

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Item 9**

|                            |   |
|----------------------------|---|
| <b>Date of Meeting</b>     | 22 <sup>nd</sup> February 2024  |
| <b>Application Number</b>  | 20/02272/FUL  |
| <b>Site Address</b>        | Parnham Coaches, 31 Andover Road, Ludgershall, SP11 9LU   |
| <b>Proposal</b>            | Demolition of former coach depot buildings and bungalow; redevelopment of site for 27no. dwellings including associated highways, parking and landscaping |
| <b>Applicant</b>           | Stonewater Housing  |
| <b>Town/Parish Council</b> | LUDGERSHALL   |
| <b>Electoral Division</b>  | Ludgershall North & Rural – Cllr Christopher Williams   |
| <b>Grid Ref</b>            |   |
| <b>Type of application</b> | Full Planning   |
| <b>Case Officer</b>        | Georgina Wright   |

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

This application is brought to committee at the request of Cllr Williams, for the following reasons:

- Environmental or highway impact;
- Other –
  - It is my opinion that the proposed access arrangement plan shows sufficient changes from the original plan to warrant an explanation to the Planning Committee, Ludgershall Town Council and myself as to the rationale behind the proposed changes and how the proposed scheme will work
  - In particular rising bollards – what is their purpose? What affect will this have on vehicles wishing to use Tesco car park?
  - Pedestrian deterrent surfaces and low level fences/landscaping to deter pedestrians – how will this work and what would be the outcome if ignored?
  - Would be useful to see comments from Wiltshire Highways and/or a road traffic plan to see the affect this development will have on traffic usage on the Andover Road and also deliveries to the shopping parage and Tesco, plus the interaction with pedestrians using the shopping facilities and highway in general

**1. Purpose of Report**

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

**2. Report Summary**

The main issues which are considered to be material in the determination of this application are listed below:

- Principle
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology

- Flooding & Drainage
- CIL/S106

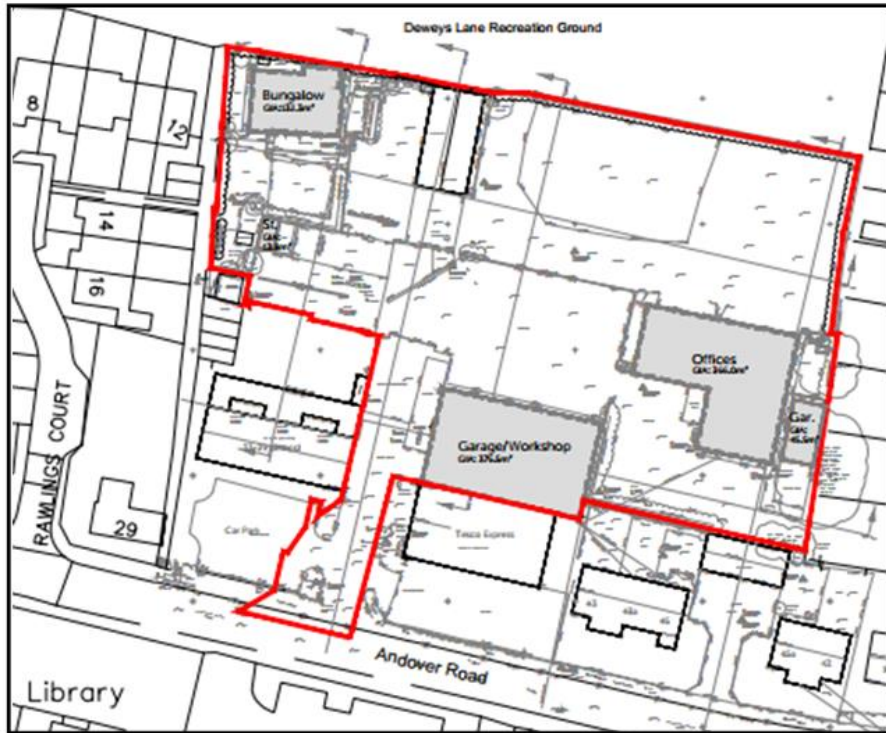
The application has generated an objection from Ludgershall Town Council; and 8 letters of objection from third parties as well as an objection from the adjacent Tesco's Operator.

### **3. Site Description**

The site is situated within the designated settlement boundary of Ludgershall, which is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). It is situated behind an existing parade of shops and commercial properties, which are designated as a Local Service Centre by saved Kennet Local Plan (KLP) policy ED24. These commercial units are served by a parking area to the front which separates them from the main road of Andover Road. The parade of units is currently split into 2 blocks which are separated by the access track that serves this rear plot and provides the main vehicular access serving this service centre as well as the site from Andover Road to the south. On the eastern side of the track, a single storey unit exists which is currently used as a Tesco Express. The western block consists of three storey development with 4 retail units at ground floor and residential flats above.

To the east and west, the site is surrounded by other residential properties and their associated amenity and parking provision. The site is separated from the properties in Rawlings Court (to the west) by a public footpath (Ref: LUDG6). Perry's Cottage (29 Andover Road) adjacent the south-western corner of the service centre is a Grade II listed building. To the rear, the northern boundary of the site is defined by a Leylandii hedge separating it from an Outdoor Recreation Site (Dewey's Lane Recreation Ground), as designated by saved KLP policy T17. The designation appears to extend into the site in the north-eastern corner, but on the ground this part of the site is hardstanding associated with the former use and is clearly separated from the adjacent sports pitches by the boundary hedge. Whilst the site is in Flood Zone 1 and is not in the immediate vicinity of any rivers, it is within an area that is susceptible to Ground Water flooding. It is also within the catchment of the River Test and thus feeds into the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, and the Solent and Southampton Water SPA and Ramsar site. The site is also within 6.4 kilometres of the Salisbury Plain SPA.

As can be seen by PLAN A below, the site currently consists of a former coach depot (Parnham Coaches) which is a sui generis use. A car repair garage exists to the front of the site behind the existing Tesco's; some offices exist to the rear of this; and a residential bungalow also exists in the north-western corner of the site. Otherwise, the land is laid to hardstanding and was used for the parking of coaches. It is currently fenced off after the garage/workshop building and is all vacant. According to the supporting documentation, the previous user/s ceased trading from the site in 2018.



**PLAN A – Existing Site Plan**

Outline planning permission was granted in December 2017 for the redevelopment of the site with 24 three storey town houses (under ref: 15/04689/OUT). Whilst the application was agreed in outline, with all matters reserved for the second stage, it was accompanied by an indicative Site Plan (PLAN B below), which showed the intended tenure; how 24 units could be accommodated; and the intended site access. Despite the description, 4 of the 24 units were indicated as flats, which were to be positioned centrally within the site. The previous scheme also retained the existing bungalow (so would result in 25 units on the site in total).



**Plan B – Outline Permission Indicative Site Plan (15/04689/OUT)**

Whilst the Outline permission is now of some age, a Reserved Matters application was submitted within the timeframes of the decision which remains undetermined (under ref: 20/10588/REM). Until this is determined, the Outline permission therefore remains extant and is thus a legitimate fall back for the site and a material consideration for this application. The extant permission was subject to a Section 106 (S106) legal agreement which secured 30% affordable housing on the site; as well as contributions towards offsite Public Open Space provision; and onsite waste management facilities.

#### 4. Planning History

|              |  |                         |
|--------------|--|-------------------------|
| K/76/0436    | Use site for demolished cottages for car sales and storage area  | Permission – 11.11.1976 |
| K/77/0177    | Coach parking area   | Permission – 26.05.1977 |
| K/82/0908    | Coach garage   | Permission – 27.01.1983 |
| K/82/0909    | Garages to storage and parking, hardstanding to turning/parking all for coach hire business  | Permission – 27.01.1983 |
| K/11731      | Erection of Coach Garage   | Permission – 15.03.1988 |
| 14/04747/OUT | Redevelopment of Coach Depot and adjacent land for 24 x. three storey town houses and associated parking.  | Withdrawn               |
| 15/04689/OUT | Redevelopment of Coach Depot and adjacent land for 24 x. three storey town houses and associated parking.  | Permission – 18.12.2017 |
| 16/05561/OUT | Outline Application for 10 No. 4 bedroom houses (all matters reserved)   | Finally Disposed of     |
| 20/08676/REM | Redevelopment of Coach Depot and adjacent land for 24 x. three storey town houses and associated parking. (Reserved Matters Application pursuant to 15/04689/OUT relating to Access)   | Withdrawn               |
| 20/10588/REM | Redevelopment of Coach Depot and adjacent land for 24 x. three storey town houses and associated parking. (Reserved Matters Application pursuant to 15/04689/OUT relating to Access, scale, layout, landscaping and appearance ) | Pending                 |

#### 5. The Proposal

This application proposes the demolition of all of the existing buildings, including the existing bungalow, and the redevelopment of the whole site with 27 residential properties (an increase of 2 units compared with the extant Outline permission). The application has been made in full with all details to be agreed at this stage.

In detail, as can be seen from PLANS C & D below, the proposals now involve 13 x 2 bed houses; 10 x 3 bed houses; and 4 x 2 bed flats laid across an H shaped internal road layout which is to be fed from the existing access through the existing local centre from Andover Road to the south. The flats are to be positioned centrally, adjacent to the shared, southern boundary with Tesco Express. Plot 1 is to side onto the southern boundary behind the 3 storey retail units/flats and off-site substation. All other properties are to back onto their respective wider peripheral site boundaries and are to benefit from rear gardens of between 8 and 11 metres in length. A total of 50 on plot or allocated parking spaces and 9 visitor spaces are identified across the site to serve the development. Each property is also to be served by a shed or bike store providing cycle parking.



**PLAN C – Proposed Site Plan**



**PLAN D – Proposed Street Scenes**

As a result of vacant building credit, a total of 6 of the 27 units are identified as affordable housing (22%), but the applicant is a housing association and they have suggested an intention that any approved scheme will be built out as a 100% affordable housing site. Both options will be secured by any Section 106 Legal Agreement (S106) completed as part of the decision. All the south facing roof slopes are to be fitted with photovoltaic panels (consisting of 9 houses and the flats), but otherwise the properties are to be finished in a mix of red and buff brick with vertical brick courses adding interest to the elevations. The roofs are to be finished with grey concrete tiles.

