

AGENDA

Meeting: Strategic Planning Committee

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

Date: Wednesday 1 November 2023

Time: 10:30 am

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Membership:

Cllr Howard Greenman (Chairman)
Cllr Tony Trotman (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Carole King

Cllr Christopher Newbury
Cllr Pip Ridout
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE
Cllr Richard Britton
Cllr Steve Bucknell
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry
Cllr Andrew Oliver

Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Jonathon Seed
Cllr Bridget Wayman
Cllr Stuart Wheeler
Cllr Graham Wright
Cllr Tamara Reay

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

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AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 34*)

To approve and sign as a correct record the minutes of the meeting held on 16 August 2023.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 25 October 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Friday 27 October 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 35 - 36*)

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

Planning Applications

To consider and determine the following planning applications.

7 **PL/2021/09013 - Land West of Westbury Road, Warminster** (*Pages 37 - 92*)

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).

8 **PL/2021/03749 - Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury, BA13 4HQ** (*Pages 93 - 146*)

Residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.

9 **Urgent Items**

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

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 16 AUGUST 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Robert Yuill

Also Present:

Cllr Richard Britton, Cllr Nick Botterill and Cllr Martin Smith

47 **Apologies**

Apologies were received from Cllr Carole King.

48 **Minutes of the Previous Meeting**

The minutes of the meeting held on 25 April 2023 were presented for consideration, and it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 25 April 2023.

49 **Declarations of Interest**

In relation to agenda item 7, 20/08618/FUL - Land west of A429 (Crudwell Road), North of Malmesbury, Wilts – Cllr Elizabeth Threlfall declared two matters for the sake of transparency. These were:

- That Cllr Threlfall was a Member of the Strategic Planning Committee and was also a local division Member for the application and had called it in along with another unitary division Member.
- That the landowner for the application was the Charlton Park Estate. Every year they held a festival called the Womad festival and this was the largest event in Cllr Threlfall's division. They had gifted her two 4 day passes to the event, which had a face value of £260. However, the Cllr only attended the event for 2 hours on 2 of the days and as such the pro-rata value was thought to be less than £50. This had been recorded on the Cllr's gift register in accordance with procedure.

Cllr Threlfall stated that she had sought advice from both Democratic Services and Legal and was advised that none of the above precluded the Cllr from taking part in the debate and vote.

Cllr Threlfall confirmed that she had an open mind, with no bias and that she was not predetermined. The Cllr would listen to everything said during debate with interest and would make her decision following the debate.

50 **Chairman's Announcements**

There were no Chairman's announcements.

51 **Public Participation**

The procedures for public participation were detailed and noted.

52 **Planning Appeals and Updates**

The planning appeals update was received as set out in the agenda.

A member of the public, Francis Morland, had registered to speak to the item. The main points raised included that he believed that Wiltshire Council did have a 5 year Housing Land Supply (HLS) but was choosing not to demonstrate it. He raised issues with the methodology used by the Council to calculate the 5 year HLS. He also cited appeals which he felt should have a bearing on matters, and that many appeals for sites on windfall greenfield sites were allowed. He raised concerns that some appeals were not included in the report.

Mr Morland then highlighted the decision of the Committee on 11 January 2023 regarding 15/04736/OUT - Land south east of Trowbridge and the fact that the deadline for the S106 agreement had passed and permission had neither been granted or refused.

In response the Chairman stated that whilst he would be pleased if we had a 5 year HLS, the methodology to calculate the 5 year HLS was what it was and they had to work with it and go on the figures officers provided.

The Chairman clarified that appeals got reported to the Committee which the application had originally been to. The appeal he was concerned was missing had been reported to the Northern Area Planning Committee.

The Chairman explained that regarding the resolution for 15/04736/OUT - Land south east of Trowbridge, it had been delegated to the Head of Development Management to refuse planning permission if the S106 was not agreed. The S106 agreement involved in that application was extremely complicated and whilst the deadline had passed, a timeline had been developed that the officers expected the applicant to adhere to. At present they were adhering to that timeline, and whilst that continued to be the case, they would not refuse the permission, so the agreement was still being worked on at present.

53 **20/08618/FUL - Land west of A429 (Crudwell Road), North of Malmesbury, Wilts**

Public Participation

Peter Grubb (agent) spoke in support of the application.

Robin Aird spoke in support of the application.

Adrian Walker (Development Management Team Leader) presented a report which recommended that planning permission be granted, subject to conditions, for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.

The officer showed the Committee the slides relating to the application, whilst explaining key details.

The site was located in open countryside North of Malmesbury. Plans of the site were shown and it was highlighted that the grid connection point was approximately 6 km away to the East, this would be connected to the solar farm by an underground cable. Access to the site would be via the A429. The site was not in a protected landscape but was close to the Cotswolds Area of Outstanding Natural Beauty (AONB) which was about 800m to the West.

The solar panels would be fixed, facing South, with a maximum height of 2.8m and an angle of 25 degrees above horizontal. Slides of how these may look on site were shown along with the grid connection point.

There was an ecological mitigation and enhancement plan for the application. This included habitat creation and enhancement of grassland. There would be a biodiversity net gain which exceeded that which was required.

The site was on agricultural land, which was mostly grade 3b or grade 4. 10% of the land was grade 3a (good quality), that equated to about 6.2 hectares. This fell below the limit which would concern Natural England. The land could still play a part agriculturally and environmentally as livestock could graze amongst the solar panels.

There would be a minor adverse effect on the landscape. The cumulative impact on visual amenity was also considered as there were several solar farms in the area, and a cumulative impact would occur when you could see two or more developments from one viewpoint. However, in this instance you could not see this site and other solar farms from the viewpoints.

Construction of the site was estimated to take 4 months, which could cause some temporary disruption.

Both the local and national planning policy context was to support renewable energy projects if the impacts were (or could be made) acceptable.

It was explained that at present solar farms covered 0.1% of the land in the UK. This would likely increase to 0.3% of the land in the UK in order to help meet the net zero targets. This was far less than the land used for farming or even for golf courses. The proposal would help to cut greenhouse gas emissions. It was also a temporary change, albeit for 40 years. There would be no adverse effect on protected species or habitat and the proposal would bring ecological enhancement through biodiversity net gain. It was therefore concluded that the benefits outweighed any limited harm and as such the application was recommended for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. In response to the questions the officer explained that it was possible to graze sheep among the solar panels, but this was not a requirement. The impact assessment for the site had been undertaken with the height of 2.8m and was not found to be significant.

The biodiversity net gain had to be considered against the current Local Plan, where the requirement was 10%, and not against the draft Local Plan where the aim was 20%. The draft Local Plan carried little weight at present. The proposal exceeded the 10% required.

Contributions from the applicant to the community could not be conditioned for as they were not required, and it was not a planning consideration. The proposal for the connection cable from the site to the grid connection point was to not put it within the highway. Wherever possible it would go in the verge, however there would be occasions when it did need to cross the road.

Condition 2 was explained to the Committee; the use was for 40 years of exporting electricity. It was highlighted that the National Planning Policy Framework (NPPF) did not require applicants to demonstrate the overall need for renewable or low carbon energy.

Members of the public then had the opportunity to present their views, as detailed above.

One of the unitary division members for the application, Cllr Martin Smith (Sherston), spoke to the item. Cllr Smith highlighted some of the benefits of the scheme in that it would provide home grown electricity, improving energy security and would help to lower emissions, helping in the climate emergency. The applicants had made accommodations to avoid archaeology and to site the panels further from the road, mitigating impact on local residents. Cllr Smith felt that there should be community contributions, which it sounded like there would be from the agents statement. Cllr Smith stated that if he was on the Committee he would recommend the application for approval, and he could not see sound planning reasons for refusing the application.

Cllr Elizabeth Threlfall (Brinkworth), another unitary division Member for the application also spoke to the item. To give some background Cllr Threlfall highlighted that there was a super substation near Minety and there were already several solar farms in the area and applications for others were likely to be forthcoming. At some point the cumulative effect must be considered. The need for renewable energy was not a planning matter to be debated. So, there was a need to look at the application in question and the proposed mitigations.

Cllr Threlfall explained that the area involved was remarkably undeveloped so there were few residents who would be affected. However, it was also an unspoilt landscape next to an AONB, but the AONB had not objected. The panels had been moved further back from the roads in the proposal, but at a height of 2.8m, it was inevitable that they would still be seen, so conditions 10 and 11 regarding the hedging and maintenance of that were welcomed. The listed buildings in the wider vicinity would be largely screened from the site. It was not ideal that some of the land was grade 3a, however it was only 2 small areas. Regarding the cumulative effect there was a screen of landscaping between this site and other solar farms to help prevent interactivity. The officer had concluded that the application was not without harm but that this was outweighed by the benefits, so she looked forward to hearing the Committee's views.

The Chairman opened the item for debate and requested that the first Cllr to speak proposed a motion to debate. Cllr Adrian Foster, seconded by Cllr James Sheppard, proposed that planning permission be granted, with conditions as per the officer recommendation. Both were supportive of the application.

The Chairman stated that this was the fifth solar farm application to be considered by the Committee since April 2022. He suspected that more would come soon and knew of two in the offing. The Chairman had concerns regarding agricultural production, as whilst the site could still be used for grazing sheep, grain supply was an issue at the moment, and this had been heightened by the war in the Ukraine. However, the Chairman also understood the real need for sustainable energy and possible capacity issues with supply which could be faced in the future. He therefore felt that one should look on the application favourably.

The Chairman also gave details regarding a recent appeal that was won in Shropshire for a solar farm. This had originally been refused by Shropshire Council as the site was in an AONB and was on 95% grade 3a agricultural land. There were also existing and planned solar farms in the vicinity. Despite this, the Inspector had allowed the appeal. However, the Inspector did state that this was not blanket support for similar applications and each one had to be assessed on its own merits.

Members highlighted that the UK only produced 0.5% of the world's grain, so losing a site of this size would have little effect on the world's supply. Grass was also a good carbon sink.

Cllr Threlfall queried whether, if the Committee were minded to approve, it would be possible to amend the reason for condition 10 (regarding hard and soft landscaping), adding that it should reduce intervisibility with other solar farms. The officer stated that this would be possible. This was accepted as a friendly amendment by the proposer and seconder.

Some Members drew attention to the Natural England and the Campaign to Protect Rural England (CPRE) objections. They also highlighted that the agent had stated that yields would reduce due to climate change and as such using this agricultural land for a solar farm rather than for growing crops was counter intuitive. The sum to the local parish council was also felt to be low.

The Officer clarified that Natural England objection had been that there was no views assessment submitted with the application, however, later in the process a views assessment was submitted. The CPRE objection still stood.

Members felt the application had to be assessed on planning grounds and paragraph 158 of the NPPF was highlighted, which stated that applications should be approved if impacts were (or could be made) acceptable.

At the conclusion of the debate it was,

Resolved:

That having taken into account the environmental information, that planning permission is granted, subject to the conditions set out below:

Conditions:

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

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

2. **The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 45 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to,**

and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

REASON: In the interests of amenity and the circumstances of the use and to ensure the long-term management of landscape and ecological features retained and created by the development and in the interests of the significance of the heritage assets and their setting.

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

- SITE LOCATION PLAN 20.09_100 REV E
- SITE BLOCK PLAN – PROPOSED 20.09_301 REV F
- SITE BLOCK PLAN (DNO AREA) – PROPOSED 20.09_302 REV D
- TYPICAL BATTERY STORAGE UNIT – DETAIL
- Tree Constraints Plan - 10693 TCP 05_Bishoper Farm (1/12)
- Planning, Design and Access Statement – March 2021
- Appendix 4.2A - Outline Landscape and Ecology Management Plan – November 2022
- Archaeological Evaluation - CR1155_1 October 2022
- Transport Statement - 16423-HYD-XX-XX-RP-TP-4001-P1 – March 2021
- Flood Risk Assessment - 16467-HYD-XX-XX-RP-FR-0001 – January 2021
- Solar Photovoltaic Glint and Glare Study - 10088A
- Arboricultural Technical Note – March 2023

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

4. The development hereby approved shall be carried out in strict accordance with the following plans/reports:

- Figure 1: Ecological Mitigation and Enhancement Plan. Rev. 1. Ref: 1098-EMEP-F1 (GE Consulting, 23/03/2021).
- Tree Constraints Plan (Aspect Arboriculture, March 2023).
- Arboricultural Technical Note (Aspect Arboriculture, March 2023).
- Tree Schedule (Aspect Arboriculture, March 2023).
- Tree Protection Plan (Aspect Arboriculture, March 2023).
- Environmental Statement Volume 1: Chapter 6.0 Ecology and Nature Conservation Rev. 1. (Savills, March 2021).
- Appendix 4.3 Great Crested Newt Survey Addendum Report - 1098 – GCN – CB (GE Consulting October 2022).

- Appendix 4.4: Bat Automated Detector Survey Addendum Report – 1098-BAT-RP (GE Consulting October 2022).
- Appendix 4.5 Ecological Monitoring Strategy – 1098 -EMS-RP (GE Consulting, November 2022).

REASON: To ensure compliance with planning policy and secure the protection and mitigation for the habitats and species recorded.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

6. 'No development shall commence within the area indicated by application 20/08618/FUL until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

INFORMATIVE: The work is to be carried out following the standards and guidelines for Strip, Map and Record excavations as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant.

7. No development shall commence within the area indicated by application 20/08618/FUL until:
An Archaeological Management Plan, setting out how the archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

INFORMATIVE: The AMP is to be prepared by qualified archaeologists following the standards and guidelines of the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

8. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works a Landscape and Ecology Management Plan (LEMP) shall be 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 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: The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

9. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, an Ecological Construction Management Plan (EcCMP) shall be submitted to the local planning authority for approval in writing. The EcCMP shall include a marked up plan showing details of biodiversity protection zones for the main site and the sub-station/DNO site and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - b) 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 preconstruction/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 EcCMP.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- dimensioned stand-off distances from new development to important retained landscape features such as hedgerows and watercourses.
- a detailed planting specification and plan showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure. Security / deer proof fence layouts must not isolate existing areas of woodland or hedgerows and watercourses. The security fencing shall maintain functional green infrastructure connectivity for larger wildlife species to pass through the solar PV site.
- Location of temporary car park and storage area/s;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. containers, storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the

development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area, and to reduce intervisibility with other solar farms.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. 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.

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

11. No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:
 1. the parking of vehicles of site operatives and visitors;
 2. loading and unloading of plant and materials;
 3. storage of plant and materials used in constructing the development;
 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 5. wheel washing facilities;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 8. measures for the protection of the natural environment.
 9. hours of construction, including deliveries;
 10. pre-condition photo survey

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to minimise

detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13. No development, at the Solar Farm area at Crudwell Road, shall take place until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

14. No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle access, has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

15. No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle turning space for post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

16. No development, at the Grid Connection compound, shall take place until details of the visibility splays have been submitted to and approved in writing by the Local Planning Authority. Such splay will have no obstruction to visibility at or above a height of 900mm above the nearside carriageway level, and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

17. No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle access has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

18. No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle turning space for

post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the --interests of highway safety.

19. No construction or operational artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

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 in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

20. Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the area.

21. Within three months of the end of the construction phase a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken as detailed in the Ecological Construction Management Plan by the competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with an approved plans prior to and during construction, and that works are conducted in line with current best practice and are supervised by

a suitably licensed and competent professional ecological consultant/ECoW where necessary.

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

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

23. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

21. Informative

- Flows from solar farm sites should be restricted to the greenfield rates and volumes for equivalent storm events for all return periods up to the 1 in 100year event.
- If a formal outfall to a watercourse / sewer is provided, any increase in discharge rates as a result of climate change shall be attenuated on site.
- It will not be acceptable for a solar farm site to increase discharge rates above greenfield rates.
- The drainage proposal take opportunities available for improving the character and quality of the area through the provision of amenity, biodiversity and climate change resilience in accordance with the National Planning Policy Guidance
- SuDS should be selected to provide source controls, and treatment / management “trains” throughout the site. Applicants should use multiple features around the site and avoid relying on single site-wide features (wherever possible) in order to provide the required levels of water quantity / quality management.

22. Informative:

The drainage strategy should discuss how the erosion risk from a sheet flow off panels will be managed in order to prevent erosion of channels over time, which could concentrate and direct surface water

runoff. It is noted that most solar farms may be largely permeable, and Section 5.2 of the FRA does state:

Whilst it is accepted that there may be a concentration of run-off from the bottom edge of the panels (albeit the likelihood of this is minimised as a result of the vertical and horizontal gaps between the panels, as shown in Figure 4), any rainwater unable to infiltrate at that point will flow across the ground between the proposed panel rows and beneath the downslope rows and infiltrate there as per the existing 'natural' situation, i.e. the same surface area will be available for infiltration compared to the pre-development situation. This arrangement will ensure that existing drainage patterns will not be altered, and therefore that flood risk is not increased off-site.

