

AGENDA

Meeting: Strategic Planning Committee

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

Date: Wednesday 22 February 2023

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.hunt@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

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

Substitutes:

Cllr Helen Belcher OBE
Cllr Richard Britton
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry

Cllr Andrew Oliver
Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Bridget Wayman
Cllr Graham Wright

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Public Participation

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

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 42*)

To approve and sign as a correct record the minutes of the meeting held on 11 January 2023.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 15 February 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 17 February 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** *(Pages 43 - 44)*

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **18/10035/OUT - Land South of Church Lane, Upper Studley, Trowbridge (H2.4)** *(Pages 45 - 100)*

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

7b **20/09659/FUL - Land off Frome Road, Upper Studley, Trowbridge (H2.5)** *(Pages 101 - 158)*

Erection of 50 dwellings and associated access and landscaping works.

7c **20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge, Wilts (H2.6)** *(Pages 159 - 240)*

Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.

7d **PL/2022/01367 - Land off St George's Road, Semington, Melksham** *(Pages 241 - 258)*

Residential development of 18 Dwellings with associated works including vehicular access and parking.

8 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be

taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

None

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Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 JANUARY 2023 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Bridget Wayman (Substitute)

Also Present:

Cllr Tony Jackson

1 **Apologies**

Apologies for absence were received from:

- Councillor Ernie Clark
- Councillor James Sheppard, who was substituted by Councillor Bridget Wayman

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 November 2022 were presented for consideration and it was,

Resolved

To approve and sign the minutes as a true and correct record.

Note: Councillor Adrian Foster highlighted that he had requested several meetings ago that the Committee receive a briefing, training session or update on the 5 year Housing Land Supply (HLS) and the strategy for Wiltshire Council to address the shortfall and reach the required figure. This had not yet taken place. Councillor Foster stated he had received communications from the Cabinet Member for Development Management and Strategic Planning which said there was not a strategy in place.

Nic Thomas, Chief Planning Officer explained that officers were aware of the request and a briefing or training session would be held. This would be aligned with a policy update on the National Planning Policy Framework (NPPF). It was explained that the 5 year HLS was a challenging issue which many council's were wrestling with. There was a strategy in place regarding the 5 year HLS and officers were working very hard behind the scenes to carry out work to

bring forward the new Local Plan which was key to addressing the 5 year HLS issue.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Chairman's Announcements**

The Chairman announced that there would be an organised site visit for the Committee in February 2023. The visit would allow the Committee to view 3 applications located south of Trowbridge, which were all allocated in the Wiltshire Housing Site Allocations Plan (WHSAP). The applications were 18/10035/OUT, 20/09659/FUL and 20/00379/OUT. It was hoped that these applications would all be ready to be considered at the February meeting. Further details would be circulated to Members when available.

5 **Public Participation**

The procedures for public participation were detailed and noted.

6 **Planning Appeals and Updates**

The Chairman highlighted the appeal detailed in the agenda which was underway and was taking place by way of written representations. The appeal related to application 21/01950/FUL.

Councillor Elizabeth Threlfall, the division Member for the application, stated that although the applicant had appealed in February after the Committee's decision, she and the parish of Great Somerford had not been advised of the appeal until November. This gave them little time to read the 800 pages related to the appeal and to respond by the deadline, which was unsatisfactory. Andrew Guest, Head of Development Management confirmed that we could reflect that back to the Planning Inspectorate.

Officers also confirmed that there had been no response yet regarding the Westbury Incinerator hearing.

A member of the public, Francis Moreland, had registered to speak on the appeals update. Mr Moreland highlighted application PL/2021/04774 - Land off Coate Road, Devizes, which had been refused planning permission by the Committee in November and was now going to appeal. He stated that there had been a long run of decisions where applications on greenfield windfall sites were refused, which then went on to appeal and this raised issues about the costs incurred by the council following these decisions. Mr Moreland questioned the rationale of doing this and whether if the proposed changes to the National Planning Policy Framework (NPPF) were implemented whether this would make a difference to Wiltshire Council case officer recommendations on the tilted balance.

The Chairman thanked Mr Moreland for his comments and stated that the Committee had discussed many of the points raised with officers previously. He stated that in his view the Committee had a very good rationale behind refusals that they made.

It was requested that Andrew Guest, Head of Development Management should email the Committee and Mr Moreland on the points raised. Nic Thomas, Chief Planning Officer also stated that how land was allocated could be included in the training session for Members when it took place.

Councillor Christopher Newbury queried whether the draft changes to the NPPF to remove the buffer on the 5 year HLS was positive and whether it would encourage the Council to meet the figure. He also questioned whether enough resources were available for officers to work on this issue and requested that this be looked at. Nic Thomas stated that an answer would be provided in due course.

7 **Planning Applications**

The following planning applications were considered.

8 **PL/2021/06519 - Purdys Farm, Wood Lane, Braydon, Swindon, Wilts, SN5 0AH**

Public Participation

Mr Simon Rushton (agent) spoke in support of the application.

Cllr Melanie Allsop of Lydiard Millicent Parish Council spoke in objection to the application.

Andrew Guest, Head of Development Management, presented a report which recommended that planning permission be granted with conditions for application PL/2021/06519, Purdys Farm, Wood Lane, Braydon, Swindon, Wilts, SN5 0AH for a change of use of land to provide an extension to an existing Gypsy / Traveller site.

Key details were stated to include the following, the principle of development; impact on the character, appearance, visual amenity and openness of the locality; impact on residential amenity; impact on Ecology/County wildlife site, impact on drainage/flooding and impact on Highways safety.

Attention was drawn to the late representation from Edward Rawlings which had been circulated to the Committee. All the points raised in the representation were covered in the officer report or in the presentation.

The officer explained that the application would provide an extension to an existing Gypsy / Traveller site, with the addition of 5 more pitches. Slides were shown to the Committee (published in supplement 1) detailing the site and the plans. There was reasonable visibility at the access to the site; there was woodland to the rear and hedgerows to the front and there would be open space on either side of the new pitches. Each pitch would consist of a mobile

home, a touring caravan and a day room. Additionally, there would be car parking, a turning area, a sewage treatment plant and a children's play area.

In March 2022 the Council published a new Gypsy and Traveller Accommodation Assessment (GTAA) which covered the need for pitches up to 2038. There was a need for 120 new pitches which met the definition in the Planning Policy for traveller Sites (PPTS), 61 for those that did not meet the definition and a further 18 for households which could not be determined.

A Gypsy and Traveller Development Plan was being developed, as part of the new Local Plan, but it was not ready yet. Under planning policy applications should be assessed in accordance with a presumption in favour of development.

