

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 February 2023
Application Number	18/10035/OUT
Site Address	Land South of Church Lane, Upper Studley, Trowbridge
Proposal	Outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).
Applicant	Ms Judith Parry c/o RPS
Town/Parish Council	TROWBRIDGE CP
Electoral Division	TROWBRIDGE GROVE – Cllr David Vigar
Grid Ref	384603 156304
Type of application	Outline
Case Officer	Martin Broderick / Andrew Guest

Reason for the application being considered by Committee

This application was 'called in' for Committee determination at the request of the former Trowbridge Grove division councillor, David Halik on 2 October 2020, for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Design - bulk, height, general appearance
- Environmental or highway impact
- Flooding concerns
- Highways
- Conserving the settings of heritage assets (the submitted illustrative Masterplan suggesting that the upper level of 65 sought would be unlikely to be achieved without causing unacceptable harm to these assets)
- Ecology - Site 10035 lies within a 'Yellow Zone', identified as of Medium Risk with regard to bat flight paths (commuting and foraging routes), and as such should be protected by suitable mitigation. A minimum of 15m dark bat habitat (in public ownership) should be put in place PLUS a further 15m buffer zone (soft landscaping) before any hard development should take place.
- Hedgerows, especially ancient hedgerows should be maintained and protected and infilled where gaps have been made.
- Foul Water Drainage

1. Purpose of Report

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

2. Report Summary

The main planning issues are considered to be:

- The Principle of Development;
- Master-planning;
- Impact upon the Area and wider landscape;
- Flooding and Drainage;
- Biodiversity;
- Heritage Matters – Listed Buildings;
- Neighbouring amenity;
- Highway Impacts; and
- S106 contributions (Affordable Housing, Education, Public Open Space, Waste, Biodiversity, Public Art, Highways).

3. Site Description

The application site is located within Trowbridge, approximately 2.6km to the south-west of the town centre (Figure 1).

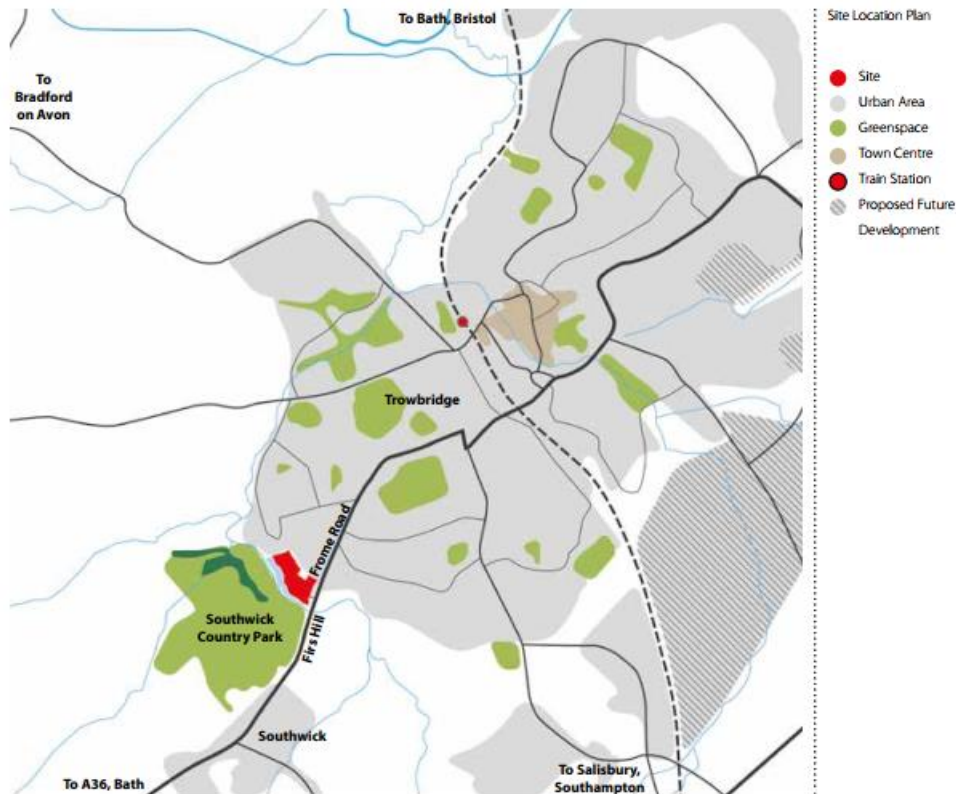


Figure 1 Site Location

The application site, which is irregular in shape, extends to approximately 4.21ha and sits at the southern urban edge of Trowbridge. Church Lane and Frome Road (A361) form the site's north-eastern and south-eastern boundaries respectively. Lambrok Stream and Southwick Country Park lie to the south and west. Existing residential development on Lambrok Road forms the north-western boundary (Figure 1 and 2 and appendix A).

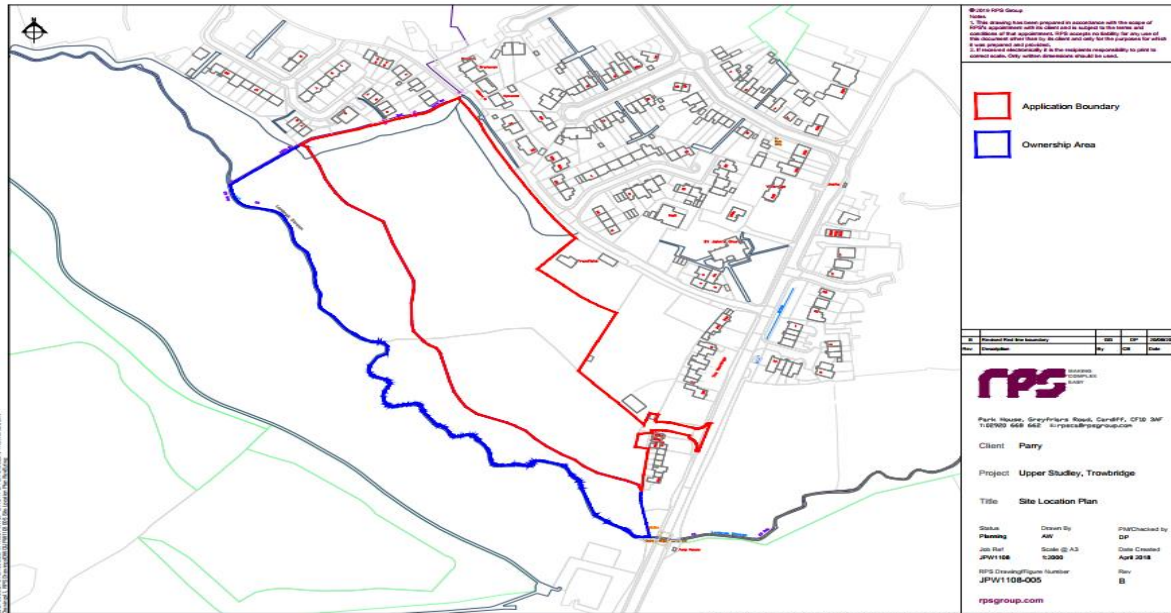


Figure 2 Application Site Location Plan

The site is undeveloped and comprises two grass paddocks. The north-eastern and north western boundaries comprise hedgerows, with some mature trees.

Heritage assets proximate to the application site include:

- The grade II* listed Southwick Court c.300m to the south-east and the separately listed associated Gatehouse and Bridge which are also grade II* listed,
- The grade II listed Rose Villa, 352 Frome Road, Trowbridge lying to the east of the site,
- The grade II listed 344 Frome Road, Trowbridge lying to the east of the site, and
- The grade II listed St John's Church School, Hall and School Master's dwelling to the north of the site (north of Church Lane).

