility –*

*The local bus service serving bus stops closest to the development site is the D1, which is funded by Wiltshire Council with commercial status not guaranteed. It is recognised within the Travel Plan that there is a target to increase the bus modal share from 2% to 3% and such a shift would aid the commerciality of the service, but not guarantee its existence far into the future nor support enhanced frequency or increased destination choice that would enhance the sites sustainability. In order to address this, two obligations are necessary, 1) to secure the intended modal share through soft travel planning measures and 2) to secure direct funding. In order to enshrine this in the travel patterns associated with the development, the Travel Plan suggests the potential to fund the provision of a 3-month local area bus freedom ticket and in this regard, due to the financial implications of the Travel Plan, Travel Plan delivery is secured by obligation, rather than condition.*

*In order to determine an appropriate level of bus service contribution, it is acknowledged that the D1 service has the potential to be re-routed to Bath Road to serve the larger Urban Extension site, however this would remove bus accessibility from Westbury Road. In order to address this, duplicate enhanced services will be needed to serve the development site and the Urban Extension and contributions for the development site have been calculated proportionate to those already secured from the Urban Extension Site.*

#### *Calculation:*

*Urban Extension Contribution = £990,000*

*Contribution per Dwelling = £990,000/1000 = £990 per dwelling*

*Gross Development Contribution = 205 x £990 = £202,950*

*Net Development Contribution = £202,950 - £40,000 = £162,950*

*Note: The Net Contribution is reduced by the value of £40,000 to account for committed Bus Shelter and infrastructure works as part of the Westbury Road Cycle Scheme works obligated above.*

*The spend of the Public Transport related Condition will be secured against public and strategic transport measures and provisions. The focus of spend will be upon the retention and enhancement of existing bus service provision, however additional infrastructure may be necessary to enhance or re-route existing services, such as additional bus stops to maximise service coverage, and hence the resultant obligation will provide for a contribution towards Transport Service and Infrastructure provision, with a primary focus to secure, enhance and retain public transport service provision to directly serve the site.*

### *Rail Accessibility –*

*The TA confirms that the railway station is located 2km from the site. Whilst this may be considered an excessive distance, it may represent a small step in a much longer strategic journey. One particular downside of the rail station is that it does not provide for a level disability access and whilst this may be addressed by development funding, both the scale of the development and likely patronage would make the necessary sizeable contribution unreasonable.*

### *Electric Vehicle Charging –*

*The TA illustrates the location of EV charging within Warminster, with the nearest provision being 900m away from the site. However, as per recent building regulation changes, EV charging will be required of each new dwelling with an associated parking space. In order to ensure that this is delivered, a condition will be applied to secure details of the EV charging strategy and whilst this will address charging at each dwelling, it is recognised that this typically represents trickle charging and hence the strategy should also include provision for a communal rapid charge point.*

#### *Personal Injury Accident Data –*

*No concerns are raised with regards to the PIA data and the Highway Authority agree with the findings of the Transport Assessment.*

#### *Vehicular Access Arrangement –*

*Whilst the broad principle of the access designs is agreed, these will need to be subject of full technical approval subject to a Section 278 agreement. The technical approval may alter minor aspects of the access designs, which may present a material consideration and hence the submission of full construction details is required as a planning condition.*

*In order to deliver the access arrangements as proposed and improve the local environment for residential development, it is necessary to seek the reduction of the existing speed limit to 40MPH across the site frontage. In order to achieve this, a Traffic Regulation Order shall be applied for by Wiltshire Council, with funding secured via a TRO funding obligation. In addition to the speed limit reduction, regulations will also need to be complied with to deliver the proposed Toucan Crossing and these, along with the speed limit reduction, will be rolled up into the following financial contribution obligation:*

#### *TRO Funding Obligation –*

*The provision of a financial contribution of £7,000 towards a Traffic Regulation Order for the relocation of the 40mph/50mph speed limit to the north of the site. This would cover the consultation also needed for the Toucan Crossing.*

#### *Conclusion –*

*With full compliance of the proposed conditions and obligations laid out above, the Highway Authority raise no objections to the proposed development.*

### 9.3 Landscape Impact

Core Policy 51 states that:

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

Core Policy 57 states that:

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

The application site is “*part of an expansive, generally low-lying, open landscape that extends north of Warminster*” as seen in the ‘Street View’ image, below. The yellow arrow shows approximately from where the image was taken from looking south into the town. Existing landscaping is reasonably effective in screening the long-range view of the northern urban edge of Warminster. The image also shows that the northern half of the application site (that will accommodate housing development) will be on a visible downward slope.





However, the application site boundary with Westbury Road is characterised by a low hedge that sits atop a raised verge over the road. The existing urban edge of Warminster (no. 27 Westbury Road and 'the Woodlands' cul-de-sac) and the railway line are also clearly visible and identifiable from this (yellow arrow) location in contrast to the longer range views. The Warminster business park lies further to the west, where a narrow woodland separates it from the railway line and the dwellings on Arn View and Chalfield Close, but does not completely screen it, as seen in the image below.



The southern half of the site is reasonably well enclosed within Westbury Road, the existing urban edge of Warminster, the railway line and the business park. The hedge (on the right of the above image) runs from the road down to the railway line but is also on a ridge to which the application site then also slopes down to the north (as well as to the west and to the railway line). In this southern section of the application site, these natural and physical features would help limit the 'vertical' impact of the proposed development.





The northern half of the proposed residential part of the site is more sensitive as the views start to expand over the open countryside towards Upton Scudamore (as seen on the two images above), but as explained by the Landscape Officer, the reserved matters applications would provide actual detail of scale and landscaping, and so manage the impact of the development.