Details were given on Wiltshire Council Strategy (WCS) Core Policy 47 and the criteria that were used to assess sites as detailed in the agenda. In this case there was a demonstrable need and the criteria were met, hence the recommendation for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the definition of a caravan. It was explained that under the definition a caravan could be a mobile home, park home and touring caravan. They were all mobile.

Members also queried the need described in the GTAA, which would only equate to about 10 pitches a year. It was clarified that planning appeal decisions meant that the council was under delivering on what was required at present so there was a need.

In response to further questions, it was explained that the planning permission went with the land, so if the families occupying the pitches moved on, another Gypsy or Traveller family could move in. It was also confirmed that stables had their own stand-alone planning permission and the site was a Gypsy / Traveller site not an equestrian site.

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

The unitary division member, Councillor Steve Bucknell, spoke in objection to the application. His main points covered that the application conflicted with several core policies such as CP 1, 2, 19, 50 and 60. He felt that it also did not comply with criteria i, ii, iii, v, vi and viii within CP 47. He therefore urged the Committee to refuse the application.

In response to public statements the officer stated that none of the consultee responses objected to the application, as any issues were covered by conditions. Apart from the Highways officer, however they had noted that they would leave the decision to the case officer and did not have an objection to parking or access. The national policy for traveller sites stated that sites in rural areas should respect scale and not put undue pressure on infrastructure, the

application met those requirements so that could not be a reason for refusal. Drainage and sewage were covered by the conditions.

The Chairman proposed a motion to grant planning permission, with conditions as per the officer's recommendation. This was seconded by Councillor Tony Trotman.

A debate followed where the Chairman stated that he had led on the GTAA for North Wiltshire prior to the council becoming unitary and they had woefully underdelivered on pitches then, as the council was now. He understood the division Member and Parish Councils views but highlighted that the site was exceptionally tidy and that what was proposed in policy (such as the site being near local schools and health facilities), was not always what Travellers wanted or needed.

Concerns were raised regarding nearby applications which had been refused. Councillor Trotman highlighted that there were different policies applied to Gypsy and Traveller sites so they could not be compared to other developments.

Other issues discussed included that the criteria were conditioned for, that there were adequate services within a certain distance, it was already a pitched site that the family had been living on for many years without problems, the acreage was adequate for 5 pitches, that it was a very neat and tidy site and that there had been a lack of provision for pitches over the years and that this was something the council needed to get to grips with.

Further clarification was sought regarding whether Gypsy / Traveller sites had to be within 3 miles of amenities. The officer confirmed that there was currently no such policy regarding sustainable development.

Concerns were raised regarding the stable block, whether it had planning permission and where horses, if there were any, would be grazed if permission was given. The officer confirmed that the history of the stable was not known but that was not relevant to the proposal before the Committee, was lawful development and that there were other paddocks that any horses could be grazed on.

Further concerns were raised regarding the ecological buffer described by the agent in their statement and shown by the blue line on page 6 of the agenda supplement. The officer confirmed that the site being considered was within the red line, so further development could not take place outside of that without a further application. Members discussed making the ecological buffer a condition or informative if approval was granted.

The Chairman proposed an amendment to his motion to grant planning permission with conditions as per the officer recommendation, to add an informative that the land contained within the blue line on the plan on page 6 of the agenda supplement should be an ecological buffer. This amendment was

accepted by the seconder of the motion Councillor Tony Trotman. This therefore became the substantive motion.

The Committee voted on the motion, and it was,

Resolved:

To grant permission subject to the following conditions:

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

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

2. **The development hereby permitted shall be carried out in accordance with the following approved plans: dwg no.FL21-SLP (location plan) & dwg no.21033/01A (proposed site plan) [Received by the LPA on the 16th of November 2021]**

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

3. **The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.**

REASON: The site is in an area where residential development other than accommodation for Gypsy and Travellers is not normally permitted and the development must therefore be defined for use as a Gypsy and Traveller site only.

4. **No development above ground floor slab level shall commence on site until details and samples of the materials to be used for the external walls and roofs of the new day rooms have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained with those materials in perpetuity thereafter.**

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.

5. 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:-
 - all hard and soft surfacing materials;
 - 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.

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.

6. 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.

7. 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site.

REASON: To safeguard the character and appearance of the area.

8. 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 gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

9. There shall be no more than 5 commercial vehicles kept at the application site (one commercial vehicle for each of the 5 pitches), and they shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

10. Except for the keeping of commercial vehicles as defined in condition 9, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

11. There shall be no more than 5 pitches on the site hereby approved and on each pitch there shall be no more than 2 caravans stationed at any time, of which only 1 caravan shall be a mobile home/static caravan (caravan(s) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968).

REASON: To comply with the terms of the application and safeguard interests of visual and residential amenity in accordance Core Policy 57 of the Wiltshire Core Strategy.

12. The development hereby permitted shall not be occupied until details of the proposed domestic waste storage and collection arrangement have been submitted to and approved in writing by the Local Planning Authority.

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

13. No waste shall be burnt on the site at any time.

REASON: In the interests of the amenities of the area.

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

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

- 15. No external lighting shall be installed/erected on site unless details of the lighting scheme/location are submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

REASON: To minimise light pollution and in the interests of the amenities of the area.

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

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

- 17. 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 together with permeability test results to BRE365, and demonstrating at least 1.0m from the bottom of the proposed soakaways to the highest point of the groundwater variance, 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: To ensure that the development can be adequately drained

- 18. No development shall commence on site until a scheme for the discharge of foul water from the site, including all necessary consents from the sewerage undertaker as required, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**

REASON: To ensure that the development can be adequately drained

- 19.** Prior to first occupation of the development hereby approved the entrance gates at the site access adjacent to the public highway shall be set back 7 metres from the edge of the carriageway, and permanently retained as such thereafter.

REASON: In the interests of highway safety.

20. INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

21. INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

22. INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

23. INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

24. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we

can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

25. INFORMATIVE TO APPLICANT:

The applicant is reminded that the 'blue-edged' areas of land shown on the Site Location Plan (no. PL21-SLP) lie outside the 'red-edged' approved development area, and so do not benefit in any way from this planning permission. As set out in the Preliminary Ecological Appraisal & Impact Assessment by Co-ecology which accompanies the planning application, the blue-edged areas are to remain permanent un-developed 'buffers', separating the approved development area from Webbs Wood ASNW/LWS to the south and Oaklands LWS to the north. It follows that the blue-edged areas should not be used for any other purpose other than as buffers; (with use for any other purpose – including, for example, open storage – likely to require further planning permission in any event).