The application has gone through many iterations of amended plans. This has reduced the number of units proposed from 28 to 27; altered the design and layout of the proposals; increased the level of parking spaces; altered the design of the flats to improve their relationship with the adjacent supermarket site; provided noise mitigation



details; provided ecological mitigation and enhancements; and have altered the proposed vehicle and pedestrian access arrangements from Andover Road, through the frontage local centre. Additional statements and detail have also been submitted during the course of the application, which mean that it is now supported by a Planning Statement; a Design & Access Statement; a Transport Technical Note; a Heritage Desk Based Assessment; an Archaeology Evaluation; a Preliminary Ecological Appraisal & Preliminary Roost Assessment; Phase I & II Bat Survey; a Phase II Bat Survey; A Nitrogen Budget; an Aborigicultural Impact Assessment & Method Statement; a Flood Risk Assessment & Drainage Strategy; a Sequential Site Assessment; a Noise Statement; a Noise Impact Assessment; a Further Acoustic Assessment; an Odour Statement; a Contaminated Land Report; and a Vacant Building Statement. During the course of the application, the viability of the scheme was questioned and a Financial Viability Assessment was submitted and updated, but this argument has since been withdrawn.

The Town Council has objected to the handling of the application and are concerned that a new planning reference has not been given to the scheme as a result of the many amended plan consultations that have taken place since 2020, as the retention of one application reference has caused much confusion as it is difficult to know what plans are still being considered. However, whilst there is much sympathy for the Town Council and other third parties who have been following the evolution of this scheme and have been subjected to numerous consultations, a new planning reference would only be assigned if the scheme were determined or withdrawn. However, the National Planning Policy Framework (NPPF) requires the Council to work proactively with developers to find solutions and given the history on this site and that the principle of its redevelopment for housing has already been established, it was not considered appropriate to refuse the application and/or insist that the application be withdrawn instead of liaising and allowing revisions to be made to resolve the outstanding matters, during the course of the application.

## **6. Local Planning Policy**

*National Planning Policy Framework (NPPF)*

*Planning Practice Guidance (PPG)*

*National Design Guide (January 2021) (NDG)*

*Kennet Local Plan policies (Saved by Wiltshire Core Strategy) (KLP):*

HC34 – Recreation Provision on Large Housing Sites (20+)

HC37 – Demand For Education (25/1+Ha)

ED24 – New Development in Service Centres

TR17 – Existing Outdoor Sport & Recreation Facilities

*Wiltshire Core Strategy (January 2015) (WCS):*

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP26 (Tidworth Community Area)

CP35 (Existing Employment Sites)

CP41 (Sustainable Construction and Low Carbon Energy)

CP43 (Providing Affordable Housing)

CP45 (Meeting Wiltshire's Housing Needs)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP52 (Green Infrastructure)

CP56 (Contaminated Land)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)  
CP60 (Sustainable Transport)  
CP61 (Transport & Development)  
CP62 (Development Impacts on the Transport Network)  
CP64 (Demand Management)  
CP67 (Flood Risk)  
CP68 (Water Resources)  
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

*Supplementary Planning Documents:*

Achieving Sustainable Development SPG (April 2005)  
Wiltshire Local Transport Plan – Car Parking Strategy

## **7. Summary of consultation responses**

### **7.1 Ludgershall Town Council – Objection**

- LTC have repeatedly asked for a site meeting with Highways and Wiltshire planning, Wiltshire Council obviously engage with the developer why won't you engage with the town council?
- We have grave concerns over this development and have asked this application to be 'called in' to a planning meeting.
- LTC does not consider the plans have addressed the access/egress to the site for the safety of both the pedestrians and delivery vehicles both to Tesco and the parade of shops.
- LTC have looked at the comments from Tesco regarding how delivery would be made and agree with their comments.
- The proposal to move the pedestrian footpath firstly to the side of parade of shops then crossing over to behind the visitors parking bays will cause a safety issue/hazard with pedestrians stepping out from behind parked vehicles.
- Looking at drawing 728Q/214 with the proposed 1.5m footway, there will be insufficient space for any vehicle (inc. emergency vehicles) to enter the site if a delivery lorry is parked adjacent to the footway.
- Drawing ENC/120315-357 swept path analysis viewpoint 1 & 2 if any customers are parked in front of Tesco the delivery lorry will not be able to follow these plans they are completely impractical and cannot be achieved.
- Plan 7280/215 uses the other carpark in front of the parade of shops, again this is completely impractical with customer vehicles parked in that area.
- Another problem would be that the delivery driver will be 'blindsided' as they reverse into the area where they unload, resulting in danger to pedestrians and parked vehicles.
- There is an area of 100 metres stretch of the busy A.342, where there are 10 vehicle entrances or exits (to roads or carparks), 2 bus stops and a pedestrian crossing. The entrance to this development is in the middle of this section.
- LTC note that although requested previously a traffic survey has still not been completed for the entrance to the site and the main road this absolutely must happen before any decisions are made.
- Due to layout of the site, refuse lorries, emergency vehicles and large delivery vehicles will be required to reverse onto the site from the main road A.342, if any vehicles are left parked on the roads outside the dwellings of the development this will cause congestion.
- Do Stonewater own all the land within the red lines or do they lease any part of it? Old plans show lease of the access area.
- Car parking– the loss of 3 spaces at the front of the shops, will cause people to try and park down the side of those shops thus preventing emergency vehicle access.

- Looking ahead, it is likely that residents or their visitors will try and park in the spaces in front of the shops, as there is a general lack of visitors parking provided for the new development.
- This could possibly cause parking in the Memorial Hall Car Park, which is reserved specifically for Hall users only or elsewhere and could also impact local trade if people are not able to park outside the front of the store/s.
- The site is overdeveloped contrary to policy PD1 and LTC does not think of this as an urban development
- The Highways and Access plan does not meet our approval – Highways have decided not to adopt the road due to the build work not being to Highways standard.
- As the road is not being adopted can the refuse contractor refuse entry to site like they have in another road in Ludgershall (Bell St)?
- There is a lack of green space in general (used to provide more parking), which means that water will run straight down the road onto Andover Road.
- The report included states drainage has no bearing on the houses, when clearly it does.
- LTC have also noted that Stonewater have included a photovoltaic panel layout, in keeping with environmental provision we would ask that a sustainable solution like rainwater harvesting systems be included.
- The Boundary wall which runs beside the carpark at the front of the other shops and then the back, needs to extend entire length of site parallel with the footpath to the Rec and to include protection for rear of Parade shops.
- Drawing BML.01 – does this mean that the boundary hedge to the recreation ground is to be removed and replaced with close board fencing /brick wall at 1.8m high?
- Please ensure that any property information state that there is no access to be granted to any dwellings to the recreation ground.
- LTC also have concerns re any future homeowners/tenants, should the development go ahead, regarding noise from refrigeration units running 24hours from Tesco's and the parade of shops/restaurants also with mechanical ventilation units producing noise and smell.
- Please can Stonewater confirm any actions they will be taking after receiving the noise impact assessment?
- In the report from Nash, money for education should come from S106 and not as Nash say it is taken care of under CIL as this is community money.
- There is also a restrictive covenant on this land that restricts any building work to be done on approx. a third of the site, without LTC's specific agreement. This is still under negotiation with Stonewater.
- Please condition that no access is allowed from the proposed dwellings onto the Recreation Ground in perpetuity.
- Please conditions that no deliveries of building materials between 8am -9.15am and 2.45pm – 4pm.
- LTC has now 3 times previously asked for a new application number to be allocated due to the number of changes that have been made to the original application. This has caused much confusion as it is difficult to know what has changed or been altered.
- Again, if there is to be any further amendments LTC request that a new application number be issued
- objection to the request to avoid S106 or CIL monies.



- Also mentioned was the extreme bad state of the access road and that Stonewater after being contacted have stated they will not be doing any repairs until planning has been given, TC to mention this in the objection (post meeting potholes filled in).
- LTC have reviewed the recent amendment regarding noise/smells from industrial units and that the measures to be included in the plan having non-opening windows and high barriers to mitigate this problem are totally inadequate to address the noise/smell problems.
- This Planning Application and the development of this site is of very poor design, overdeveloped and is not sustainable for decent living conditions & tenants wellbeing.

## **7.2 Cllr Williams – Objection**

- Having reviewed the latest amendments to the plans, could you please inform me if Tesco is in agreement to the proposal of having the delivery HGV drive onto the car park in front of the store to unload, if this is the case, how are vehicles already parked meant to get out once the delivery vehicle is in place, or will the delivery vehicle wait out in the road until the Tesco parking area is empty and the shop closed while delivery takes place.
- The Swept Path Analysis document showing Tesco Delivery movements (Proposed Access) has a photo with “current exit arrangement”, dated 2015 with section of wall removed. This section has been rebuilt after damage caused by a vehicle and is not the current exit arrangement.
- Again has Tesco agreement been requested to shorten this wall to allow for a right turn onto the Andover Road on exiting the car park.
- The same document shows a vehicle turning left into site. This vehicle would have to wait at or just after the pedestrian controlled crossing if the car park is to be cleared of parked cars before access. This is not acceptable and I cannot agree to the latest access arrangements and still wish to reserve the right to call in this application should it be recommended for approval.

## **7.3 Urban Design – No Objection**

- The revised 'Site Layout ' drawing number DREW 181106 SL01 Revision Q has satisfactorily addressed my previous comments by extending the pavement at the entrance road through to plot 1 from the main road
- although appearing just under 1.8 metres wide it is not now broken/obstructed by what appeared to be a planter previously shown and now deleted and also shows an appropriate pavement and set back lay by opposite alongside the apartment building for amenity.
- I have no objection to other small revisions which are essentially consistent with the previous proposal.

## **7.4 Crime Prevention Design Advisor – Comment**

- I am pleased to note there are gates at the building line at the top of the alleyways between 16 & 17 and 25 & 26. However, there is no gate at the building line at the top of the alleyway between plots 9 and 10 and I would ask that there be one added to this location to remove the hiding place otherwise created.
- There are two plots where there is no defensible place leaving the homes vulnerable to ASB or nuisance due to the adjacent parking. Plot 19 has the wall of the home as the public/private boundary and parking for plot 17 alongside which could lead to noise disturbance and neighbour disputes. I would ask that the parking alongside plot 19 be allocated to plot 19 to avoid this possibility.