The LFA requires that overland flows will still need to be managed to prevent discharge and increase in flood risk to 3rd party land. It is anticipated that for solar farms, overland / exceedance flows will be captured and conveyed in linear features such as swales / ditches.

1. The applicant is required to submit greenfield runoff rates, to be calculated using one of two methods:
 - Flood Estimation Handbook (FEH); or
 - Institute of Hydrology Report 124 (IH124) based on Flood Studies Report (FSR)
 2. The applicant should submit calculations to demonstrate that the any SuDS features provide sufficient water quality treatment to prevent pollution of receiving watercourses / groundwater.
 3. It is noted that solar panels are not listed in the SuDS Manual – for the purposes of analysis, Solar Panels should be assessed as being like roofs. Roads should continue to be assessed as per normal, based on guidance in the CIRIA SuDS Manual.
 4. The applicant should demonstrate that NFM principles have been applied as far as reasonably practicable in accordance with CIRIA C802, in order to manage surface water runoff from the site.
 5. The application is to provide a robust land management plan which should include checklists and details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified
23. Informative:
- Groundwater Protection - The site falls within a groundwater Source Protection Zone 1 (SPZ 1). This is a zone of protection surrounding a nearby drinking water borehole, which is highly vulnerable to

pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx> This will particularly be the case during the construction phase.

24. Informative:

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery**
- wheel washing and vehicle wash-down**
- oils/chemicals and materials**
- the use and routing of heavy plant and vehicles**
- the location and form of work and storage areas and compounds**
- the control and removal of spoil and wastes.**

25. Informative:

The application may involve the creation of a new vehicle access/dropped kerb to Oaksey Road. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

54 PL/2022/09532 - Land at Romsey Road, Whiteparish, Salisbury, Wilts

Public Participation

Ivor Ellis spoke in objection to the application

Hollie Sturgiss (agent) spoke in support of the application.

Matt Allsopp (applicant) spoke in support of the application.

Lynda King (Senior Planning Officer) presented a report which recommended that planning permission be granted, with conditions and subject to an S106 agreement, for an outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, opens space, landscaping and drainage.

Key details were stated to include the following: the application was before the Committee as it was contrary to policy, due to the site being outside the settlement boundary of the village. However, as Wiltshire Council did not currently have a demonstrable 5 year Housing Land Supply (HLS), then the application could be considered for approval.

The officer ran through the slides for the application, the site was a field on the edge of the village, although it was contained by existing properties. Hedgerows

would be reinforced, and the application would result in an improvement in biodiversity. There was a significant additional area of landscaping at the back of the site. The access points to the site were shown, a footpath would be added on the inside of the hedge boarding the site. There was an existing footpath along the outside edge of one side of the site, which was not part of the site and was not affected by it. The path inside the development would link to the existing footpath. There was a bus stop adjacent to the site and a pedestrian crossing point as the road only had a pavement along one side.

The village of Whiteparish had grown in a linear fashion over time, to the South East and West along the roads.

The application was an outline application, with all matters reserved except for access. The development would go no further south than existing surrounding development and the houses faced over open space giving a pleasant edge to the site.

The accommodation mix was detailed, 60% were 2 and 3 bedroom houses, there would also be some 1 bedroom units and some 4 bedroom units.

The parish council were generally supportive of the application; however, they would have preferred the percentage of affordable housing to be 50% rather than 40%. The officer explained that would not be policy compliant, so the amount remained at 40%. Increasing the percentage of affordable housing would also have affected the viability of the application. The proposal would bring a significant benefit to the settlement in terms of affordable housing as there had not been any development there for some time.

Few objections had been received, and the local primary school had been supportive, as they were struggling with pupil numbers which affected their viability, and the development would likely bring families with young children to the village.

Issues raised by those opposed to the application included highways safety, the speed of traffic, and that there was no footpath. The site was in a 30mph zone, close to where it changed to a 40mph zone. Highways officers had assessed the application and had no objections, subject to conditions.

The applicant had submitted a pre application and had worked to address as many of the points raised as possible. Drainage on the site had held up the application as there was a possible high risk of ground water. A flood risk assessment had been undertaken and the drainage engineers were satisfied that the strategy proposed was sound.

The site met ecological requirements. As the site was in the zone of influence for the New Forest, CIL payments would be used to mitigate any harm caused to the New Forest. The site was also in a bat buffer area and so there would be lighting conditions to minimise light pollution which could affect the bats. The site was also in the River Test catchment area and so was affected by nitrate neutrality. Therefore, the applicants would pay to enter into the Councils

mitigation scheme. The application was subject to an extensive S106 agreement.

The officer explained that the tilted balance applied to this application. Whilst it was technically contrary to policy, Wiltshire Council's 5 year HLS was stated recently at an appeal regarding an application in Holt (PL/2022/03315), to be 4.59 years, which could not be termed as a moderate shortfall, but was significant. Whilst the new Local Plan would help the situation, it would be some time before that came into effect, if approved.

The officer stated that as the application was only for 25 dwellings; related well to the settlement; had affordable housing; had support from the local primary school; had tacit support from the parish Council; and had no significant objections, it was recommended for approval on the tilted balance.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the Holt appeal decision and why our HLS was now at 4.59 years when it was at 4.7 years and whether a shortage of staff had held up the new Wiltshire Core Strategy and new Local Plan. The officer stated that there was a shortage of planning staff across the country, so the situation was not unique to Wiltshire. Spatial Planners were very specialist and there was an even greater shortage of those.

In response to a question regarding whether the mix of housing was appropriate for the area, the officer explained that housing enabling officers had assessed the application and agreed that the mix was appropriate and this would be covered in the S106 agreement.

The officer confirmed that the village was classed as a large village and that it did not have a neighbourhood plan. The concept had been lodged but not progressed. It was also confirmed that the village had a residual requirement of 42 houses in the Local Plan.

Members queried whether the Holt appeal decision cited by the officer was relevant as it only referred to the Holt application, so could not be used as a precedent. The officer stated that it was a material consideration so should be considered, and whilst each application should be considered on its own merits, this application was similar in many ways to the Holt application.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Richard Britton (Alderbury & Whiteparish), spoke to the application. Cllr Britton stated that a development of 25 houses was significant in the village, and the objections to the application had been clearly described by Mr Ellis during public participation, which included that the application was contrary to the development plan, was outside of the settlement boundary and contrary to the following core policies, CP1, CP2, CP57, CP60 and CP61. Road safety and the footpaths were also highlighted as issues.

Cllr Britton felt it was significant that the parish council were not present to object, their only issue with the application stemmed from the percentage of affordable housing which they would prefer was 50% rather than 40%.

Cllr Britton took part in the Community Speed Watch in the village and was surprised by the low volume of traffic on the A road through the village.

Cllr Britton was a staunch supporter of settlement boundaries, however in this instance, due to the provision of affordable housing and the application helping to address problems at the primary school with pupil numbers, he was in support of the application and invited the Committee to support it as well.

The Chairman opened the item for debate and invited the first Member to speak to make a proposal. Cllr Tony Trotman, seconded by Cllr Sarah Gibson proposed that planning permission be granted, with conditions, subject to a successful S106, as per the officer recommendation.

Cllr Trotman stated that whilst this went against many core policies, the village needed affordable housing. As such and with the tilted balance in play due to the lack of a 5 year HLS, he felt that this small development sat well within the village even if it was outside the settlement boundary, particularly with the soft edge proposed. Hence his support for the application.

Cllr Gibson concurred, stating that the 5 year HLS figures were what they were. She was supportive of small applications by small developers as they were often much more deliverable. Cllr Gibson felt that it was a sensible application and in the right area.

Members discussed at length the issues regarding the 5 year HLS. Some Members felt that the Council had been reduced to planning by appeal. They expressed frustration and felt that the Committee's hands were tied, meaning that they could not make proper decisions on anything except solar farms and Gypsy and Traveller sites. Some questioned what the strategy was to overcome the situation.

Members also discussed some of the issues raised by the speaker in objection to the application. The public footpath went directly from the site to the school, which was good. Whilst it may have styles at present, these could be replaced in the future with gates. Others felt that the footpaths would not be used and that residents would drive to the school, increasing traffic.

Many Members felt that whilst they did not want to go against policy there were many advantages to this application.

During debate Members discussed adding and amending informatives. An informative was suggested on page 70 of the agenda, whereby the reserved matters application should broadly follow that set out on the illustrative masterplan, Members queried if this could be added. The officer confirmed that this had already been added as informative 8. Members further questioned the

use of the word broadly in that informative and requested that it be changed to 'closely'. The officer confirmed that it could.

On page 80, informative 2 regarding the Community Infrastructure Levy (CIL) stated that the development could be liable to CIL, Members queried whether this could be changed to say that it will be subject to CIL. The officer explained that the scheme was partially CIL compliant, as the affordable housing would not be subject to CIL, but the open market housing would be. It was confirmed that the parameters of CIL could not be changed by the Committee, but the wording of the informative could be altered as suggested to say 'will be subject to CIL' instead of 'could be subject to CIL'.

These amendments to the informatives were accepted as friendly amendments by the proposer and seconder of the motion.

In response to a question, it was confirmed that when the reserved matters application came in, this could be called in by the local Member if they chose to do so.

At the conclusion of the debate it was,

Resolved:

To grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to above, and subject to the following 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:**
The scale of the development;

The layout of the development;

The external appearance of the development;

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) **Approved plans**

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

- **Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 December 2022**
- **Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022**
- **Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.**

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

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

REASON: The 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, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in

accordance with the approved details prior to the development being.

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

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

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

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

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

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

9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 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 in writing 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 record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

11) 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.

The CEMP shall also address the following:-

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding

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

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

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

REASON: to avoid illumination of habitat used by bats.

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

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has

been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

18) There shall be no burning undertaken on site at any time.

REASON: In the interests of the amenities of local residents.

19) 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: In the interests of the amenities of local residents.

20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: 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 internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

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

- i. The movement of construction vehicles;**
- ii. The cutting or other processing of building materials on site;**
- iii. Wheel washing and vehicle wash down facilities;**
- iv. The transportation and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**

- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of the amenities of local residents.

- 22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

- 23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

Informative Notes

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.
- 2) The development hereby approved will be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
- i) an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
 - ii) Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
 - iii) A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.
- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf
- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.
- 6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.

8) The layout for the Reserved Matters application shall closely follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).

Note: Cllr Ernie Clark requested that the fact he abstained from the vote was recorded.

55 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.05 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352, e-mail tara.hunt@wiltshire.gov.uk

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**Wiltshire Council
Strategic Planning Committee
1st November 2023**

There are No Planning Appeals Received between 04/08/2023 and 20/10/2023 relating to Decisions made at Strategic Committee

Planning Appeals Decided between 04/08/2023 and 20/10/2023 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/00867	Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD	Devizes	Outline planning application for residential development of up to 59 dwellings together with access and associated works. (mix of units to be determined by Reserved Matters) - All matters reserved except access.	SPC	Hearing	Approve with Conditions	Allowed with Conditions	13/10/2023	None

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	1 November 2023
Application Number	PL/2021/09013
Application type	OUTLINE
Site Address	Land West of Westbury Road, Warminster
Proposal	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)
Applicant	Barratt Homes
Town/Parish Council	Warminster Town Council
Electoral Division	WARMINSTER NORTH & RURAL – Cllr Bill Parks
Case Officer	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

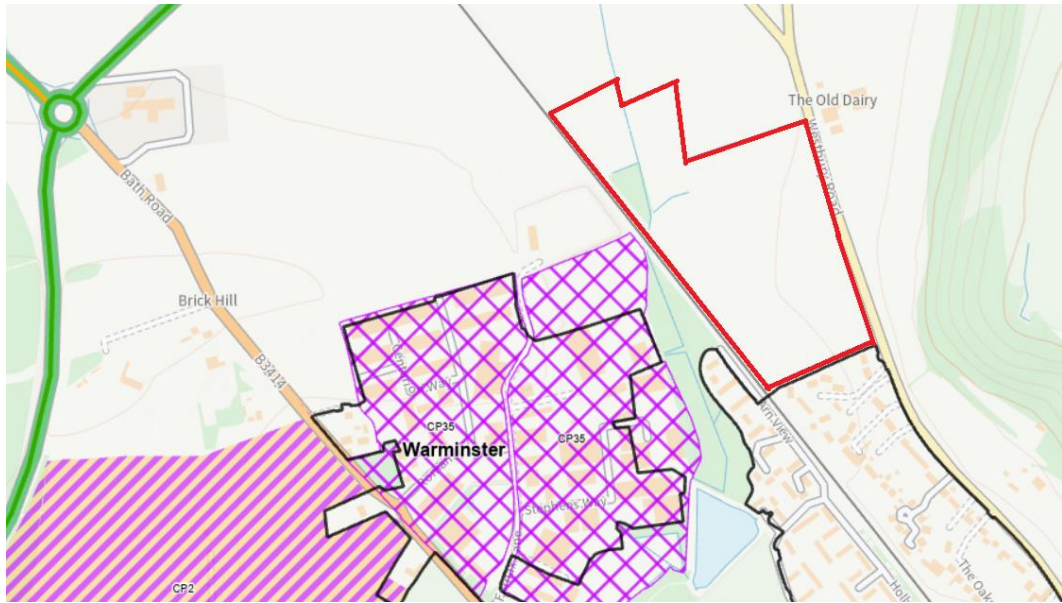
The site comprises open fields covering approximately 10.45 hectares, located to the north of the market town of Warminster. The site has access from Westbury Road (a 'C' class road) that connects to the A350 to the north and leads directly into Warminster town and town centre to the south.

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 site 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.

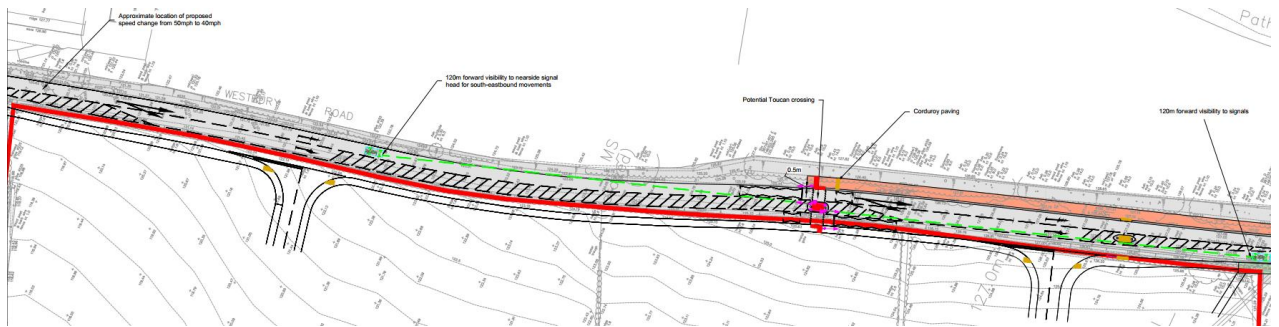


The public rights of way

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.



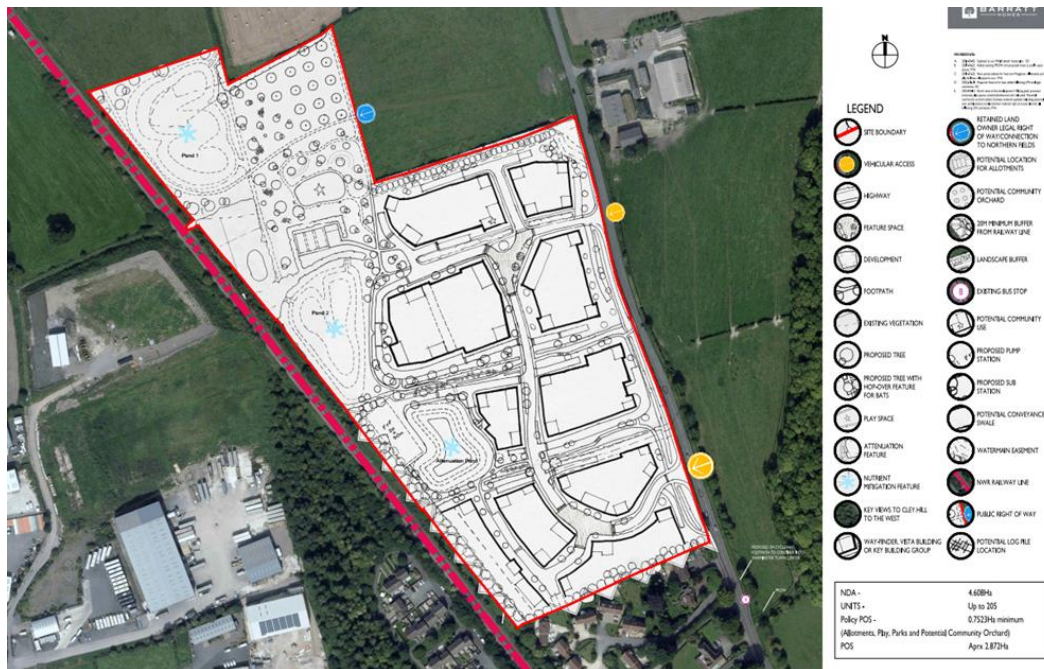
Extract from plan P19-2831 SK/13Rev B showing the proposed access points and part of the proposed off site junction improvements

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 1st 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 – 7523.09m²

Equipped Play – 362.85m²

Sports - 4838.00m²

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 3rd 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 1st 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)

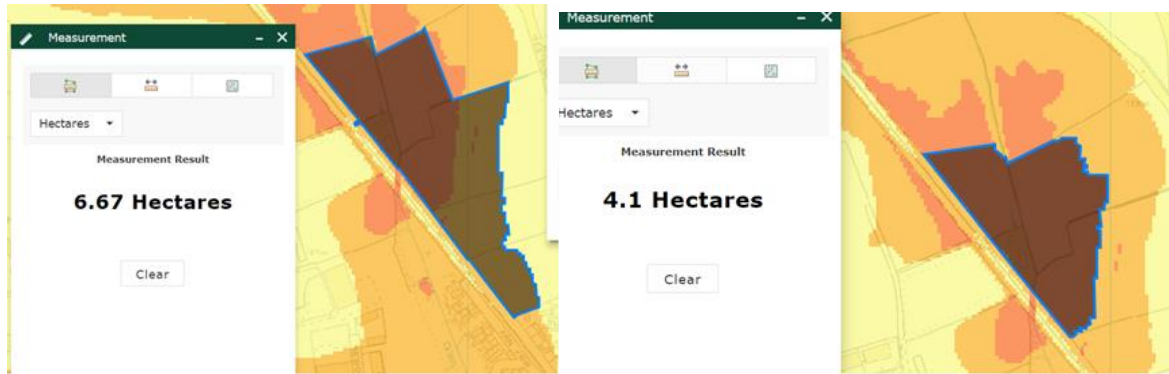
The application site is 10.45 hectares, and approximately 6.67 hectares is within the two 'dark orange' (and so most at risk from ground water flooding) areas (that is, where ground water is <0.025 or 0.025-05m below ground surface). This equates to c. 64% of the site.