The applicant is also reminded of the 'Mitigation' and 'Biodiversity Gain' recommendations set out in the Preliminary Ecological Appraisal & Impact Assessment at paragraphs 6.3 to 6.9 – in particular, those relating to mitigation for great crested newts and the related requirement for a separate Mitigation Licence from Natural England.

The Chairman called for a short 10 minute recess, prior to commencement of the next agenda item.

9 15/04736/OUT - Land south east of Trowbridge

The Committee reconvened at 12.15pm.

Public Participation

Anne Henshaw, Chairman of the Wiltshire CPRE spoke in objection to the application

Francis Moreland spoke in objection to the application.

Chris Minors of Persimmons spoke in support of the application.

Andrew Guest, Head of Development Management presented a report which recommended that the Strategic Planning Committee continued to authorise the Head of Development Management to either grant planning permission, with conditions, subject to S106 legal agreements being entered into, or to refuse

permission if the S106 legal agreements were not completed by 30 September 2023.

Attention was drawn to late representations from Ken McCall, Co-ordinator for the Campaign for a Better Trowbridge, which had been circulated to the Committee. The officer would deal with the issues raised within his presentation.

It was explained that this application was back before the Committee as the latest deadline for the S106 legal agreement was approaching (on 31 January 2023). Whilst the S106 was progressing very well, there was work still to do, which it was not thought possible to complete prior to the deadline. Therefore, an extension to the deadline to complete the legal agreements was being sought.

The applicants had also requested an extension until 30 September 2023, due to the changing market conditions which they felt affected the viability of the project.

The officer highlighted that if the Committee refused the application, this would likely result in an appeal, resulting in considerable costs to the council.

The Chairman highlighted that this application had first been considered in April 2018, where delegation to grant permission was given, subject to successful completion of S106 legal agreements, and it had been back to the Committee at various points since then for extensions to the deadline to complete the agreements. It was now back before the Committee again due to commercial constraints. The Chairman was anxious that the Committee ask as many questions as possible in order to get the decision right. He was keen that the application should not come before the Committee again.

Members of the committee then had the opportunity to ask technical questions of the officer.

Members questioned the difference that 8 months would make to the economic environment and the rationale behind that argument.

Members also queried what affect the delay would have on the Housing Infrastructure Fund (HIF). The officer stated that the answer to that was not known, if the HIF fell away it would not be make or break for the applicant in terms of viability. If the economy was in a better place, then the proposal should be viable. However, from a Wiltshire Council point of view it would be unfortunate if HIF funding (approximately £8.5 million) was lost. The deadline for the HIF funding was the end of March 2023 and discussions were ongoing as to whether the deadline for that would be extended.

Nic Thomas, Chief Planning Officer explained that the 8 month extension was to allow the applicant to negotiate with the land owners. So, it was not to say that the economy would be recovered in 8 months. The applicant had also stated that they would progress the first phase of the reserved matters application

during that period, so time would not be lost. It was explained that it was unusual for planning committees to grant permission to applications of this type and then impose a timescale on completion of the S106 legal agreements. These were usually open ended and could go on for many years. The deadline had been imposed originally for good reasons, in order to progress the 5 year Housing Land Supply (HLS) which the development was crucial to. If the application was refused there would be significant consequences regarding the 5 year HLS and the Local Plan.

Members queried whether resources / staff shortages had contributed to the delays with the S106 and could do so again going forward. Mr Guest stated that it was possible they had.

Sarah Hickey, Wiltshire Council Solicitor gave clarification on the capacity within the legal team. Her understanding was that the S106 may already be with the council's external solicitors, therefore there was capacity to move it forwards. There were matters of process which had to be followed and took time, and issues with signing the agreement, which involved many different landowners, some of whom lived offshore.

Several statements or questions were raised which needed to be addressed by the applicant rather than officers. The Chairman requested that the applicant make a note of these and address them in their public speaking slot.

Members queried the logic of having their hands tied by the lack of a 5 year housing land supply when there were possible changes to the legislation afoot. Officers explained that it was critical to get a Local Plan adopted to help address the 5 year HLS and that the government proposal was just that. It was not known if or when any changes would come into effect.

Members also asked if the percentage of social housing on the site could be increased if they were to consider an extension. It had previously been reduced to make the proposal more viable. Officers explained that this was not recommended. Any changes would delay the whole process and require renegotiation.

Members queried whether it would be possible to extend the deadline for the S106, but only to March 2023, or to extend it co-terminus with the expiry of the HIF agreement, in case the expiry for that was extended. Officers highlighted that the request from the applicant was to extend until September 2023 and if that was changed, they may not have enough time to renegotiate land option agreements with landowners. Officers felt that changing the deadline would not affect what happened with the HIF. Officers also felt that to extend co-terminus with the expiry of the HIF was inadvisable, as this would tie the date to a deadline we were not in control of.

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

Objectors raised concerns with the developers requesting a longer extension due to the market conditions as it was not thought these would improve enough within the timescale to make any difference. Other issues raised included the previous reduction in affordable housing; concerns that other deliverables such as highways improvements and schools may also be reduced or fall by the wayside; issues with the Wiltshire Core Strategy and the failure to demonstrate a 5 year HLS; that there had already been plenty of time to complete the S106; that this seemed like a developer led process and that any further extension should not exceed 3 months.

Chris Minors of Persimmon spoke in support of the application and responded to points raised by the Members. It was explained that there were two aspects, timing and viability. Irrespective of financial conditions more time was still required to complete the agreements, which it would not be possible to do by the end of January deadline. There were a large number of landowners involved, the agreement required wet ink signatures and some of the landowners resided overseas. Their solicitors would need to examine the agreement prior to signing so this would take time.

Persimmon were progressing a separate agreement with the Wiltshire Wildlife Trust (WWT) regarding the bat habitat and bringing forward mitigation to last in perpetuity. They were also working concurrently on the first phase of the reserve matters application, so the timings for the whole project would not be affected by an extension to the S106 agreement deadline to September 2023.

The affordable housing level had been 30% which after undertaking a detailed viability assessment was determined as unviable, hence the reduction to 20%. The scheme carried a significant infrastructure burden, which they were committed to delivering. The company needed to balance profits, costs and a reasonable return to the landowner, which was a planning consideration in the NPPF.

Persimmon hoped that the financial climate would improve, and inflation was already starting to settle. This would bring more certainty and help the debate with landowners.