- Plot 28 also has the wall of the home as the public/private boundary and has visitor parking alongside. I would ask that there be a physical boundary between the public footpath and the wall of the home, or that the visitor parking be located elsewhere, in order to avoid the possibility of noise or other nuisance from the users of the parking spaces to the residents of plot 28.
- I am unhappy about the area created between plot 5 and the apartments.
- Note that there is an access point here, and have concerns that the use of this, together with the hidden area created by the walls and fencing, will cause problems for the residents of plot 5. I would ask that this be reviewed and that this area be brought into the curtilage of plot 5.
- The National Planning Policy Framework (NPPF) defines three fundamental objectives to achieving a sustainable development: economic, social and environmental (NPPF, page 5, para 8). Crime has a direct impact on all three objectives. This has been reinforced throughout the NPPF where the government makes clear its view of what sustainable development, in England, means in practice for the planning system.
- With the publication of the accompanying National Planning Practice Guidance (NPPG) the government has reiterated that designing out crime and designing in community safety should be central to the planning delivery of new development.
- In addition Core Strategy; Core Policy 57 Ensuring high quality design and place shaping states '*A high standard of design is required in all new developments.... (viii) - Incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area*'.
- I would ask that the matters I have raised be addressed to ensure all opportunities are taken to design out crime in this development.

#### **7.5 Strategic Projects – Comment**

- The submitted Financial Viability Assessment is insufficient and does not comply with the RICS mandatory standards

#### **7.6 Highways – No Objection subject to Conditions**

- It is noted that earlier layouts included a raised paved table on the road leading to the residential development, however this was not included in the most recent 'Proposed Access Arrangement' drawing ref: 7280/214 Rev F.
- Whilst the raised table is not essential, a rumble strip or similar should be added to the drawing, I suggest in a suitable location either side of the informal pedestrian crossing point.
- I note the comments regarding the Tesco delivery vehicles and I am satisfied that the applicant is willing to work with Tesco and to fund retractable bollards if required.
- The Tesco store and car park is outside of the redlined application site; however, it is important that the store is able to continue to function and the deliveries are a critical factor in that regard.
- The swept path drawing ref: 7280/216 Rev A, shows how the delivery vehicle will be able to access the site via the main point of access from Andover Road, travel across the front of the store and exit.
- Given that the access is existing and will be improved, there is no reason why this manoeuvre is not achievable.
- There is another swept path drawing ref: 7280/215 showing "access as existing" where the delivery vehicle pulls into the car park for the parade of shops and reverses into the Tesco delivery bay. I am assuming that this is not proposed and it is not the intention that delivery vehicles will continue to perform this manoeuvre following development

- I am aware that during the occupation of the site by Parnham Coaches and more recently since the site has been vacant, the Tesco delivery vehicles have been able to use land not within the ownership of Tesco to park, unload and turn.
- There are alternative solutions for the delivery vehicle to service Tesco but the Highway Authority is not in a position to insist upon any alterations to land outside of the redlining to which the applicant has no control over (unless on the public highway).
- It would not be possible to support or sustain a recommendation for refusal on Highway grounds related to the provision for the Tesco delivery vehicle.
- It is also noted that there is an extant planning consent for a development of 24 dwellings.
- The access arrangement has been amended as requested to provide / maintain a priority junction for pedestrians across the access instead of a bell mouth junction which was initially requested.
- The layout includes a dedicated pedestrian link from the footway on Andover Road into the site to serve customers to the shops and continues to the rear of the site to serve the residential development. Previously the design was for a “shared-surface” where pedestrians and vehicles shared the space, the introduction of a footway is considered to be beneficial.
- A traffic calming measure should be added on the approach to the residential area, just before the visitor space.
- The access road adjacent to the footway is approximately 5.5m in width which is sufficient for two vehicles to pass.
- Delivery vehicles should not be parked on the access road but if this does happen on occasion, Manual for Streets demonstrates that vehicles can still pass.
- The proposed access arrangement is considered to be suitable to serve the development and provide an improvement for customers; however more detail is requested by condition
- I am satisfied that the refuse collection vehicle will be able to turn within the residential roads, parked vehicles may cause an issue but this is true of any residential development and will need to be managed internally.

#### **7.7 Public Right of Way Officer – No Objection subject to S106**

- I have had a look at the Public Footpath LUDG6 which runs along the boundary part of this site,
- The Public Footpath is well used with several different people using the path in the 15 minutes I was looking at the path.
- The surfaced part of the path is around 1 meter wide but slightly wider where it meets the road at its southern end but has the opportunity to be widened along its length.
- The Northern end of this path is currently a little overgrown and the width is restricted.
- The path would benefit if the vegetation from the site boundary was reduced or thinned out a little.
- The path and also the public's enjoyment of it may be improved if the proposed development boundary was moved back from the Public Right of Way or if the boundary vegetation was replaced with fencing.
- Please could I request a section 106 contribution of £8,500 to be spent on widening the surface of LUDG6 should the application be approved.
- Although , I appreciate this one might be too far down the planning route to request at this late stage

### **7.8 Housing – No Objection subject to S106**

- CP43 sets out a requirement for 30% on-site affordable housing provision on all sites of 10 or more dwellings within the 30% Affordable Housing Zone.
- It is noted that there is currently a bungalow on this site which will be demolished, so there is a net increase of 26 units on the proposed development.
- The full policy requirement for this scheme is therefore 8 Affordable Housing units. However, once Vacant Building Credit (VBC) is calculated the Affordable Housing requirement is 6 affordable housing units on a nil subsidy basis.
- It is noted that the intention is for the scheme to be provided as 100% affordable housing in which case the input of grant funding will be acceptable for all the units.
- Discussions have been held with the applicant regarding the tenure of the proposed units
- In accordance CP43 and CP45 the tenure mix of the policy requirement (6) should reflect local need for affordable housing and should therefore be provided with a tenure mix of 60% of the units (4 units) being for Affordable Rented Housing, and 40% of the units (2 units) being provided for shared ownership.
- The above mix, which should also give details of the unit sizes, and an alternative mix for an 100% Affordable Housing scheme with grant funding should be included in the s.106, the applicant should agree these mixes with the Council as soon as possible.
- Affordable housing in Wiltshire is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing.
- In order to ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, we would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria.
- The current scheme meets these requirements.
- If the scheme is not developed by the applicant, the affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.
- The s.106 agreement will secure either the policy level of affordable housing units at nil subsidy or 100% of the units if subsidy is used.
- The Local Authority will have nomination rights to the affordable dwellings, secured through a s.106 Agreement

### **7.9 Archaeology – No Objection**

- Please note that my comments relate solely to the buried archaeological heritage and not to the historic built environment which is a matter for your Conservation Officer.
- The amended plans do not alter the Archaeology Service's original response submitted in April 2020, namely that I have no archaeological concerns and no further action is required as regards the buried archaeological heritage in relation to this proposal.

### **7.10 Public Open Space – No Objection subject to S106**

- The 27 dwellings would generate a requirement for 264.68 sq.m<sup>2</sup> Casual Open Space and 200.88 sq.m<sup>2</sup> Equipped Play Space.
- I note that there is no on-site provision proposed so this requirement would equate to an off-site contribution of £9,264.26 towards public open space, and an off-site contribution of £28,926.72 towards children's play space.
- There would also be a requirement for 1108.08m<sup>2</sup> sports and leisure provision which would equate to an off-site contribution of £11,080.80.

- The target site for all these contributions is Dewey's Lane Recreation Ground.
- So just to clarify there is a requirement for £49,271.78 in S106 contributions

#### **7.11 Public Protection – No Objection subject to Conditions**

- It remains our approach that we will not accept any strategy that recommends the use of non-openable windows for residential properties as a means of securing the internal acoustic environment.
- Where openable windows are provided, we will not accept a strategy that relies on the occupier of the noise sensitive premises having to close the window during noisy activities other than, in exceptional circumstances, for noise from transport sources.
- The BS4142 assessment in the report dated 15.03.2023 demonstrated a significant adverse impact was likely at night for plot 1, the property most impacted by commercial/industrial noise.
- In the following submissions the acoustic consultant has worked to demonstrate that given the context of this site, the commercial internal noise level target discussed for this specific application of 20dB(A)eq, is achievable for habitable rooms with windows open.
- We will therefore not recommend refusal of this application at this time.
- Noise mitigation measures will be required and, in addition to the measures listed in the consultants reports, the direction of opening of windows for the most sensitive plots will be important.
- Any scheme of sound insulation should include details of how windows will only be openable with the openings facing directly away from the noise sources.
- Conditions are therefore recommended in regards to noise.
- I have read the 'Soils Limited' site investigation report supplied and I am happy with the findings.
- Section 7.8 recommends compliance with relevant legislation in respect of re-use of site material and the report also presents a robust discovery strategy in Sec 7.10 in case unexpected materials are discovered during the development.
- It is strongly advised that both of these recommendations are followed during development but I do not think a condition is necessary.
- With respect to the impact of the development upon Air Quality. I note the transport assessment provided and consider it unlikely that the increase in AADT as a consequence of the proposals will exceed 500, (the threshold above which we would expect a full Air Quality Impact Assessment to be supplied and approved).
- Nevertheless, It should also be noted that we require contributions towards reducing vehicle emissions across Wiltshire in keeping with our current Air Quality Strategy and Core Policy 55 and I would suggest a condition to cover this

#### **7.12 Ecology – No Objection subject to Conditions and S106**

- Mitigation and enhancement as recommended in the Bat Emergence/ Re-entry Surveys and Mitigation Report does not appear to have been included on this most recent layout,
- In accordance with recommendations in the ecology report the following measures must be shown on a plan of the current layout: Wildlife friendly landscaping, Hedgehog gaps in fence lines, 5 bat tubes on buildings, 2 integrated bat boxes on buildings, 6 swift nest boxes on buildings.
- The proposal would result in loss of a bat roosts.
- Bats and their roosts are afforded stringent protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and as such are a material consideration within the planning consultation process.

- The proposals must therefore demonstrate compliance with the bat mitigation recommended in the report and summarised above.
- Adherence to the plan demonstrating adherence to the mitigation and enhancement must then be secured by condition.
- A Protected Species Mitigation License will be required in order for the development works to be lawful. Adherence to measures to avoid harm to bats during construction and demolition will be a requirement of this license.
- This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects.
- In February 2022 NE confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. That Appropriate Assessment reached a conclusion of no likely significant effect on the conservation objectives of the SPA, for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented.
- Annual stone curlew monitoring and protection measures continue to be secured by the Council.
- As agreed in previous correspondence the applicant has agreed to use the Council's strategic mitigation to counterbalance the nitrogen burdens on the River Test Catchments and Middle Test.
- A legal agreement to secure the Nitrogen contribution and a water efficiency condition for this application is required.
- The nitrogen budget was 86.34 kg/N/yr. 2.7 ha of mitigation land is required. The contribution sum is £215,850.
- An Appropriate Assessment has been undertaken and has been signed off by Natural England

### **7.13 Education – No Objection**

- I've have looked at the amended plans documentation for this application and note that the number of units has reduced by one.
- This does not make any material changes to our previous assessment/s.
- I note that we were not making any S106 cases on the application, and that remains the case.