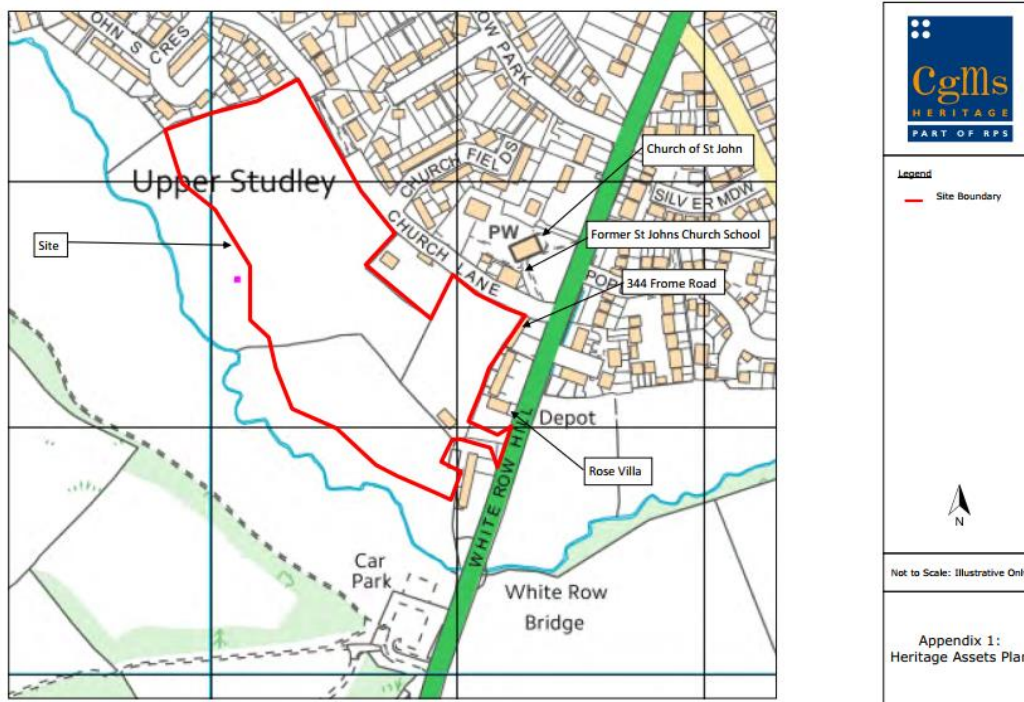


Figure 3 Heritage Assets

The site falls wholly within private ownership, aside from the required visibility splays for the proposed access from Frome Road.

The site is well connected to the existing road network. Vehicular access is located on Frome Road, which is a key commuter road that routes from the A360 at Symington to the north, routing south to the A36 at Beckington. The A36 links to Bath, which lies approximately 12km to the north-west of the site.

Pedestrian access in the vicinity of the site is good, and the site is surrounded by numerous footways, footpaths and cycle routes connecting to neighbouring residential areas and the town centre.

The A361 Frome Road has a footway on the western side, adjacent to the site, and a footway on the eastern side of the carriageway, commencing approximately 85m north of the site.

Northwards beyond this location the majority of roads throughout the town have footways on both sides of the carriageway. Southwards, the footway on the western side of the carriageway extends to the village of Southwick.

There are no public rights of way crossing the site but there are several bounding it, including off-road footpaths, bridleways, restricted byways or byways. These public rights of way connect with local villages including Wingfield, North Bradley, Brokers Wood, Westbury and Bradford On-Avon, in addition to providing alternative access to the town centre and nearby employment centres.

The surrounding network of public rights of way also connects with regional and national cycle paths and the regional canal towpath network. There are a number of recommended cycle routes within the vicinity of the proposed development site. Church Lane is a public footpath (TROW8) and a recommended cycle route.

The site is well served by public transport, benefitting from southbound and northbound bus stops on Frome Road. All bus stops are serviced by routes 94, 184, and X34, which provide links to Frome, Midsomer Norton and Bath to the south/east and Trowbridge, Melksham and Chippenham to the north.

Trowbridge Railway Station is serviced by bus route X34. This provides a direct link from the site to the national rail network and regular First Great Western services to Swindon, Salisbury, Bath Spa, Bristol Temple Meads, Westbury and Southampton Central. There are between two and three services during the peak hours to Bristol and Bath. The station itself is located approximately 2.2km, circa 27 minutes walking and 9 minutes cycling journey time, to the north of the site.

The site is well served by a range of educational establishments, retail, community, health, and leisure facilities and numerous employment opportunities.

4. Planning History of Application site

There is no recorded planning history relating to the application site on the Council's public access system. However, the following live undetermined applications on adjacent sites are relevant:

Reference	Description	Decision
20/09659/FUL	Land at Upper Studley (H2.5): The application proposals seek full planning permission for a scheme of 50 residential units and associated access and landscaping works.	Pending
20/00379/OUT	Land adjacent to Southwick Court (H2.6): Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.	Pending

The site was initially promoted for development at the outset of the Wiltshire Housing Site Allocation Plan (WHSAP) plan-making process, which commenced in 2015. Representations were submitted in response to all stages of the plan-making process which culminated in an Examination in Public that took place in April 2019. Trowbridge Town Council supported the scheme at the Examination. The Inspector's Report dated January 2020 endorsed the allocation; the WHSAP references the site as 'H2.4'. The WHSAP was formally adopted in February 2020.

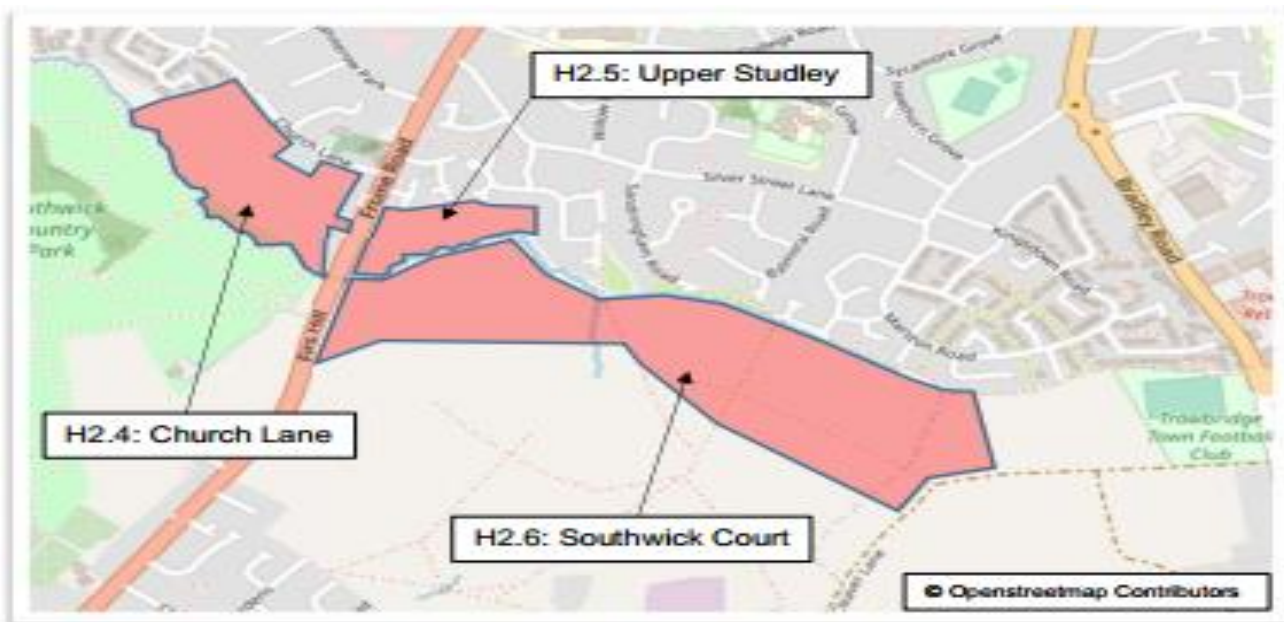


Figure 4 Related WHSAP allocated sites

5. The Application

This is an outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).

The application site extends to approximately 4.21ha. As shown on the Parameter Plan (RPS Drawing No. JPW1108-003 Rev K Figure 5 and Appendix B), the retained open land within the site boundary would be used as public open space, ecology corridors, amenity space, the site access and an attenuation pond. The applicant owns further land to the south-west, up to the boundary

with the Lambrok Stream and it is intended this will function as additional public open space and an ecological mitigation area.

In accordance with Policy H2.4 of the Wiltshire Housing Site Allocations Plan (WHSAP), the application is accompanied by a 'masterplan' for the site. This is discussed in more detail in the 'Planning Considerations' section of this report, below.



Figure 5 Parameters Plan

Besides the developable area the breakdown of the parameters plan is:

- Site Boundary – 3.55ha
- Residential Area – 1.46ha
- POS – 1.35ha
- Ecology Corridors – 0.7ha
- Infrastructure – 0.04ha
- Ownership Area – 1.68ha
- POS in Ownership Area – 0.63ha
- Lambrok Stream Ecology Corridor – 1.05ha
- Attenuation Pond – 0.18ha (set within the POS area)
- Wildlife Wetland Area – 0.18ha (set within the POS area)

The S106 heads of terms take into account this breakdown and the application description.