Persimmon were asking for the extension to September 2023 as they were sure they could complete by then. If the extension was to the end of March 2023, they could potentially finish the S106 and WWT agreement. However, they did not think that this would give them enough time to discuss matters with the landowners. Regarding the HIF, they had been meeting with various Wiltshire Council officers to explore ways in which the funding could remain secured for the council and they would do what they could to help with that.

Councillor Philip Whitehead, at the discretion of the Chairman, due to Councillor Whitehead's previous role as Leader of the Council and his knowledge of the application, spoke regarding the item. Whilst Councillor Whitehead gave his support to the application, he was very concerned about extending the S106 deadline to September 2023. By the applicant's own admission, the S106 was progressing well. He felt that the council were being asked to consider the

financial position and concerns of the applicant which was not the councils problem. He felt that the economy was stabilising, and viability was not an issue, but rather the issue was a short-term cash flow problem for Persimmon, which again was their problem. Excerpts from comments made by the Chief Executive of Persimmon were read out, which highlighted how well the company were performing.

Cllr Whitehead also highlighted the HIF expiry date. He felt that the Committee should extend the S106 deadline but only until the end of March 2023 and if the application had to come back to the Committee at that point, the applicants should have a better argument for extending the deadline to complete the agreements.

The Chairman opened the debate with a proposal which was the officer recommendation as detailed in the agenda, but with the completion date for the S106 agreements changed to 31 March 2023. This was seconded by Councillor Pip Ridout.

During debate several Members questioned the reasons for the extension given by Persimmon regarding the financial climate and viability as they did not feel that the argument was sensible. If it was not viable now, it was unlikely to be viable by September. It was felt that the homes would sell, and the developer was used to the cyclical nature of the housing market.

Most Members had concerns regarding the HIF and losing the circa £8.5 million if the S106 was not agreed by the March expiry date for the HIF. Members also expressed unease as they felt beholden to the developers due to the shortfall in the 5 year HLS. They also felt they should not be swayed by the possible costs of an appeal.

Others felt that there was fault on all sides and that Wiltshire Council allocating so many houses to Trowbridge and expecting these to be built quickly was unrealistic. The developer did not have a moral obligation to build houses as quickly as possible. They felt that the officer recommendation should be followed.

Most Members stated support for the Chairman's motion, feeling that it was a good compromise, as they wanted the site to go ahead, but had concerns regarding the HIF and the 5 year HLS.

Note: Councillor Sarah Gibson left the meeting at 1.40pm due to a prior commitment.

At the conclusion of the debate it was;

Resolved:

That the Strategic Planning Committee continues to authorise the Head of Development Management to

Either GRANT planning permission, this subject to the following ‘legal agreements’ being first entered into:

- 1. an obligation under Section 106 of the Town and Country Planning Act 1990 between the applicant and Wiltshire Council requiring provision of the following:**
 - **minimum 20% affordable housing provision in the first 500 units; minimum 25% affordable housing provision in the next 500 units; and minimum 30% provision in all units thereafter;**
 - **Two new primary school sites of at least 1.8 ha each. Primary education financial contribution (of £9,509,390 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) completion of two schools;**
 - **One new secondary school site of 5.24 ha. Secondary contribution (of £8,463,708 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers);**
 - **‘Early Years’ education contribution (of £3,863,313 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) or on-site provision;**
 - **Health / dental care contribution of £1,108,500 (2015 figure, to be adjusted for indexation), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;**
 - **Elements of open space (equipping/phasing/maintenance contributions/etc.);**
 - **Ecological mitigation, to be set out in a Biodiversity Management Plan covering the management, mitigation, monitoring and enhancement of all habitats and species affected by the development during the pre-construction, construction and operational phases, both within the application boundary and on land owned by Wiltshire Wildlife Trust. To include –**
 - **Provision of, and/or provision of funding for, a Steering Group to oversee implementation of the Biodiversity Management Plan;**
 - **Provision of, and/or provision of funding for, visitor facility, and related land transfer arrangements;**
 - **Provision of ecology Green Infrastructure, related maintenance/long term management contributions, ecological monitoring including remedial works triggered by monitoring and related land transfer arrangements;**

- Provision of, and/or provision of funding for, full time wildlife warden, and mechanism for his/her perpetual funding;
 - Agreement that no public access will be allowed through the agricultural land identified for employment use other than to areas which have been developed for that purpose. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75% of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.
 - Financial contribution towards the cost of monitoring implementation and maintenance of mitigation, with bond or other means of security secured against non-delivery and/or non-maintenance of mitigation.
 - Provision for revision of the Green Lane and Biss Woods Management Plan to incorporate requirements arising from the Biodiversity Management Plan and the Habitats Regulations Assessment (including Appendix 2).
- Elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
 - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
 - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or in entirety, subject to the timescales set out by the HIF and LEP;
 - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50th dwelling to up to three years following occupation of the 2,450th dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;
 - Provision of travel plans for the separate land uses on the site;
 - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;

- Implementation of all made legal orders relating to highways and transport issues associated with the site;
 - ‘Contingency Plan’ for planned diversion of public footpaths NBRA9 and NBRA11;
 - Design and provide a wayfinding scheme aligned to the phasing of the development;
 - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
 - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities contribution.
2. A legal agreement between Wiltshire Wildlife Trust and Wiltshire Council to achieve implementation and maintenance of ecology mitigation measures relevant to the Trust via a revised Management Plan for Green Lane and Biss Woods covering the following:
- To provide an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein’s bats through maintenance of the structure and function of the habitats within the plan area;
 - To incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan;
 - To define the operating constraints for the ecological visitor centre and car parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein’s bats;
 - To set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed;
 - To set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter;
 - To include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein’s bat use;
 - To recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures;
 - To anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures.

Management Plan to be implemented by Wiltshire Wildlife Trust with governance of relevant elements by the Steering Group.

The agreement will also commit the Trust to employ a full time warden to implement the plan and to engage with local residents in order to enhance understanding of local ecological features with a view to reducing impacts from potentially damaging behaviours.

Or in the event that the S106 legal agreements are not now completed in accordance with the above terms by 31 March 2023, to authorise the Head of Development Management to then – in these circumstances – REFUSE planning permission for the following reason –

- 1. The planning application fails to make provision for essential infrastructure made necessary by the proposed development – namely, affordable housing, education facilities, health facilities, open spaces, ecology mitigation, highways infrastructure and waste collection facilities. With particular regard to affordable housing, the planning application fails to make adequate provision for affordable housing in accordance with adopted affordable housing policy and/or fails to offer a means of achieving compliance with adopted affordable housing policy over the lifetime of the development.**

This is contrary to Core Policy 3 ('Infrastructure Requirements') and Core Policy 43 ('Providing Affordable Housing') of the Wiltshire Core Strategy and national planning policy (paragraph 57 of the National Planning Policy Framework and 'Viability' guidance in the Planning Practice Guidance).