### **7.14 Drainage – No Objection subject to Conditions**

- No further drainage information had been provided since the Sequential Site Assessment was submitted
- As per our previous correspondence, the LLFA still require the applicant to submit a scheme for the discharge of surface water from the site before we can fully support the application.
- This should incorporate sustainable drainage details throughout the site
- The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

### **7.15 Waste & Refuse – Support subject to S106**

- The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit.
- The estimated s106 contribution required for the provision of this essential infrastructure to make the application acceptable is £2548
- This contribution is directly related to the development and is specifically related to the scale of the development, as it is based upon the number of residential units on site.



- CP3 provides overarching policy support for securing developer contributions towards 'waste management services such as recycling and collection facilities', which is classed as 'essential infrastructure'.
- The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015) supports CP3 and provides further detail on the council's approach to developer contributions.
- The Planning Obligations SPD lists 'waste and recycling containers' as a type of site-specific infrastructure that would be sought through S106 contributions rather than through the CIL.
- The provision of bins, and the services required to support waste collection, is a burden on the council that can often be directly related to new developments and hence firmly within scope for financial contributions to be made through s106 agreements.
- Vehicle tracking is required to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside.
- Adequate turning room should be provided to take account of the restrictions on carry distances for residents set out in Part H of Building Regulations (25m), the limitations on carry distances for waste collection crews, where the vehicle should be able to stop within 10m of a collection point and due to the requirement to minimise reversing to meet the requirements of BS 5906:2005.
- Tracking on plans should demonstrate the sufficiency of vehicle access.
- The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.
- Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property.
- residents should not have to carry their waste containers more than 25m from the storage point to the collection point.
- If final designs include communal bin stores for flats, particular attention should be paid to the location and accessibility of bin stores, as the RCV should be able to park within 10 metres of the store without obstructions and with dropped kerbs in place to enable the bins to be safely manoeuvred to the rear of the RCV.

#### **7.16 Environment Agency – No Objection subject to Conditions**

- The Phase 1 desk study does not identify any highly significant sources that are not covered in the main site investigation. In particular no underground tanks or pipe work were identified.
- We withdraw our requirement for the Remediation Strategy & Verification Report planning conditions, but maintain our requirement for the Unidentified Contamination and Water Efficiency conditions.
- The Phase 1 describes an above ground waste oil tank, it is not clear that this was fully targeted in the site investigation. We would also highlight that no detailed maps or plans of the tank locations, together with the targeted investigation locations, appears to have been provided in either investigation.
- This is not good practice. Without this it is hard to be definitive on how comprehensively any source has been investigated.
- We would though concede that though this site is in a principal aquifer, it is not in any source protection zone, there are no other immediate highly sensitive groundwater receptors in the area.
- Groundwater levels are also not likely to occur close to the surfaces (>10m). As such do not regard this site as being very highly sensitive with regards to controlled waters.

- While we have a few reservations, given that no major additional source of contamination were identified in the Phase 1 and that groundwater is not especially sensitive, and some targeted investigation of sources has been carried out, we are satisfied that it is unlikely that there is major gross contamination present at this site which may pose a significant risk to controlled waters.
- As such we would agree to removing the site investigation and verification conditions.
- The unexpected contamination condition should remain.
- Given the issues identified above a careful watch brief should be maintained during any development for any previously unidentified contamination. Particular attention should be observed when working in location of sources of positional contamination, which may not have been fully targeted in any previous work (such as the waste oil tank).
- The submitted *FRA* appears to be a draft document. We are basing our response on this being the final proposal. We request to be consulted on any amendments to the drainage scheme as submitted.
- The incorporation of water efficiency measures into this scheme will: contribute to climate change resilience; reduce abstraction pressure on water resources and riverine ecosystems; benefit future residents by reducing water bills. This can be secured by condition
- Increased water efficiency for all new developments potentially enables more growth with the same water resources.
- Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

#### **7.17 Wessex Water – No Objections subject to Informatives**

- There are no known Wessex Water Assets within the proposed site boundary.
- Maps can be obtained from our website
- Wessex Water is not the incumbent for foul drainage at this location.
- Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement.
- Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements.
- Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.
- Point of connection would be to the 6" distribution main location on Andover Road.
- We would request that we are kept informed of the progress with this application to ensure we able to meet the demand for the new dwellings without jeopardising the supply to existing customers.

#### **7.18 Natural England – Comment**

- Proposals that comprise new development with overnight accommodation will have waste water implications.
- It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

- This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria.
- If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving sites
- There is currently uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites.
- There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites.
- The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment.
- A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures.
- However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.
- Where proposals comprise new overnight development, this will have inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC) due to the increase in waste water from the new housing.
- As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.
- Complete information is required to ensure that the proposal will not affect the integrity of the international sites.
- Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account.
- LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.
- Natural England has prepared a methodology setting out how this can be achieved and this is attached for your information. It is appreciated that this may be difficult for smaller developments or developments on brownfield land.

- Natural England has advised that local planning authorities set up an interim approach that developments can contribute to thereby ensuring that this uncertainty is fully addressed by all applications. Natural England is working closely with affected local planning authorities to help address this issue.
- Natural England can also provide further advice to the applicant on mitigation options under our [Discretionary Advice Service](#).
- Please note we advise that the competent authorities to whom Natural England gives its statutory advice on the environment will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and case law.
- Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.
- Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).
- Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).
- This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.
- The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site.
- Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.
- Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling.
- In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.
- We advise that the site lies within the stone curlew impact zone. A contribution to the mitigation scheme for Stone curlew is thus required, if not being gathered through CIL
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.
- The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website.
- The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**7.19 Letters** – 8 letters of Objection received. The following comments made:

- This is a ludicrous plan
- No one seems to listen to the people who live and use as pedestrians (able bodied/less able bodied/mums/parents with pushchairs/mobility scooters and elderly) in the area.
- This will still go ahead with or without residents' concerns.
- This is less beneficial than necessary and there are better places to site a development like this than in the middle of a congested area
- This site is being overdeveloped
- A site meeting is needed with Town Council and residents of Rawlings Court
- Have seen suggestions of how HGV are to enter and turn around on site, this entrance is already congested and dangerous without these new proposals.
- This entrance plus bus stops, co-op and Tesco is already highly dangerous for pedestrians adding these houses will result in someone getting seriously hurt or killed.
- Pedestrians crossing the access route already have to look 3 ways and increased traffic will make it more difficult
- This is a totally inappropriate area for new development unless an alternative entrance and exit can be found I really don't think this is a viable plan.
- On completion of the building work and occupation of 27 houses that is another 27 minimum vehicles to approximately 60 vehicles gaining access.
- how will emergency vehicles and rubbish collection vehicles access the houses
- The entrance from the A342 is ridiculously tight
- There will be 3 less parking spaces less for customers
- Concerned about dust/debris from the demolition
- What are the plans to ensure on demolition that the surrounding properties are not left under a cloud of dust and bits of masonry etc from demolition of the adj bungalow
- What impact will the build have on the footpath during demolition and build phases?
- The construction traffic will be further Highway problems
- We need more facilities and amenities like another Doctor's surgery, a Dentist which takes NHS, a swimming pool,
- The land at the Business Park has been unoccupied since Designation.
- Reduction in sunlight for properties in Rawlings Court
- The Rights of Light Act 1959 states that if a property has received daylight for the last 20 years (the minimum prescribed period), they may be entitled to continue to receive that light, and it would appear that the building of a block of flats so close to the aforementioned addresses may reduce the available sunlight into existing properties.
- A wall or solid fencing need to retain the privacy of properties on Central Street

**7.20 2 Letters received on Behalf of Tesco's** – Objection

- Tesco Stores Ltd has been liaising with the applicant and was under the impression that the initial concerns and objections relating to serious road safety with the proposed access design to serve the residential development at Parnham Coaches, Ludgershall had been taken into account as a reasonable compromise which would have required Tesco to adjust servicing arrangements.
- Tesco has committed to engaging with the applicant to find a solution which would remove the road safety issues and, therefore, their objection to the proposed residential development.
- Unfortunately for unexplained reasons Tesco's road safety concerns have not been addressed.

- No road safety audit has been undertaken.
- Despite initial encouraging discussions with the applicants Highways Consultant regarding an alternative delivery solution, we received a recent email indicating that the applicant is reverting to the submitted access strategy which maintains the inherent road safety issues.
- For clarity, Tesco proposed a simple delivery solution which required the delivery vehicle to enter the Tesco car park in a forward gear, unload at the store entrance and then exit in a forward gear via the car park entrance.
- This proposal would remove the need for HGV's to undertake reversing manoeuvres in the area where access to the residential development is proposed and pedestrians demand will increase.
- The delivery strategy would require the car park spaces to be inoperable for around 25 minutes during the delivery process.
- This is common practice at many Express stores and can readily be accommodated by Tesco.
- To assist with the delivery procedure, Tesco requested that a simple retractable bollard be introduced to control access to the car park during the delivery period and a dropped kerb on the corner of the entrance be provided to ensure that any overrun by the delivery vehicle avoids future maintenance issues.
- The accommodation works are minimal by any standard and easy to implement removing any road safety issues and conflict with the residential environment.
- Despite the discussions, the applicant's highway consultant is advising that closing the Tesco car park for a 25 minute period, once a day on average, is not acceptable and they therefore have to revert to the original delivery proposals.
- We do not accept or understand these concerns as the arrangements are common practice. It is of significant concern to Tesco that access to a car park appears to be more important than significant pedestrian road safety issues into the proposed residential development.
- Operational issues at the store should be a matter for Tesco, not the residential applicant
- It should also be recognised that there is a car park available directly to the west of the Tesco site should any customers require to park and access the store during a delivery.
- Deliveries to the store will generally be undertaken as early in the morning as possible, before the morning commuter peak period, when customer demand is low and parking in the adjacent car park will be limited.
- As such, access for customers and parking is not considered to be a material concern.
- Tesco are left with no option but to revert to their original position which objects to the proposed development on road safety and access grounds.
- Given the obvious road safety issues with the proposed access as a result of introducing vulnerable road users to an area which has to accommodate HGV's reversing it is considered that an independent road safety audit should be requested by the Local Authority as an absolute minimum. It is also of concern to Tesco that "Wiltshire's Highways Officer has acknowledged that there is not an ideal solution which would address all the issues and it is a case of achieving a workable scheme within the site limitations, taking into account that the site has an existing planning permission." As far as we understand, access to the proposed site was a reserved matter within the outline planning permission. Suitable access therefore has to be achieved in order for the development to be viable and deliverable.