The main impact on the landscape would be experienced from Westbury Road and within the application site across WARM18. It is acknowledged that the introduction of a housing development would be evident when passing in either direction along Westbury Road, and that from such points of view would result in the built up area of the town expanding at the expense of the presently open fields. The development would also affect western views from Westbury Road, towards Norridge Wood and Cley Hill. The same changes would be experienced from the existing WARM18 public right of way looking towards Arn Hill.

However, users of WARM18 would still pass through those open parts of the site that are needed for drainage reasons and which would largely remain open and of rural character.

The impact on the wider landscape setting is either limited or can at least be mitigated in the reserved matters application(s).

The Council's Landscape Officer has raised no objections to the proposal, agreeing with the conclusions of the Landscape and Visual Impact Assessment (LVIA) which state:

*".... the proposed development would result in a major/moderate effect on the open arable and pasture fields landscape receptor, as the proposed development would introduce new homes to an area of open fields, albeit that the character of these fields is already partly influenced by the existing settlement edge to the west and south and by transport routes to the west, north and east. The nature of this effect would be negative.*

*The proposed development would result in a moderate/minor effect on the hedgerow network, and the nature of this effect would have both positive and negative elements, due to localised removal but also significant areas of additional planting.*

*The local area of the Warminster Terrace character area would experience a moderate/minor effect as a result of the proposed development, and the nature of this effect would be negative. Localised areas of Salisbury Plain West character area would also experience moderate/minor effects due to visibility of the proposed development, and these effects would be negative.*

*Cranborne Chase and West Wiltshire Downs would experience minor effects as a result of the proposed development, and the nature of these effects would be neutral."*

From a spatial perspective Warminster has 'grown' along its main artery routes and this proposal would match that evolution. The urban edge of the town is visible from Westbury Road, and therefore a new urban edge would be created instead.

There would be no specific harm to Arn Hill and the application site would be well contained by Westbury Road, the railway line and the northern edge of the town on the Crusader Business Park.

The application site is not within a specific landscape area the (saved C3 Special Landscape Policy under the West Wiltshire District Plan 1<sup>st</sup> Alteration) boundary ends at Westbury Road, and it is, therefore, not a 'valued' landscape under the terms of paragraph 174(a) of the NPPF.

In conclusion, the localised changes to the character and appearance of the site as a consequence of its development in the manner proposed are not considered to be sufficiently harmful to warrant refusal under CP51 of the Core Strategy. The WC Landscape Officer raises no objections for this reason.

The application is accompanied by a "building heights parameters plan" which shows the central parts of the site being potentially up to 3 storeys in height, with 2.5 storeys at the southern access to the site and in part at the northern end of the site. As this is essentially an edge of town site (and in view of nearby established development in Westbury Road being fairly low in density and height), 3 storey development at the site is not considered appropriate. Equally, 2.5 storey development at the northern end of the site and at the southern access is also of concern. Accordingly, a "notwithstanding" condition is recommended as follows -

*"Notwithstanding the building heights parameters plan (0736-1005-3), the reserved matters application shall exclude 3 storey buildings across the site and shall exclude 2.5 storey buildings at both vehicular accesses into the site and along the northern edge of the site".*

#### 9.4 Drainage and Flood Risk

Paragraph 159 of the National Planning Policy Framework (NPPF) seeks to direct development away from areas of high flood risk with paragraph 161 qualifying that decision makers should take account of all sources of flood risk. Paragraph 162 adds that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

The national Planning Practice Guidance further states –

*"The National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, new development should not be allowed. The main steps to be followed in addressing flood risk are set out below, starting with assessing and then avoiding flood risk. The steps are designed to ensure that if there are lower risk sites available, or a proposed development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere.*

Assess flood risk –

- *Strategic policy-making authorities should undertake a Strategic Flood Risk Assessment;*
- *Where appropriate, in areas at risk of flooding, developers undertake a site-specific flood risk assessment to accompany applications for planning permission (or prior approval for certain permitted development rights, or Technical Details Consent);*
- *Assessments of flood risk identify sources of uncertainty and how these are accounted for in a mitigation strategy....."*



Wiltshire Council undertook a Strategic Flood Risk Assessment (SFRA) in 2019. The SFRA clarifies that for a site to be considered at low risk of flooding it should meet the following conditions:

- Site is within Flood Zone 1
- Site is not within Flood Zone 3 plus climate change
- Less than 10% of the site is within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year event)
- Less than 75% of the site is within the second highest risk category in JBA Groundwater map (groundwater is between 0.025m and 0.5m below the surface in the 1 in 100-year event)

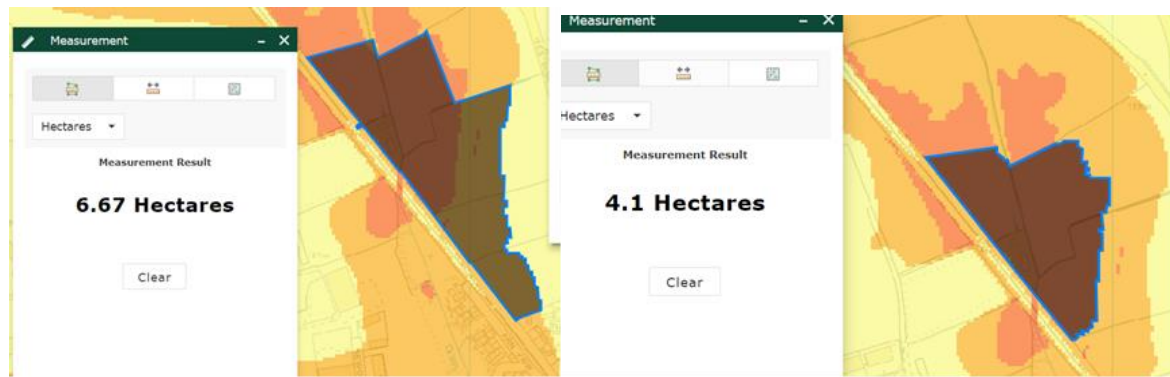
The application site is 10.45 hectares, and approximately 6.67 hectares is within the two 'dark orange' (and so most at risk from ground water flooding) areas (that is, where ground water is <0.025 or 0.025-05m below ground surface). This equates to c. 64% of the site.