A planning permission will be subject to the following planning conditions –

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
 - (a) The scale of the development;**
 - (b) The layout of the development;**
 - (c) The external appearance of the development;**
 - (d) The landscaping of the development;**

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

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

- 3** An application(s) for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of fifteen years from the date of this permission.

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

- 4** The outline element of the development hereby approved shall make provision for the following:

- (i) At least 13.6 ha of land for employment purposes (Class E ('Business' only), B2 and/or B8 uses);
- (ii) Two separate sites of at least 1.8 ha each and two separate 14-class primary schools thereon, and a single serviced site of at least 5.24 ha for a secondary school;
- (iii) Two separate sites of at least 1 ha and 0.2 ha respectively for two separate 'local centres'; in combination the local centres to provide suitable premises which could include a mix of convenience shops and small other shops, community facilities, 'early learning' facilities and 'food & drink' premises (Class E), 'drinking establishments' (Class A4) and 'hot food & takeaway' uses (Class A5);
- (iv) Sites for public open space to be sited, laid-out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6.35 ha of formal sports pitches with pavilion / changing rooms / parking, at least 1.2 ha of 'destination play' area, at least 44.4 ha of major open space or country park (to include an Ecological Visitors Facility), at least 14.4 ha of natural and semi-natural open space including structural planting, and at least 0.9 ha of allotments;
- (v) An 'Ecology Visitors Facility'; and
- (vi) Up to 2,500 dwellings of which no more than 315 (including within the 'local centre') are to be provided on the north-east side of West Ashton Road.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the 'Indicative Masterplan' (drawing no. A.0223_77-01 Rev AB) dated 20/04/17 and the related parameters plans set out in the Design and Access Statement.

REASON: To ensure the creation of a sustainable and balanced urban extension, in accordance with the requirements of the Wiltshire Core Strategy and the intentions of the Design and Access Statement accompanying the planning application.

- 5 The development hereby approved shall be carried out substantially in accordance with the following approved plans:

Indicative Masterplan - A.0223_77- 01 REV: AC; Movement and Access Parameter Plan – A.0223_17-2G; Building Heights Parameter Plan – A.0223_19-1L; Green Infrastructure Parameter Plan – A.0223_16-1M; Land Use Parameter Plan – A.0223_19-1N; Design and Access Statement – A.0223_26-2N dated September 2017; 889_200 rev C Phasing Plan

REASON: To define the terms of this outline permission.

- 6 With the exception of the Yarnbrook & West Ashton Relief Road, before any other parts of the development hereby approved are commenced the following shall have been carried out:

(a) The submission to the local planning authority for approval in writing of detailed schemes for 'advance ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -

(i) a scheme for strengthening of the hedgerow alongside West Ashton Road to the south-west corner of Biss Woods with thorny planting and fencing, and provision for future maintenance;

(ii) schemes for the 100m buffer between Biss Woods and the employment land and between the employment land and the east of West Ashton Road housing land, to include landscaping with appropriate impenetrable fencing and hedge planting and provision for future maintenance in accordance with Figure 6.2 of the ES Addendum Volume 1;

(iii) a scheme for the Attenuation pond based on Figure 6.1 of the ES Addendum Volume 1, creating a barrier to pedestrian access between the Green Lane Nature Park Extension and the east of West Ashton Road residential area to include landscaping, fencing and provision for future maintenance;

(b) The implementation and completion of all of the above schemes as

approved and continuing maintenance thereafter in accordance with the maintenance elements of the schemes.

Before 150 of the dwellings on that part of the application site to the east of West Ashton Road are first occupied the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of detailed schemes for 'further ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -
- (i) A scheme for a circular pedestrian footpath route which will be at least 3km in length and link the Green Lane Nature Park with the River Biss (with minimal use of roads). The scheme will include details of the footpath - its width, surfacing materials, fencing and signposting.
 - (ii) a scheme for the laying out and equipping of the 'Biss River Corridor' and enhanced planting between Biss Woods and the River Biss and the Green Lane Nature Park Extension, to include landscaping, boundary treatments and provision for future maintenance, where relevant in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD);
- (b) The implementation and completion of all of the above schemes as approved.

REASON: To safeguard ecological interests, and specifically bats and their habitats.

- 7 The 'means of access' to the site (which for the purposes of this condition includes the entire proposed Yarnbrook & West Ashton Relief Road and its related new roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2), and the West Ashton Road Cycleway Provision) shall be constructed substantially in accordance with the following 'PFA Consulting' drawings:

- P480/100 Figure 6.5 Rev F (Yarnbrook & West Ashton Relief Road Sheet 1 of 4) dated 18/08/17
- P480/101 Figure 6.6 Rev G (Yarnbrook & West Ashton Relief Road Sheet 2 of 4) dated 18/08/17 (as amended through an email from Aspect Ecology (AB to LK) dated 2/3/18)
- P480/102 Figure 6.7 Rev F (Yarnbrook & West Ashton Relief Road Sheet 3 of 4) dated 28/07/17
- P480/103 Figure 6.8 Rev E (Yarnbrook & West Ashton Relief Road Sheet 4 of 4) dated 18/08/17

- P480/104 Rev D (Central Roundabout (R4) Access on West Ashton Road) dated 18/08/17
- P480/105 Rev E (Northern Site Accesses & Cycleway Provision) dated 08/09/17
- P480/106 Figure 6.4 Rev F (Yarnbrook & West Ashton Relief Road Overview) dated 18/08/17
- P480/107 Rev E (Northern Junctions & Cycleway Provision Overview) dated 08/09/17
- P480/108 Figure 6.9 Rev B (Typical Section H-H through Relief Road with Elevation of Culvert) dated 07/07/17
- P480/109 Rev C (West Ashton Road Northern Cycleway Improvements) dated 09/09/17
- P480/110 Figure 6.10 Rev E (Yarnbrook & West Ashton Relief Road. Possible Planting Along Existing A350) dated 18/08/17
- P480/111 Rev C (Typical Section Through Relief Road (Roundabout R1-R2)) dated 18/08/17
- P480/112 Rev F (Primary Highway Works Plan) dated 08/09/17
- P480/113 Rev C (Access Junctions Swept Paths) dated 18/08/17
- P480/26 Figure 6.11 Rev D (Yarnbrook & West Ashton Relief Road Indicative Bridge General Arrangement) dated 18/08/17
- P480/41 Figure 6.12 Rev D (Yarnbrook & West Ashton Relief Road Southern Access Bridge General Arrangement) dated 18/08/17
- P480/51 Figure 6.13 Rev A (Northern Access Bridge General Arrangement) dated 02/04/14
- P480/114 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P480/115 Rev B (Highway Long Sections Sheet 2 of 4) dated 07/07/17
- P480/116 (Highway Long Sections Sheet 3 of 4) dated 04/14
- P480/117 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P843/08 Rev A (Biss Wood Scout Camp Site Access Visibility) dated 02/01/18
- P480/118 (Yarnbrook and West Ashton Relief Road. Minor amendment to R1 to access Paddock) dated 25/01/18

The means of access shall be provided in accordance with the Phasing Plan and Order of Delivery Schedule to be submitted and approved under condition 5.