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.



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- Key**
- Site Boundary
 - Phase 1 Points
 - Tree with bat potential
 - Target note
 - Broadleaved tree
 - Phase 1 Lines
 - Hedge with trees - species-poor
 - Fence
 - Defunct hedge - species-poor
 - Phase 1 Habitats
 - Cultivated/disturbed land - ephemeral/short perennial
 - Improved grassland
 - Other tall herb and fern - ruderal

Client: Gladman Developments Ltd
 Address: Melksham Road, Holt
 Project: PHASE 1 HABITAT PLAN
 Issue No: 1/1/20
 Issue Date: 21/4/2022
 Figure 1 10545-E-01

Habitat Plan

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 – 7523.09m²
- Equipped Play – 362.85m²
- £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 0m³/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;

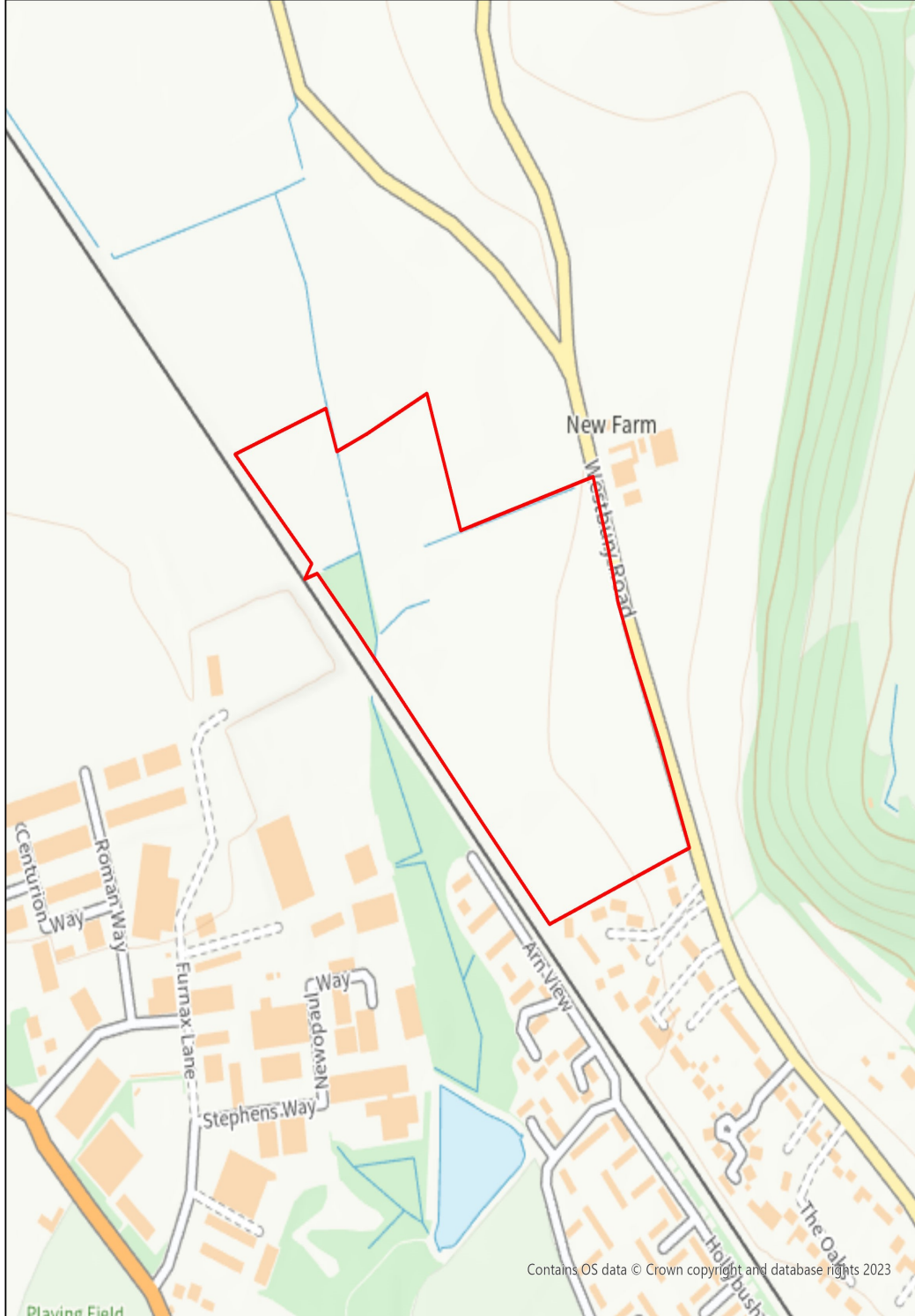
a) Hydraulic modelling to confirm that the existing ditches have sufficient capacity to safely convey surface water discharges from the proposed development without increasing flood risk.

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.



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**5 Year Housing Land Supply and Housing
Delivery Test
Briefing Note No. 22-09**

Service: Spatial Planning
Further Enquiries to: Georgina Clampitt-Dix / Chris Roe
Direct Line: (01225) 713472 / (01225) 713979
Date Prepared: 4 April 2022

BRIEFING NOTE ON 5-YEAR HOUSING LAND SUPPLY AND HOUSING DELIVERY TEST

Summary

We have now completed the update to Wiltshire's five-year housing land supply position. The current position is a **4.72 year** supply using a base date of 1 April 2021, which will be used to inform decision-making.

While we cannot currently demonstrate the full five-year requirement, the shortfall is modest and an improvement on the previous position of 4.56 years (see [Briefing Note No. 20-37 Housing Land Supply Update, December 2020](#)).

Although the housing land supply is below the five years required by Government, recent housing delivery in Wiltshire remains strong, with the latest Housing Delivery Test indicating the council has met **141%** of its housing targets over the past three years. Both measures are factors that can be applied in the decision-making process when planning applications are determined.

A shortfall in housing land supply means that when applications for housing come forward the 'presumption in favour of sustainable development' applies in decision-making, which in this context means that less weight is given to development plan policies to help resolve supply issues moving forward. However, this does not mean that every housing application should be granted permission. Careful consideration will need to be given to the merits of each case and appropriate weight afforded to development plan policies when determining applications.

This briefing note provides information on both these Government measures and what the implications are for decision making of not meeting Government expectations.

1. Introduction

1.1 Government policy as set out in the National Planning Policy Framework (NPPF) includes two measures that are designed to drive the delivery of housing:

- (i) Five-year housing land supply
- (ii) Housing Delivery Test

1.2 The main difference between the two is that:

- the five-year housing land supply measures the level of 'supply' that can be expected to come forward over a five-year period of time i.e. the number of homes that **will be** built; whereas
- the Housing Delivery Test measures the number of homes that **have been** built over a set period.

1.3 Both measures have established methodologies and assess the expected delivery of homes, and homes that have been delivered respectively, against the housing requirement for a local authority area. There is no latitude as to how the methods are applied.

1.4 The Government's Planning White Paper proposes to remove the five-year housing land supply test but retains the Housing Delivery Test. It is not clear yet how the Government will proceed in planning reforms. Therefore, at present the council is assessed against both measures.

2. What is the five-year housing land supply?

2.1 The NPPF states that:

*"Local planning authorities should identify and update annually a supply of **specific deliverable sites** sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."* (paragraph 74)

2.2 As the Wiltshire Core Strategy (adopted January 2015) is more than five years old, the housing requirement to be used in the five-year housing land supply calculation is Wiltshire's local housing need based on the Government's standard method¹. The local housing need is based on future household growth and an adjustment to take account of housing affordability in the local authority. It is recalculated every year based on the latest data, which is applicable at the base date. The standard methodology operates on a local authority basis and does not disperse the local housing need figure to a smaller geographic level.

2.3 The annual update for Wiltshire has now been completed and the results of the assessment, using a base date of 1 April 2021, are set out in the 2021 Housing Land Supply Statement (HLSS). This is available on our website via this [link](#). Key points:

- The council cannot currently demonstrate a five-year housing land supply. The current position indicates there is a **4.72 years** supply.
- The five-year housing land supply position has improved since the previously published position (base date 1 April 2019).

¹ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

3. How is the five-year housing land supply calculated?

3.1 Housing land supply is calculated using a base date from which calculations are made to avoid double counting.

3.2 We have now updated the housing land supply calculation using a base date of 1 April 2021. Using this base date, an explanation is provided below:

Starting point for calculation at base date of 1 April 2021:

Local housing need (1 April 2021) = 1,981 homes per annum

Buffer to be applied = 5% (5% or 20% depending on the results of the Housing Delivery Test - see below)

5-year requirement including buffer = **10,400 homes**

What can be included in supply?

- (i) Number of homes on small sites (less than 10 homes) with planning permission at 1 April 2021 = **1,899 homes** outstanding of which **1,597 homes** were considered to be deliverable within five years (the reduced number takes into account a delivery rate that is based on historic data on non-implementation and delivery timescales).
- (ii) Number of homes on large sites (10 or more homes) with full planning permission at 1 April 2021 = **5,030 homes** outstanding of which **4,582 homes** were considered deliverable within five years (the reduced number reflects delivery timescales).
- (iii) For other large sites with either outline planning permission; resolution to grant planning permission; or allocated² at 1 April 2021: the number of homes where there is clear evidence of delivery over a five year period from 1 April 2021 to 31 March 2026 = **2,390 homes** were considered deliverable within five years. (In total there is a pool of 12,064 homes from these sources.)
- (iv) Windfall allowance: number of homes expected to be completed on new 'windfall' sites (which do not have planning permission at 1 April 2021) over a five-year period from 1 April 2021 to 31 March 2026 = **1,241 homes**

In total therefore **9,810 homes** can be included in the deliverable supply.

3.3 (i), and (ii) are relatively straightforward statistical exercises, which involve an understanding of delivery timescales for individual sites. (iv) is also a statistical exercise that requires understanding of past delivery trends and the potential for development opportunities to come forward in the future.

² Wiltshire Core Strategy, Chippenham Site Allocations Plan, Wiltshire Housing Site Allocations Plan, and all allocations in Neighbourhood Plans

- 3.4 (iii) is more complex, and clear evidence must be provided for each site to meet the requirements of paragraph 74 of the NPPF, which requires that sites are deliverable over the five-year period being assessed. This means that for large sites, which take time to deliver, we can only include the first few phases of development in the five-year land supply.
- 3.5 So, while on the face of it there is a substantial pool of large sites, for **17,094 homes** in total, the timescales within which these can be delivered is key. An assessment of the deliverability of these sites has indicated that only **41%** of these are capable of delivery during the five-year period 1 April 2021 to 31 March 2026. Factors determining housing delivery are often outside our control, as the development industry ultimately determines how and when sites come forward, despite planning permissions being granted and sites allocated within the development plan.
- 3.6 It is important for credible judgements to be made in undertaking these assessments because they are subject to scrutiny at appeal by appellants, third parties and the appointed Planning Inspector.

4. What are the implications of not having a five-year housing land supply?

- 4.1 The implications for not having a five-year housing land supply and decision making are set out in Briefing Notes No. 20-20 (June 2020) and No. 20-37 (December 2020).
- 4.2 Where a five-year housing land supply cannot be demonstrated, the presumption in favour of sustainable development, as set out in Paragraph 11d of the NPPF applies. The implications of this are that the policies which are most important for determining the application are deemed to be out of date and permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”³.
- 4.3 The presumption does not apply where there is a clear reason for refusal due to specific NPPF protection policies that apply, as listed in footnote 7, in relation to: habitat sites including Sites of Special Scientific Interest; Green Belt; Local Green Space; Area of Outstanding Natural Beauty; designated heritage assets; and areas at risk of flooding.
- 4.3 The fact that policies must be considered out of date does not mean they carry no weight, and it is for the decision maker to determine how much weight to give to them taking into consideration their consistency with the NPPF. It is therefore possible for policies to carry significant weight still in decision-making, which are weighed into the presumption in favour of sustainable development (often referred to as the ‘tilted balance’) when decision-making is undertaken.

³ In areas with neighbourhood plans, paragraph 14 of the NPPF provides additional policy where the presumption in favour of sustainable development applies. This states that the adverse impacts of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where: the ‘made’ neighbourhood plan is less than two years old; it contains policies and allocations to meet its identified housing requirement; and the local authority has at least a three year supply of deliverable housing sites.

5. What is the Housing Delivery Test and consequences?

5.1 It measures net homes delivery (i.e. net homes built) in a local authority area, such as Wiltshire, against the homes required using local authority completions statistics and local authority planning data.

5.2 The results are published for each local authority area by the Secretary of State in November, see [Housing Delivery Test - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/housing-delivery-test-2019)

5.3 As set out in the NPPF the Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. The most up to date result, at the time of writing, is for 2021.

5.4 Since the inception of the Housing Delivery Test the published results for Wiltshire are:

2018	139% (years measured 2015/16 - 2017/18)
2019	149% (years measured 2016/17 - 2018/19)
2020	140% (years measured 2017/18 - 2019/20)
2021	141% (years measured 2018/19 - 2020/21)

5.5 The three consequences of the Housing Delivery Test (HDT) results are set out in the NPPF, as follows:

1. Triggering the presumption in favour of sustainable development (HDT below 75%)

The presumption in favour of sustainable development (paragraph 11d, NPPF), as explained above, should be applied to decisions where the HDT indicates delivery to be “substantially below” the housing requirement, which is 75% from 2020/21 (footnote 8 and paragraph 222, NPPF).

2. 20% buffer (HDT below 85%)

The five year land supply must include a buffer of 20%, rather than 5%, where the HDT indicates that delivery was below 85% of the housing requirement (paragraph 74, NPPF)

3. Requirement to prepare an action plan (HDT below 95%):

“Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.” (paragraph 76, NPPF)

5.6 Wiltshire has consistently preformed well against the HDT and the consequences as set out above don’t apply.

6. What can we do to restore a five-year housing land supply?

6.1 As set out in Briefing Note 20-20, the council will:

- (i) Work positively with developers to take key strategic sites through the planning system.
- (ii) Continue supporting Neighbourhood Plans, identifying any suitable sites for housing.
- (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.

6.2 Since the base date of 1 April 2021, consents have continued to be granted permission on suitable sites. While these do not currently contribute to the housing land supply because they were permitted after the base date of 1 April 2021, they will help to boost the housing land supply in the future. New permissions help replenish the housing land supply as it is reduced due to housing completions, planning permissions lapsing, and delays in delivery on key sites. Table 4 of the HLSS contains a list of large sites (10 or more dwellings) that have been permitted since the base date up to the date of publication.

6.3 Work can now commence on the preparation of the next HLSS using a base date of 1 April 2022. These statements take time to prepare, however we are looking to produce this in a shorter timescale than recent years in line with similar-sized authorities who typically take around 6-9 months to produce after their base date.