However, the application is supported by a site-specific flood risk assessment (FRA) which has been agreed by the Council's Drainage Officer. In section 4.7 of the FRA it is stated that a ground water investigation has been carried out, and the conclusion from this is –

*"The Ground Investigation encountered groundwater at between 1.2 and 1.8m below the ground surface in the west part of the site; groundwater was not encountered in the central and east part of the site. The development levels and drainage can be designed to manage any groundwater flooding to ensure that the development is not at risk of flooding. The risk of flooding from groundwater is low."*

The WC Drainage Officers have confirmed that the scope of the FRA is sound (for instance, that ground investigations were carried out in the winter), and it is agreed that the likely maximum ground water level is, in fact, 700mm. If applied to the SFRA mapping system, the site would then be in the 'yellow' area meaning that the 'less than 10%' definition of low risk of flooding would be met. This means that the sequential test does not have to be carried out. And regardless of this the residential elements and the foul water recycling plant would be located within flood zone 1.





The WC Drainage Officers have confirmed that on-site groundwater monitoring is intrinsically more accurate than the SFRA (as long as it is completed during winter), as it establishes the actual conditions on the site, and not just trends across a wider area. Consequently, WC Drainage Officers raise no objections, subject to conditions.

The Council has sought legal opinion on this matter, which confirms that the 2019 SFRA maps are not binding and that the Council should evaluate evidence (via site specific FRA's) in reaching a view as to whether any application site is at risk now or in the future from flooding.

#### 9.5 Impact on biodiversity including phosphorus

The Council's Ecology Officer has provided the following comments;

*The site falls within the consultation zones of:*

- i) Salisbury Plain Special Area of Conservation (SAC),*
- ii) River Avon SAC,*
- iii) Bath and Bradford on Avon SAC.*

*Approximately 10.5 ha site is dominated by three arable fields bordered by hedgerows with permanent grassland and a small woodland copse in the north-east of the site. A small woodland copse with pond is located adjacent to the railway corridor in the north west of the site.*

*Fourteen species of bat have been recorded on site, which was dominated by common pipistrelle bats. Bat activity for all species was focused along the northern boundary hedgerow (H2) [see Habitat Plan, below], west boundary bordering the railway corridor and the hedgerow towards the south of the site (H4). H2 is an important commuting and foraging feature for greater horseshoes and the southern hedge (H4) is an important commuting and foraging features for greater and lesser horseshoe bats.*

*Badger is confirmed present on site with outlier setts in the east and west boundary hedgerows and foraging signs on site, notably along the hedgerow to the south (H4). The boundary hedgerows and field margins have potential to be used by breeding birds, hedgehogs (and other section 41 species). Water vole and otter have not been confirmed present on site, however they are highly mobile species and the stream provides suitable habitat.*

*The development layout has been designed to retain, protect and enhance the most valuable ecological features comprising the boundary hedgerows. Mitigation measures are proposed, to ensure compliance with protected species legislation for bats, breeding birds, section 41 mammals, and reptiles. The loss of the arable fields and poor other neutral grassland on site requires no mitigation.*



*Assuming the implementation of effective mitigation measures, as set out in this report, no significant adverse ecological effects are predicted. Enhancement measures are described which deliver a net gain of over 30% for biodiversity – the results of which are set out within the applicant's supporting BNG Report.*

*The applicant has proposed on-site wetland mitigation, the applicant's nutrient neutrality calculations have shown that there will be no additional Total Phosphorous being discharged from the proposed development via foul or surface waters. The Total Phosphorous budget indicated a betterment to the wider catchment. Natural England have confirmed their agreement with the applicant's calculations.*

#### *Shadow HRA for Bath and Bradford on Avon Bats SAC –*

*The Ecology Sensitive Lighting Strategy plan (Feb 2022) shows that the dark zones where light levels will be below 0.5 lux alongside key hedgerows / boundary will be 5 metres wide. Luminaires and lighting columns will be adjusted to ensure these dark zones can be achieved. Wiltshire LPA Ecologists recommended that the Council adopts this as its own for the purposes of discharging its duty under the Habitats Regulations for the Bath and Bradford on Avon Bats SAC. NE were specifically consulted on this document and have responded that they agree with the conclusion of no significant impact after mitigation (lighting constraints by condition).*

#### *Shadow HRA for Salisbury Plain SPA –*

*This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In February 2022 NE confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. That Appropriate Assessment reached a conclusion of no likely significant effect on the conservation objectives of the SPA, for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council. The Council is therefore able to conclude beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the Salisbury Plain SPA.*

#### *Shadow HRA for the River Avon SAC –*

*Following further discussion between the applicant, Natural England and Wiltshire Council Ecologists, a further nutrient calculation has been submitted - Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd. Natural England have agreed that neutrality can be achieved for 165 dwellings based on the outcome of the calculation as set out in this report. Wiltshire Council has reviewed the additional submitted information based on a revised occupancy figure of 2.4 people per dwelling and agree that neutrality can be delivered for this proposal.*