REASON: To ensure proper and timely delivery of the means of access in accordance with the agreed scheme and in the interests of highway safety.

8 With regard to the reserved matter relating to the landscaping of the site, the details to be submitted for each Phase shall be in accordance with the following documents forming part of the application:

- Green Infrastructure and Biodiversity Strategy (September 2017);

- ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;
- ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.

The details themselves shall include where relevant the following:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- a detailed planting specification for new planting 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;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The 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 and ecology features.

- 9 Notwithstanding the landscaping details submitted for the 'access' elements of the application (including the Yarnbrook / West Ashton Relief Road), no development within any Phase or sub Phase relevant to that part of the access shall commence until a scheme of soft landscaping for that part of the access has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

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

indicating lines, manholes, supports etc);

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

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

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

- 11** No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within the particular Phase, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement of the Phase or sub Phase].

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

12 Before the first occupation of 1,250 dwellings on any part of the application site (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of a scheme for the marketing of the 'Proposed Employment' land and the commercial elements of the 'Proposed Local Centres';
- (b) Implementation of the marketing scheme in accordance with the approval;
- (c) Construction and operation of the roundabout junction (R4) and at least 20m of the spur road and related services into the 'Proposed Employment' land.

REASON: To accord with the proposal and the requirements of the Wiltshire Core Strategy in that it allocates part of the application site for employment development.

13 With the exception of the 'Advance Ecology Mitigation', prior to the commencement of the development Stage 2 Road Safety Audit(s) shall be carried out for the Yarnbrook & West Ashton Relief Road and all other elements of the 'access' (either singly or in combination), and this/these shall be submitted to the local planning authority for approval in writing before any highway construction works begin. Thereafter, no development shall commence in any particular Phase or sub Phase of the development until full construction details/drawings of the means of access within that Phase or sub Phase have been submitted to and approved in writing by the local planning authority. Following approval the 'access' shall be constructed in accordance with the approved details/drawings and agreed Stage 2 Road Safety Audit(s).

REASON: In the interests of highway safety.

- 14 Notwithstanding the references in the Design and Access Statement, the development hereby approved shall make provision for vehicle parking in accordance with the Wiltshire Council Local Transport Plan 3 dated 2015. In this Strategy domestic garages will only count towards the parking provision if the minimum dimensions specified in the Strategy are achieved.

REASON: To ensure sufficient vehicle parking in the development in the interests of highway safety.

- 15 No development shall commence within any particular Phase or sub Phase of the application site until:
- (a) A written programme of archaeological investigation for the Phase, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contains 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 enable the recording of any matters of archaeological interest.

- 16 No development hereby approved (save for the construction of the Yarnbrook & West Ashton Relief Road) shall commence in any sub Phase of the development which includes land either adjacent to the railway line or adjacent to the 'green corridor' alongside the railway line until details of measures to safeguard the amenities of future occupants of the development within the sub Phase from potential noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The Development shall then be carried out in accordance with the approved details.

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

- 17 The application is supported by evidence which demonstrates that the potential for significant concentrations of contaminants to be present within the application site is low. However -
- (a) If, during any Phase or sub Phase of the development, any evidence of historic contamination or likely contamination is found,

the developer shall immediately cease work within the Phase or Sub Phase and contact the Local Planning Authority in writing to identify what additional site investigation may be necessary; and -

- (b) In the event of unexpected contamination being identified, all development within the relevant Phase or sub Phase of development shall cease until such time as an investigation has been carried out and a written report submitted to and approved in writing by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that potential land contamination is dealt with adequately in the interests of protecting the environment.

- 18 Prior to the commencement of any Phase or Sub Phase of the development which includes or affects any public rights of way within the Phase or Sub Phase, detailed schemes for the improvement of these rights of way (including widening and/or re-surfacing) and a programme for implementing the improvements shall be submitted to the local planning authority for approval in writing. Thereafter the development shall be carried out strictly in accordance with the approved improvements and the programme.

REASON: Improvements will be required to these public rights of way as a consequence of the additional use they will endure due to the development. The improvements will ensure the continued safe use and enjoyment of the footpaths by members of the public

INFORMATIVE: The Design & Access Statement indicates that parts of a number of public rights of way may be re-routed due to the development. No works directly affecting any rights of way may commence until a permanent diversion or extinguishment order has come into effect. The applicant must apply separately to Wiltshire Council for such an order, it cannot be presumed that the granting of this planning permission will automatically be followed by the making of the order. If Wiltshire Council makes an order and any objections to it cannot be resolved, the matter will be referred to the Secretary of State for determination. The Planning Inspectorate will make the determination on behalf of the Secretary of State. The LPA may agree to a temporary closure or temporary re-routing of the rights of way on the grounds of safety if necessary.

- 19 Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way NBRA9 and/or NBRA11 shall be submitted to Wiltshire Council. Following which no

residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:

- i) A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or
- ii) the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.

Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way NBRA9 and/or NBRA11.

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

INFORMATIVE: Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the White Horse and Yarnbrook railway level crossings are fully considered before a decision on the stopping up or diversion of the public rights of way NBRA9 and NBRA11 is taken by the local planning authority or Secretary of State.

- 20 No development shall take place within individual Phases or sub Phases of the development until a site specific Construction Environmental Management Plan, or Plans, (CEMP(s)) for that Phase or sub Phase, or an overarching CEMP for the entire application site, has been submitted to and approved in writing by the local planning authority. The CEMP(s) must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan(s) should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Public Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall

- be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Construction traffic routing details.
- Ecology mitigation measures to cover -
 - protection of retained habitats;
 - creation of new habitats including provision of bat boxes;
 - management and monitoring of created and retained habitats (until taken over by management company or WWT);
 - precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation;
 - monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs, habitat structure / composition of woodland in Biss and Green Lane Woods, bat use of underpasses);
 - testing and adjusting lighting, in accordance with monitoring results¹;
 - compliance procedures.
- And with particular regard to the Yarnbrook & West Ashton Relief Road the following specific ecology mitigation information -
 - Long and cross sections for each underpass based on site surveyed; measurements showing the relative positions of hedgerows, existing ground levels, earthworks and underpass;
 - The timetable of works required to complete the culvert works having regard to seasonal ecological and planting constraints;
 - The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.
 - A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new planting.