APPENDIX 3 RELEVANT POLICIES

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	1 November 2023
Application Number	PL/2021/03749
Site Address	Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury, BA13 4HQ
Proposal	Residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.
Applicant	Westbury LVA LLP
Town/Parish Council	HEYWOOD
Electoral Division	Ethandune (Cllr Wickham)
Grid Ref	386361 152870
Type of application	Outline Planning
Case Officer	Gen Collins

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Councillor Wickham. Her concerns relate to the scale of development, the visual impact upon the surrounding area, the relationship with adjoining properties and the environmental/highways impacts. The application also represents a significant departure from the policies of the development plan.

1. Purpose of Report

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

2. Report Summary

The main issues to be considered are:

- Principle Whether the development is acceptable in principle (CP 1 and 2);
- Design and Residential Amenity
- Landscape and Visual Amenity
- Heritage
- Drainage
- Ecology
- Highways Safety

- S.106

The application has generated an objection from Heywood Parish Council within whose area the application site sits and Westbury Town Council whose boundary abuts the site following the Ham. In addition, 76 representations have been received from a number of third parties some of which are multiple representations by the same party. Of these representations 67 are objections and the others are comments/no objections.

3. Site Description

The site is approximately 9.4ha in area (see below) and a dog leg in shape, comprising agricultural fields associated with Glenmore Farm. It is located within Heywood Parish adjoining Westbury Parish on its south-west boundary formed by The Ham. It is not allocated in the Wiltshire Core Strategy or the Wiltshire Housing Sites Allocation Plan (WHSAP) although it has been submitted as a site to be considered in the new Local Plan process.



There are no public rights of way (PRoWs) on the site or that run close to the site. There are no heritage assets on the site, and the site is wholly located within Flood Zone 1 with evidence of slight surface water flooding on the western corner where it meets West Wiltshire Trading Estate. In archaeological terms, the site comprises former field systems with traces of

scattered settlement activity dating from the Roman period (AD43-AD410) in the north-eastern quarter of the site. These field systems and the scattered activity appear to be related to the main hub of Romano-British settlement located to the south-east of the site.

In terms of Agricultural Land Classification, the site is grade 3.

The site lies within the Grey and Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy and is within the consultation area for the Bath & Bradford on Avon Bat SAC.

It is circa 1km (0.75 miles) from Picket/Clanger/Round Wood which is designated ancient scheduled woodland and is a designated Site of Special Scientific Interest.

In terms of topography, the land is undulating and the ground slopes upwards from the north-west boundary to the centre of the site. From the centre of the site to the south east boundary the ground plateaus although this is partly interrupted by a surface depression located close to the site's southern boundary.

It lies adjacent to the West Wiltshire Trading Estate which forms the northwest boundary of the site. The northeastern boundary of the site is formed by Hawkeridge Road and Glenmore Farm.

The southeast boundary is formed by The Ham. The south west boundary adjoins the rear residential gardens of properties 73-89 Hawkeridge Park and an associated play area, as well as further agricultural fields (which themselves are subject to a separate planning application

4. Planning History

There is one relevant historic planning record relating to the application site as follows –

Reference	Description	Decision
15/07071/OUT	Outline planning application for residential development (up to 145 dwellings), following demolition of existing dwelling and outbuildings, with public open space, engineering works and associated infrastructure, access to be approved only, all other matters reserved	Withdrawn 2015

The following 'live'/undetermined application relates to an adjacent site -

Reference	Description	Decision
PL/2022/09842	Land Off Storridge Road, Westbury, Wilts Outline application for the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings (including affordable housing), with public open space, structural planting, landscaping, and sustainable drainage system (SuDS) and vehicular access point. (All matters reserved except for means of access)	Pending

5. The Proposal

This is an outline application with all matters reserved except for access which proposes

the construction of up to 145 houses with community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure with access off The Ham and associated parking, open space, landscaping and drainage.

The illustrative masterplan for the site is set out below. This shows a possible layout for how the housing could fit on the site –



Parameter plans have been submitted with the application which fix at outline stage certain development parameters (e.g. ecological, acoustic and landscape buffer zones); if outline planning permission is given then these parameters cannot be altered at later 'reserved matters'

stages (unless a variation to the outline consent is submitted and agreed).

The Parameters Plans show agreed ecological buffers and dark corridors, green infrastructure including landscape buffers, access, land use and buildings heights. These Parameter Plans show that the net developable area of housing would be 3.67ha. For the 145 dwellings, this equates to c. 38 dwellings/ha, which is within expected tolerances for an edge of settlement urban development. The plans also shows 5.61 ha of publicly accessible open space as specifically detailed on the Areas Parameter Plan and the Ecology and Open Space Plan.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

- U1a Foul Water Disposal
- U2 Surface Water Disposal

Other WC policy and guidance

- The Wiltshire Waste Core Strategy (adopted 2009)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- Trowbridge Bat Mitigation Strategy (TBMS) SPD

National policy and guidance

National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG) –

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date

then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021)

Manual for Streets 2 (2010)

7. Summary of consultation responses

Heywood Parish Council - Objection

Principle objection - The proposed site is not in a recognised settlement and, in policy terms, forms part of the open countryside. The proposal would involve the erection of open market dwellings. They are neither essential in terms of agriculture or forestry nor do they fall to be classed as specialist accommodation. As such, they would be contrary to existing CS Policies CP1 & CP2.

Lack of Sustainable Access - the proposal would result in a high degree of reliance on the use of private vehicles. As such, the site would offer no real choice of sustainable transport opportunities to future occupiers. This lack of sustainable transport provision would be contrary to CS Policy CP60, CP61 & CP62 all of which seek to reduce the need to travel by private car and encourage the use of more sustainable modes of transport.

Contrary to Draft Heywood Neighbourhood Plan

Proposed pedestrian access through Hawkridge Play area is unsuitable and unsafe.

Westbury Town Council – Objection

Principle objection - The development is inappropriate because it is in the countryside. Whilst it is outside the Westbury parish boundary, every house will impact on the town. Residents of this development will look to Westbury for their schools, medical facilities and shops and there is no improvement to Westbury's infrastructure to help manage this increase.

Concerns raised about drainage, increase in traffic, the access is inappropriate on a bend of an already busy road, design, properties will be overlooked, loss of privacy.

Wiltshire Assistant County Archaeologist – no objection, subject to conditions requiring mitigation in the form of archaeological excavations to be conducted within the footprint of the wetland habitat/SuDS feature in the north-east of the site, as well as the proposed play area.

The construction of the footpath and cycle path should be monitored by qualified archaeologists and a Heritage Management Plan (HMP) should be created, setting out the proposed stewardship of the open area to the north of the housing plots and how this would protect the area from any future impacts on the identified archaeological site in the north east.

WC Lead Local Flood Authority – no objection, subject to conditions including a Grampian condition

to secure appropriate surface water drainage.

Environment Agency – no objection, subject to conditions for water efficiency and CEMP.

Wiltshire Council Affordable Housing – no objection, subject to S106.

Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 40% would be required in this location. As this site is proposing 145 new homes, the on-site affordable housing requirement will be for 58 affordable homes - a tenure split of 60% affordable rented homes and 40% shared ownership homes would be required.

Wiltshire Council Highways – no objection, subject to conditions / S106.

Wiltshire Council Education – no objection, subject to S106.

The Council's Education Team have no objections to the development subject to securing s106 contribution towards the provision of early years. The contribution required is set out in more detail within the report.

Wiltshire Council Landscape Officer - No objection

Wiltshire Council Arboricultural Officer - No objection

Wiltshire Council Conservation Officer – No objection

Wiltshire Council Public Open Space – no objection, subject to S106.

Public open space would be required on site via s106 as well as a contribution for the improvement or development of sports pitches or associated facilities that enable their use. The space requirements and contribution is set out in more detail within the report.

Wiltshire Council Public Protection – no objection, subject to conditions / S106.

No objections to the development on the proviso that a financial contribution via S106 is obtained for air quality monitoring as part of the Council's requirements to reduce emissions, and that conditions are imposed to deal with acoustic mitigation, construction management and contaminated land.

Wiltshire Council Ecology – no objection, subject to conditions.

On review of all the relevant documentation, no ecological objections to the scheme subject to:

- conditions to cover the following:
 - Submission of a Lighting Scheme
 - Submission of a Landscape and Ecological Management Plan (LEMP)
 - Submission of a Construction and Environmental Management Plan (CEMP)
- s106 requirements:
 - to offset residual/in-combination losses
 - to ensure that any open space that is looked after by a management company is done so in accordance with the approved LEMP.

- the satisfactory completion of an Appropriate Assessment (AA) under the Habitats Regulations.

The full response to all the matters considered by the WC Ecologist is available to view on the on-line application file.

Natural England – Appropriate Assessment approved. No objection.

Wiltshire Council Urban Design – No objection

Wessex Water – no objection

Waste and Recycling – no comment

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press. There have been a series of amendments to the application which were advertised by way of neighbour notification letters.

A large number of objections to the development have been received including petitions, individual letters and reports compiled by consultants on behalf of certain local residents. The concerns raised are summarised below –

Need

- Wiltshire council has already met its expected number of new houses being built, or in fact built more than needed.
- The area has already been overdeveloped.
- Westbury is over developed and has already committed 120% of it's housing requirement, therefore the need for this development is unnecessary. A Parish Housing Needs Survey complete for the PC did not show a need for more housing in the area.

Contrary to development plan

- Core Strategy 2015 is still in effect; this application breaches CP1 and CP2 of that strategy. The Core Strategy identified housing requirements up to 2026, this land was not identified as being part of the strategic plan; however, it was included as part of the Strategic Site Allocation – which Haywood & Hawkeridge Parish Council strongly objected to. This application is not in a recognised settlement and in policy terms forms part of the open countryside. The council's own words from the Core Strategy Jan 2015 "The purpose of the planning system is to contribute to the achievement of sustainable development.; "Managing development to ensure that jobs and the right infrastructure are delivered at the right time to ensure that out commuting, in particular to areas outside of Wiltshire, is not increased and development does not have a detrimental impact on infrastructure".
- Local Plan indicates that where a Neighbourhood Plan is or will be that this will dictate the local housing requirement; the Parish Council are in the midst of preparing such a plan and this site is not allocated within the neighbourhood Plan as a site for housing.

Drainage / Flooding

- It is noted that the proposed residential scheme proposes to utilise unadopted foul and

surface water drainage infrastructure on my clients land, for which no permission has been sought or agreed. It appears that the Proposed Drainage Strategy plan ref 570 on page 31 of the proposed Flood Risk Assessment and Drainage Strategy differs Document No. IMS-F-13, Revision 1, 01.05.2018 Page 28 of 36 from the Proposed Drainage Strategy Plan submitted 12th April 2021, first issue 23/02/21, also with drawing ref 570.

- The plan in the report shows surface water drainage discharging in two directions rather than in one direction in the individual plan. Both routes extend over the freehold owned by my client.
- There has been no consultation with the West Wilts Trading Estate owners, and I'm aware that previous development applications have been objected to by the owners agents, due to the increased risk of flooding onto the WWTE. I'm also aware that this application could have a wider impact on the river Biss with runs around the northern side of the WWTE

Ecology / Environment

- Loss of wildlife, flora and fauna
- Important to create good habitat
- Contrary to Core Policy 50 and NPPF policy
- The dwellings of the new proposal will fall under the umbrella of the continuing foul and disgusting smell that comes from the waste facility. This build is in the direct line of sight of the proposed incinerator chimney and toxic fallout from it. With added health risk to new residents.

Loss of Green Space / Conglomeration

- The building of this development would be an abhorrence, inflicted upon vital greenery that serves as a boundary between the Industrial Estate and the town of Westbury itself. The impact on wildlife and nature, in a time where they are most vital, cannot be understated.

Design / Character of the Area

- Housing density is too high.

Location

- This proposed development is outside the settlement boundary.
- The site is too far away from shops, services and facilities to be considered sustainable.

Infrastructure

- The existing local, already overstretched, infrastructure will find it impossible to cope with the needs of the families from 145 new homes - e.g. the number of available school places, health centres and dental surgeries.

Pollution

- Extra traffic means more pollution in the area.

Landscape and Visual Impact

- The development will have a harmful visual impact.

Highways / Parking

- The Ham is already an extremely busy and congested road. This development will cause further problems.
- The access to the development is off the B3092 which is currently in a 50mph zone. The application does not address the visibility splay that is required for the speed limit. Previous applications have also failed to meet the legal requirements for the visibility for the access, which removal of the bend on the B3092 which neighbours the perimeter of the site.
- Approach speeds should be considered that realistically reflect the current actual driving speeds rather than an applied formula otherwise the proposed development will pose a significant risk of accidents.
- Location of the development does not encourage non-car use
- the proposed junction is by design a significant risk to public safety
- and that as it stands the development should again be rejected.
- Safe and suitable walking / cycling opportunities are not included.
- Highway safety
- Permission to remove the hedgerow as per 2.4 of the RSA stage 2 has already been refused by Wiltshire Council as it is of a significant value .
- The traffic count information and peak flows ref RSA stage 2 point 1.7 were taken in May 2019 therefore they do not reflect present traffic flows post pandemic.
- The removal of the refuge island to accommodate vehicular access to and from Shallow Wagon lane will result in road users being exposed with insufficient protection from the traffic.
- Highway code July 22 under Rule 204 clearly states:- it is “The road users most at risk from traffic are pedestrians in particular older and disabled people, cyclist, horses and motorcyclist”
- The level of road user activity will increase as a result of the overdevelopment in the area and those living in the proposed 145 dwellings therefore, unfortunately increasing the chances of road user accidents.
- The 30mph speed limit sign will have little effect. I am unable to find any information to substantiate that it will.
- The stopping distance of a HGV travelling at 30mph according to Rule 227 that states: “In wet weather, stopping distance will be at least, double those required for stopping on dry roads.” will take up to 68 meters to stop. The revised access plan provision for this eventuality are inadequate despite the provisions made.
- that even with the provision of visibility splays and the proposed extension of the 30mph vehicle speed limit the location of the access is unsafe

Neighbour Amenity

- Proximity to west wilts trading estate is incompatible with residential development.
- It will effects the level of daylight received to my property and will result in loss of privacy.
- The Noise Impact Assessment conducted during the Lockdown concluded that, “ the site is suitable for residential development subject to the application of a good acoustic design process and inclusion of an appropriately worded planning condition(s)”, I live in Hawkeridge Park and I can confirm that anytime the Nightclub has an event it can be heard from here and further afield, even though the residential houses have been moved back away from the original proposed proximity to the nightclub it will still be loud.
- the current 1960's houses immediately adjacent to this proposed development all have a wide expanse of windows on the ground and upper floors which overlook the meadow of Glenmore Farm. Any development at this site will result in a loss of their long-

established privacy with new houses directly overlooking their property and gardens.

Democracy / Local Opinion

- Allowing to build here would go against local sentiment.

Consultation

- There has been no efforts made by the developer to involve the local community, with it consultation of the community for this application, and have therefore excluded new residents, businesses, and councillors from the application which is against the Wiltshire Community Involvement policy.

Other

- There is a ransom strip between the front of the proposed site and the Pavement that covers the distance between the Hawkeridge Park houses and the proposed entrance. This Ransom Strip will mean that the only viable walking or cycling paths from the proposed development will have to be from the proposed main access.
- In July 2019 the Planning Application 19/02186/FUL was refused for the following reason, which currently also applies to this application “The proposed development is located in Heywood which is not recognised in the Adopted Wiltshire Core Strategy as a settlement, and, in policy terms lies in the open countryside and as such would result in isolated dwellings by reason of their remoteness from services. The proposal would see the erection of 4 open market dwellings which are neither essential in terms of agriculture or forestry nor are they classed as specialist accommodation. As such, the proposed dwellings are contrary to the sustainable policies contained in the Wiltshire Core Strategy - namely Core Policies 1, 2, 60, 61 and 62 and the NPPF namely paragraph 79 which aim to reduce the need to travel particularly by private car and encourage the use of sustainable alternatives.
- Breaches Government Policy and Guidance on Green Belt Development.
- Affordability. The Median price for a property in Westbury is £161 100 with an average annual gross income of £34,600. This gives an affordability ratio is 4.74. Building houses for those who work in Westbury, vs those who commute, is a significant challenge while retaining an appropriate design and appearance. The current new build 2 bed apartments (Heron Rise) are from £209,000.