Whilst layout is reserved for subsequent approval, it is envisaged the density of development would mirror the pattern in the surrounding residential areas to the north and east, which primarily comprise a mix of semi-detached houses and terraces. The density in the eastern part of the site must have regard to the need to protect views to and from the Grade II heritage assets to the north-east. This

is examined further in Section 9 of this report, and within the Heritage Statement that accompanies the application.

The site is currently accessed via a gated and unmade track from Church Lane, on the north-eastern boundary of the site and via a track from Frome Road, on the south-eastern boundary.

The new access proposal will upgrade the existing vehicular access from Frome Road. Aside from the necessary visibility splays, all the land required to provide the access falls within the control of the applicant. Full details of the proposed vehicular access are included at Appendix D (Figure 6) of the Transport Statement, prepared by RPS and appended to this report also at Appendix D.

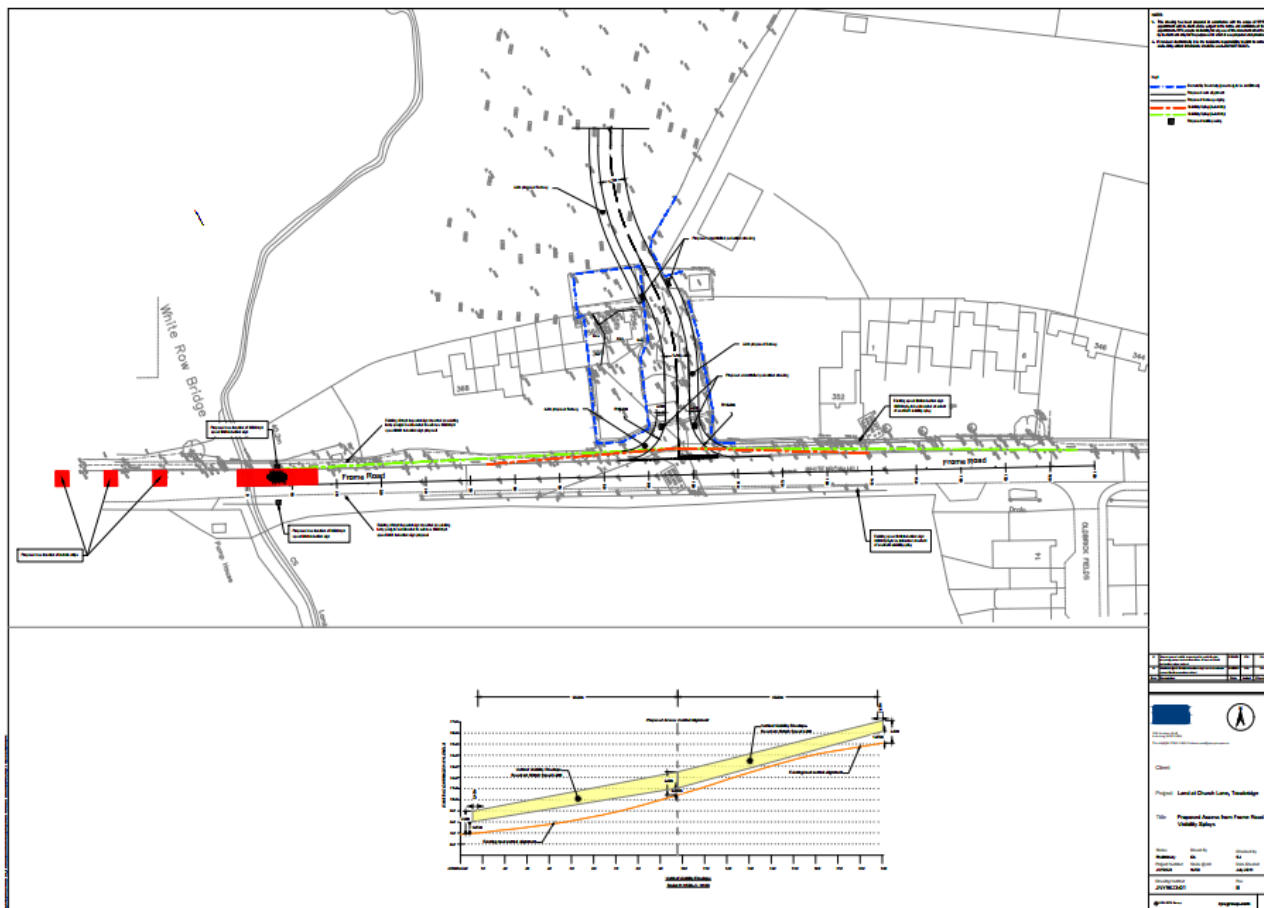


Figure 6 Access Arrangements

A pedestrian link is proposed to Frome Road, with another potential link identified onto Church Lane at the northern end of the site.

An Interim Residential Travel Plan forms part of the application submission. This sets out details of the initiatives and deliverables of the final Travel Plan, which will be a recorded agreement between Wiltshire Council and the subsequent developer/housebuilder, providing a commitment to delivering sustainable transport objectives.

6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,

- CP3 – Infrastructure Requirements,
- CP29 – Spatial Strategy Trowbridge,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP56 – Contaminated Land,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

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

U1a Foul Water Disposal and U2 Surface Water Disposal

Trowbridge Neighbourhood Plan (Area Designation June 2018)

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework July 2021 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- Trowbridge Bat Mitigation Strategy (TBMS) SPD

7. Consultations

Trowbridge Town Council – Objection:

- (a) The application fails to present a masterplan for those aspects which the Examination Inspector required a joint masterplan for, in respect of cumulative and in combination impacts of WHSAP sites H2.4, H2.5 & H2.6 and in particular ecology issues related to heritage, landscape and biodiversity including the Trowbridge Bat Mitigation Strategy TBMS and the cumulative impact of the three developments on the Lambrok Stream. It is therefore contrary to policy H2.4 in the WHSAP.
- (b) The application fails to adequately address the requirements of the TBMS, as it does not provide the required buffer zone widths determined by the TBMS and is therefore contrary to Policy H2.4 of the WHSAP and contrary to the policy contained in the TBMS.
- (c) The application fails to confirm a pedestrian link directly from the site to the Southwick Country Park as required by Policy H2.4 of the WHSAP.

If further revisions and documents are submitted which satisfactorily address these issues to allow the application to be permitted then a condition should be applied which requires the applicant to improve TROW8 with appropriate kerbing, removal of vegetation and resurfacing so that it can be safely utilised by cyclists and pedestrians together.

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

Wiltshire Council Archaeology - No objection.

Wiltshire Council Drainage – No objection subject to the proposed development been subject to the drainage conditions being applied.

Wiltshire Council Arboricultural Officer – No response.

Wiltshire Council Leisure Strategy and Play Officer – No objection subject to S106 leisure contributions. HoTs agreed.

Wiltshire Council Environmental Health Officer - No objection subject to conditions.

Wiltshire Council Public Rights of Way Officer – No objection.

Wiltshire Council Landscape Officer – No objection.

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

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

Wiltshire Council Urban Designer – No objection subject to condition.

Wiltshire Council Conservation Officer – No objection subject to conditions.

Wiltshire Council Spatial Planning – No objection.

Wiltshire Council Waste Collection – No objection subject to S106 contribution. HoTs agreed.

Environment Agency – No objection subject to conditions.

Natural England - As submitted, the application could have had potential significant effects on Bath and Bradford on Avon Bat SAC. Natural England required further information in order to determine the significance of impacts and the scope for mitigation. The following information was required: *Habitats Regulation Appropriate Assessment (AA)*.

On 9 December 2022 Natural England concurred with the conclusion of the AA to determine 'no adverse effect' on integrity (AEol) of the Bath and Bradford on Avon Bat SAC.

Ecology - No objection subject to conditions and S106 contributions. HoTs agreed.

Salisbury and Wilton Swifts – No objection subject to condition.

8. Publicity and Subsequent Representations

The application was advertised by:

- press notice,

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

The applicant produced a Statement of Community Involvement (SCI) to accompany the application.

The applicant's community engagement process for the planning application focused on a public consultation event held by RPS at St John's Church Hall, Trowbridge on Thursday 5 July 2018. The activity conducted in relation to this consultation event is detailed below.

To publicise the consultation event, invitations were distributed to approximately 280 addresses nearby the application site inviting local residents to attend and find out more about the emerging proposals.

Alongside the invitations, posters publicising the events were put up around the local area including on Frome Road, Church Lane and at the Church Hall.

To raise awareness of the main public exhibition across a wider area, a press release publicising the event was published in the Wiltshire Times on 29 June 2018.