The approved CEMP(s) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the Ecological Clerk of Works certifying that the required ecology mitigation and/or compensation measures identified in the CEMP(s) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for

approval within 3 months of the date of substantial completion of the development or at the end of the first planting season following this, whichever is the sooner. Any approved remedial works shall then be carried out under the strict supervision of a professional ecologist following that approval.

REASON: In the interests of the amenities of surrounding occupiers and of wildlife during the construction of the development.

- 21 A Landscape and Ecological Management Plan (LEMP), or individual Plans, (LEMPs) for the 'River Biss Corridor', the '100m buffer' between Biss Woods and the employment land, the 'Green Lane Nature Park Extension', the 'Attenuation pond ... creating barrier to pedestrian access', other barriers to control access to Biss Woods, dark corridors through the mixed use development, and the Yarnbrook & West Ashton Relief Road shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the relevant element of the development to which the LEMP or LEMPS applies. The content of the LEMP(s) shall include the following information:
- a) Description and evaluation of features to be managed;
 - b) Landscape and ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures;
 - i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The LEMP(s) shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP(s) are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP(s) shall be implemented in full in accordance with the approved details.

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

mitigation and compensation for protected species.

- 22 No development in any particular Phase or sub Phase of the development or associated with the Yarnbrook and West Ashton Relief Road in isolation shall commence on site until a scheme for the discharge of surface water from the Phase or sub Phase or from the Relief Road in isolation, incorporating sustainable drainage details, and any related programme for delivery, has been submitted to and approved in writing by the Local Planning Authority. The development within the Phase shall not be first occupied and/or the Relief Road shall not be first used by non-construction traffic until surface water drainage has been constructed in accordance with the approved scheme(s) and related programme(s).**

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 any phase in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 23 No development shall commence on site (save for the construction of the Yarnbrook & West Ashton Relief Road) until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer and any off-site works, and any related programme for delivery have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved details have been implemented in accordance with the approved plans and related programme.**

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 24 There shall be no surface water drainage connection from this development to the foul water system.**

REASON: To safeguard the integrity of the foul water system.

- 25 No external lighting (other than normal domestic lighting) shall be installed on site within each Phase or sub Phase until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication Guidance Notes for the Reduction of Obtrusive Light (ILE, 2005) (or any standards updating or replacing these standards), for that Phase have been submitted to and approved in writing by the Local Planning Authority.**

Where lighting is proposed in ecologically sensitive areas (such as the

'dark corridors' for bats) the lighting details and related scheme shall ensure minimum impact on the ecological interests of these areas and accord with:

- 'Interim Guidance Recommendations to help minimise the impact of Artificial Lighting' (Bat Conservation Trust 03/06/14);
- ES Addendum Volume 1 Figures 6.4, 6.18 and 6.19 showing principles of lighting design;
- Lighting of the Yarnbrook & West Ashton Relief Road to be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall then be installed.

In addition there will be no lighting above or beneath bridges except at B3 where lighting will be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.

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

- 26 With the exception of the Yarnbrook and West Ashton Relief Road, no development shall commence in any particular Phase or sub Phase of the development hereby approved until a scheme for the provision of fire hydrants to serve the Phase or sub Phase and any related programme for delivery has been submitted to and approved in writing by the local planning authority. Thereafter no dwelling shall be occupied within the Phase or sub Phase until the fire hydrant serving the dwelling has been installed as approved.

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

- 27 Notwithstanding the information set out in the Waste Management Strategy (May 2015) accompanying the planning application, a further more detailed waste management strategy or strategies shall be submitted to the local planning authority for approval in writing prior to commencement of the development. The more detailed strategy or strategies will add detail to the initial Waste Management Strategy, specifying in particular where and how construction waste (notably the waste material excavated from the site to enable construction works) will be, in the first place, re-used on site (including estimates of quantities to be re-used and where); and, in the second place, removed from the site (including quantities, end disposal locations and transportation routes thereto). Additionally, the detailed strategy or strategies will provide a 'plan' for the management of other waste arising from civil and building construction, including measures to minimise such waste generation in the first place and to re-cycle wherever possible. The development shall

be carried out strictly in accordance with the original Waste Management Strategy (May 2015) and the subsequent approved and complementary more detailed waste management strategy or strategies.

REASON: The original Waste Management Strategy contains insufficient detail to enable waste management to be agreed at this stage. The requirement for a more detailed waste management strategy arises from Wiltshire Council's Waste Core Strategy Policy 6 (Waste Reduction and Auditing), and in particular its requirement to demonstrate the steps to be taken to dispose of unavoidable waste in an environmentally acceptable manner and proposals for the transport of waste created during the development process.

INFORMATIVE: The reason for allowing the potential for more the one waste management strategy is in the event of the Yarnbrook and West Ashton Relief Road requiring a standalone strategy for the management of its waste.

- 28 Prior to commencement of the development hereby approved a strategic level scheme for the provision of ultra low energy vehicle infrastructure (electric vehicle charging points) and a programme for delivery shall be submitted to the local planning authority for approval in writing. The approved scheme shall inform the subsequent reserved matters applications, and shall be implemented as approved and in accordance with the programme.

REASON: In the interests of air quality and reducing vehicular traffic to the development.

INFORMATIVE: It is recommended that the ultra low energy vehicle infrastructure should be provided at appropriate publicly accessible locations such as the local centres but not for individual residential dwellings.

- 29 Prior to the commencement of each Phase or sub Phase of the development or commencement of the Yarnbrook and West Ashton Relief Road hereby approved, a scheme or schemes of ecology enhancement measures as identified in the Environmental Statement Addendum Volume 1, to include (as appropriate) designs, locations, numbers and sizes of each measure and a programme for their delivery, for each Phase or sub Phase or the Yarnbrook and West Ashton Relief Road shall be submitted to the local planning authority for approval in writing. The scheme or schemes shall be implemented as approved in accordance with the programme and maintained thereafter.

REASON: In the interests of safeguarding other ecological interests.