*The delivery of housing on the Site will be limited to 165 dwellings by means of a phasing condition and/or S106 Agreement. Further implementation of development beyond the agreed phasing limit will only take place if onsite monitoring demonstrates to the satisfaction of Natural England that the nutrient mitigation strategy is delivering as designed. This requires the - Water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness and agreement by Wiltshire Council and Natural England.*

*Natural England recommends that the scheme is subject to a legal agreement / condition to prevent*

*commencement until the new WwRC has been consented by EA and importantly the Total Phosphorus consent level agreed. If consent is higher than the 0.3 mg l used in the nutrient budget calculation then the phosphorus budget for the scheme will need to be resubmitted and any additional phosphorus mitigation requirements secured.*

*Management will be secured by a planning condition and will be carried out by the Proposed Development's Management Company which will be financed by the Applicant and new residents. The Floating Treatment Wetlands once installed will be monitored and managed through a legal agreement by the freeholder in accordance with SPEL's site specific Maintenance Management Plan as set out in Appendix 7 (of the phosphorus mitigation report).*

*In summary, maintenance will be required on a regular basis to ensure that new vegetation growth is stimulated, and vegetation cuttings would need to be taken offsite for safe disposal so as to stop Total Phosphorus re-entering the catchment.*

*A suitably worded legal agreement will be required to confirm the following:*

- Delivery of housing on the Site will be limited to 165 dwellings by means of a phasing condition and/or S106 Agreement*
- Submission of water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness to the satisfaction of Natural England*
- That waste from interim drainage solution goes out of catchment*
- That waste from floating wetlands goes out of catchment*
- The Council is reimbursed to undertake monitoring and management work in perpetuity*

*Further implementation of development beyond the agreed phasing limit will only take place if on-site monitoring demonstrates to the satisfaction of Natural England that the nutrient mitigation strategy is delivering as designed. This requires the - Water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness and agreement by Wiltshire Council and Natural England.*

*The operational phase of the development will require an abstraction licence from EA for the diverting of water.*

*Following submission and agreement from Natural England of the Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd. May 2023, there are no objections.*



**Habitat Plan**

Gladman Developments Ltd  
 Melksham Road,  
 Holt  
 PHASE 1 HABITAT PLAN

scale 1:1250  
 date 21/4/2022  
 author RKF/PEL  
 check 21/4/2022

**Figure 1** **10545-E-01**

An updated HRA Appropriate Assessment relating to phosphorus impact has been referred to Natural England for final sign off, and an update on this will be reported to the Committee. Natural England has already confirmed that it is satisfied with the nutrient mitigation although the formal sign off is still required.

Through the public consultation a number of third parties raised objection to the off-site works and the impact of the 'ecologically protected verge'. The Council's Ecology Officer has considered this and responded -

*The verge on the north side of the road is in the Protected Road Verge (PRV) Scheme, which is run by Wiltshire Council and managed by Highways Maintenance. The verge, by inclusion in the scheme, is protected under WCS CP50. However, this particular verge has low ecological value and is in the scheme more because of its local aesthetic value that local residents want to keep. It is not a difficult verge to manage so was kept in the scheme rather than removed. There is a category in the PRV criteria that allows for "community value" to be taken into consideration.*

*We would be happy if a cycleway/footpath was installed here, as it makes sense in the local area for pedestrians. The PRV is not of high enough quality to be able to object on Ecology grounds. We would expect that the bank and trees to the rear of the verge would continue to be managed in the same way as now. We would also expect a robust method statement to ensure that existing tree roots are not impacted by the works and that no other species or habitats are significantly affected.*

## 9.6 Impact on neighbour amenity

The scale, layout and external appearance of the proposal are 'reserved matters' for future applications which would then take into account the impact on neighbour amenity. This said, there

is no reason why a neighbourly development could not be achieved based on the indicative master-plan, for both existing and new residents.

#### 9.6.1 Noise –

The WC Environmental Health Officer has reviewed the Noise and Vibration Assessment which concludes that Vibration Dose Value (VDVs) (from the railway line) are well below the threshold level at which there is a low probability of adverse effects.

However, it has been identified that mitigation is required to meet internal ambient noise levels and the attenuation is detailed in Section 4 of the report. This is because the noise levels in the external amenity spaces for those properties which would be located adjacent to the railway line are likely to exceed the BS8233:2014 Design Criteria for External Noise (S7.7.3.2) guidance.

BS8233:2014 states '*for traditional external areas that are used for amenity space such as gardens and patios, it is desirable that the external noise level does not exceed 50dB LAeq T with an upper guideline value of 55dB which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable...*'

The Environmental Health Officer further states that –

*".... the noise report demonstrates noise levels in gardens located along the railway line, at the façade of the proposed dwellings, will exceed the upper guideline limit of 55dB LAeq16hours by 1-2 dB, however, at the bottom of the gardens nearest the railway line, this exceedance will be greater. Exceedance of the upper limit in garden amenity areas is not something that this department can support and would expect additional mitigation to be put in place to ensure noise levels in all parts of the gardens which border the railway line meet the BS8233:2014 criteria of 50dBLAeq with the upper limit of 55dB LAeq being the maximum. This may be achieved through improved boundary treatment or changing the layout of the dwellings bordering the railway line."*

It is submitted that subject to conditions, external noise levels can be mitigated and secured by condition.

#### 9.6.2 Contamination –

The Council's Contamination Officer has no objection and considers the Phase 1 & 2 Site Investigations undertaken by Clarkebond and supporting the application are sufficiently detailed, and follow current guidance. This study concludes that there are no risks to human health, plants or groundwater on the site, and no remedial action needed.