The public exhibition was held at St John's Church Hall (less than 100m from the application site), between 3:30pm and 6:30pm on Thursday 5th July. This venue was selected as the most appropriate location, being the closest venue to the application site with availability, free car parking and full disabled access. The purpose of the exhibition was to inform interested parties and local residents of the applicant's intention to submit an outline planning application for residential development on the site and to give them the opportunity to provide their feedback on the proposed scheme. On display at the exhibition were several information boards, setting out the background to the application and provided details of the proposed development. It was hosted by key members of the RPS design team, the urban designer, highways consultant and landscape architect, who were available to answer questions and respond to comments raised.

Those participating in the public consultation were invited to complete feedback forms enabling them to comment on specific aspects of the proposed scheme. Feedback forms could be handed to a member of the team during the exhibition or returned to RPS by post using freepost envelopes provided at the event.

The application has also been the subject of consultation exercises by Wiltshire Council, and the following is a summary of the position reached following these. The deadline for any correspondence was 11 January 2022 (there were two previous consultation rounds with deadlines of 19 November 2021 and 8 September 2020).

68 letters of objection were received on the amended plans. A petition of objection with 226 signatures of local residents was received on 16 November 2021.

This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

- Why is the proposal so densely populated with houses?
- Why not use brownfield sites?
- Lack of master-planning of cumulative effects with H2.5 and H2.6
- Flooding and drainage
- Attenuation pond not large enough
- FRA is flawed
- Reduction in biodiversity

- River Corridor Survey needed for Lambrok Stream
- Impacts on bats
- Hedgerow removal
- TBMS not abided by
- Bat buffer zone not large enough
- Flawed ecology assessment
- Heritage - The area has a number of Graded properties including Southwick Court, St Johns Church and cottages around the church.
- Heritage statement flawed
- Adequacy of infrastructure
- Loss of walking area
- Impact on PRowS not assessed
- Landscape impacts
- Frome Road is very busy
- Road safety
- TA is flawed
- Access not satisfactory
- An irreversible loss of open countryside separating Southwick Park from urban area
- Loss of open space for wildlife, potentially destroying natural roosting and food habitat for numerous birds and other wildlife
- Increase flooding along the Lambrok Stream and beyond
- Create more traffic nuisance, air pollution and noise to the area and indeed the town centre
- Encroach on the buffer between the village of Southwick and Trowbridge
- Impact upon the provision of local public services
- Insufficient consultation
- Housing density too large

Friends of Southwick Country Park – Objection on grounds of Riparian strip, flooding/drainage, biodiversity.

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

The principle of this site being used as housing has already been approved through the site allocation policy plan document (the WHSAP) that was adopted by Wiltshire Council in February 2020.

In the WHSAP the site is referred to as 'H2.4' and is subject to Policy H2.4, and this application is to, therefore, determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF. Policy H2.4 states that the site has been allocated for a development comprising of the following elements:

- *approximately 45 dwellings focused towards the north of the site;*
- *sensitively designed vehicular access via a new junction arrangement off the A361 that incorporates discreet lighting, signage and boundary treatments to avoid unacceptable harm to heritage assets and their settings; and*

- *improvements to cycling and walking routes through the site to link to the existing network, including links between the site, Southwick Country Park and the existing network, including footpath TROW8.*

The current application seeks up to 55 dwellings, improved open space, improved junction and improvements to cycle and walking routes, and as such, in principle, would comply with Policy H2.4.

The site allocation policy document also states that the development will be subject to the following which are considered later in this report:

Development will be subject to the following requirements:

- *core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy (TBMS);*
- *appropriate mitigation to protect bats, including financial contributions toward management, monitoring and off-site measures as necessary, as informed by the TBMS;*
- *retention and enhancement of hedgerows and trees as part of wider landscaping and green infrastructure requirements, and the creation of a publicly accessible Green Infrastructure corridor along the Lambrok Stream to protect and enhance the character, biodiversity value and amenity of Southwick Country Park in conjunction with development at Southwick Court and Upper Studley;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings, including the contribution made by the paddock adjacent to Church Lane, are not subject to unacceptable harm. This shall be informed by appropriate heritage and archaeological assessments; and*
- *a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Objections have been received querying why there are so many houses proposed in the application. Policy H2.4 refers to approximately 45 dwellings. The proposal requests up to 55 dwellings which is greater but within the ‘approximately’ parameters, and so acceptable as such. The application – which is in outline form in any event – demonstrates how 55 dwellings can be accommodated without causing harm; this is discussed later in the report.

9.2 Master-planning

Nearby to the application site are two further sites allocated in the WHSAP – referred to as H2.5 (‘Upper Studley’) and H2.6 (‘Southwick Court’) with respective policies Policy H2.5 and Policy H2.6. Common to, and within, Policy H2.4, Policy H2.5 and Policy H2.6 are the following final requirements –

Development will take place in accordance with a masterplan approved by the Council as part of the planning application process. The design and layout will take account of all policy requirements, including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site. Any cumulative issues associated with heritage, landscape, biodiversity and highway access should be considered on a comprehensive and consistent basis for allocations H2.4, H2.5 and H2.6 to ensure that new development sensitively addresses the urban edge of the town.

The WHSAP has established the principle of development for the sites and highlighted areas that planning applications will be required to address, including flood risk and design.

The Town Council and a number of third parties have expressed the view that the above paragraph in the policies for each of the sites requires a comprehensive masterplan to be developed and approved by the LPA that covers all three sites and therein 'binds' each applicant/landowner/developer to an agreed set of 'parameters'. In actuality this is not what the WHSAP requires, as is evidenced in the Inspector's report.

The Inspector sets out in his report (at paragraphs 69 and 70) his expectation for the planning application for each site to have regard to the other sites – this in view of their close physical relationships – and specifically for any cumulative issues associated with heritage, landscape, biodiversity and highway access to be considered on a comprehensive and consistent basis. This does not mean that all three sites must be master-planned as one. The Inspector's report said/says –

“...While all these [sites] are likely to come forward independently of each other, their close physical relationship could have particular implications, particularly for heritage, landscape, biodiversity and highway access if they do not take account of each other in terms of layout and the provision of mitigation measures. To be effective, each policy should make it clear that regard must be had to development taking place in other sites. Furthermore, both individual and cumulative effects on the Country Park must be taken into account.” [Emphasis applied].

It is clear from this statement that the Inspector recognised the close proximity of the three sites and the need to plan for potential cumulative effects associated with their development. At para. 70 he goes on to state:

“This approach should not prejudice the delivery of each site. The recommended modifications make it clear that mitigation measures must be considered on a comprehensive and consistent basis. All this is likely to mean in practice is that schemes coming forward must have regard to other proposals in the development pipeline and ensure they are not mutually exclusive or prejudicial to each other.” [Emphasis applied].

Again, the Inspector's considerations are clear. He recognised/s that planning applications for each site would in all probability come forward through the planning system at different times, and schemes for developing each site should address impacts and mitigation measures on a consistent basis. But what is also clear is that development schemes on any, and all, of the three sites should not individually or collectively prejudice one another.

Whilst the policy must be read as a whole, there are three requirements to address in the final paragraph. The same policy construct is applied to H2.5 and H2.6 for the reasons set out in the Inspector's Report.

1. Development will take place in accordance with a masterplan approved by the Council as part of the planning application process.
2. The design and layout will take account of all policy requirements, *[i.e. the bulleted requirements in the policy - see above]* including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site.
3. Any cumulative issues associated with heritage, landscape, biodiversity and highway access should be considered on a comprehensive and consistent basis for allocations H2.4, H2.5 and H2.6 to ensure that new development sensitively enhances the urban edge of the town.

Provided the planning application for H2.4 addresses these points and the rest of the policy requirements in full then it can be determined without the need to wait for schemes on H2.5 and H2.6 to similarly demonstrate how they have considered cumulative effects within their submissions. The key here is consistency and ensuring each development scheme comprehensively addresses policy requirements whilst also not prejudicing delivery on one, or all,

of the allocated sites. With specific regard to point 1 the reference here is for a masterplan for H2.4 only – not a multilateral masterplan for H2.4, H2.5 and H2.6.

Therefore, there is a clear and unambiguous policy route through this issue of addressing cumulative effects and that route does not anticipate, or need the submission of, a multilateral masterplan.

The masterplan for H2.4 is shown below (see also appendix C). With 1.46 ha of the site proposed for the 55 dwellings, this equates to c. 48 dwellings/ha, which is comfortably within expected tolerances for an urban development.