- At present a safe and appropriate access has not been put forward and Tesco would be very concerned if the Highways Officer was suggesting that an unsafe access should be accepted simply because an outline planning permission has been granted.
- Full details of access have to be acceptable for the development to proceed.
- The proposed access is a relevant material planning consideration and should conform to the relevant highway design and safety standards regardless of whether outline planning permission has been granted.
- There is a straightforward solution to the access issue which Tesco has put forward and the council should require the applicant to adopt the revised proposal and include this in their reserved matters application submission.
- Furthermore, Tesco can confirm that the current layout does not provide for their current legal access rights and should a suitable access solution not be reached this would be pursued through legal recourse.
- The council should be aware of Tesco's current right of access over the application site for servicing the Tesco store

#### **7.21 Ramblers Association - Objection**

- The plans do not appear to provide any access for residents to the adjacent public footpath LUDG6 or to the recreation ground. This is unsatisfactory.
- The layout should be revised to provide a direct pedestrian access from the site.

#### **7.22 Salisbury & Wilton Swifts – Comment**

- We believe all new developments should provide habitat opportunities for those species, such as swifts, who prefer, or can adapt to the built environment.
- We would like to raise awareness of how easy it is to make provision for swifts, particularly in new builds and renovations.
- This is particularly important with the net gain for biodiversity expectations emerging within local governments. We have experienced volunteers who are willing to offering swift advice and practical help wherever they can.
- We would not support the statement at para 6.29 of the Planning Statement that because the site is mostly hardstanding it is not a suitable ecological habitat as this is missing the very important point that some species prefer, or can adapt to, built-up environments.
- The recently revised natural environment planning guidance (National Planning Practice Guidance (PPG)), by central government, places a greater emphasis on the way development can enhance biodiversity and the environment – that ‘net gain’ should encompass both biodiversity net gain and wider environmental net gain.
- Species provisions are highlighted in paragraph: 023 Reference ID:8023-20190721 of the PPG: *"Relatively small features can often achieve important benefits for wildlife, such as incorporating ‘swift bricks’ and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat."*
- Provision of integral swift bricks in this application would comply with CP50 to protect and enhance biodiversity and meet the requirements of the National Planning Policy Framework para. 170 (d), that *‘Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on biodiversity and providing net gains in biodiversity....’* By conditioning swift bricks in this new development the actual buildings themselves will provide a habitat that previously didn't exist thereby contributing towards a net gain in biodiversity.
- Integral bricks have several advantages over nesting boxes as once installed the bricks are discrete, maintenance free and last the lifetime of the building.

- There is evidence that house sparrows (red-listed) prefer to use swift bricks as opposed to sparrow bricks or terraces, which swifts cannot use, and they are also used by blue tits and great tits.
- Therefore specifying swift bricks is a cost-effective way of helping more than one species.
- Swifts will readily use swift bricks and they are very easy to include into routine building practices resulting in an inexpensive biodiversity enhancer with the nesting site confined within the brick with no access to the roof space.
- Swift nests do not suffer from accumulation of bird lime, as happens with martins and swallows, because the birds catch their food and defecate on the wing away from their nests.
- Should Wiltshire Council approve this application we recommend the Council follows the 1 nest brick per dwelling guidance and conditions the installation of 27 integral swift nest bricks in this development in clusters of 2 or 3 preferably in the north, east and west gable ends or close under the eaves of those buildings with clear flight access. The gable ends of the flats provide an ideal site for several small clusters.

## 7. 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.

### 8.1 Principle:

As is identified above, the site is situated within the main built-up parameters of Ludgershall, which is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). WCS policy CP2 (Delivery Strategy) confirms that in such a location there is a presumption in favour of sustainable development. WCS policy CP26 (Tidworth Community Area) further confirms that in this community area there is a need for approximately 1,920 new homes by 2026 and the strategy for delivery is that approximately 1,750 of those will be provided in Tidworth and Ludgershall. The principle of new dwellings on this plot within the defined built-up area of Ludgershall is therefore accepted.

The extant Outline permission (considered under ref: 15/04689/OUT) also established the principle of the site's development with 25 houses (including the retention of the existing bungalow). Whilst all matters were previously reserved for the Reserved Matters Stage, in considering and approving the previous application the Council had to be satisfied that the site could accommodate 25 units; that the access was suitable for such a type and quantum of development; and that the scheme could be designed to adequately mitigate any concerns in terms of any impacts for surrounding amenity, ecological/landscape impact and flooding. This previous permission is therefore a material consideration for the current scheme which is now proposing 27 units (an additional 2 units) on the same site utilising the same access point as the previously agreed scheme.

#### Loss of Employment Land:

Whilst the site was formerly in employment use, the extant Outline permission also effectively established the principle of its loss and redevelopment for housing. It was previously confirmed that the site was not strategically allocated employment land; and that Ludgershall has such a specific employment site to the west of the town, intended to meet the settlement's current and future needs. In addition, it was considered that

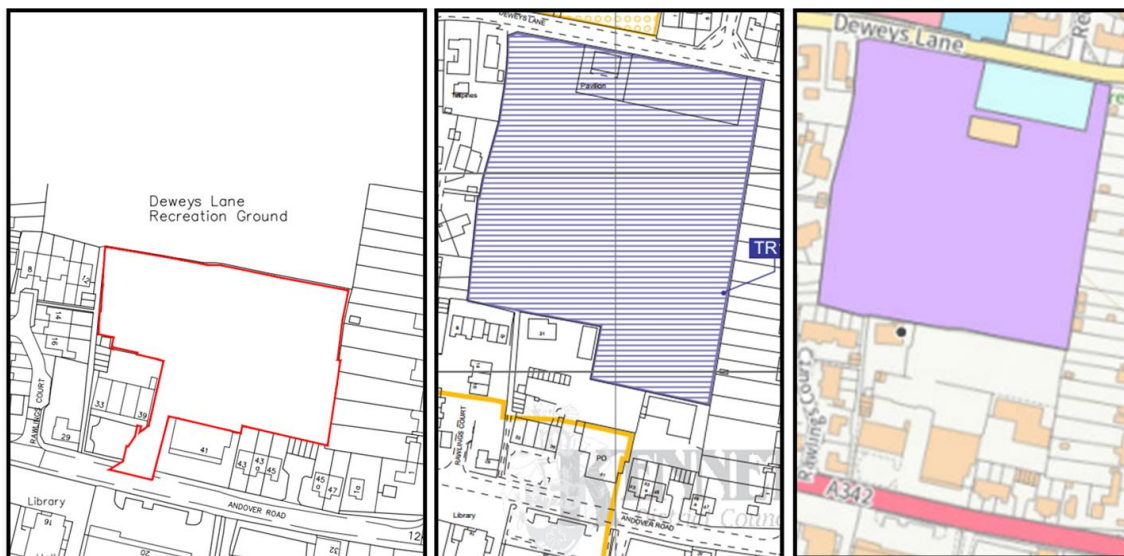
the land is not ideally sited given its relationship to adjoining residential properties and that the site access is shared with a number of other commercial properties where there is already a large number of vehicular and pedestrian movements. Given these conclusions and the extant permission, it is not considered that this matter needs to be reassessed for the current scheme against WCS policy CP35 (Existing Employment Sites). The loss of employment land also therefore continues to be accepted.

Loss of Public Open Space:

As has been identified above, the saved KLP policy TR17 allocates Dewey's Lane Recreation Ground as an Outdoor Recreation Site and the loss of existing sports field is resisted by both national and local policy. This policy designation is shown on the adopted Proposals Map supporting the KLP, to extend into the northeastern corner of the site (as shown in PLAN F below) and therefore the redevelopment of this site would appear to represent a loss of playing fields, contrary to this saved policy.

However, it is clear from a site visit that the northeastern corner of the site is currently hard surfaced and has formed part of the former coaching business for some time. A mature Leylandii hedge physically separates that part of the site from the adjacent recreation ground to the north and there is no evidence that the site has ever actually formed part of the adjacent recreation ground or its sports pitches.

The Council's Public Open Space Team has also confirmed that the emerging draft Wiltshire Open Space Assessment will be replacing the saved district council policies and allocations as part of the Local Plan Review. As part of that assessment, the open space maps have been updated in consultation with the town and parish councils in order to ensure accuracy. It is confirmed that there were some mapping inaccuracies in the previous district maps, and it is believed that the extent of the Dewey's Lane Recreation Ground TR17 allocation was one such inaccuracy as, as can be seen in PLAN G below, this north-eastern part of the site is no longer shown to be part of the recreation ground in the emerging strategy.



**PLAN E – Current Site**

**PLAN F – TR17 Designation**

**PLAN G – Emerging Open Space Review Designation**

It is therefore considered that the proposals will not therefore result in the loss of any actual playing fields and are thus also acceptable in terms of the provisions of saved KLP policy TR17.

This 'principle' acceptability is, however, subject to the detail in terms of the current scheme's differences to the extant scheme; and its potential implications for the character of the area; neighbouring amenities; highway safety; ecological value; and flooding and drainage. These matters will therefore be considered in more detail below.

## **8.2 Character & Design:**

The current site was formerly in a mixed commercial and residential use. It is situated adjacent to a recreation ground as well as a small parade of shops/local service centre. Otherwise, it is surrounded by other residential properties and their associated amenities. The area therefore has a fairly urban, mixed-use character as befitting its central location in the middle of the market town of Ludgershall. The site has also remained vacant since 2018 and is deteriorating, becoming scruffier and attracting anti-social behaviour, thus currently contributing little to the area.

This proposal involves the redevelopment of the site with 27 residential units, which have been reduced from 28 during the course of the application. The units are all to be provided in 2 storey massing in a mix of detached, semi detached and terraced properties. The design of the units is not particularly innovative or groundbreaking, but the new dwellings are of functional design and a variety of building materials and brick work detail has been incorporated to add interest to the various street scenes.