#### 9.7 Archaeology

The application is supported by a 'Heritage Constraints Assessment', which includes results of a geophysical survey. However, the Council's Archaeology Officer requested a trial trench evaluation, which has been carried out by Cotswold Archaeology. The Council's Archaeology Officer notes that;

*"While the evaluation established that most of the site was free of significant archaeological activity, the results from Trench 12 at the northern end of the site were rather more enigmatic and in my opinion require further investigation."*

Accordingly, a condition is recommended that further investigation around 'Trench 12' would be required prior to any other works commencing on site.

## 9.8 Urban Design

The WC Urban Design Officer has expressed concern that the indicative plans only demonstrate that approximately 184 dwellings can be accommodated on the site. There is, therefore, concern that a scheme for 'up to 205' dwellings could result in an over-development.

As this is an outline application for 'up to' 205 dwellings, this concern does not amount to a sound reason to refuse planning permission. The detail of the scale and design of the development are for the reserved matters applications later on, and which can be supported or rejected at that time. The developable area would allow c. 205 dwellings at an average density of c39-40 dph, which is not inappropriate for the location. In the event of part of the developable area being required for infrastructure, then either the density would slightly increase or the number of units would reduce – both of which are unlikely to be unacceptable outcomes, subject to appropriate design. It is also of note that that WC Urban Designer qualifies his concern with the following comment - *".... a good understanding of basic urban design principles. It appears, in my view, a legible, landscape-led concept, with coherent, efficient urban form nestled within a strong GI framework."*

## 9.9 Section 106 Legal Agreement

Core Policy 3 states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements would be delivered directly by the developer and/or through an appropriate financial contributions prior to, or in conjunction with, the new development. This is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 55 of the National Planning Policy Framework. These are that contributions must be:

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

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposal. The applicant has agreed to provide these:

### Ecology

The s106 would include the following clauses;

- Delivery of housing on the site will initially be limited to 165 dwellings by means of a phasing agreement.
- Submission of water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness to the satisfaction of Natural England
- That waste from interim drainage solution goes out of catchment
- That waste from floating wetlands goes out of catchment
- The Council is reimbursed to undertake monitoring and management work in perpetuity

Further implementation of development beyond the agreed phasing limit would only take place if on-site monitoring demonstrates to the satisfaction of Natural England that the nutrient mitigation strategy is delivering as designed. This requires the Water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse to be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness and agreement by Wiltshire Council and Natural England.



## Highways

- £25,000 towards improvements to Lighting (£7,500 for two lighting columns) and surfacing (£7,500 (125m of surface at £60 per sqm)) on Public Right of Way WARM16 and footbridge (£10,000 for the implementation of 'gullies/ramps' for wheeling bikes up and down the bridge), to be implemented by Wiltshire Council.
- £75,000 towards new pedestrian and cycle infrastructure scheme on the eastern side of Westbury Road including new bus stop arrangement, with shelter and real time information and taking into account and where necessary accommodating any existing constraints, including utilities and access points. NB. should the development come forward following the implementation of the Elm Hill roundabout scheme provided as part of planning permission 15/01800/OUT (West Warminster extension), a sum of £75,000 would be provided towards the Council implementing pedestrian and cycle uncontrolled crossing facilities in that junction location instead of the footway/cycleway works shown on SK\_13 Rev B in that location.

Informative: The contribution would be used by either Wiltshire Council or an agent working on its behalf and may include direct transfer to deliver the works through any existing Contractor Engagement to deliver the Urban Extension works.

- £162,950 towards bus services and transport infrastructure run by Wiltshire Council
- £7,000 towards a Traffic Regulation Order for the relocation of the 40mph/50mph speed limit to the north of the site. This would cover the consultation also needed for the Toucan Crossing.
- Provision of a green travel plan encouraging use of transportation other than by car. Shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details

## Affordable Housing:

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 30% on-site Affordable Housing provision: on all sites of 10 or more dwellings within this Community Area. Based on the proposed scheme of up to 205 residential units, there would therefore be a requirement to provide 62 affordable units on the site. To meet current demonstrable need the Affordable Housing units should be provided with a tenure mix of 60% (37 units) Affordable Rented, 40% (25 units) Shared Ownership.

## Education

Education have applied a 30% discount to the affordable housing units – a reduction of 18 units, meaning contributions are based on 187 units. Furthermore, consultation was received on 10 November 2021 and the cost multiplier has since been updated. Final figures would be provided for the heads of terms should Members determine in line with the recommendation.

- Early Years: £420,528 and notes there are currently 7 nurseries and preschools and 4 childminders within a two-mile safe walking route of this proposed development. This existing provision is operating at high capacity.
- Primary School: There is sufficient capacity available across the relevant primaries to accommodate the need for places that will be created by this development, without the

need for an expansion of provision. Therefore, we have no requirement for a developer contribution towards funding the primary places that this development needs.

- Secondary School: There is spare capacity available at Kingsdown to accommodate the pupil product of the proposed development. Therefore, we have no requirement for a developer contribution towards the secondary places that this development generates a need for.

### Refuse

A contribution of £18,655 (£91 per dwelling x 205) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

However, the consultation response was dated 18 October 2021 and since then the 'per dwelling' cost now has a rate of £101, which would mean a figure of £20,705.

### Recreation and Open Space

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision, an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

The proposal does include an area of public open space which is to be managed by a management company, and this is considered to be appropriate in the context of the policies. The site should also be large enough to accommodate on site children's play area and a contribution to Warminster recreation ground is also sought.

- POS – 7523.09m<sup>2</sup>
- Equipped Play – 362.85m<sup>2</sup>
- £48,380 off site contribution

The proposal also includes provision of a community centre, to which the Town Council have not demonstrated any interest to adopt. However, should there be interest in taking up the facility it can be added as a provision in the s106. NPPF paragraph 93 a) states;

*“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”*

### Management Company –

The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after. Additionally, the areas required for Bio-diversity net gain would need to be secured as well as the monitoring of the maintenance of the floating ponds in perpetuity.