Concept Masterplan

9.3 Impact on the character and appearance of the area

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 is accompanied by a Preliminary Landscape and Visual Appraisal (PLVA). It summarises the character of the application site in the following terms –

The character of the site can be described as transitional urban fringe influenced by a series of urbanising and landscape elements as follows:

- *Established residential areas adjacent to the north-west (Oak Park), north-east (Church Lane) and east (Whiterow Hill).*
- *St Johns Church to the north-east.*
- *Established vegetated field boundary hedgerows and mature trees along the north-west and north east boundaries enclosing the site.*

This summary of the character is agreed – the site is ‘countryside’, but it is heavily influenced by its proximity to the built-up edge of Trowbridge, and this effects both its character, and views to and from.

In terms of the actual effects of the proposal on the landscape the PLVA concludes as follows –

Landscape – A scheme of residential development could offer long term protection and enhancement for the existing landscape elements and receptors that currently exist within this urban fringe transitional landscape. Although the proposals will result in the loss of semi-improved paddock, the scheme to be delivered is low density and set within generous gardens, so a large proportion of the paddock will be turned into garden space. Furthermore, all of the other landscape receptors will be retained. A number of landscape mitigation measures have been identified to lessen the impacts of the scheme and include the following:

- *Retention and enhancement native planting along the existing vegetated field boundaries;*
- *A new belt of linear native landscaping along the south west boundary in association with the Lambrok;*
- *POS, drainage attenuation and ecological enhancement areas located along the south west boundary in association with the Lambrok corridor.*

Consequently, it can be concluded that the magnitude of landscape impact of the type of development proposed on the existing landscape sensitivity of the site can be assessed as LOW SIGNIFICANT.

Visual - Due to a combination of topography and boundary vegetation, the site is largely visually concealed with the exception of a limited number of local viewpoints where there is inter-visibility between the site and a section of the country park. However, the typical view from the country park towards the site already contains residential development as a common element in the local landscape looking across the site towards the urban edge. As a result of careful analysis of existing public vantage points, it is concluded that the magnitude of visual impact of the type of development proposed on the existing visual sensitivity of receptors can be assessed as LOW SIGNIFICANT reducing to INSIGNIFICANT after 10 years as a result of the proposed mitigation measures.

Consequently, the proposed site layout has been designed to minimise the landscape and visual impact of the development on the surrounding landscape context and its receptors. All of existing important boundary hedgerows and trees will be retained and enhanced by the mitigation planting proposals and a new defensible boundary and structured landscape corridor will be created between the country park the Lambrok corridor. The proposed site plan highlights a landscape led design to the site, ensuring that key biodiversity aspects are maintained and enhanced. The conclusion of this assessment is that the proposals on balance would not result in any significant landscape or visual impact and would not outweigh the benefit of providing additional new housing in a sustainable location.

The Parameters Plan which is informed by the PLVA is set out again below. As is evident, it proposes significant areas of retained open space, notably along the south-west boundary where a minimum 30m deep 'Lambrok Stream Ecology Buffer' would ensure a continuing appropriate transition with the countryside and Country Park beyond. And then at the other edges of the site and at its centre, further public open space and ecology corridors to break-up and soften the built-up residential areas.



In view of the extensive areas of open space shown on the Parameters Plan (above and at appendix B), the conclusion in the PLVA that this would be a "landscape led design" is agreed. The Council's Landscape Officer has raised no objections, and it is therefore considered that the proposal would not result in a detrimental impact upon the character of the local area or views to and from the site.

9.4 Drainage and Flooding

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

The 'built' elements of the proposed development – including the 55 residential units and the access road – and the defined public open space would all be located within Flood Zone 1. In view of this, and because the site is above the 1 in 1000 year flood level, there would be no requirement to provide floodplain compensation.

In terms of the detailed design the Drainage Strategy for the development confirms (within the context of it being an outline application) the following:

- The proposed development would increase the impermeable area within the site to 1.097 ha due to the residential units, access roads and associated hardstanding areas;
- A desk study confirms that infiltration may not be feasible considering the significant presence of mudstone and clay;
- Surface water runoff generated from the residential units would be collected via rainwater downpipes and surface water runoff generated from the access road would be collected via road gullies. A network of pipes would then convey the surface water runoff downstream into an attenuation pond;
- The attenuation pond would have a total surface area of 1006.3m² and a depth of 1.5 m to attenuate surface water runoff generated for a rainfall event up to 1 in 100 year with 40% climate change effect;
- A Hydro-Brake Optimum or similar would be utilised to limit the discharge of surface water runoff to QBAR (4.4 l/s) prior to discharge into Lambrok Stream;
- Detailed drainage design would be required at the detailed design stage; and
- Foul water drainage from the proposed development would be separated from the surface water drainage. Foul water would be discharged into Wessex Water existing foul sewer at a rate of 2.083 l/s. All pipes would have a velocity higher than 0.75 m/s to allow for self-cleansing.

A number of interested parties have expressed concern that there is a discrepancy between the application particulars and the real-world experiences of residents. Residents have provided accounts and images to show that areas of the site are continually waterlogged through the winter months and frequently flood. The Flood Risk Assessment for the site states that “the entire site is located within Flood Zone 1” (land having a less than 1 in 1000 annual probability of river or sea flooding). The Environment Agency have stipulated that the development must be designed in accordance with the FRA. The Environment Agency on the 23 September 2019 commented:

“We have no objection to the proposed development subject to the following condition and informatives being included in any planning permission granted.”

The EA commented further:

“The proposed development will only meet the requirements of the National Planning Policy Framework, on the basis that the site is elevated above the design flood event, if the following measures as detailed in the Flood Risk Assessment and RPS, RE: EA’S response to FRA supporting planning application at Land South of Church Lane, Upper Studley, Trowbridge, Wilts, Ref:RCEF65635-0035L, 4 July 2019 submitted with this application are implemented and secured by way of a planning condition on any planning permission.”

The applicant has accepted all of the EA’s conditions.

It follows that subject to the EA’s requirements, it is not considered there is conflict with Core Policy 67 or guidance within the NPPF. With the EA’s support for the application there can be no justifiable reason for refusing the planning application for drainage related reasons. In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to flood risk. Moreover, the development would not increase flood risk to the wider catchment area through suitable management of surface water runoff from the site.

9.5 Biodiversity

Wiltshire Core Strategy Policy CP50 states that:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value,

connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

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

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

There are ecological constraints on the site and any development must comply with the Trowbridge Bat Mitigation Strategy (TBMS).

The application is accompanied by a 'Preliminary Ecological Appraisal', a 'Biodiversity Metric', an 'Upper Studley, Trowbridge Habitat Creation and Management Plan', and a 'Coordinated Strategy Masterplan - H2.4/H2.5/H2.6 allocation' (CSM) which addresses the TBMS.

The Preliminary Ecological Appraisal demonstrates that the site predominantly consists of poor semi improved and improved grassland with hedgerows, trees, scrub and the Lambrok stream. It is suitable for ground nesting birds, and the hedgerows, trees and scrub are also likely to be of value for nesting by common farmland and garden species. Lambrok stream in this location is reported to provide sub-optimal habitat for otter and some suitable habitat for water vole. A survey carried out in 2017 confirmed a low population of slow-worm and grass snake present. The site is in an area used by Bechstein's bats associated with the Bradford and Bath Bats SAC, as well as other bats. There is evidence of badgers and other wildlife at and around the site.

In view of the site's ecological interests, the Habitat Creation and Management Plan (see below and Appendix E) proposes various measures to provide protection and opportunities for wildlife. This includes constructing and maintaining the SUDS ponds as habitats, utilising the surface water runoff attenuation basin as a floodplain wetland mosaic, and creating areas of native trees / scrub and semi-natural meadow grassland.



The Coordinated Strategy Masterplan (CSM) provides a strategy that ensures compliance with the TBMS across H2.4, H2.5 and H2.6 - specifically the location of ecology corridors required to accommodate bat zones across the three sites. The proposed layout for H2.4 demonstrates compliance with the Coordinated Strategy Masterplan by incorporating habitat buffers along 'core area' as required in the TBMS. Specifically, for H2.4 it achieves the following (as explained in the CSM):

Core bat habitat on this site is the Lambrok stream and associated scrub vegetation. The scheme retains a minimum 20m wide undeveloped zone alongside the Lambrok stream, comprising a 15m wide 'ecological corridor', as termed on the masterplan, plus additional POS to the north. New tree planting is proposed within these areas. This undeveloped area will be screened from the development with new hedgerow and tree planting. Zone A shall measure at least 15m wide, measured from the edge of the Lambrok stream. Adjacent to this, Zone B shall measure up to 15m wide. This shall provide a robust corridor for foraging and commuting bats.