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 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, Westbury is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large

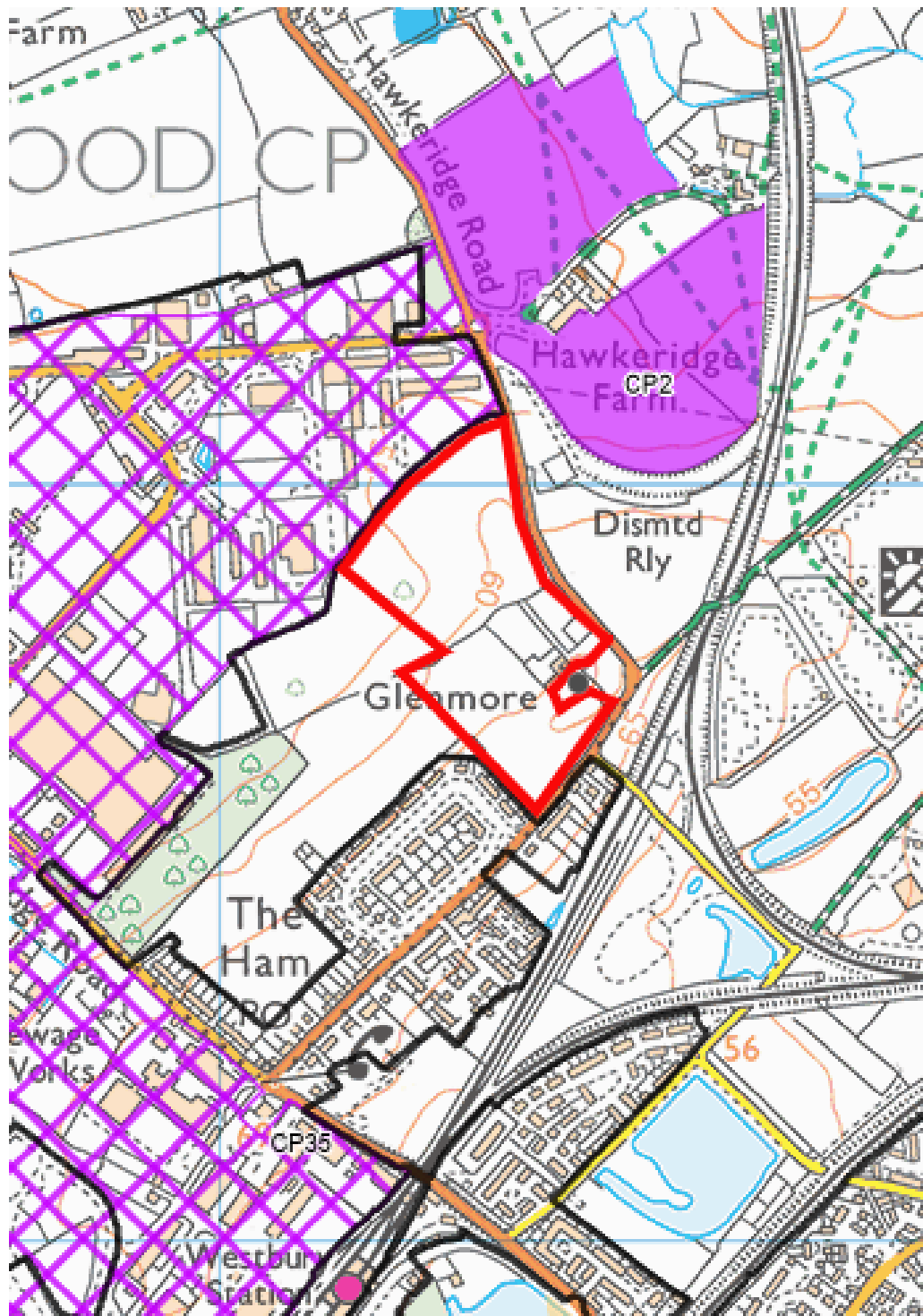
Villages have defined limits of development. Beyond these limits is countryside.

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 Westbury – 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 Development Plan Document (DPD) or a neighbourhood development plan (NP). The Council adopted the Wiltshire Housing Sites Allocation Plan (WHSAP) DPD in February 2020 and it allocates 1 site near Westbury at Court Orchard / Cassways, Bratton. For Neighbourhood Planning purposes Heywood parish (in which the application site lies) was designated a ‘Neighbourhood Area’ in 2016 with a Neighbourhood Plan now at a very early stage in the plan-making process. The Westbury NP (covering the adjacent parish) is more advanced, but not yet ‘made’ being presently at the ‘examination’ stage of the process; the Westbury NP proposes to allocate sites at Bitham Park and between Mill Brook and Coach Road for residential development.

WCS Core Policy 32 sets out the Council’s sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Westbury Community Area. Paragraph 5.165 of the WCS states that the strategy for the Westbury Community Area is to *“deliver a reduction in housing growth compared to historic trends, with a focus on improving facilities, services and job creation. Overall, the town should not seek to compete with the larger nearby centres, including Frome, but rather consolidate and enhance its existing role and improve linkages with neighbouring settlements”*.

The site the subject of this planning application is not allocated in either the WCS or the WHSAP. Therefore, as the site lies outside of the limits of development of Westbury and none of the exception policies apply, the proposal does not accord with the WCS Core Policies CP1, CP2 and CP32. No weight can be given to the Heywood NP in view of its early stage in the plan-making process. Although the Westbury NP is more advanced, the site lies outside of its designated area.

The location of the application site and its relationship with the Westbury settlement boundary is shown in the following extract from the WCS policies map. The bold black line is the settlement boundary edge and the purple hatching is the Principal Employment Area at West Wilts Trading estate; the solid purple shading is an allocated employment site –



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 (published 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. In section 6 of the second note – *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 CP32 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, a main benefit being the supply of housing, including up to 58 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 and one of its principal employment areas. 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 and ecology issues are all satisfactorily addressed in the application).

Regarding the relevance of the Neighbourhood Plans (NPs), the Heywood NP is at the very earliest stages of the plan-making process and so can be given no weight. The Westbury NP is more advanced, but does not cover the application site.

9.2 Design & Amenity

9.2.1 - Design

Core Policy 57 requires ‘a high standard of design in all new developments. Of particular relevance is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting’.

The NPPF states at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Core Policy 41 seeks to ensure that sustainable construction techniques and renewable energy is employed to ensure a scheme that is energy efficient and represents low carbon use in line with, and where possible, exceeding Building Regulations requirements.

Core Policy 57 further states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The detailed considerations in respect of design are not for consideration under this outline application – that is, the layout, scale, appearance and landscaping of the development are points to be determined as part of later Reserved Matters applications. However, it is still necessary to look at these issues at a higher level to ensure that the proposed quantum of development (up to 145 dwellings) can be accommodated on the site whilst ensuring a high standard of design can be achieved.

Since the original submission the indicative layout plan has gone through several iterations to address concerns regarding design, ecology and noise.

The final proposed illustrative master plan for the site is shown below:



Based on this master plan it is concluded that up to 145 dwellings can be accommodated on the site within the terms of Core Policy 57 – that is, a high quality design can be secured without ‘over-development’ and in-keeping with the prevailing character of the area (e.g. in terms of density, appearance and layout). An adequate level of detail has been provided in the parameters plans and the updated Design and Access Statement (DAS). As the proposal is for ‘up to’ 145 there remains flexibility to reduce the number should this be necessary when the detailed plans are prepared.

Whilst the WC Urban Design Officer does have some detailed concerns, on the whole he supports the proposal. The detailed concerns are matters for the REM stage, and where necessary now can be addressed by conditions and/or informatives. Fundamentally, this is an outline application, and so detailed design matters are for future consideration. This said, at the request of the Public Protection and Urban Design officer, the DAS has been updated in any event to include more design principles, and so it provides a solid platform on which the

REM applications would be based.

The Design and Access Statement (DAS) at s.4.7 indicates that the detailed design would meet low carbon design requirements as set out in CP41 for sustainable construction techniques and low carbon energy. It states that the final design would include the following:

- Use of roof mounted solar PV and ASHP
- Provision of cycle storage
- EV charging
- Water efficiency
- Whole life-cycle waste audit
- Travel Plan

A condition would be imposed to ensure that the development is in general accordance with the DAS, and specifically a condition requiring conformity with this section of the DAS to ensure a low carbon development is secured at REM stage. Additionally, a condition requiring a design compliance statement to be submitted with each REM application is recommended to ensure high quality design is achieved that is locally distinctive.

Whilst design and layout are reserved matters, the applicant has confirmed that the site would be policy compliant in terms of affordable housing provision proposing 40% total, with 60% for rented and 40% for shared ownership as required by the WC Housing officer. This would be secured c/o a s106, and is included in the Draft Heads of Terms. Detailed advice has been provided by the Housing Officer as to the split and design of the affordable units and this, along with details of the exact location on the site for the affordable homes, will be a matter for discussion at the REM stage.

9.2.2 Residential Amenity

The illustrative layout satisfactorily demonstrates that a scheme of up to 145 dwellings could be accommodated on the site without giving rise to adverse residential amenity impacts.

Given the presence of the bat corridor and ecological buffer (addressed later in this report) to the north and east of the planned 'built' areas, there exists, on average, a gap of around 130-200m between the built area and the nearest properties on the West Wilts Trading Estate. This, together with other measures to manage noise, is sufficient to ensure that the amenity of future occupiers of the proposed development would not be compromised –



There are open fields adjacent to the larger parts of the south-west and north-east sides of the site. The closest existing residential properties are located on Hawkridge Park on part of the south-west side and also on the other side of The Ham to the south east corner of the proposed development –



The indicative Masterplan and Landscape and Ecology Parameter Plans demonstrate that there is the ability to incorporate 'back-to-back' distances of at least 21m between the proposed and existing properties, and this is generally considered to be an adequate separation distance. The expectation would be for the garden lengths of those new properties adjacent to common boundaries to be in the order of 11-12m minimum, so increasing the minimum separation in some areas. The Building Heights Parameter Plan indicates two-storey development near boundaries, with a small areas of potential three-storey development at the centre of the site only –



The access, land use, ecology, open space and building heights shown on the Parameters Plans define the limits of residential development on the site. Any subsequent REM application would have to align to these. It is evident from these plans that the relationships between the proposal and established surrounding developments are such that a detailed scheme can be prepared which would not give rise to any adverse harm to residential amenity.

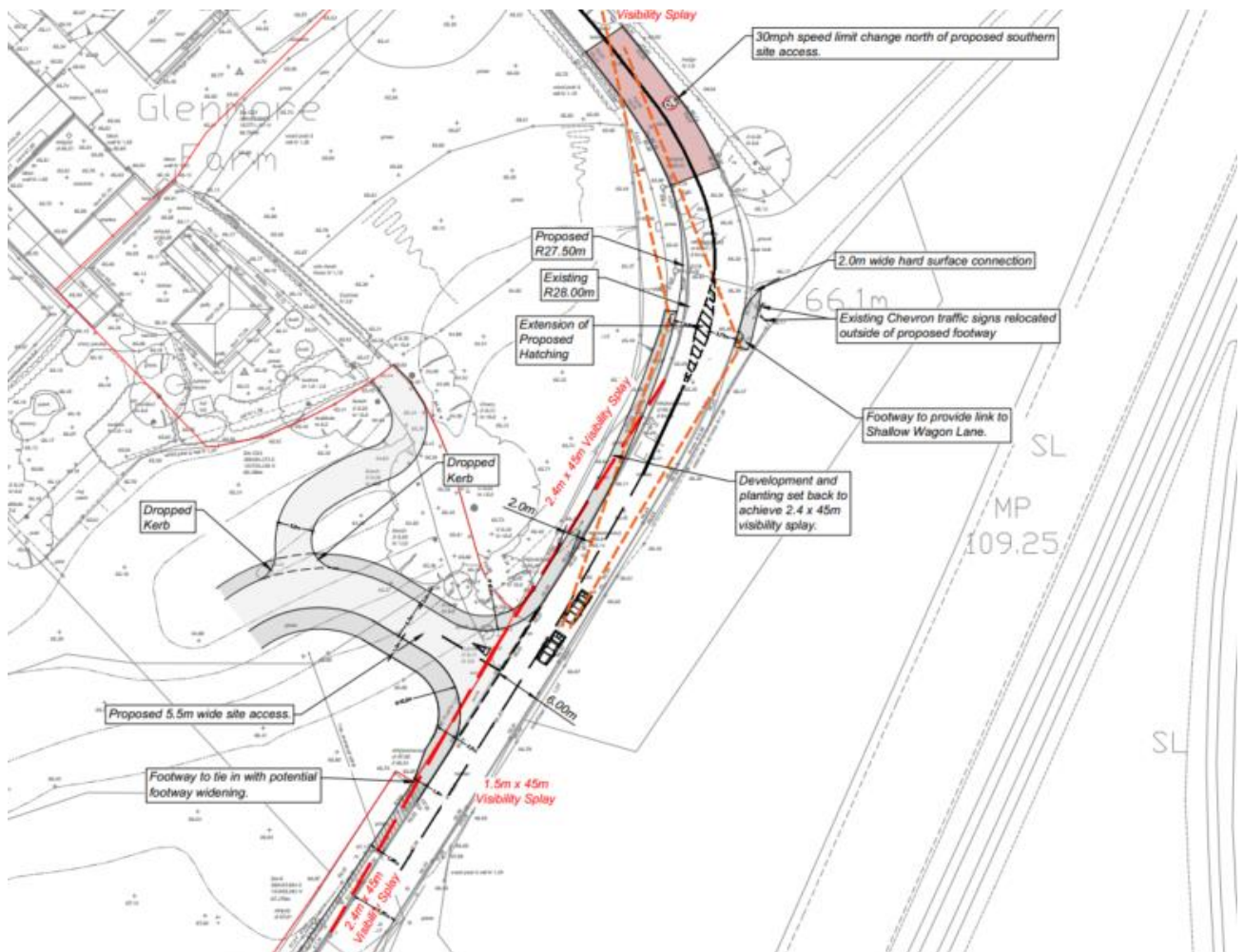
The amenities of the future occupants of the development is another matter for the REM stage. However, the indicative Masterplan, again, demonstrates that there is sufficient space to enable a scheme of up to 145 dwellings to come forward without giving rise to unacceptable amenity impacts for the future occupants of the development. Such conclusions can be reached as the

layout is realistic showing the typical features required of a housing development (e.g. parking spaces, amenity space, public open space, roads, footpaths, SUDs, play space, ecological buffers, attenuation ponds and strategic landscaping).

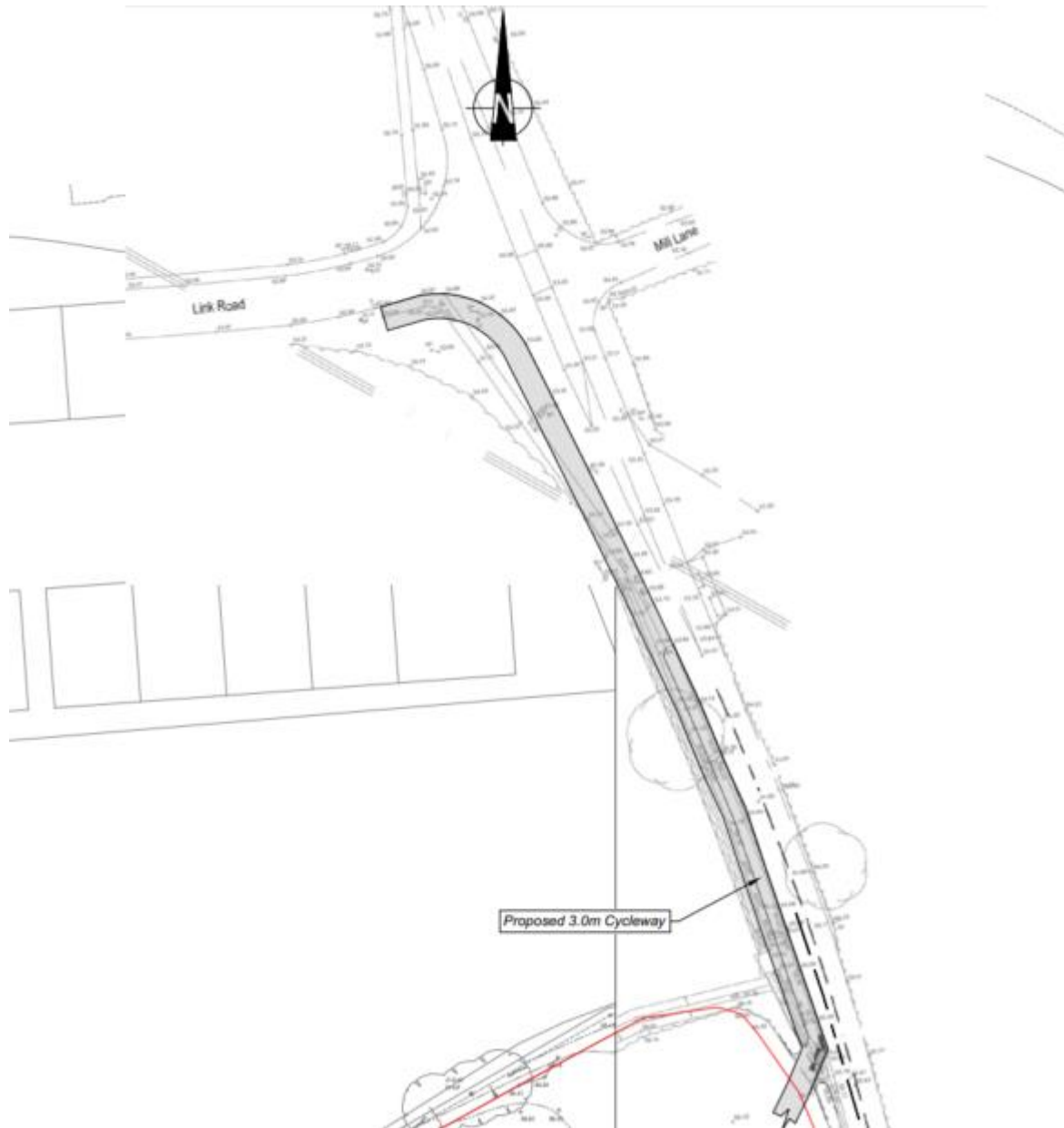
Noise from the adjacent trading estate and acoustic mitigation have also been considered, and these are addressed later in this report along with air quality.