## Arts

The NPPF (paragraphs 8b and 93b) recognises that cultural wellbeing is part of achieving sustainable development and that “*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;”*

The Council’s former Arts officer requested a contribution of £61,500 (205x£300). However, s106 contributions have to be linked to a specific scheme or identified in a development plan document. Therefore, the Council cannot add this as a s106 contribution.

However, the applicants have accepted that arts provisions can be provided on site by condition, which is an approach used on other applications. This has been supported by the new Arts Officer. Therefore, there would still be public benefit of arts provision within the site.

## **10. Conclusion**

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, permission should be granted in any event.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land; at the time of preparing this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.6 years (and accepted to be 4.59 as per the Holt appeal). With this recognition the strategic policies of the Core Strategy must be considered out of date, and so the tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst the proposed development lies outside of Warminster’s boundary and so conflicts with the strategic level policy requirements (CP1 & CP2), this report shows that there are no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would help provide economic benefits by providing work for construction professionals, increase economic activity within Warminster and make contributions to off-site infrastructure through S106 contributions and CIL.

As already set out, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for growth would bring. The proposal would relate well to the spatial form of Warminster using existing road infrastructure and would offer an accessible walking route into the town and its services and facilities. The application site would also make s106 contributions to the bus service and pre-school. The provision of a community hub would be of a benefit to the new and existing community.

Fundamentally the site would make an important contribution to the current identified housing need in Wiltshire without causing other demonstrable harm.

## **RECOMMENDATION –**

**That the Committee gives delegated authority to the Head of Development Management to grant planning permission, following –**

- a) receipt of written confirmation from Natural England that it is satisfied with the Council's Ecology Team conclusion that the development would not result in significant or harmful ecological effects; and**
- b) the completion of a s106 planning obligation covering the matters set out within section 9.9 of this report;**

**and subject to the following planning conditions:**

## **CONDITIONS**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority 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.

4. The development hereby permitted shall make provision for the following:

- (a) Up to 205 dwellings;
- (b) A community hub;
- (c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 7,523 sq m of general public open space and at least 363 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 0736-

10002 – page 33 in the Phosphorus Neutrality Report (revision 4 – and 3 appendices)) and the Parameter Plan – Density (0736-1005-4).

Notwithstanding the details set out in the Building Heights Parameters Plan (0736-1005-3), the reserved matters application(s) shall exclude 3 storey buildings across the site and shall exclude 2.5 storey buildings adjacent to both vehicular accesses into the site and along the northern edge of the site.

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings, the community hub and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the community hub and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

5. The 'means of access' to the site and the off-site highways works shall be provided substantially in accordance with the following drawings –
  - P19-2831 001-B – 'General Access Arrangement' – dated 20/04/2021
  - P19-2831 SK/13Rev B – 'Potential Footway/Cycleway Improvements – Option 1B' – dated 08/12/2022 – received 27 June 2023

Prior to commencement of the development, a programme for the delivery and completion of the means of access to the site and the off-site highways works shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site and the off-site highways works shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure proper and timely delivery of the means of access to the site and the off-site highways works in accordance with an agreed programme and in the interests of highway safety and sustainability.

6. In addition to the approved plans referenced in conditions 4 and 5, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan (0736-101);  
Statement of Community Involvement (cadence September 2021);  
Sustainability and Energy Statement (Turley Sustainability - June 2021);  
Design and Access Statement (3 parts – Barratt Homes September 2021 0736 – V1);  
Planning Statement (and appendices) (Pegasus CM P19-2831);  
Topographical Survey (0736-100-1);  
Transport Statement (6 parts – Pegasus – July 2021 P19-2831);  
Travel Plan (Pegasus July 2021, P19-2831);  
Flood Risk Assessment (Ethos Environmental Planning September 2021);  
Air Quality Assessment (Air Quality Consultations July 2021 J4498A/1/F1);  
Preliminary Ecology Survey (Ethos Environmental Planning September 2021);  
Habitat Regulations Assessment v2 (Ethos Environmental Planning September 2021);  
Land Contamination assessment and appendices (Phase 1 and 2 Clarkebond E05548-CLK-00-XX-RP-G-0001- 08/03/21);  
Landscape and Visual Appraisal (SLR, 403.04993.00069, V2 – July 2021);  
Heritage Assessment (RPS JAC26202 v3 February 2021);  
Site Waste Management Plan (Biffa, V1 – 12 October 2021);  
Tree Survey (BSS22778ts 28/01/2021) and Tree Survey Plans (BBS22778-01 (Page 3 of 3) ;

Noise and Vibration Assessment (Hepworth Acoustics P20-546-R01v1 March 2021);  
Indicative Site Section Plan 1-1 (0736-110-1, March 2021);  
Indicative Site Section Plan 2-2 (0736-110-2, March 2021); and  
Nutrient Mitigation Pond Details (502-P107 Rev B)

– all received 1 October 2021

Ecological Impact Assessment (Ethos Environmental Planning – January 2022); Flood Risk and Drainage Strategy (Phoenix Design 502 Rev A – February 2022); Framework Plan (0736-1007 April 2021); delivery statement (1 Feb 2022); Technical note to LLFA (29/10/2021); Indicative Site Section 3-3 (0736-110-3) and Parameter Plan (Access and Movement Plan 0736-1005-1 March 2021)

– all received 9 February 2022

Updated Shadow Habitats Regulation Assessment (Ethos Environmental Planning March 2022)

– received 11 March 2022

Phosphorus Neutrality Report (Revision 4) (Marian Cameron Consultants Ltd) and appendices 3 Nutrient Budget Calculator (includes revised indicative masterplan)

– received 11 April 2023

Excel spreadsheet and P loading with WRC and FTW

– received 21 April 2023

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

7. Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way WARM18 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:
  - i) A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or
  - ii) the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.

Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way WARM18.

REASON: To ensure the continued safe operation of the rights of way network.

INFORMATIVE: Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the level crossing are fully considered before a decision on the stopping up or diversion of the public rights of way WARM18 is taken by the local planning authority or Secretary of State.

8. Prior to the commencement of development, a scheme for the improvement of public right of way WARM18 both within the application site and in the surrounding environment, and a



programme for its implementation, shall be submitted to the local planning authority for approval in writing. The scheme shall provide details of width alignment and new surfacing for the footpath. The scheme shall be implemented as approved in accordance with the approved programme for implementation.

REASON: The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

INFORMATIVE: In the event that it is proposed to divert this public right of way then the scheme for its improvement should relate to the diverted route. A diversion order would be required for this. The applicant must apply separately to Wiltshire Council for such an order, and it cannot be assumed that one will be made. But in the event that an order is made and there are objections to it which cannot be resolved, the matter would then be referred to the Secretary of State for his determination.

The width of the improved right of way should be minimum of 2m.

9. Notwithstanding the submitted details, the reserved matters submission shall include details of an area of land to be safeguarded for improvements to public right of way WARM 18. The safeguarded land shall be delivered as public open space retained as such in perpetuity or until such time as when formal notice is given that the land is no longer required for the improvements.

REASON: The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

10. Prior to commencement of development a scheme for the provision of at least one public 'rapid charging' point in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The public rapid charging point shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the local planning authority, whichever is the sooner. The public rapid charging point shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

11. No development shall commence on site until:

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

REASON: To enable the recording of any matters of archaeological interest.

NOTE: The work is to be carried out following the Standards and guidelines for Archaeological Strip, Map and Record Excavation as set out by the Chartered Institute for Archaeologists (CIfA)

12. No development hereby approved shall commence until details of measures to safeguard the amenities of future occupants of the development – both in their homes and in their private gardens – from noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and prior to first occupations.

REASON: The railway line will be a potential source of noise disturbance to occupants of the development in close proximity. This disturbance can be removed and/or reduced to acceptable levels through appropriate design and layout.

INFORMATIVE: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014.

13. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) Rev A by Phoenix Design dated February 2022 and the mitigation measures detailed within it, including:

- Finished flood levels to be no lower than 115.30 metres above Ordnance Datum
- There shall be no ground raising below the design flood level as this would reduce the available floodplain storage.
- There shall be no storage of any materials including soil within the future 1% annual probability (1 in 100 year) flood extent.

REASON: To reduce the risk of flooding at the development, and prevent flooding elsewhere.

14. No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that all new houses will have water usage that does not exceed a maximum of 110 litres per person per day (to include external water usage). The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and to meet the demands of climate change.

15. No development shall commence on site until schemes for the management of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The submitted details shall be consistent with the Nutrient Neutrality Strategy [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and include:

- i. Detailed engineered drawings of the proposed drainage works including the waste water treatment system comprising a WasteWater Recycling Centre, wetland cells and floating wetlands and SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
- ii. Phosphorus removal SuDS features to be designed in-line with adopted CIRIA guidance for construction and maintenance; and
- iii. A maintenance and management plan for the entire drainage system to include (but not limited to) details for its adoption by an OFWAT (or any successor body of the same) listed sewerage undertaker (or any subsidiary of the same), management, maintenance, permitting, funding, key personnel and responsibilities (including contact details for such persons) and other arrangements to secure its operation in perpetuity.
- iv. A recalculation of the phosphorus budget to show neutrality is achieved, with provision of additional in perpetuity mitigation if necessary.

The development shall be carried out in accordance with the approved details and no dwelling shall be first occupied until the drainage works to serve it have been completed, are operating satisfactorily and the maintenance and management plan has been implemented. The

approved drainage works shall be retained in accordance with the approved maintenance and management plan at all times thereafter.

REASON: To secure an effective drainage strategy which ensures nutrient neutrality in the water catchment (Hampshire River Avon SAC) within which this development is located.

INFORMATIVE: The applicant is advised to provide the evidence as requested in the further informatives at the end of this decision notice.

16. No development shall commence on site until details of the Interim Drainage Solution for up to the first 30 dwellings and before the wastewater recycling centre are fully operational have been submitted to and approved in writing by the local planning authority. The submitted details shall be consistent with the Nutrient Neutrality Strategy [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and include:

- Details of the storage tank on site
- Confirmation that the waste will be removed to a wastewater treatment works out of the Hampshire Avon catchment
- Confirmation of agreement with relevant service providers.

The development shall be carried out at all times fully in accordance with the approved Interim Drainage Solution.

REASON: To secure an effective interim strategy for the first 30 dwellings which ensures nutrient neutrality in the water catchment (Hampshire River Avon SAC) within which this development is located.