Additional undeveloped buffer zones are provided along the northern and western boundaries, measuring at least 5m wide and up to 25m wide. New hedgerows will be planted around the curtilage of the development to screen retained vegetation along all boundaries. These shall be kept below 1 lux as per the specifications of Zone B in the TBMS.

The trees and buildings on-site/ immediately off-site with bat roosting potential are set to be retained and protected with buffer zones.

In combination, these measures protect the Lambrok stream, retained hedgerows and the Framfield sites, addressing the points raised in the WHSAP. Furthermore, public open space will be provided, which should help to reduce the likelihood of recreational impacts on nearby woodland sites used by Annex 2 bats.

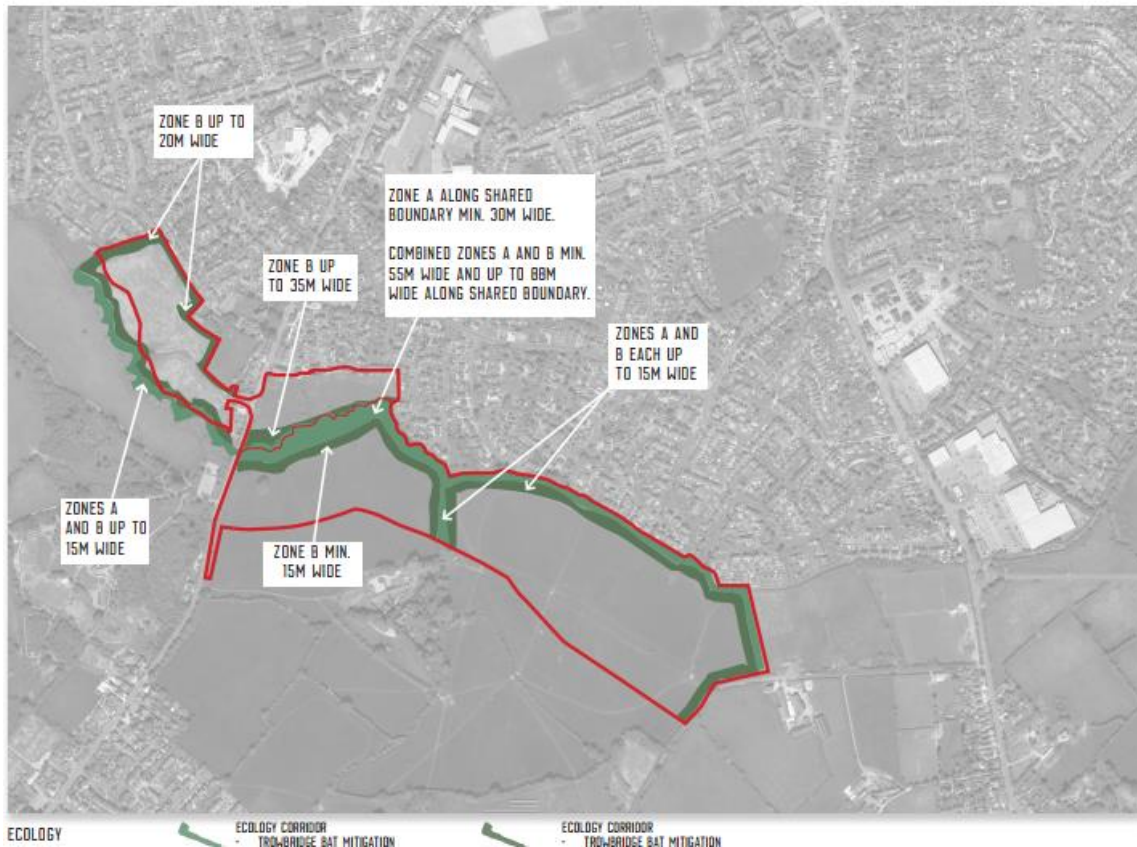


Figure 7 Coordinated Strategy Plan

The Biodiversity Metric shows a net gain in habitat units of 1.13 and a short fall in hedgerow units of -1.01. The WC Ecologist is satisfied that the shortfall in hedgerow units can be made up through financial contributions to be used for off-site enhancements. This is addressed in the 'S106 requirements' section of this report. The S106 would also secure provision of the 1.25 hectares of floodplain wetland mosaic of 'fairly good' condition as required by the BNG calculation, described in the aforementioned Habitat Creation and Management Plan and shown on the Habitat Creation and Management Plan plan.

Construction-stage impacts on ecology can be avoided through the use of a Construction Ecological Management Plan (CEMP) and Landscape Environmental Management Plan (LEMP), and conditions are recommended accordingly. Appropriate external lighting is also a matter for condition.

In view of the satisfactory outcomes for ecology the WC Ecologist raises no objections, and there is no conflict with Core Policy 50 nor the TBMS.

The development will be carried out in strict accordance with the following documents:

- Parameter Plan. Drawing: JPW1108-003. (RPS Group, March 2022).
- Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022).
- Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

Habitat Regulations – Appropriate Assessment –

The proposal could have had significant effects on the Bath and Bradford on Avon Bat SAC. However, in view of all the additional supporting information provided which sets out how effects can be satisfactorily mitigated, both the WC Ecologist and Natural England have concluded that

the proposal will not result in adverse effects on the integrity of the SAC. Accordingly, a positive Appropriate Assessment decision has been made.

9.6 Heritage Assets

Core Policy 58: Ensuring the conservation of the historic environment states:

Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

- i. *nationally significant archaeological remains*
- ii. *World Heritage Sites within and adjacent to Wiltshire*
- iii. *buildings and structures of special architectural or historic interest*
- iv. *the special character or appearance of conservation areas*
- v. *historic parks and gardens*
- vi. *important landscapes, including registered battlefields and townscapes.*

Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications.

'Built' heritage assets –

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 199 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 200 of the NPPF states that:

"Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification."

Paragraph 201 of the NPPF states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

The application is accompanied by a Built Heritage Statement. This assesses the impacts of the proposal on heritage assets within its vicinity. The Assessment concludes as follows –

Whilst the Site comprises no built heritage assets it has been demonstrated in this report that the proposed development has the capacity to impact upon four designated built heritage assets. Any potential impacts on these heritage assets will arise through development within their settings. Specifically the Grade II listed Church of St John, north-east of the Site will experience a negligible degree of harm to its significance. The Grade II listed St John's Church School located to the north-east will experience a negligible degree of harm, at the very most, to its significance arising from the proposed development on Site. The Grade II listed 344 Frome Road and Grade II listed Rose Villa will experience a minor degree of harm respectively.

All identified harm is considered to be less than substantial in NPPF terms. Any harm to the significance of designated heritage assets engages Paragraph 196 of the NPPF, requiring that harm to be weighed against the public benefits of the proposed development.

Wiltshire Council's Conservation Officer agrees with the conclusions of the Assessment, and accordingly raises no objection. All identified harm in the Assessment is found to be 'less than substantial' in NPPF terms. In such circumstances Paragraph 202 of the NPPF requires that the less substantial harm should be weighed against the public benefits of the proposed development. The public benefit here resulting from the delivery of housing, including affordable housing, is considered to more than tip the balance in favour of the development.

The Conservation Officer is in agreement that there has been co-ordination between the promoters of the three allocated sites in this location (H2.4, H2.5 and H2.6) in respect of heritage considerations.

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

Archaeology –

In terms of relevant designated archaeological heritage assets, no nationally designated Scheduled Monuments, World Heritage Sites, Historic Battlefield sites or Historic Wreck sites lie within the vicinity of the application site.

The application is accompanied by an Archaeological Desk Based Assessment and an Archaeological Evaluation, the latter requested by the WC Archaeologist in view of known archaeological sites within the vicinity of the site.

The Archaeological Evaluation was carried out in March 2021. It established that linear features previously recorded within the site are not part of a former water meadow system and are in fact the remains of a post-medieval field system. No settlement evidence was recorded across the site.

On the basis of these results the WC Archaeologist is satisfied that no further archaeology related investigation is required, and raises no objection.

9.7 Residential and Visual Amenity

The application is for outline planning permission and so the detailed siting of building is not yet known. This said, the Parameter Plans show the intended locations for 'built' development and open space, with the built areas generously separated from existing development by the open spaces and ecology buffers.