A total of 6 affordable housing units are identified on the site which are pepper potted throughout the site and are indistinguishable from the market houses in terms of their design and amenity. As will be discussed in more detail below, it is however envisaged that this scheme will come forward as a 100% affordable housing scheme which will meet a current housing need in the area.

The majority of the scheme is to be provided as housing with 4 flats proposed adjacent to the frontage retail units. Gardens are to range from 8-11 metres in length and are to predominantly back onto the peripheral site boundaries thus resulting in a relatively inward facing development and soft buffer between the proposed housing and surrounding uses. Whilst some of the gardens are fairly small, the overall plot sizes are considered to be commensurate with the size of other plots/gardens in the immediate vicinity – such as the properties in Rawlings Court – and the density/grain shown is appropriate for such a town centre location. The site is also situated to the rear of the existing service centre and is thus, effectively a backland site with little relationship or prominence in the public street scene.

Local concern has been raised about the development turning its back on the recreation ground and adjacent public footpath. However, these boundaries are already well defined, and the Town Council has insisted that no direct access be encouraged onto the recreation ground from the site. The public footpath is easily accessible from the site however as it starts in front of the adjacent parade of shops and thus access to the recreation ground is easily achievable from the site despite there not being a direct access point. The site is also very sustainable given its location adjacent to a well-used local service centre and bus stops. This matter is not therefore considered to justify a reason for refusal.

A number of amended plans and layout iterations have been negotiated throughout the assessment of the scheme, which have addressed both concerns of the Council's Urban Designer and the Crime Prevention Design Advisor. The proposals are now considered to create a safe and well-designed form of development for this site, which will make effective use of land and bring it back into a useable state. Whilst this scheme involves slightly more units than the extant permission (which involved 24

units and retention of the existing bungalow), it is considered that the proposals can be adequately accommodated on the site and will be in keeping with the general form, types and density of development that is found elsewhere in the vicinity of the site. The scheme is therefore considered to represent an acceptable redevelopment of the site that, like the previously approved scheme, will continue to fit more harmoniously into the area than the previous coach depot and car repair uses.

#### **8.5 Neighbouring Amenities:**

As has been identified above, the proposal generally involves a layout that uses back gardens to buffer between the proposed housing and the surrounding uses. The houses generally look inwards and given the level of separation created by gardens and defined boundary treatment it is not considered that the proposals will result in any significant implications for existing residential amenities in terms of overlooking or loss of light. Internally the site layout has also been carefully managed to ensure that there will be no unacceptable inter overlooking or loss of light between the new the properties either.

##### Construction:

Much local concern has been raised about noise, disturbance, dust and traffic that will be generated during the construction phase of this backland site. However, the Planning System accepts that there is a certain amount of disturbance caused by any construction work and thus this matter cannot therefore be used to justify a refusal of the scheme. Given the backland nature of the proposals, it is however considered necessary to restrict hours of construction to more sociable hours. A condition will be imposed accordingly. The Highway Authority and Public Protection Teams have also requested conditions be imposed on any permission regarding management of the construction phase. Together it is considered that these restrictions will minimise the inconvenience and disturbance caused during construction for existing residents, as much as possible.

##### Noise:

As has been identified above, the site is situated behind a parade of shops and a Tesco Express. Both sides of the local centre have rear plant, flues and air conditioning units positioned on rear walls serving the retail units and takeaways. There is also an offsite substation positioned adjacent to the south-western corner of the site. The Council's Public Protection Team originally objected to the proposals on this basis as it is considered that the residents in Plots 1, 2, 3, 8, 9 and the flats will be particularly susceptible to the noise generated from these adjacent commercial uses. However, the applicants have submitted a noise assessment and additional acoustic information has been submitted during the course of the application. This has confirmed that the potential harm for the new residents in terms of noise can be adequately mitigated by the use of mechanical ventilation and acoustic wall features along some of the boundaries. The internal layout and design of the flats has also been amended so that only non habitable room windows now face onto the Tesco site.

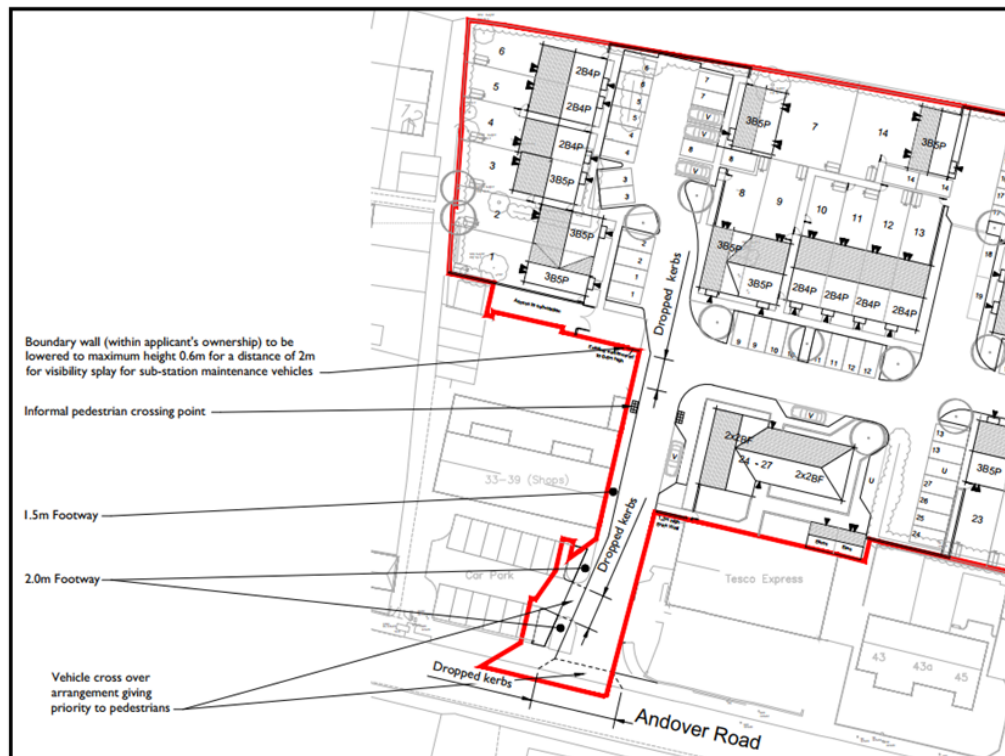
It must also be remembered that an extant permission for a total of 25 houses already exists on this site and whilst only granted in Outline, the previous indicative layout showed a similar layout and thus relationship with the southern retail uses. It is also noted that the applicant is a housing association who will likely be building out the scheme and will have long term management responsibilities over the site, units and the amenities of their future tenants. On that basis, and subject to conditions limiting how windows open on the most affected units, the Council's Public Protection Officer has now withdrawn their objection in this regard.

## 8.6 Highway Safety:

As has been identified above, the site is to be served by the existing access from Andover Road to the south, which is shared with the parade of shops and Tesco's; and is fed from a track between the two existing blocks of retail units. This matter has created the most concern for local residents and the Town Council and has resulted in many changes to the access arrangements proposed during the course of the application.

However, again it must be remembered that there is an extant permission on this site for the provision of 25 units. It has been suggested that as this was in Outline it is not an important consideration but in granting Outline permission, the Local Planning Authority and Highway Authority must have been satisfied that the 25 units could be safely accessed by car, deliveries/refuse trucks and pedestrians and that the other users of this access track and local service centre could be adequately accommodated, otherwise the Outline application would have been refused. The fact that Outline permission was therefore granted therefore means that it was considered that 25 units could be adequately accessed. In addition, whilst issues were raised about the submitted indicative layout/site plan by consultees, no conditions were imposed on the decision to confirm that the layout plan was not agreed or should be changed to address any particular concerns or that the access was not appropriate. There is therefore no indication on the Outline decision that the indicative layout was not accepted or had to be altered by any subsequent reserved scheme and that layout could therefore come forward at the reserved matter stage.

It should also be remembered that the last and lawful use of the site was as a Coach business with coach park, car repair business and residential bungalow. All of which previously used this access onto Andover Road and shared the access track between the frontage retail units. These uses could be reinstated without any further planning permission being required and this rear site could be used to park coaches at any point. It is with these two potential fall-back positions in mind that the current scheme must therefore be assessed.



**PLAN H – Proposed Access Arrangements**



As can be seen in PLAN H above, changes have been identified to the existing site access. New pedestrian priority crossings are identified on the access with Andover Road and the western side of the local centre parking area; a new footpath is proposed along the western side of the access feeding the site from Andover Road; and informal pedestrian crossing points have been identified within the site. The area adjacent Tesco Express is off site and is still available for deliveries. A swept path analysis plan has also been submitted demonstrating how delivery vehicles can continue to access the Tesco site and how refuse vehicles can access and turn within the application site.

The Highway Authority is satisfied that the access arrangements identified are now acceptable and will safely serve the 27 units. Tesco's have raised doubt about how this will work and consider that there will be a potential conflict with their current delivery arrangements and the increased pedestrian use of this area. However, the creation of a dedicated footpath is an improvement in this regard. In addition, the Tesco side of the retail centre already benefits from a second access onto Andover Road and alternative delivery arrangements could therefore be made to reduce any potential conflict with other users. Indeed, the Tesco's letter of objection has highlighted a possible alternative solution and tracking details have been submitted to demonstrate that alternative access arrangements across the front of the store are possible. It is also possible that Tesco could change their processes so that smaller delivery vehicles are used to service this site, as they do with many other Tesco Express sites across the County on much tighter sites than this. However, as this all involves the operational needs of a business that is not the applicant or under the control of the applicant/this application; and involves land that is outside of the 'site' or control of the applicant, it is not possible or appropriate for the delivery arrangements for Tesco to be controlled by conditions on *this* permission.

The fact remains that an extant permission already exists for this access to serve 25 residential units; and/or a coach business and parking area. It is not considered that the provision of an additional 2 dwellings on this site will create any significantly different or unacceptable implications for all users of this access. The Highway Authority is satisfied that there are workable solutions available to the adjacent retailer/s and that is sufficient to be sure that the access arrangements to this site are acceptable.

The level of on-site parking identified in the layout (50 dedicated spaces plus 9 visitor spaces to serve the 27 units) is also considered to be appropriate and meets the Council's adopted parking standards. The Highway Authority is also satisfied that the site can be well serviced by refuse and emergency vehicles despite the road not being adopted. The Highway Authority has therefore raised no objection to the scheme and the third party objections to the scheme in this regard cannot therefore be upheld.