9.3 Highways / Rights of Way

Means of access to the site is to be considered at this stage (that is, it is not a matter to be reserved). The proposed vehicular access to the planned development would be from The Ham (the existing accesses to the farm to be closed), and this is shown in the following snip from the 'Proposed Site Access Layout' drawing. The snip also shows some of the proposed off-site highways works planned within the vicinity of this site access –



In addition, a pedestrian/cycle access to the site is proposed in its north-east corner from Hawkeridge Road, with related off-site highways works to provide a cycleway between the new access and Link Road –



Paragraph 110 (b) of the NPPF requires that in assessing... specific applications for development, it should be ensured that...safe and suitable access to the site can be achieved for all users.

Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

Paragraph 112 (c) of the NPPF also states that ...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.... and respond to local character and design standards.

CP57 (ix) of the WCS requires new development to ensure "that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible..." and CP57 (xiv) requires development to meet "the requirements of CP61 (Transport and New Development)".

CP61(ii) of the Wiltshire Core Strategy requires new development to be “capable of being served by safe access to the highway network” and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway “that is safe for all road users”.

CP64 requires sufficient parking to be provided in new development in line with residential parking standards and requires a reduction in reliance on the use of the private car where possible.

As explained at the start of this section of the report, the proposal is to close the existing access points to Glenmore Farm from The Ham and Hawkeridge Road and form a new, ‘main’ vehicular access from The Ham. Various new pedestrian routes and cycleways, including a 3m wide shared use cycleway through the development connecting The Ham to the entrance of Link Road, would also be provided. It is also proposed to provide a 2m wide footway within, and partly outside, the site, connecting the main access with existing pedestrian routes. These highways works have been agreed with the WC Highways Officer.

Transport Assessment and Framework Travel Plan –

The application is supported by a Transport Assessment and Framework Travel Plan (TA) produced in consultation with the WC Highways Team. It is considered to be robust in its assessment of the traffic impacts of the development. According to the TA the proposed development is forecast to generate 72-73 vehicle trips per peak hour where a trip is a one-way vehicular movement. Distribution of trips on the network has been calculated by reference to census data.

Whilst concern has been raised in terms of highway safety, road traffic personal injury traffic data has been examined for the local area, and no significant accident clusters or types have been identified. Traffic flows have been judged to a growth assessment year of 2026. Committed developments in the Westbury area have been taken into account.

No significant local junctions would be impacted by greater than 2.1 % increase in traffic as a result of the development. This is shown at Section 6.30 of the TA. Significant local junctions have been traffic-impact assessed for the growth year of 2026 using the appropriate software modelling tool for the type of junction.

The TA shows that the development would have an immaterial impact at congested junctions and is not modelled to exceed the design capacity elsewhere.

The detail of bus stop shelters has not been established and these would need to be specifically considered in an access condition. Details can be secured via condition with the costs met through s106 developer contributions.

Detailed discussions have been entered into between the applicant, the LPA and the LHA regarding pedestrian routes and desire lines, and sufficient visibility and safety for the pedestrians who are likely to cross at the Shallow Wagon Lane location of Hawkeridge Road given it is a sharp bend. Speed surveys have been undertaken and the concerns raised by the LHA have necessitated several iterations of highway designs.

The final proposed design has been subject to a Road Safety Level 2 Audit which demonstrates that the revised proposed pedestrian access and crossing point at the Shallow Wagon Lane would be sufficiently safe provided that the carriageway at the bend of Shallow

Wagon Lane is widened with an area of hatching road marking provided in the center of the carriageway, the footways are extended along The Ham and Hawkeridge Road and traffic signs which currently obstruct visibility are relocated to the satisfaction of the LHA. These works are shown on the above snip from the 'Proposed Site Access Layout' drawing.

Additional details of visibility splays are also shown on the above snip, and these can be conditioned. Additionally, the extension of the 30mph speed limit to the north of the bend at The Ham and Hawkeridge Road is considered necessary as a result of the development and likely desire lines. This is also a matter for conditions and/or S106 obligations.

The site is relatively close to existing local services and employment areas, with the existing pedestrian and cycle infrastructure near to the site offering reasonable walking and cycling opportunities. The site is also reasonably accessible to public transport services including buses and trains. Coupled with the proposed pedestrian and cycle access points into and out of the site, there is sufficient opportunities for future occupants to travel via sustainable modes as opposed to the private car. Notwithstanding this, it is considered that sufficient car parking can be provided for (at the REM stage).

To ensure sufficient provision of evening bus services, a contribution towards the running of this service is required by WC Highways, this being for £30,000 per year for five years to improve and retain the service.

Third party concerns –

Concern has been raised that the traffic count information and peak flows (ref RSA stage 2 point 1.7) were taken in May 2019 and the data does not reflect present traffic flows post pandemic. This is acknowledged but it is widely the case at almost all traffic count locations across the County that traffic levels now are lower than pre-pandemic due to the economic downturn and increased working from home; the levels referred to (May 2019) can therefore be taken to be a worst case.

Representations raised the concern that the removal of the originally proposed refuge island to accommodate vehicular access to and from Shallow Wagon Lane would result in road users being exposed with insufficient protection from traffic. In response to this, the senior highways engineer considers that the location is a leisure route for pedestrians only and not motorcycles. Pedestrian levels would therefore be low. The visibility distances have been examined and found to comply with vehicle speeds. The 30mph limit would be extended, subject to consultation and Council approval. There would be a new speed limit entrance gateway, also subject to consultation and separate approval. There is no requirement for there to be a refuge island provided at such a location under expected conditions. The proposed hatching in the centre of the road would further improve safety by slowing speeds and separating oncoming vehicles.

Concern was raised that the level of road-user activity would increase as a result of development in the area and those living in the proposed dwellings would increase the chances of road-user accidents. The forecast increases have been carefully examined and mitigation provided, as set out above.

Representations raise concern that the 30mph speed limit sign may have little effect and there is a lack of information to substantiate that it will. It is considered that it is better to extend the speed limit and comply with the speed limit guidance than not.

Some representations express concern that the revised highways plan for the stopping distance of an HGV at 30mph in wet weather is inadequate despite the proposed provisions

and revisions. This has been reviewed and the stopping sight distances have been calculated and examined and found to comply with guidance. The number of HGV's on this section of the network is low by comparison with other points on the wider network. The development would have an urbanising effect to which the extended speed limit and new speed limit gateway would contribute.

Concern has also been raised that even with the provision of visibility splays and the proposed extension of the 30mph vehicle speed limit the location of the access is unsafe. The WC Highways Officers have reviewed the proposals in detail and confirm that the visibility distances from the access location into the development are compliant with guidance, and the layout of the access is also correct and normal for a development of this level and at this type of location.

In conclusion, and subject to the following proposed conditions and s.106 obligations, it is considered that the residual cumulative impacts on the road network do not pose highway safety issues which would warrant refusal of the application under paragraph 111 of the NPPF; and the proposal is considered to comply with policies CP60, CP61, CP62 and CP64 of the WCS. The LHA's conclusions are subject to conditions and s106 obligations being entered into to make the development acceptable in planning terms. The highways conditions would cover the following:

- Access provided before 1st occupation.
- Prior to occupation of the 30th dwelling full details of two bus stops including shelters and raised height bus passenger access kerbing (one on Hawkrigde Road for northbound passengers, and one on The Ham for southbound passengers) shall have been provided accordance with details to be first submitted to and approved by the Local Planning Authority.
- Prior to first occupation of any dwelling, 2 metre wide footways shall have been provided on The Ham / Hawkrigde Road north-east and south-west of the access position, including a short section of footway on the opposite side of the road and relocation of several traffic signs out of the new footway area, all as indicated on drawing 4403/532/D
- Approval of a construction management statement prior to commencement
- Prior to first occupation of any dwelling the carriageway at the bend in Hawkrigde Road located at the junction between Hawkrigde Road / Shallow Wagon Lane shall have been widened with an area of hatching road marking provided in the centre of the carriageway as indicated on drawing 4403/532/D
- Prior to first occupation of any dwelling the access shall have been provided as detailed on drawing 4403/532/D including 2.4 x 45 metre nearside visibility splays at a height not exceeding 600mm above carriageway level in each direction.
- Prior to first occupation of any dwelling a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment, and provision of wayfinding signs to and from the town centre and rail station.
- Within three months of the commencement of the development the existing northern vehicular access point to Glenmore Farm (for the avoidance of doubt the vehicular

access to Hawkridge Road located 63 metres north-west of Shallow Wagon Lane) shall have been properly and permanently closed and the highway verge reinstated.

- The final development layout shall include a generally 3 metre wide shared use cycleway through the development connecting The Ham to the entrance of the Link Road Trading Estate as indicated on the Masterplan drawing number 191119L/02/01/H and on drawing 4403/532/D. Details of the shared use cycleway to be first submitted to and approved by the local Planning Authority.
- The final development layout shall include a 2 metre wide footway within the development area connecting the roads within the development to the rear of the strip of non-highway land running along The Ham frontage of the development, in the southern quarter of The Ham development frontage.
- The final development layout shall include a 3 metre wide shared use cycleway within the development area connecting the roads within the development to the boundary of the red lined site under this application, as indicated at note 7 on illustrative Masterplan 191119L/02/01/J.

The s106 obligations relating to highways matters are set out in detail later this report.

9.4 Landscape, Open Space and Visual Impact

The site is within the Avon Vale Countryside Character Area which covers a broad area from Frome in the south-west to the outskirts of Wootton Bassett in the north-east. This character area is an undulating, low-lying landscape of mixed, predominantly pastoral agriculture and small limestone-built towns, cut by the River Avon and its tributaries.

The site is framed by urban development both by residential development along The Ham and railway line to the south and by West Wilts Trading Estate to the north. The site is bordered to the west by residential development and fields and to the east by Hawkridge Road. Further employment land is also allocated within the Core Strategy at Hawkridge Farm north-east of the site.

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has looked at both the impact of the development on the landscape character of the area and on the visual effect it will have, assessing the amenity value of the views. It is based on the GLVIA 3 guidelines published by the Landscape Institute and this is considered fit for purpose. The principal conclusion of the LVIA is that the site is unremarkable in character and is in low-intensity agricultural use -

The site forms part of a wider urban fringe landscape, heavily influenced by its urban fringe location, adjoining road corridors and extent and variation of built form and land uses'. Despite this urban influence the site is visually contained 'by mature hedgerows and associated tree planting wrapping around from the east to the north and then to the west means the site relates more readily with the existing urban edge than the wider landscape'. The open southern boundary allows views from the site across the vale and Westbury to the rising scarp of Salisbury Plain and the iconic Westbury White Horse. However, it is noted there is 'limited visibility in the wider landscape setting due to containment afforded by vegetation and low-lying nature'.

Views from the chalk downland show the site within the context of a vast panoramic view. While it is easy to locate due to the Trading Estate and the solar farm it is not readily discernible

in the view. Careful consideration of roofing materials at REM stage would ensure any new development blends into the existing scene. Other views are limited to the immediate vicinity of the site, notably from The Ham road.

In terms of landscape and visual impacts, developing the site would introduce a new urban character with the permanent loss of two agricultural fields. It is noted that there would be limited impact on the topography and existing boundary vegetation and trees. There is the intention to enhance existing and provide new planting as part of the landscape and ecology mitigation package.

The findings of the LVIA are agreed – specifically that the effects on the landscape elements, the landscape itself and visual character are limited and localised to the immediate extent of the site. These effects are, therefore, not considered to have any significant impacts on the wider landscape.

Key landscape and visual mitigation recommended in the LVIA would need to be carried forward to the detailed design (REM) stage including the following:

- Retention and enhancement of existing hedgerows and trees and including landscape buffer zones offset from these.
- Introduction of hedgerows and street trees throughout the scheme to break up built form and filter views.
- Introduction of new hedgerows along the southern boundary of the site to filter short range views.
- Placing of the open space to the northern boundaries of the site and reduce landscape and visual impacts by placing the denser development nearer the existing settlement edge

The site is not short on space and the landscape buffers shown on the indicative layout plan suggest that, at REM stage, a robust scheme of landscaping can be accommodated that will ensure that there are no adverse visual consequences arising from the development of this site.

The site has no PROW crossing it and is not a designated landscape, nor is it deemed to be valued landscape as defined within the NPPF. Due to topography, the existing built form and vegetation around the site has a fairly high degree of visual enclosure which would be further enhanced by the proposed planting schemes. As such, the magnitude of effects of development are much more locally felt which ultimately reduces the extent of the harm. With the mitigation and enhancements measures demonstrated in this outline application, which can be secured as part of the detailed landscape and design work at REM stage, landscape character would be conserved in accordance with the requirements of Core Policy 51 (noting that this policy accepts a degree of harm provided it is mitigated to an acceptable level).

The Green Infrastructure Parameters Plan submitted as part of this application sets out the areas intended to provide landscape buffering, ecology corridors, attenuation, and public open space. The arboricultural officer supports the proposal in principle as there is a clear positive biodiversity net gain in respect of tree planting throughout the existing field boundaries, significant street tree planting to soften the built form, the creation of community orchards, a 23+m buffer zone between Hawkridge Road and the internal development as well as a 23m buffer zone between the existing hedgerows as shown on the landscape strategy parameter plan. This plan should be conditioned as part of any outline consent to ensure it is safeguarded at REM stage to deliver the required amount of green infrastructure to make the proposal acceptable. This will ensure the principles put forward at OUT stage are secured.

Initially the application proposed removal of the northeastern boundary hedgerow to enable highway works, however this was amended during consultations and the hedgerow is to be retained in full.

The Council has a Green Infrastructure (GI) Policy (CP 52) and whilst this site is not deemed to be public open space, it is considered to be GI. The GI parameters plan accompanying this application safeguards a reasonable amount of the space on site with the aims of delivering significant enhancements within these areas. Whilst some loss of GI is unavoidable to accommodate the new housing, it is being replaced around the edges with higher value/quality GI (e.g., extensive planting, attenuation ponds, and suitable wildlife corridors for ecology). In light of the above, it is considered that the development would not adversely affect the integrity and value of this section of GI and therefore, there the development would accord with CP52.

Open Space –

The updated Design and Access Statement, July 2022 confirms that the proposal could deliver 5.12ha which is also reflected on the revised Illustrative Masterplan (Dwg No. 191119 | 02 01 Rev. J). The northern public open space areas are designed to accommodate attenuation areas, ecological mitigation, orchard planting, open grassland for informal leisure and recreation and play areas. An updated illustrative landscape and open space concept plan is provided at page 31 of the updated DAS and an open space parameter plan can be conditioned to secure this open space together with the required provision of open space being secured through the s.106 in the event of approval of the scheme.



Ecology and Open Space/Green Infrastructure Parameter Plan

There is a requirement for 4,106.40 sq. m of public open space and 171.10 sq. m of play space, as well as a financial contribution of £34,220 towards off-site sports provision. This can be secured through the s.106 and the detailed landscaping scheme can be secured through a condition to be addressed at reserved matters stage. A Management plan for the

management of the public open space and common areas as well as a management company to oversee the management would also be required as part of any legal agreement. Full proposed Heads of Terms are set out below.

9.5 Heritage Impact

In respect of Listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

The red line boundary of the site itself does not include any designated heritage assets and as such, the assessment has considered 'setting' issues only.

The applicants have submitted a Historic Environment Desk-Based Assessment Heritage Impact Assessment (HIA). This has been considered by the WC Conservation Officer and the Assistant County Archaeologist.

Built Environment –

The main consideration is the effect on the Listed buildings group at Hawkeridge Farm. According to the HIA the effect on the group would be minor – however, the full effects on the significance of the buildings are at present unclear until the detailed design work progresses. Further the impacts on the views from the Westbury White Horse also merits consideration but this is a matter for the detailed design stage also, and the final design would be able to offer screening to lessen the impact on assets. There is nothing to suggest that suitable mitigation cannot be achieved at the detailed design stage and no objection is raised by the Conservation Officer to the principle of the development at this outline application stage.

Archaeology –

The site was the subject of an archaeological assessment in 2015 that included a geophysical survey and a trial trench evaluation. This established the presence of former field systems and traces of scattered settlement activity dating from the Roman period (AD43-AD410) in the north-eastern quarter of the site. These field systems and the scattered activity appear to be related to the main hub of Romano-British settlement located to the south-east of the site that has been known about for some time.