17. No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP will minimise all construction effects on the environment through the implementation of procedures for:

- i. Reducing the risk of spillage or leakage of oil, fuel and other liquid chemicals;
- ii. Dealing with a spillage – the contractor will be responsible for storing easily accessible spillage containment equipment on site and for training staff in the use of such equipment;
- iii. Avoiding causing the release of pollution from existing pipelines;
- iv. Management of site runoff and elevated concentrations of suspended solids;
- v. Management of dust produced by construction activities through implementation of dust suppression measures including: visual checks, use of water sprays, screens and sheets around stockpiles and appropriate construction activities, and careful transfer of materials;
- vi. British Standards Institute (2014) BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.
- vii. Minimising noise levels for all the construction activities and plant through implementation of a noise control plan which will advocate the use of best practice in line with BS522826 and will include measures such as: use of silencers or mufflers on plant and machinery; use of the quietest possible plant; and minimising onsite cutting operations and other noisy activities through off-site fabrication where possible;
- viii. Dealing appropriately with potentially contaminated land;

- ix. Appropriate water quality monitoring and regular visual inspection of site drainage waters during construction;
- x. Avoiding affecting trees and hedgerows to be retained in accordance with British Standards Institute (2012) BS5837:2012 Trees in Design, Demolition and Construction, Recommendations;
- xi. Compliance with best practice pollution prevention guidelines to minimise the potential for water-based pollutants to enter nearby waterbodies or drains preventing changes in the hydraulic regime and ensuring that any discharge from the Proposed Development will be the equivalent to 'Greenfield' runoff;
- xii. Management, recycling and disposal of waste during construction.
- xiii. Enabling site inductions for all staff to highlight issues of ecological importance and sensitivity;
- xiv. Providing secure site fencing to prevent impacts on habitats outside the works area; and
- xv. Night time lighting during construction addressing the need to limit light spillage and glare on areas likely to support bats and birds by following recommendations produced by the Bat Conservation Trust.
- xvi. The movement of construction vehicles and the loading and unloading of equipment and materials
- xvii. The location and use of generators and temporary site accommodation
- xviii. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts

The construction phase of the development will be carried out fully in accordance with the Construction Management Plan at all times.

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: To ensure adequate protection and mitigation for all sensitive environmental receptors.

- 18. 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:
  - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
  - b. Working method statements for protected/priority species, such as nesting birds and reptiles.
  - c. 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.
  - d. 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.

- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. 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.

19. No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP must also include a specific reference to phosphorus neutrality report [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and the detailed surface and foul drainage information /strategy.

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

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

20. Each reserved matters planning application shall include with it updated plans and calculations (using the most recent version of the Natural England Biodiversity Metric) to demonstrate the development will achieve biodiversity net gain. The updated plans will show habitat creation and enhancements demonstrating the extent and area of each habitat in relation to the development footprint. Development shall not commence in the area(s) covered by the reserved matters application until the updated plans and calculations relevant to the area(s) have been agreed in writing by the local planning authority.

REASON: The application contains insufficient information to enable this matter to be considered at this stage and the matter is required to be agreed with the Local Planning Authority before development commences to ensure it complies with biodiversity net gain guidance and policy.

21. The landscape plans submitted for reserved matters application(s) shall be in accordance with, and informed by, the approved Biodiversity Metric and supporting plans of habitat areas, and demonstrate that habitats and hedgerows which will be retained, enhanced and/or created on the site will deliver an overall net gain in biodiversity units.

REASON: To ensure the development delivers an overall net gain for biodiversity in accordance with CP50.

22. 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.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

23. No development shall commence on site until a scheme of ecological mitigation and enhancement has been submitted to the Local Planning Authority and approved in writing. The scheme will address the method, timing, location and/or design as appropriate, of the following matters:

- Construction of the cycleway along Westbury Road integrating the requirement to remove and translocate chalk grassland which qualifies as Protected Road Verge.
- Enhancements for birds, bats, hedgehogs and invertebrates
- Bat tree hop-over for spine roads
- Advance planting prior to hedgerow removal to offset impacts on bats
- Increasing biodiversity of neutral grassland retained on site

The development shall be carried out in accordance with the approved scheme.

REASON: To avoid, reduce and mitigate ecological impacts and provide an overall enhancement for biodiversity.

24. All soft landscaping comprised in the approved details of landscaping for any particular Phase or sub Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or the completion of the Phase or sub Phase whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

25. No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within the particular Phase, until 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"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development Phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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 date of commencement of the Phase or sub Phase].

REASON: To safeguard trees to be retained in the interests of amenity.

26. No development shall commence in any particular Phase or sub Phase of the development hereby approved until a scheme for the provision of fire hydrants to serve the Phase or sub Phase and any related programme for delivery has been submitted to and approved in writing by the local planning authority. Thereafter no dwelling shall be occupied within the Phase or sub Phase until the fire hydrant serving the dwellings has been installed as approved in accordance with the programme of delivery.

REASON: To ensure the safety of future occupiers of the dwellings.

27. For this phased development, no dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies

NOTE: The applicants proposed promotion of a public art installation at the entry of the equipped play area on site is encouraged and should further advice and guidance be required in terms of promoting local school and/or local artist involvement, contact should be made with Meril Morgan, the Council's arts officer.

Further Informatives to applicant:

In order to address condition 15, the applicant will need to provide the following information –

1. Detailed drainage calculations, restricting discharge rates in line with the Wiltshire Council Betterment Policy). These calculations should demonstrate:

- a) The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.
- b) The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.

c) The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m<sup>3</sup>/ha to prevent an over-estimation of attenuation storage available on site.

It is noted that an Urban Creep allowance has been applied in relation to the 1 in 100yr + climate change storm only. The applicant will be required to apply the Urban Creep allowance (to account for increased im-permeability across the catchment) to all storm events as part of the detailed hydraulic modelling.

Due to the outfall to an ordinary watercourse, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site.

2. Full details of;

a) Hydraulic modelling to confirm that the existing ditches have sufficient capacity to safely convey surface water discharges from the proposed development without increasing flood risk.

b) Confirm details of remediation, vegetation clearance, and re-levelling works proposed within the ditches in order to improve the ditch capacity.

3. Detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.

4. Detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.

5. Plans which demonstrate how exceedance flows in excess of the 1 in 100year rainfall (+40% climate change) will be safely managed on site in order to prevent an increase in flood risk to people or property.