#### **8.7 Ecology:**

Ecological surveys have been undertaken at the site which have identified that the existing bungalow has a bat roost and thus a European Protected Species Licence will be required before demolition can occur. Further survey work and an ecological mitigation plan has also been submitted during the course of the application, which proposes the installation of 7 integrated bat boxes across the layout; 6 integrated swift boxes; 5 hedgehog gaps in fences; and additional hedgerow planting around the site. This will ensure that any impact for protected species will be adequately mitigated, but in line with WCS policy CP50 (Biodiversity and Geodiversity), additional biodiversity enhancement will also be secured as part of this scheme. The local Swift Group has requested that every house be fitted with a swift box, however the Government's intention for a minimum 10% biodiversity net gain requirement is not as yet in force

and the adopted WCS policy does not currently specify a minimum requirement. The level of mitigation and enhancement identified, including 6 swift boxes instead of the 27 requested by the local group, is therefore considered to be acceptable in line with current policy. The Council's Ecologist has raised no objection to the proposals on this basis accordingly.

Salisbury Plain SPA:

As is identified above, this application site lies within the 6.4km recreational zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan, the application is screened into appropriate assessment due to the potential impact of recreational pressure on stone curlew in-combination with other plans and projects.

The qualifying features for Salisbury Plain SPA are non-breeding hen harrier and breeding populations Eurasian hobby, common quail and stone-curlew. Conservation objectives for the SPA and supplementary advice for implementing them have been published by Natural England (NE). Development coming forward under the Wiltshire Core Strategy is only anticipated to impact one of these species, the stone-curlew. This is a ground nesting bird species which research shows is particularly sensitive to disturbance by people and people with dogs. The unique character of the Plain attracts many visitors and a recent study has demonstrated 75% of these live within 6.4 km. Within this zone housing allocations from the Core Strategy, Housing Site Allocations Plan, Army Basing Programme and Neighbourhood Plans have the potential to lead to significant effects through their combined recreational pressure.

The Council's housing plans are mitigated through a project funded by the Community Infrastructure Levy (CIL) which records where stone-curlews breed and works with farm managers to maximise breeding success. The project was agreed with Natural England in 2012 and reviewed in 2018. In July 2021 Natural England confirmed that they continue to support the project as it continues to provide an effective, timely and reliable means of mitigating any additional effects arising from new residential development.

The Council can therefore conclude that this development will have no adverse effect on the integrity on the conservation objectives of the SPA.

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

In addition, whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations. The Solent water environment is one of the most important for wildlife in the United Kingdom and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas.

Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites

are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development. Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area. Nutrients are generated by the new people in the housing (nutrients enter the water environment via wastewater discharges), and from their activities and pets. Nutrients can move to designated sites by streams, rivers or through the groundwater. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and this land use change is considered within the Appropriate Assessment (AA).

In line with Natural England's Advice on Nutrient Neutrality, a calculation of the nitrogen burdens has been completed by the applicant for the proposal and approved by Wiltshire Council. This has confirmed that a nitrogen burden of 86.34 kg/N/yr will result from this proposal; and that 2.5 hectares of mitigation land is required to ensure there are no adverse effects on the integrity of the Solent protected sites.

Natural England has advised that permanent land use change by converting agricultural land with higher nitrogen loading to alternative uses with lower nitrogen loading, such as for local communities/wildlife etc, is one way of neutralising nutrient burdens from development. A Council led strategic mitigation scheme is available to help development in Wiltshire achieve nitrogen neutrality. The Council has permanently removed a dairy farm (a high nitrogen input use) on Council land located at Roundbarrow Farm near Pitton, east of Salisbury and will convert the land to a (low nitrogen input) nature reserve. The proposal for the long-term management of the land is to restore the land to chalk grassland, lowland meadow with some areas of natural regeneration and woodland planting for ecological connectivity. The farm is within the River Test catchment, near a tributary of the River Dunn which drains into the River Test. A hydrogeological assessment has been undertaken of the farmland to assess its suitability as mitigation for development in Wiltshire. Based on groundwater contribution, a reduction in nutrient contributions could be realised in the River Test in less than a year following the cessation of the site as a dairy farm. Natural England's Nitrogen Neutrality advice includes evidence of nitrogen leaching rate for dairy farms within the Solent catchment at 36.2 kg/TN/ha. Nature Reserves have a nitrogen leaching rate of 5 kg/N/yr. The applicant has agreed to use the Council led scheme to achieve nitrogen neutrality. The mitigation site has capacity for both existing planned developments and anticipated local plan growth in the River Test catchment.

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality for this development, which equates to a total contribution of £215,850. As will be discussed below, this will be secured by the S106 that is to be completed for this development before the decision is issued with the contributions being secured prior to occupation. Securing contributions in this way enables the Council as Local Planning Authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") (as amended) and WCS policy CP50 (Biodiversity and Geodiversity). It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. The Council is therefore able to conclude that there would be no adverse effect on the integrity of the above European sites as a result of this development. NE has agreed this approach and the Council's AA for this site and the recommendation is made on this basis.

## **8.8 Flooding & Drainage:**

As is identified above, the site is situated in Flood Zone 1 and is under 1 hectare in size. It is however in an area that is at relatively high risk of Ground Water Flooding. The application is therefore accompanied by a site specific Flood Risk Assessment (FRA) and a Sequential Test has been undertaken. A Drainage Strategy has also been submitted during the course of the application.

These conclude that there are no other suitable sites that would be appropriate for the intended use and given the fact that this is previously developed land; the site also benefits from an extant permission to redevelop it with a total of 25 units; and given it is in a sustainable town centre location that is surrounded by other residential units, it is considered that the proposals are acceptable in this regard. The Environment Agency, Wessex Water and the Lead Local Flood Authority (Council's Drainage Team) has raised no objections to the proposals accordingly.

## **8.9 CIL & S106:**

As of May 2015, the Council adopted its Community Infrastructure Levy (CIL). Any scheme involving a net gain in the number of dwellings in the area, could therefore be subject to CIL. An informative is attached to the recommendation to highlight this to the applicant accordingly.

In addition, any successful scheme involving a net gain of 10 houses or more houses on this site is also subject to S106 contributions and onsite provisions in line with various policies in the adopted Wiltshire Core Strategy, including CP3 (Infrastructure Requirements); CP43 (Providing Affordable Housing); and saved KLP policies HC34 and HC37, in order to mitigate the direct impact of the specific development on surrounding facilities/services. Those that are relevant in this instance are discussed below but confirm that as well as providing at least 6 units of affordable housing and the £215,850 to ensure nutrient neutrality, the scheme will also secure contributions totalling £51,819.78 towards off site community infrastructure and benefits. This recommendation is therefore made subject to the S106 being completed before the decision is issued.

### *Affordable Housing:*

The proposals identify a total of 6 (22%) affordable housing units at the site which is lower than the 30% required by WCS policy CP43 (Providing Affordable Housing). However as the site already benefits from a number of vacant buildings, the floor area of these buildings are taken into account in the calculation and are off set against this policy requirement, a process called Vacant Building Credit. This therefore amounts to a requirement for 6 units on this site in order to meet policy.

As however has also been identified above, the applicant is a Housing Association who has identified an intention to build out this site as a 100% affordable housing scheme. There are no adopted policies that suggest that the provision of Affordable Houses should be restricted or that the 30% requirement is a maximum provision. It is also entirely up to the applicant should they wish to provide a greater provision of affordable units than is required by the policy.

The Council's Housing Team welcomes the provision of 100% of the units as affordable units and it has confirmed that the proposals, whether as a 100% or policy compliant scheme, would assist in addressing an identified need for affordable housing in Ludgershall where there is a high level of demand for Affordable Housing. The tenure mix should reflect this local need and should therefore be secured in a mix of 60% of the units (4 or 16 units) being for Affordable Rented Housing, and 40% of the units (2 or 11 units) being provided for shared ownership. The S106 will therefore be

written to secure this tenure requirement and will allow for both scenarios – i.e.. Both a policy compliant level of affordable housing and a 100% scheme. Subject to this, the Council's Housing Team have raised no objection to the proposals accordingly.

Education Provision:

Saved KLP policy HC37 requires onsite provision or contributions from schemes of 25 houses or more towards additional educational provision for early years, primary and secondary levels. However, in this instance the Education Authority has confirmed that there is no need for any education contributions from this site as the existing schools/early year provision in Ludgershall and the local area already have adequate provision. No contributions will therefore be secured from this development in this regard.

Public Open Space:

Saved KLP policy HC34 requires provision to be made for public open space from any scheme of 20 or more units. In this instance the Council's Public Open Space Team has confirmed that this scheme will generate a need for offsite contributions totalling £49,271.78 as follows:

- £9,264.26 towards public open space improvements
- £28,926.72 towards children's play space; and
- £11,080.80 towards ports and leisure provision

It is confirmed that all three contributions will be used to improve the facilities at the adjacent Dewey's Lane Recreation Ground and will thus directly benefit the future occupants of this site. These contributions will be secured by the S106.

Waste Management:

The on-site waste infrastructure required by this proposal is the provision of waste and recycling containers for each residential unit proposed. This equates to a contribution of £2,548. This will also be secured by the S106.

**9. CONCLUSION:**

The site is situated within the defined settlement boundary of the sustainable market town of Ludgershall. It also benefits from an extant permission for its redevelopment with an additional 24 units (25 in total) and has a lawful use as a commercial coach business and car repair garage. It is considered that the current scheme will represent an effective use of a brown field site; will bring a redundant, currently deteriorating site back into use; will provide much needed affordable housing to the area; and the design, layout and benefits that will be secured from this scheme will all represent a significantly better and improved scheme to the extant permission. It is also considered that any issues in relation to highway safety; neighbouring amenities; ecology; and flooding can all be adequately addressed by condition or S106 contributions and thus the scheme is recommended for permission accordingly.

**10. RECOMMENDATION:**

Permission subject to Conditions and S106 to secure affordable housing and contributions towards off site infrastructure.