The results of this assessment have been recently summarised in the Desk Based Assessment (DBA) prepared by Wessex Archaeology. The DBA concludes that:

'Any adverse impact to buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. This potential adverse effect could be reduced through the implementation of an appropriate scheme of archaeological mitigation, in accordance with national and local planning policy. Given the known archaeological features within the Site, it is likely that archaeological mitigation will be required for any future works. It is recommended that the Wiltshire Council Archaeology Service is contacted to obtain their advice and to discuss their likely recommendations to the LPA.'

Following on from these conclusions, it is evident from the submitted indicative Masterplan that while no houses are proposed in the area of particular archaeological sensitivity, a 'wetland habitat/SuDS feature' has been located at the centre of the field system cluster, along with a 'Proposed Play Area' to the south-east. A cycle path and a footpath also cross this sensitive part of the site. It is likely that the creation of these features could have a negative impact upon the identified archaeological resource and therefore further archaeological work should be carried out to mitigate such an impact.

The mitigation works would need to consist of archaeological excavations to be conducted within the footprint of the wetland habitat/SuDS feature in the north east of the site, as well as the proposed play area. The construction of the footpath and cycle path would also need to be monitored by qualified archaeologists. In addition to this work a Heritage Management Plan (HMP) would be required, setting out the proposed stewardship of the open area to the north of the housing plots and how this would protect the area from any future impacts on the identified archaeological site in the north-east.

This mitigation work is recommended to be secured via a condition to be attached to any planning permission that may be issued. Accordingly, subject to conditions requiring a written scheme of archaeological investigation (WSI) and this being approved prior to commencement of development there is no heritage objection raised to this proposed outline application.

9.6 Flood Risk and Drainage

The site is located fully within Flood Zone 1, with the lowest risk of fluvial flooding, however the site's susceptibility to ground water and surface water flooding has been considered in the proposed drainage strategy.

Policy CP67 (Flood Risk) states that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The site is located within Flood Zone 1 and its development would not increase flood risk elsewhere, as demonstrated in the Flood Risk Assessment (FRA) and Drainage Strategy prepared by Trace Design which accompanies the application.

The ground conditions across the majority of the site require the management of surface water via attenuation basins. To this end, basins are proposed on the north side of the site with controlled discharge to a watercourse, in line with the SuDS hierarchy.

Extensive discussion between the applicant, case officer and the LLFA have determined the appropriate watercourse to drain to. This is Bitham Brook at Hawkeridge Mill. Specific consent has been provided from the owner of the Mill confirming landowner permission to discharge here. This can be secured through a Grampian condition.

The exact route of the surface water infrastructure would be determined by Wessex Water as part of the sewer requisition process at the detailed design stage. Wessex Water would contact the various landowners, look at available options and constraints and devise the most viable solution. This cannot be actioned without a planning consent but could be as part of the reserved matters design. Wessex Water have confirmed this position and have raised no objection to the proposal.

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information, including the additional documentation sought by them and the EA during the application, have now removed their initial holding objection to the scheme.

The LLFA's latest response recommends a number of conditions. The information requested by them is reasonable and necessary to make the development acceptable in planning terms i.e., to ensure the scheme does not lead to increased flood risks elsewhere during both the construction and occupation phases of the development.

The illustrative layout plan submitted with this application has had regard to the need to deliver sustainable urban drainage (SUDs) features alongside a development of up to 145 dwellings. This is evidenced on the indicative Masterplan showing attenuation ponds to the north of the site.

The Environment Agency (EA) were consulted from the outset and raise no objection to the scheme subject to conditions requiring water efficiency measures to be included at reserved matters stage and a Construction Management Plan incorporating pollution prevention measures during construction.

Accordingly, the proposed development - subject to conditions - would accord with CP67 of the WCS and the NPPF.

9.7 Ecological Impact

WCS Policy CP50 (Biodiversity and Geodiversity) states that development proposals must demonstrate how they protect the features of nature conservation and geological value as part of the design rationale. These features are expected to be retained and managed favourably in order to sustain their ecological value, connectivity and functionality long-term.

A full Ecological Impact Assessment (EclA) has been submitted as part of the application and extensive detailed discussions with the Council's senior ecologist and officers at Natural England have been undertaken.

This assessment is considered to be a sound ecological baseline when combined with previous bat surveys of the area. It concludes that the site comprises of a collection of grassland fields used as horse paddocks with associated stable buildings. Habitats include native hedgerows and trees, ditches and a small remnant orchard. Ecological constraints, therefore, include hedgerow and tree habitats, the orchard, bats, nesting birds and great crested newts. Precautionary measures are recommended in relation to badgers and grass snake.

Salisbury Plain SPA –

The application site lies within the 6.4km buffer zone of the Salisbury Plain SPA, and in view of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan, the application is screened as requiring Appropriate Assessment under the Habitat Regulations due to the potential impact of new recreational pressure on stone curlews,

in combination and with other plans and projects. In February 2022 NE confirmed that the generic 2018 Appropriate Assessment for Salisbury Plain continues to apply. That Appropriate Assessment concluded no likely significant effect on the conservation objectives of the SPA for development within 6.4km of the SPA boundary provided that the previously agreed mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures required by the mitigation scheme continue to be secured.

Bath and Bradford on Avon Bats SAC –

The site also lies within the Bath & Bradford on Avon Special Area of Conservation for bats (TBMS). Based on the TBMS guidance the site lies within the zones of medium risk for both loss/damage to bat habitat and for increased recreational pressure at woodlands used by Bechsteins' bats for breeding. Background information for the Appropriate Assessment is contained in the TBMS. No other European site is screened into the assessment.

The SAC's qualifying Features are as follows:

1. Bechstein's bat *Myotis bechsteinii*
2. Greater horseshoe bat *Rhinolophus ferrumequinum*
3. Lesser horseshoe bat *Rhinolophus hipposideros*

The conservation objectives for the site are: *"To ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:*

- *The extent and distribution of the habitats of qualifying species;*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which the habitats of qualifying species rely*
- *The populations of qualifying species; and*
- *The distribution of qualifying species within the site.*

Supplementary advice was published by Natural England (last updated on 20 March 2019) and sets out further details of the requirements needed to achieve the conservation objectives. Of particular relevance to the Trowbridge area is the need to "Maintain the presence, structure and quality of any linear landscape features which function as flightlines. These should remain unlit functioning as dark corridors". In the Site Improvement Plan dated 1 April 2015, the lack of knowledge about the roosting habits of Bechstein's and the foraging / commuting habitats of all three SAC species is judged by Natural England to be a threat to achieving the conservation objectives of the SAC.

The Illustrative Masterplan indicates that the mitigation and enhancement measures recommended in Section 6 of the EclA have/could be incorporated into the layout at REM stage and therefore would be achievable at detailed design stage. The Masterplan is accompanied by an Ecology and Open Space/Green Infrastructure Parameter Plan. The following mitigation is recommended and required to mitigate the effects of the development and provide biodiversity net gain:

- A significant buffer of more than 100m from the northern hedgerow. To be maintained as high quality semi-natural greenspace to include woodland, scrub and grassland habitats of value to horseshoe and Bechstein's bats.
- All Core Bat Habitat to be buffered from the development by a minimum 22.5m corridor of natural habitats.
- Retention of central hedge within the public realm and enhancements (e.g. gap infilling and strengthening).

- Significant native tree and scrub planting at the edges of the Site as well as an additional area of orchard.
- New hedgerow planting measuring approximately 230m at un-vegetated southern and south-western boundaries
- Species specific mitigation including, but not exclusively bats, nesting birds, great crested newts and reptiles.



Ecology and Open Space/Green Infrastructure Parameter plan

The illustrative layout, for the most part, demonstrates a bat mitigation led approach. However, it must be recognised that the 22.5m 'Woodland and scrub buffer zones/ enhanced for bats' along core habitat (boundary hedgerows) as shown on the Illustrative Master Plan is the absolute minimum that is required to demonstrate compliance with the TBMS and must not be compromised or reduced in any way at the detailed stage. It is recommended that this be conditioned to ensure compliance at the detailed design stage.

In addition, the area of public open space with high quality grassland to the north is required to ensure the function of an important bat corridor is retained, that there will be no net loss of biodiversity and as an alternative space for recreation for impacts on the TBMS woodlands.

While the Trowbridge Bat Mitigation Strategy was specifically drawn up to support housing coming forward in Trowbridge, guidance in the TBMS on avoiding and mitigating impacts to bat habitat on site will apply equally in the Westbury area. As such the specific criteria which applications are checked against has been applied.

Following this a number of conditions have been identified as required to ensure the final

design of the development is acceptable in ecological terms. These relate to the provision of a Construction Environment Management Plan, a Landscape and ecological Management plan, a lighting plan and lighting modelling assessment to ensure dark corridors are retained and a detailed landscape planting plan.

As the site is within the Yellow Sensitivity Zone within the Trowbridge Bat Mitigation Strategy (TBMS) particular regard has been given to the impact of the development upon local bat populations – both in terms of habitat loss (building on the green fields) and by recreational pressure placed upon nearby habitats by new residents of the development.

The Site is located between Round Wood (approx. 2km) and Pickett and Clanger Woods (approx. 1.5 km) both of which are easily accessible by public footpaths and road. These woods are one of three publicly accessible woods south of Trowbridge each supporting a colony of Bechstein's bats which together are believed to form a meta population of national importance.

The Site is located in a sensitive area where increased housing will result in increased recreational pressure on these woodlands. The TBMS has been designed to accommodate increased recreational pressure from development planned in the core strategy, as informed by the WHSAP. No further housing has been allocated for Westbury through the WHSAP and minimal windfall housing is expected to come forward for land within the grey hatched zone of the TBMS.

The Council's proposals set out in section 9.1 of the TBMS are intended to mitigate for loss of habitat in the Trowbridge Community Area. In principle the contributions from this application would be adequate to purchase, plant up and maintain an amount of habitat in proportion to that proposed for development at Trowbridge. This contribution would be £777.62 per dwelling. The developer has agreed to contribute £777.62 per dwelling in principle and this can be secured through any s.106.

An 'alternative space for recreation' is proposed in the northern half of the Site to encourage residents to walk and or exercise dog's on-site. Whilst the broad wildlife corridor and opportunities for biodiversity enhancements provided are welcomed it is not considered likely to reduce the recreational impacts on TBMS woodlands.

It is considered that the CIL funded, Council led scheme, to offset residual effects from recreational pressure at these TBMS woodlands used by breeding bats will be able to cover impacts arising from the application under consideration.

Picket and Clanger Wood SSSI –

The submitted ecology reports recognise that the development will result in increased recreational impacts on Picket and Clanger SSSI. It is important to note that the mitigation schemes provided by adherence to the TBMS would not mitigate impacts on the SSSI and as such this has been considered separately as required by NE under the Habitat Regulations.

An assessment of impacts on the valuable features of this SSSI as detailed on the citation (including, but not exclusively, floristically-rich ancient woodland, diverse assemblage or rare and scarce species butterfly and moth species and woodland birds including ground nesting species) has not been submitted.

The most recent condition assessment for the SSSI (2021) states that parts of it are unfavourable and recovering. The SSSI is under management by a charity, the Woodland Trust, who will be responsible for changes in management to prevent increased recreational

pressure adversely affecting the SSSI. Without management by this charity impacts from increased recreational pressure would be harmful to the SSSI.

As such in absence of evidence that there would be no adverse impact on the SSSI a bespoke recreational mitigation strategy for the SSSI is required. The applicant has agreed in principle to pay a contribution to assist with management of recreational impacts on Picket and Clanger Wood SSSI. A method for calculating the visitor management costs has been shared with the applicant and discussions relating to the precise figure for the contribution are on-going with Natural England.

Notwithstanding this, the principle of a contribution is agreed and considered lawful in terms of the relevant statutory tests and as such the exact figure can be agreed through s.106 discussions in the event of any grant of permission. The fact that the principle has been agreed is sufficient to enable Natural England and the EC Ecologists to recommend approval of the scheme and the Committee to endorse this recommendation with the precise details to be delegated back to the Head of Service by the Committee to be finalized during the course of s.106 discussions.

Great Crested Newts –

To mitigate the loss of terrestrial habitat that could affect GCN, the submitted EclA states the development works would be licensed under the District Level Licensing (DLL) scheme. A completed Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted confirming this application has been accepted into the scheme.

Biodiversity Net Gain –

The submitted BNG calculations predict an acceptable amount of net change in biodiversity could be achieved. The mitigation and enhancement outlined in section 6 of the EclA is predicted to result in a net change of habitat units of 6.53% and hedgerow units of 12.29%. The BNG calculation will need to be amended and re-submitted if there are any changes to the layout that effect the ecological parameters set at outline and shown the Parameters Plan.

Ecology Conclusions –

As part of the Appropriate Assessment it is possible to establish beyond reasonable scientific doubt that this application would not lead to adverse effects on the Bath and Bradford on Avon Bats SAC. Accordingly, the WC Ecologist raises no objection to the application subject to a number of conditions and mitigation measures as set out above, to be secured through a s.106 – these to mitigate TBMS habitat loss and recreational pressure on the local SSSI.

Natural England have endorsed this approach and have approved the Appropriate Assessment subject to the mitigation. NE have raised no objection to the application.

The recommended conditions are reasonable and necessary to make the development acceptable in planning terms and to ensure the ongoing maintenance and management of the site for the benefit of ecology. Section 106 contributions are also required towards the Trowbridge Bat Mitigation Strategy, to be paid before commencement with no option for return after ten years. As part of the s106 agreement there is also a requirement to set up and action a management company. The validity of this request is set out in a further section of this report.

Overall, with these conditions and s106 in place, and the positive recommendation on the AA, it can be concluded that the development can proceed without unacceptable harm to protected species or priority habitats.

9.8 Environmental Impact

There have been extensive discussions regarding noise, given the proximity of the site to the West Wilts Trading Estate to the north.

Whilst the layout is a reserved matter it has been accepted by the applicants that the layout of the development would play a part in mitigating the potential impacts of noise from the trading estate, together with other traffic related noise. Whilst the layout identified in the illustrative masterplan is not fixed and could be subject to change at reserved matters stage, it does demonstrate that a layout can be achieved where noise levels remain within good practice guidance levels without the necessity for bunds or high acoustic fencing.

Conditions are proposed to ensure amenity of new residents is safeguarded through design and layout, and on this basis there is no objection from the WC Public Protection Team. Temporary noise relating to the construction phase would be managed through a Construction and Environment Management Plan, which is a matter for a further condition.

In terms of Air Quality the Public Protection Team has, again, raised no objection subject to conditions requiring low energy vehicle infrastructure installation and a contribution to secured via a s.106 towards appropriate Air Quality Plan planning and implementation of the Air Quality Action Plan which has been accepted by the applicant.

The Contaminated Land Report submitted with the application raises no issues of note. However, a safeguarding condition is recommended to be attached to any planning permission requiring that in the event that contamination is encountered at any time when carrying out the approved development, the Council must be advised of the steps that will be taken to deal with it.

These conditions are reasonable and necessary to make the development acceptable in planning terms. The same conclusions are drawn on the s106 request with the precise figures to be agreed through s.106 negotiations.

9.9 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL. The site would fall under charging zone 1 where the sum equates to £85 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

10. S106 contributions

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 will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following (the calculation is based on 145 dwellings):

Affordable Housing

CP43 states that on sites of five or more dwellings, affordable housing provision of at least 30% (net) will be provided within the 30% affordable housing zone and at least 40% (net) will be provided on sites within the 40% affordable housing zone (within which the site falls). CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people.

The applicant has agreed to provide 58 affordable housing units at nil subsidy which meets the 40% requirement, and would be transferred to a Registered Provider. Based on current housing need figures these would be a mix of 60% affordable rent and 40% intermediate housing with a unit mix of 2-bed flats, 2-bed bungalows and 2, 3, 4 person houses and should also not normally be in groups exceeding 12-15 dwellings. There is also a need for 10% of these affordable homes to be identified for extra care units (adapted for disabled residents or wheelchair adapted accommodation).

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. 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 would be included within the S106.

The proposal generates a public open space requirement of 4,106.40 sq. m of public open space and 171.10 sq. m of play all of which should be secured in perpetuity. The WC Play Officer is satisfied that this requirement can be met on site.

A leisure contribution of £34,220 towards offsite sports provision is also required with a target site for the contribution being agreed prior to approval at Reserved Matters stage.

Education

The NPPF (paragraph 95) encourages local authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. In order to ensure this, Core Policy 3 lists the provision of education as a priority 1 theme where it is required due to the impacts of a development proposal.

Early Years - A contribution of £297,874 is required to go towards the funding of 17 pre- school places within the area made necessary by the proposal. The WC Early Years Officer has advised that the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and Childcare in this area as they are all operating at high capacity.

No requirement is necessary for developer S106 contributions towards expanding primary and secondary school provision in this area.

Refuse

A contribution of £13,195 (£91 per dwelling x 145) 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.

Air Quality

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and as such a financial contribution towards Air Quality Monitoring is required in areas where air quality is being monitored by the Council. A contribution with the exact amount to be confirmed to cover the cost of real time air quality monitoring equipment is being sought. This is considered reasonable and necessary as part of the Council's commitment to reducing emissions.

Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be $145 \times £777.62 = £112,754.90$.

The contribution towards the TBMS is to be paid before commencement, with no option for return after ten years. The setting up and terms of a management company is also required for maintaining bat habitat (marked on a plan) in a suitable condition for bats.

A bespoke recreational mitigation strategy for the Picket and Clanger Wood SSSI is required. A financial contribution (£tba) to assist with the management of recreational impacts is required.

These requests are considered under Core Policy 3 of the WCS as an infrastructure priority theme 1: specific projects needed to ensure compliance with the Habitats Regulations. As there is a direct link between the residual effects of additional housing on bat habitats the money is necessary to make the development acceptable and it also shows how it directly relates to this development. It is reasonable in scale and kind as it directly relates to the number of dwellings proposed for the site.

Highways

CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP63 identifies transport strategies for Wiltshire's Market Towns (Westbury being one of them) which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priorities.

The following planning obligations are required:

- A contribution to cover 5 years, at £30,000 pa, total £150,000, index linked to improve or retain evening bus services to serve the development.
- Extension of the 30mph speed limit to just north of the bend at The Ham / Hawkridge Road including a new speed limit "gateway" (signs, a feature on the highway verges)

such as short sections of white gateway fencing, speed limit entry countdown bars on the carriageway, and gateway carriageway red speed limit surfacing).

- The developer to pay to the Council the required speed limit TRO costs, and to implement the speed limit alterations under the terms of the S278 Agreement.
- Reasonable endeavours to achieve a 2m wide footway connection across the strip of non-highway land connecting the development to The Ham in the southern quarter of The Ham development frontage. If these endeavours fail the Council will, subject to cabinet member approval in due course, seek to achieve the connection by other means including CPO.

More detailed breakdowns of the contributions are detailed in the LHA consultation response. The transport strategy contribution is based upon infrastructure that is directly related to the impacts of housing growth.

Travel Plan –

The S106 will secure the preparation and implementation of a Travel Plan to be submitted to the Council prior to the Commencement of Development and to be operational prior to the Occupation of the Dwellings.

The Travel Plan must include or be accompanied by a Resident's Walking Guide that includes information highlighting local recreational routes, encourages their use and explains the issues relating to the rare local bat populations. The Resident's Walking Guide should also signpost residents to nearby suitable recreation destinations.

Such contributions are necessary to mitigate the impacts of the development on the surrounding highways network and to encourage more sustainable travel movements to and from the development.

Contributions towards NHS facilities

Concern has been raised in the representations and by the local Councillor that there is significant pressure on the local GP and health services and as such contributions towards these facilities should be requested and provided for by the developer.

The NHS has been consulted, and contacted for a reply on more than one occasion by the case officer but no consultation reply has been forthcoming.

In absence of any formal request from the NHS, no contributions have been sought. It is important to note that only certain contributions towards health facilities can be requested by LPA's from applicants following a recent High Court judgment in *R (on the application of University Hospitals of Leicester NHS Trust) v Harborough DC* [2023] EWHC 263 (admin). As a result of this judgment LPA's are no longer lawfully allowed to request contributions towards general local health services ultimately because this is funded through central government and not local authorities. As such the local authorities have no powers or jurisdiction or lawful basis to request such contributions towards local facilities. The only situation where an LPA can request contributions is where a specific funding gap relating to a specific project has been identified as a result of the development and this project is committed to and the required contributions can be reasonably and accurately calculated.

In this case, the NHS has not put forward any details of funding gaps for local committed health service related projects nor requested any specific funding for any specific projects that may be impacted on as a result of this development. Accordingly, there is no lawful basis upon which the LPA can request such contributions from the developer and as such has not done

so in this case.

11. Conclusion (The Planning Balance)

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 Westbury's settlement 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 Westbury 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 would bring. The proposal would relate well to the spatial form of Westbury using existing road infrastructure and would offer accessible walking and/or cycling routes into the town and its services and facilities. The application site would also make s106 contributions to the bus service and pre-school.

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

The benefits

Provision of entry level AH / housing to address 5YRHLS shortfall –

Given the lack of a 5yr HLS within the county, the widely acknowledged nationwide housing crisis, the further shortage of affordable housing both locally and nationally, and the provision of up to 145 dwellings with 40% to be delivered as affordable, it is considered that significant weight should be given to this benefit. The development would make a very important contribution to the Council's housing land supply and this point should attract substantial positive weight.

Expenditure on construction and investment in the area / creation of construction jobs –

Some positive weight should also be attributed to this benefit, providing a boost to the economy through the provision of all associated construction jobs with a development of this

scale. After all, the construction industry has been highlighted by the government as one of the key areas for growth post pandemic and more generally. A limited, yet still positive, amount of weight can also be attributed to the economic expenditure from future occupants of the development within the local economy.

Financial contributions towards off site infrastructure –

Whilst these contributions are required to make the development acceptable in planning terms, some of the contributions would be of benefit to the local population and, without the development would be unlikely to happen.

The 'harms'

As noted above, any harm identified would need to be both significant and demonstrable in order to justify refusing the planning application. In this case, after various amendments and improvements throughout the life of the application, it is concluded that there would be no significant or demonstrable harm arising from this development that cannot otherwise be mitigated through the detailed design process at REM stage, the use of appropriately worded planning conditions, and/or via s106 contributions/obligations.

Neutral

It is noted that lack of identified harm against policies of the WCS is not a benefit of the scheme but would be a neutral aspect of it. The lack of technical objections raised to the development and its conformity with the development plan are therefore neutral points on the balance.

Conclusion

No significant or demonstrable harm has been identified that would outweigh the benefits (in the case of the provision of market and affordable housing, significant benefits) that this development would accrue. In the absence of any identified planning harm, it is therefore recommended that this application be approved subject to the conditions listed below and the satisfactory completion of a s106 legal agreement containing the contributions identified in this report.

RECOMMENDATION: RECOMMENDATION UPDATED 26 OCTOBER 2023 - SEE AGENDA SUPPLEMENT 1

That the Head of Development Management be authorised to grant planning permission, subject to:

- 1. completion of archaeology trial trenching and any necessary changes to conditions/plans arising from the results on the proviso that any substantial material changes to the scheme as a result of finds will require the application to be taken back to the Strategic Planning Committee; and,**
- 2. following satisfactory resolution of 1, completion of a planning obligation/Section 106 agreement covering the matters set out in this report;**

and subject also to the planning conditions listed below –

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 An application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall commence 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. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

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.

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

- (a) Up to 145 dwellings;
- (b) 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 4,106 sq m of general public open space and at least 171 sq m of equipped play space.

The 'layout of the development' and the 'scale of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the following plans –

- Dwg Ref: 191119L 02 01 J (Illustrative Masterplan) dated 06/22
- Dwg Ref: 191119 PP 01 (Building Height Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 04 Rev A (Areas Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 02 (Open Space Parameter Plan) dated 11/22
- Doc Ref: 191119 R 02 01 D (Design & Access Statement) dated 07/22
- Doc Ref: 4712_01E_EcIA Ecological Impact Assessment

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

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 in accordance with the following drawing –
 - Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23

In addition, the final layout shall include a 3 metre wide shared-use cycleway within the application site, as indicated at note 7 on illustrative Masterplan 191119L/02/01/J.

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

All visibility splays shown on Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23 shall be provided prior to first use of the new means of access to the site from The Ham by any vehicle other than any vehicle connected with the initial construction of this access. The visibility splays shall thereafter be retained clear of any obstructions to visibility in perpetuity.

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. Application/s for the approval of the reserved matters shall be in accordance with section 4.7 of the approved Design and Access Statement (Dwg Ref: 191119 R 02 01 D) regarding sustainability. A Sustainability Statement shall be submitted with each reserved matters application which demonstrates this, and the development shall be implemented in accordance with the Sustainability Statement.

REASON: to comply with policy CP41 and in the interests of climate change.

7. No development shall commence within the area edged in red on the Location Plan (Ref 191119L/01 01) until:
 - a) A written programme of archaeological investigation, which should include on-site work (i.e. trial trenching) 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.

8. No development approved by this permission shall commence until a scheme for water

efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

9. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should include detailed drainage calculations which demonstrate that discharge rates from the whole developed area (2.507ha) of the site do not exceed:

- 1 in 1 year storm event - 1.65 l/s
- 1 in 30 year storm event - 4.14 l/s
- 1 in 100 year storm event - 5.15 l/s

REASON: To ensure that the development does not increase local flood risk (as a result of increase impermeability and sub-catchment transfer)

INFORMATIVE:

As part of the above condition, detailed drainage information must include:

- Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.
 - Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
 - Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.
 - Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.
 - As a result of the discharge to the surface water sewer, the applicant should also confirm the above hydraulic parameters are met when considering a surcharged outfall.
10. (a) No development shall commence on site until a detailed drainage ownership and management plan has been submitted to the local planning authority for approval in writing. This shall detail the required maintenance activities for drainage (including SuDS) features, along with details on how frequently these activities will be completed, and the party responsible for maintenance (e.g. private residential owners / Wessex Water / private management company). The development shall be carried out and latterly maintained in accordance with the approved drainage ownership and maintenance plan.
- (b) Also no development shall commence on site until copies of legal agreements which confirm that the developer has the right to cross 3rd party land and discharge to the ordinary watercourse in perpetuity have been submitted to the local planning authority and agreed in writing. The legal agreements must demonstrate that the developer has permission to cross third party land to enable the drainage system to be constructed, and for it to be maintained throughout its whole design life.

REASON; To prevent an increase in local flood risk (as a consequence of poor maintenance) over the design life of the development.

INFORMATIVE: If a new sewer is requisitioned by Wessex Water, then part (b) of this condition will not be required; however evidence of the requisitioned sewer will be required, as well as confirmation from Wessex Water that the applicant is permitted to discharge to their asset.

11. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents to contact;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
 - x. Details of how surface water quantity and quality will be managed throughout construction;
 - xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.
 - xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a. Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - b. Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of 'alternative space for recreation'.
 - c. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - d. Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
 - e. 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.

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

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

12. Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development (other than small, privately owned, domestic gardens) including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), native tree and scrub planting, semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to Zone A and Zone B TBMS landscape buffers and advanced planting proposals including predevelopment provision of 'alternative space for recreation' will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.
- Distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.
- Details of how habitats created will be managed to achieve predicted BNG gains for the duration of the development.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented as approved 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.

13. 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.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

14. No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from external traffic noise has been submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a. bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{Amax,F} of 45dB based on the 10th highest measured level.
- b. living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c. external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm

compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

REASON: To safeguard the amenities of the occupiers of the new development.

INFORMATIVE: A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

15. No development shall commence on site until an Acoustic Design Scheme for the protection of internal noise levels and private external amenity areas of the proposed dwellings from entertainment and industrial noise has been submitted to and approved in writing by the local planning authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise- New Residential Development (May 2017 or later versions)) and it shall include the site layout (showing barrier blocks), internal dwelling layouts, façade construction including design and installation and manufacturers details of windows and ventilation and boundary treatments.

Unless alternative criteria are agreed with the local planning authority for areas of the site which are within 320 m of the West Wiltshire Trading Estate boundary, (ie closer than existing dwellings), the design shall achieve a rating level (LArTr), due to noise from West Wiltshire Trading Estate, of equal to and no greater than typical background sound levels (LA90T) for facades with openable windows to habitable rooms (living rooms and bedrooms) and for private external amenity areas when assessed using BS4142:2014+A1:2019 or any subsequent version.

Unless alternative criteria are agreed with the local planning authority, internal noise levels from entertainment noise, shall be designed to not exceed the following:

- NR 20 dB Leq, 15 minutes
- NR 20 dB LfMax
- The LFN Reference Curve within Table 9 of NANR45 revision 1 December 2011 - Procedure for the Assessment of Low Frequency Noise Complaints.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To safeguard the amenities of the occupiers of the new development.

Informative: A good acoustic design process should be followed to ensure that the

internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

16. 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 undergoing reasonable maintenance).

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

17. Prior to commencement of the development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include details of construction vehicle routing, construction staff vehicle parking areas within the site, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway. The site construction shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety and road user convenience.

18. Within three months of the commencement of the development the existing northern vehicular access point to Glenmore Farm (for the avoidance of doubt the vehicular access to Hawkrigde Road located 63 metres north-west of Shallow Wagon Lane) shall have been properly and permanently closed and the highway verge reinstated. Thereafter the access point shall remain closed in perpetuity.

REASON: In the interests of preventing continued use of an unsafe access point to the public highway when an alternative good standard access point is available for use.

19. Prior to occupation of the 30th dwelling, or in accordance with a programme to be first approved in writing by the local planning authority, two bus stops including shelters and raised height bus passenger access kerbing (one on Hawkeridge Road for northbound passengers, and one on The Ham for southbound passengers) shall have been provided in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: in the interests of providing safe and convenient access to public transport for occupiers of the development.

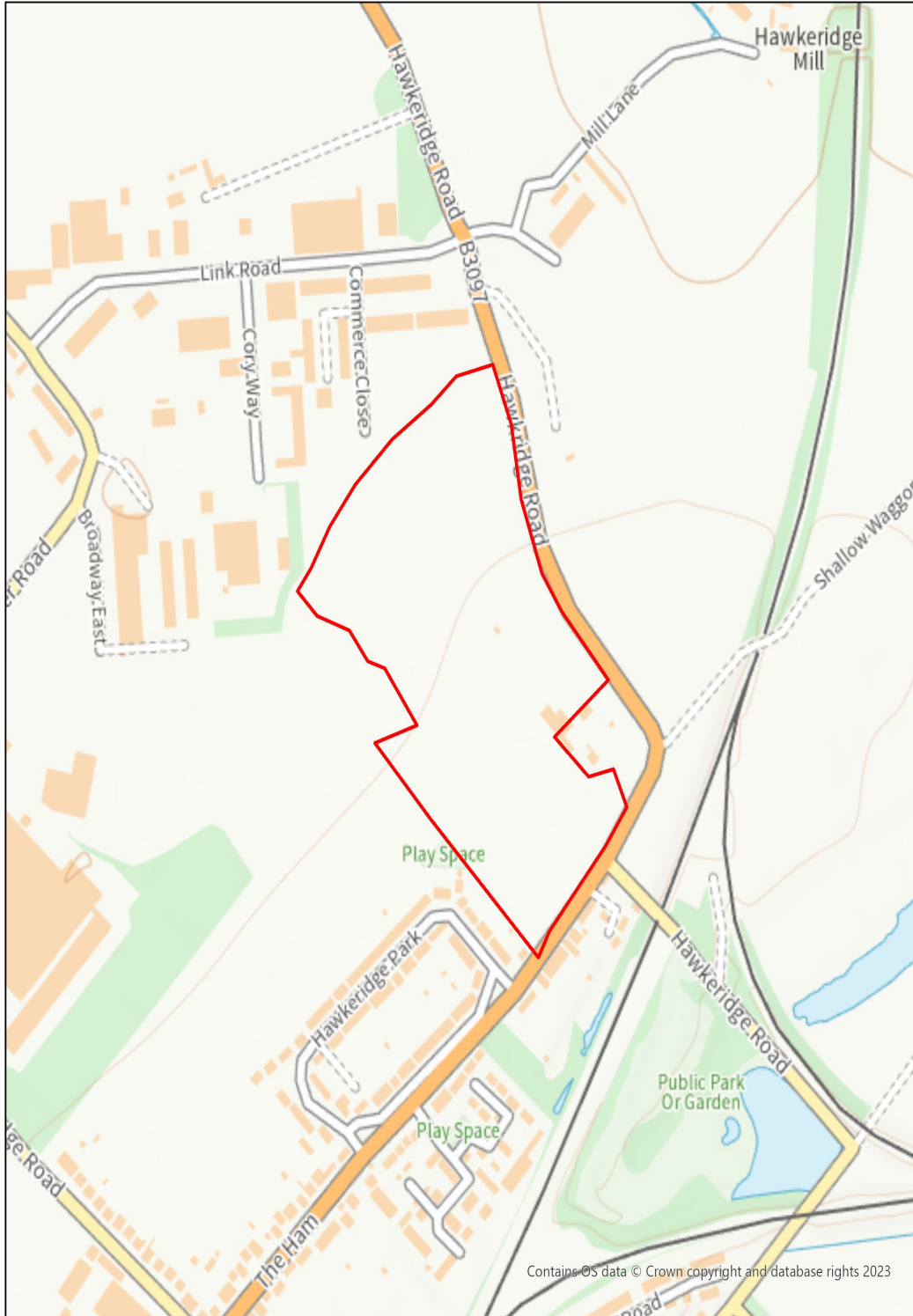
Further Informatives:

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriately submitted scheme to discharge the condition will include a water usage calculator showing how the

development will not exceed a total (internal and external) usage level of 110 litres per person per day.

The applicant is advised to receive all necessary Highway Authority Approvals before commencing works within the Highway.

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