Furthermore, due to a combination of the lower lying circumstances of the site in the Lambrok Stream valley location, the surrounding roads with bushy boundary hedgerows, and the

established vegetation along the north-west and north-east field boundaries, there are few short-range views into the site.

The main views 'in' are short range local views from the formal footpath located to the north-east side of the woodland belt in the country park. The typical view from this footpath is of the site with existing residential development associated with the town boundary clearly visible in the backdrop. St Johns Church is a dominant building in the typical view. Therefore, residential development is already a common element within the existing views.

There are glimpses into the site from Church Lane where there are some gaps in the boundary vegetation. However, views in from this boundary from Church Lane and PROW are largely limited due to the existing mature field boundary vegetation.

There are likely to be a number of private views, especially from properties along Church Lane. However, the majority of these views would be from first floor rooms and at a reasonable distance.

Overall, the proposal would not have an adverse impact on residential or visual amenity, in accordance with Core Policy 57.

9.8 Highways

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

Paragraph 111 of the July 2021 NPPF states that:

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

The site is allocated for residential development within the Wiltshire Housing Site Allocations Plan. The site is located in an edge of town location but within an accessible walking distance to a wide range of day-to-day services and facilities.

The application is accompanied by a Transport Assessment (TA). It assesses the impact of the additional traffic that would be generated by the proposed development on the wider road network, and the sustainability of the location.

Traffic impact –

The following table taken from the TA illustrates the impact at three nearby junctions –

Table 6.2: Percentage Impact at Junctions (2019 Vehicle Flows)

Junction	Time Period	Existing Vehicles	Development Vehicles	Percentage Impact
A361/College Road	Weekday AM Peak Hour	1,446	27	1.9%
	Weekday PM Peak Hour	1,476	28	1.9%
A361/A363	Weekday AM Peak Hour	2,747	25	0.9%
	Weekday PM Peak Hour	2,424	27	1.1%
A363/College Road	Weekday AM Peak Hour	1,732	3	0.2%
	Weekday PM Peak Hour	1,596	2	0.1%

The results show that the development would have a limited impact on these junctions – at worst for the A361/College Road junction a sub 2% impact.

The TA also considers the capacity of these junctions in any event in both 2019 (the year of the assessment) and in 2024. This consideration shows that the junctions will remain within capacity – both with or without the development – in both of these years.

On traffic impact the TA, therefore, concludes as follows –

The proposed development is likely to generate 52 two-way vehicle trips in the morning peak and 58 two-way vehicle trips in the evening peak.

The impact of the morning and evening peak hour traffic that would be generated by the proposed development on the College Road / A361 Frome Road junction has been appraised through detailed capacity assessments undertaken on a robust basis.

The detailed capacity assessments demonstrate that the A361 Frome Road / College Road will operate well within capacity when the development is fully operational. Similarly, the detailed traffic flow analysis of the neighbouring junctions demonstrates that the additional traffic generated by the proposed development would result in a negligible impact and would therefore have no significant impact on the future performance of the highway network in the vicinity of the site.

Sustainability of the site –

The TA also considers the sustainability credentials of the site. It concludes on these as follows:

The development proposals will provide cycling and walking links to connect with the existing pedestrian and cycling infrastructure which provides links to existing local amenities.

The proposed development site lies within very close proximity of regular public transport routes with bus stops located on A361 Frome Road, adjacent to the site access.

A Residential Travel Plan has been prepared to accompany the planning application. The Travel Plan sets out how a range of measures would be introduced at the development to actively encourage the new residents to use sustainable modes of travel.

The whole of the Trowbridge built-up area is within a 5km distance of the site meaning that all services, facilities and employment opportunities available within the town are accessible by cycling.

Public transport services pass the site with bus stops available within a short walking distance. Buses operate to a 30-minute frequency on the route that links Frome, Trowbridge, Melksham and Chippenham and are timed such that the bus can be used for a range of employment, retail, leisure and educational purposes.

Technical detail –

The development site would be accessed via a priority junction with access taken from the A361 Frome Road.

Because the site extends the built-up area, the proposal originally required the existing 30mph speed limit to be extended to incorporate the proposed site access into the new 'urban' area. This was anticipated to reduce vehicle speeds on the A361 in the vicinity of the proposed access. However, events have moved on since this issue was considered in 2018 and, it is now the opinion of Engineers that this would not be appropriate given the limited site frontage now present on the

Frome Road from this development and the neighbouring H2.5 site. The Highways Officer notes in the latest response that:

“For clarification, the Highway Officer was correct to consider the extension of the 30MPH limit for the 2018 application, given the potential for increased frontage from the opposing site, which has not been forthcoming in their 2020 application.”

Appropriate visibility splays commensurate for the proposed speed limit can be achieved from the access junction.

Cumulative issues associated with planned delivery of the adjacent Church Lane and Southwick Court developments have been considered and appropriate access arrangements for all three identified in accordance with the WHSAP. These can be delivered separately but also provide suitable overall arrangements for the A361 Frome Road corridor as it passes the sites.

To conclude on highway safety, it has been demonstrated that the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a ‘severe’ residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development.

9.9 Other Matters

Section 106

Core Policy CP3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework ‘The Framework’. These 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 developer has agreed (see appendix H) to the following Section 106 requirements (the calculations are based on the maximum net addition of new homes which is 55):

Affordable Housing

CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided and transferred to a Registered Provider. CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures and sizes of homes in order to create a balanced community. CP46 requires, in suitable locations, new housing to meet the needs of vulnerable people.

In line with Core Policy 43 an on-site affordable housing provision of 30% would be required. As the site is proposing up to 55 new homes, the on-site affordable housing requirement would be for 17 affordable homes. From this the tenure split would be required to be 60% affordable rented homes and 40% shared ownership homes.

Therefore, the requirement is 10 homes for affordable rent and 7 homes for shared ownership. For the affordable rented homes the indicative property type mix to meet current affordable housing need is:-

- 1 bed 2 person apartments/maisonettes = 2 units (in a 'house-style' arrangement) with the ground floor apartment provided to M4(2) standard with a level access shower rather than bath.
- 2 bed 4 person houses = 3 units
- 2 bed 3 person bungalows = 1 unit provided to M4(2) standard, with a level access shower rather than bath.
- 3 bed 5 person houses = 3 units
- 4 bed 7 person houses = 1 unit

With regard to the remaining 40% i.e.7 affordable homes the requirement would be for shared ownership housing and the current requirement would be for these units to be 2 bed houses and 3 bed houses with an approximate split of 65%/35% i.e. 4 x 2 bed/4 person houses & 3 x 3 bed/5 person houses.

This is as specified by the WC Housing Officer.

Education

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

In order to achieve this requirement, the proposed development would be required to make the following contributions (based upon up to 55 homes) based on capacity shortfalls at relevant local schools:

- £122,654 for early years,
- £300,128 for primary and
- £252,340 for secondary.

Waste

A contribution of £91 per dwelling would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development. The total sum for the 55 dwellings would therefore result in £5,005.00.

Leisure and Play

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

- Open space – to be confirmed at Reserved Matters stage based upon:
 - 1 dwelling = 34.93m² public open space and 1.77m² equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
 - If, once calculated, the requirement does not meet the minimum for a LEAP (400m²) then Trim Trails would be required instead of a LAP (100m²) if required.

A sports contribution calculated at £236.00 per dwelling is also required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrok Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.

Public Art

CP57 requires developments to integrate art and design into the public realm. CP3 promotes art as a type of place shaping infrastructure. Both the PPG and the NPPF state that public art can play an important role in making interesting and exciting places that people can enjoy using whilst it is also listed within the Planning Obligations SPD. Therefore a public art contribution of £300 per dwelling is requested for the applicant to deliver the integration of public art for this site and no more than 10% of this should be spent upon the production of a public art plan. The total sum for 55 dwellings would therefore be £16,500.00.

Highways & Public Right of Way

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

- Highways - £40,949 for sustainable transport as follows:
 - A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
 - Bus stop shelter – Whiterow Park - £12,571
 - Church Lane works – pedestrian/cycle improvements - £10,000
 - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)
 - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)

Biodiversity

£777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.

Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.

Provision and management of off-site Biodiversity Provision into perpetuity. Off-site Biodiversity Provision must be described as Floodplain Wetland Mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by

condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

10. Conclusion (The Planning Balance)

The site the subject of this application is an allocated housing site known as 'H2.4' in the Wiltshire Housing Site Allocations Plan (WHSAP), and accordingly its development for residential purposes is already established as acceptable as a matter of principle. Although in outline, in essence this planning application is to 'just' consider the finer detail, and specifically the compatibility of the proposal with Policy H2.4 of the WHSAP and the wider Wiltshire Core Strategy. This report demonstrates that there is compatibility.