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

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

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

Application Form & Certificate

Ref: LP.01 Rev B – Location Plan. Received – 25.03.2022  
Ref: DP.01 Rev B – Demolitions Plan. Received – 25.03.2022  
Ref: SL.01 Rev R – Site Layout. Received – 01.08.2023  
Ref: CSL.01 Rev R – Coloured Site Layout. Received – 01.08.2023  
Ref: SE.01 Rev N – Street Elevations. Received – 01.08.2023  
Ref: CSE.01 Rev N – Coloured Street Elevations. Received – 01.08.2023  
Ref: RP.01 Rev N – Roof Plan. Received – 01.08.2023  
Ref: 7280.214 Ref F – Proposed Access Arrangements Shared Space. Received – 04.05.2023  
Ref: P.1-2\_8-9.e Rev C – Plots 1-2 and 8-9 (HT.3B5P) Elevations. Received – 04.05.2023  
Ref: P.1-2\_8-9.p Rev C – Plots 1-2 and 8-9 (HT.3B5P) Floor Plans. Received 0-04.05.2023  
Ref: P.3-4.e Rev B – Plots 3-4 Elevations. Received – 25.03.2022  
Ref: P.3-4.p Rev B – Plot 3-4 Plans. Received – 25.03.2022  
Ref: HT.2B4P(2blk).e Rev C – Plots 5-6 House Type 2B4P (2 block) Elevations. Received – 25.03.2023  
Ref: HT.2B4P(2blk).p Rev C – Plots 5-6 House Type 2B4P (2 block) Plans. Received – 25.03.2023  
Ref: HT.3B5P.e Rev A – Plots 7 & 14 House Type 3B5P Elevations. Received – 25.03.2023  
Ref: HT.3B5P.p Rev A – Plots 7 & 14 House Type 3B5P Floor Plans. Received – 25.03.2022  
Ref: HT.2B4P(4blk).e Rev D – Plots 10-13 House Type 2B4P (4 block) Elevations. Received – 04.05.2023  
Ref: HT.2B4P(4blk).p Rev C – Plots 10-13 House Type 2B4P (4 block) Plans. Received – 04.05.2023  
Ref: HT.2B4P(3blk).e Rev D – Plots 15-17, 18-20 House Type 2B4P (3 block) Elevations. Received – 14.12.2022  
Ref: HT.2B4P(3blk).p Rev D – Plots 15-17, 18-20 House Type 2B4P (3 block) Plans. Received – 15.12.2022  
Ref: HT.3B5P(3blk).e Rev B – Plots 21-23 House Type 3B5P (3 Block) Elevations. Received – 14.12.2022  
Ref: HT.3B5P(3blk).p Rev B – Plots 21-23 House Type 3B5P (3 block) Floor Plans. Received – 14.12.2022  
Ref: P.24-27.e Rev B – Plots 24-27 (2B Flats) Elevations. Received – 01.08.2023  
Ref: P.24-27.p1 Rev B – Plots 24-27 (2B flats) Floor Plans Sheet 1 of 2. Received -0 01.08.2023  
Ref: P.24-27.p2 Rev B – Plots 24-27 (2B Flats) Floor Plans Sheet 2 of 2. Received – 01.08.2023  
Ref: BCS.01.pe Rev E – Bin & Cycle Storage Plan and Elevations. Received – 04.05.2023  
Ref: SH.01.pe Rev B – Timber Shed Plans & Elevations. Received – 25.03.2022  
Ref: DML.01 Rev N – Dwelling Materials Layout. Received – 01.08.2023  
Ref: BML.01 Rev N – Boundary Materials Layout. Received – 01.08.2023.  
Ref: AHL.01 Rev R – Affordable Housing Layout. Received – 01.08.2023  
Ref: DREW1811106 Rev Q – Accommodation Schedule. Received – 04.05.2023  
Ref: EML.01 Rev B – Ecological Mitigation Layout. Received – 01.08.2023  
Ref: PVL.01 Rev N – Photovoltaic Panel Layout. Received – 01.08.2023  
Ref: RSL.01 Rev N – Refuse Strategy Layout. Received – 01.08.2023

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

6. No development shall commence on site (including any works of demolition), until a Demolition and Construction Management Statement (DCMS), together with a site plan, has been submitted to and approved in writing by the Local Planning Authority. The DCMS shall include the following details:

1. An introduction consisting of demolition phase environmental management plan and Construction phase environmental management plan, definitions and abbreviations and project description and location;
2. A description of the intended demolition programme;
3. A named person and telephone number for residents and the Local Planning Authority to contact during the construction phase;
4. The intended dust and noise mitigation during demolition and construction phases;
5. the intended parking of vehicles of site operatives, visitors and deliveries;
6. loading, unloading and storage of plant, equipment and materials;
7. storage of plant and materials used in constructing the development;
8. The location and use of generators and temporary site accommodation
9. The cutting or other processing of building materials on site;
10. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
11. wheel washing and vehicle wash down facilities;
12. measures to control the emission of dust and dirt during construction;
13. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
14. measures for the protection of the natural environment.
15. hours of construction, including deliveries;
16. Measures to protect pedestrians visiting the shops and food store to the front of the site
17. a photographic pre-condition highway survey of the highway. Within 6 months of the completion of the development hereby approved, any damage that has occurred to the highway shall be restored to its former condition in accordance with the pre condition survey

The development shall be carried out in strict accordance with the approved DCMS at all times throughout the construction period .

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include the following details:
  1. Routing plan
  2. Traffic Management Plan (including signage drawing(s))
  3. Number (daily/weekly) and size of delivery vehicles.
  4. Number of staff vehicle movements.
  5. Details of temporary/permanent Traffic Regulation Orders
  6. Phases plan

The development shall be carried out in strict accordance with the approved Construction Method Statement throughout the construction period.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required



to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8. Notwithstanding the approved plans, no development shall commence on site until a new access arrangement plan has been submitted to and approved in writing by the Local Planning Authority, to show rumble strips on the internal access track into the site. None of the dwellings or development hereby approved shall be first occupied, until access into the development has been laid out and constructed in accordance with the agreed details.

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

9. None of the dwellings or development hereby approved shall be first occupied until the 1.5 metre wide footway on the western side of the access road, as shown on Plan Ref: 7280.214 Ref F – Proposed Access Arrangements Shared Space, has been laid out and provided in accordance with the approved details. The pathway shall be maintained and kept available for this use for the lifetime of the development.

REASON: In the interests of providing a safe access to the development

10. None of the dwellings or development hereby approved shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the southern elevation of Plots 1, 3, 7, 14 and 17 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

12. Notwithstanding the submitted Drainage Strategy, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details throughout the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

13. The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located; and to meet the demands of climate change.

14. None of the dwellings or development hereby permitted shall be first occupied until the bat mitigation and ecological enhancement measures set out in the submitted Phase 1 and 2 Bat Surveys; the Bat Emergence/Re-entry Surveys and Mitigation Report; and as identified on Plan Ref: EML.01 Rev B – Ecological Mitigation Layout have been installed in accordance with the agreed details. The approved mitigation measures shall be maintained and retained on site for the lifetime of the development.

REASON: To ensure the protection of Protected Species and to enhance the biodiversity of the site

15. The dwelling hereby approved on Plot 1 shall not be first occupied until the 1.8 metre high wall has been erected along the full southern boundary of this plot in accordance with the details identified on Plan Ref: BLM.01 Rev N – Boundary Material Layout; and to a specification as identified in section 9.2 of Acoustic Consultants Ltd Noise Impact Assessment Reference 10121/SF dated 15.03.2023. The wall shall be maintained and retained thereafter for the lifetime of the development.

REASON: In the interests of the residential amenities of the occupants of Plot 1 to reduce the impact of noise

16. Before the dwelling hereby approved on Plot 1 is first occupied, the 1st floor landing window on the southern elevation shall be permanently fixed shut and shall be retained as such for the life time of the development.

REASON: In the interests of the residential amenities of the occupants of Plot 1 to reduce the impact of noise.

17. No construction shall commence on the dwellings on plots 1, 2, 3, 8 and/or 9 until details of a scheme for protecting the future residents from external commercial/industrial noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the mitigation measures identified in section 9 of Acoustic Consultants Ltd Noise Impact Assessment Reference 10121/SF dated 15.03.2023. The approved scheme shall also demonstrate, that to minimise funnelling of noise into the room but to enable ventilation, the first floor dual pane bedroom windows to plots 1 and 2 shall have one fixed pane and the other pane nearest the noise source shall be operable. The scheme shall also include full details of the intended mechanical ventilation system that will be provided to plots 1 and 2, including attenuators, required to meet the internal noise level target for noise from the

system itself and external noise of 20dB LAeq as detailed in Acoustic Consultants Ltd letter dated 03.01.2024. the development shall be constructed in accordance with the agreed scheme prior to the first occupation of the dwellings hereby approved. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The approved measures shall thereafter be permanently retained for the lifetime of the development.

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

18. The internal floor plan layout of plots 24-27 shall be constructed to ensure that no windows to habitable rooms are positioned on the southern elevation facing Tesco Express.

REASON: In the interests of the residential amenities of the occupants of Plots 24-27 to reduce the impact of noise.

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

REASON: in the interests of the residential amenities of the area

20. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and the Ultra Low Energy Vehicle Infrastructure should be retained and maintained in accordance with the manufacturer's details for the life time of the development

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to reduce the impact of the development on the area's air quality and to mitigate emission levels in order to protect public health, environmental quality and amenity.

21. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination shall be dealt with and mitigated has been submitted to and approved in writing by the Local Planning Authority. the development shall recontinue in accordance with the approved details.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

## INFORMATIVES

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).
- 2) A European Protected Species Licence (EPSL) is required as the buildings on site are currently used as bat roosts. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.
- 3) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
- 4) Please note that a short-form S278 agreement or vehicle cross-over licence will be required to undertake the access work on the public highway. The applicant is advised to contact Highways Development Control for further advice on this matter. With regard to this application anything outside of the red lining (including the Tesco store) is not included in the development.
- 5) Please note that the Council's Waste Management Team will only operate on private land where an indemnity is signed by the landowner. The Council will also require an indemnity to operate on any roads prior to their adoption.
- 6) Please note that no surface water drainage system should be installed in areas of potential mobile contamination.
- 7) It is advised that you follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination. Please refer to our Guiding principles for land contamination for

the type of information that is required in order to assess risks to controlled waters from the site. Please consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. Please also refer to the contaminated land pages on gov.uk for more information

- 8) Please note that the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

You should therefore ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

- 9) You are advised to refer to the position statement on the Definition of Waste: Development Industry Code of Practice and the waste management page on GOV.Uk

- 10) Please note that contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

You should therefore ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

- 11) Please note that if the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, you will need to register with the Environment Agency as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.