Regarding the 'benefits' and 'harms' resulting from the proposal – firstly, the benefits are:

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

.... both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H2.4.

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

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

Other matters to be considered on the planning balance are summarised as follows:

- **Character and Appearance -**
The impacts on the presently open character of the site can be mitigated through sensitive design and landscaping. This is therefore a neutral consideration on the planning balance.
- **Drainage and Flooding -**
The Council's Drainage Team and Wessex Water in their responses have confirmed that the level of detail provided as part of this application proves that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk and therefore support the application in principle. This is therefore a neutral consideration on the planning balance.
- **Biodiversity -**
There are ecological constraints on this site and any development must accord with the Trowbridge Bat Mitigation Strategy.

To do this, the southern hedgerow boundary is to remain and dark corridors have been provided and no roads have been proposed facing onto the green buffer meaning light spill is to be kept to a minimum.

As submitted, the application could have had potential likely significant effects on Bath and Bradford on Avon Bat SAC. But Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. On 09/12/2022 Natural England concurred with the conclusion of the AA to determine no adverse effect on Integrity (AEol) of the Bath and Bradford on Avon Bat SAC.

This is therefore a neutral consideration on the planning balance.

- Archaeology -
Wiltshire Council Archaeologist confirmed that there was no reason for any further archaeological work to be carried out in regard to this proposal and do not see a need for an archaeological condition to be attached to any planning permission that may be issued. This is therefore a neutral consideration on the planning balance.
- Listed building setting -
Wiltshire Council Conservation Officer has no objection to a recommendation for approval subject to the usual controls to secure good design. This is therefore a neutral consideration on the planning balance.
- Neighbour Amenity -
This is considered to be harm that carries limited weight in the planning balance.
- Highways -
It is considered that the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development. This is therefore a neutral consideration on the planning balance.

Final Balance -

On balance, it is considered that the proposal would result in no measurable 'harm' to the matters of acknowledged importance, but would have positive benefits in terms of delivering housing. Accordingly, permission is recommended.

RECOMMENDATION

That the Head of Development Management be authorised to grant planning permission, subject to first completion of a planning obligation / Section 106 agreement covering the matters set out below, and subject to planning conditions.

S106 matters –

- Affordable housing – at 30%
- Education – Requirement to be confirmed at reserved matters. Based upon up to 55 homes as follows:
 - £122,654 for early years,
 - £300,128 for primary and
 - £252,340 for secondary.
 - The formulae for re-calculations at Reserved Matters are as per the Education S106 Methodology.
 - All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.
 - The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
 - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
 - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the

development from the qualifying properties. It is therefore reflected in the standard formulae.

- Open space – to be confirmed at Reserved Matters stage based upon:
 - 1 dwelling = 34.93m² public open space and 1.77m² equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
 - If, once calculated, the requirement does not meet the minimum for a LEAP (400m²) that Trim Trails are proposed instead of a LAP (100m²) if required.
 - A sports contribution calculated at £236.00 per dwelling is required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrook Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.
- Ecology
 - £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.
 - Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.
 - Provision and management of off-site Biodiversity Provision into perpetuity.

Off-site Biodiversity Provision must be described as Floodplain wetland mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrook Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrook Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrook Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrook Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

- Highways - £40,949 for sustainable transport as follows:
 - A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
 - Bus stop shelter – Whiterow Park - £12,571
 - Church Lane works – pedestrian/cycle improvements - £10,000
 - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)
 - Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)
- Waste - £5,005

- Arts contribution is $55 \times £300 = £16,500$:

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. No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical phases for the entire development. Where relevant these phases shall form the basis for the reserved matters applications. Each phase shall include within it defined areas and quantities of housing and infrastructure relevant to the phase. No more than 50% of the houses (or no more than a meaningful percentage of houses to be first agreed in writing by the local planning authority) to be built in any particular phase shall be first occupied until the infrastructure relevant to the phase has been completed.

The development shall be carried out strictly in accordance with the approved Phasing Plan.

REASON: To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the development has made necessary, in accordance with the overall proposal and good planning in general.

5. The development hereby permitted shall make provision for the following –

- (i) Up to 55 dwellings
- (ii) At least 3.12 ha of public open space, including the Ecology Corridor and the Lambrok Stream Ecology Corridor

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

(JPW1108-004 Rev C) dated Mar 2022, the 'Parameter Plan' (JPW1108-003 Rev K) dated Jan 2022, the 'Parameter Plan Notes' (JPW1108-003 Rev I 210930), the 'Habitat Creation and Management Plan' (JPW1108-005) dated Jan 2022, the 'Conceptual Drainage Strategy' (DO1 Rev A) dated 29/09/2021, the 'Pond Cross Sections' (DO2 Rev A) dated 29/09/2021, and the Design and Access Statement dated 17/10/2018.

REASON: To clarify the terms of the planning permission and to ensure the creation of a sustainable development, in accordance with the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan.

6. The 'means of access' to the site shall be provided in accordance with the details shown in drawing no. JNY9623-01 Rev B ('Proposed Access from Frome Road Visibility Splays') dated 01/08/2018.

REASON: To clarify the terms of the planning permission.

7. Prior to the commencement of development details of a Surface Water Mitigation Scheme in accordance with the principles set out in the Flood Risk Assessment (RPS for Parry-Land off Church Lane, Upper Studley, Trowbridge, BA14 0HS, October 2018, Ref: RCEF65635-002R and RPS, RE: EA'S response to FRA supporting planning application Land South of Church Lane, Upper Studley, Trowbridge, Ref:RCEF65635-0035L, 4 July 2019) shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the location and size of the proposed attenuation pond, with allowable discharge rate set at 4.9 l/s. Any requirements for compensatory storage must also be specified. The development shall be carried out in accordance with the Flood Risk Assessment and the approved Surface Water Mitigation Scheme, and in addition there shall be –

- no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change; and
- The mitigation measures specified in the FRA and the Surface Water Mitigation Scheme shall be fully implemented prior to any first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the Surface Water Mitigation Scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: to ensure that the development does not increase flood risk.

8. Prior to the commencement of development details of a groundwater levels allowing for seasonal variations and groundwater assessment must be submitted to the Local Planning Authority for agreement in writing. The agreed details shall then be used to inform the Surface Water Mitigation Scheme referred to in condition 7.

REASON: to ensure that the development does not increase flood risk.

9. 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:
 - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
 - Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
 - 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.
 - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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.

10. No development shall commence on site until a Construction Management Plan for Drainage (CMPfD) detailing drainage arrangements during the construction stage has been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be constructed in strict accordance with the approved CMPfD.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others during construction works.

11. 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.

INFORMATIVE

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 appropriate 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.

12. Prior to commencement of development a foul drainage strategy/programme shall be submitted to the local planning authority for approval in writing setting out any capacity works to be provided by the sewerage undertaker. The development shall be carried out in accordance with the approved strategy/programme.

REASON: To ensure adequate foul drainage systems are available for the development.

13. The detailed designs of the houses shall make provision for a minimum of 55 integrated swift nest bricks in north, west and/or east elevations.

REASON: Provision of integrated swift bricks in the development will contribute towards demonstrating compliance with government policies and guidance as the new dwellings can themselves be an important biodiversity enhancer by providing a new habitat in a 'Built Environment' that previously did not exist.

14. No part of the development hereby permitted shall be first occupied until full details, including relating to phasing/timescales for provision, of the pedestrian and cycle links to be provided between the site and Acorn Meadow, Church Lane and Southwick Country Park, have been submitted to and approved in writing by the LPA. The said links shall thereafter be provided in accordance with the approved details/timescales and maintained in perpetuity thereafter.

REASON: To ensure that adequate pedestrian/cycle links are provided to the site.

15. 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 detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment 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 the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor 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.
- 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 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.

16. In accordance with condition no. 2, no development within any Phase of the development hereby approved shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

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

The scheme shall be informed by the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

All soft landscaping comprised in the approved details of landscaping for any particular 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 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 and in the interests of wildlife.

17. 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.

Appendices

Location Plan	Appendix A
Concept Masterplan	Appendix B
Parameters Plan	Appendix C
Details Site Access Plan	Appendix D
Habitats Creation and Management Plan	Appendix E
Appropriate Assessment	Appendix F
Natural England Agreement	Appendix G
S106 Heads of Terms Agreement	Appendix H