- 32 The residential development hereby approved in outline form shall be designed to ensure that the new housing does not exceed 110 litres per person per day water consumption level (which includes external

water usage). Within 3 months of each phase being brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

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

- 33 With the exception of the Yarnbrook and West Ashton Relief Road, no development hereby approved shall commence until a scheme setting out a strategy for the control / removal of Himalayan balsam has been submitted to and approved in writing by the local planning authority. The scheme shall include a programme for the implementation of the strategy. The strategy shall be implemented in accordance with the approved scheme and programme.

REASON: In the interests of ecology and to ensure compliance with the Wildlife & Countryside Act 1981 (as amended).

34 **INFORMATIVE TO APPLICANT:**

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.

10 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.50 pm)

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

Press enquiries to Communications, direct line 01225 713114 or email
communications@wiltshire.gov.uk

**Wiltshire Council
Strategic Planning Committee
22nd February 2023**

Planning Appeals Received between 30/12/2022 and 10/02/2023 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2021/04774	Land off Coate Road, Devizes	Bishops Cannings/ Devizes	Residential development (up to 200 dwellings), a local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis) with a GIA limit of 1,000 sqm of which no more than 725 sqm (GIA) shall be used for retail (Class E(a)). No single retail (Class E(a)) unit shall comprise of more than 325 sqm (GIA)). Associated works, infrastructure, ancillary facilities, open space and landscaping.' Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road.	SPC	Inquiry	Approve with Conditions	06/01/2023	Yes

There are No Planning Appeals Decided between 30/12/2022 and 10/02/2023 relating to Decisions made at Strategic Committee.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

2. Report Summary

The main planning issues are considered to be:

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

3. Site Description

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

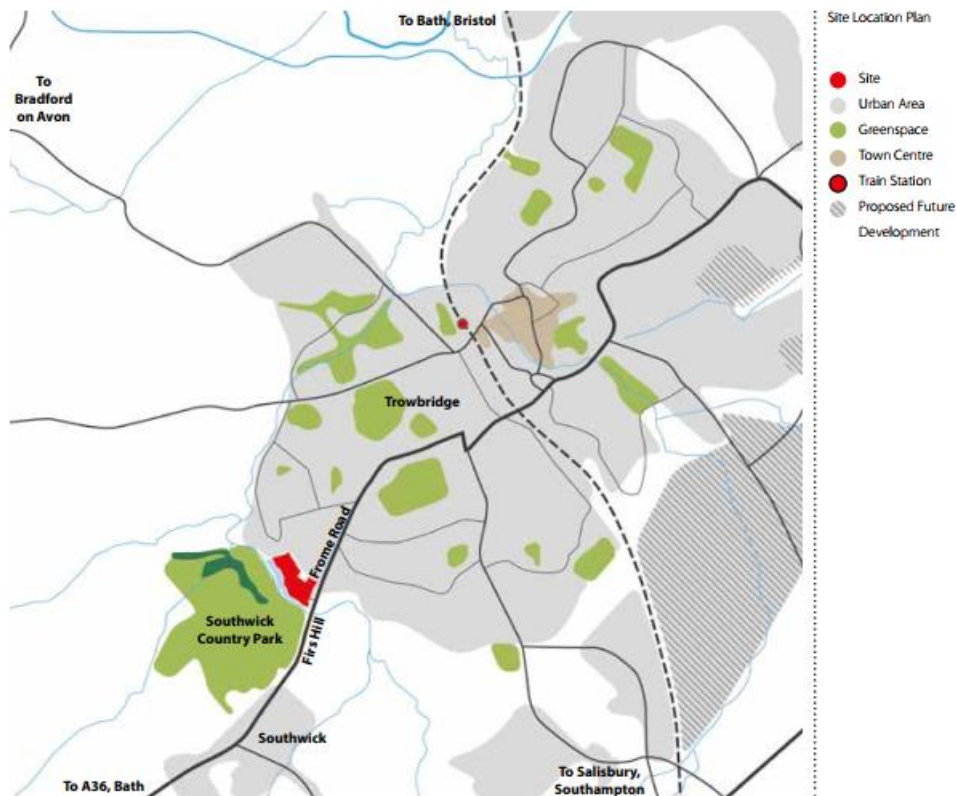


Figure 1 Site Location

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

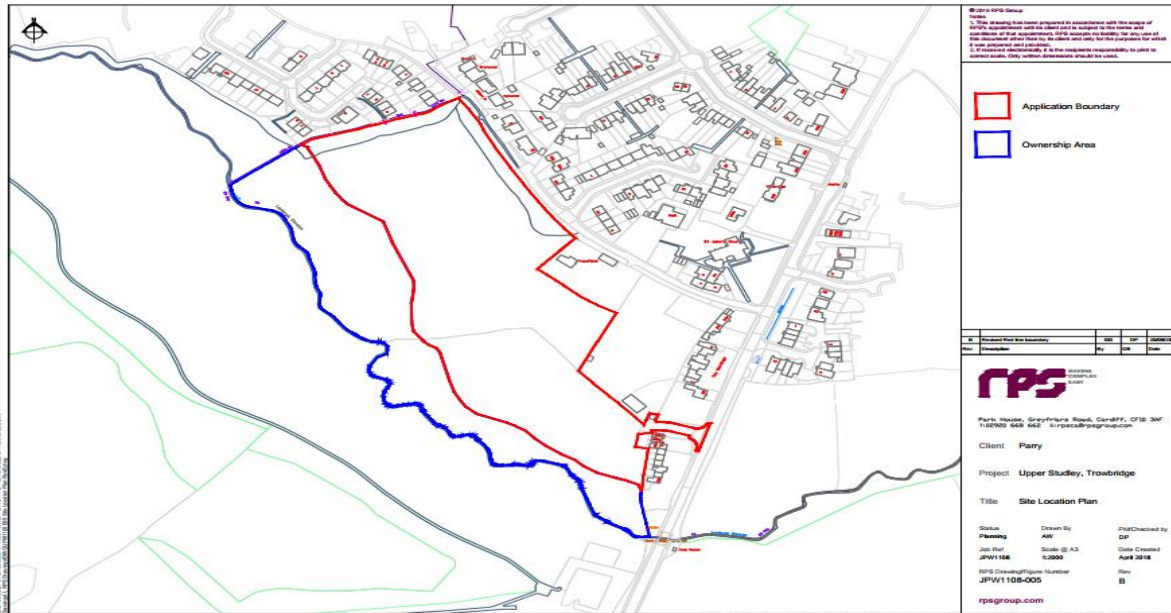


Figure 2 Application Site Location Plan

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

Heritage assets proximate to the application site include:

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

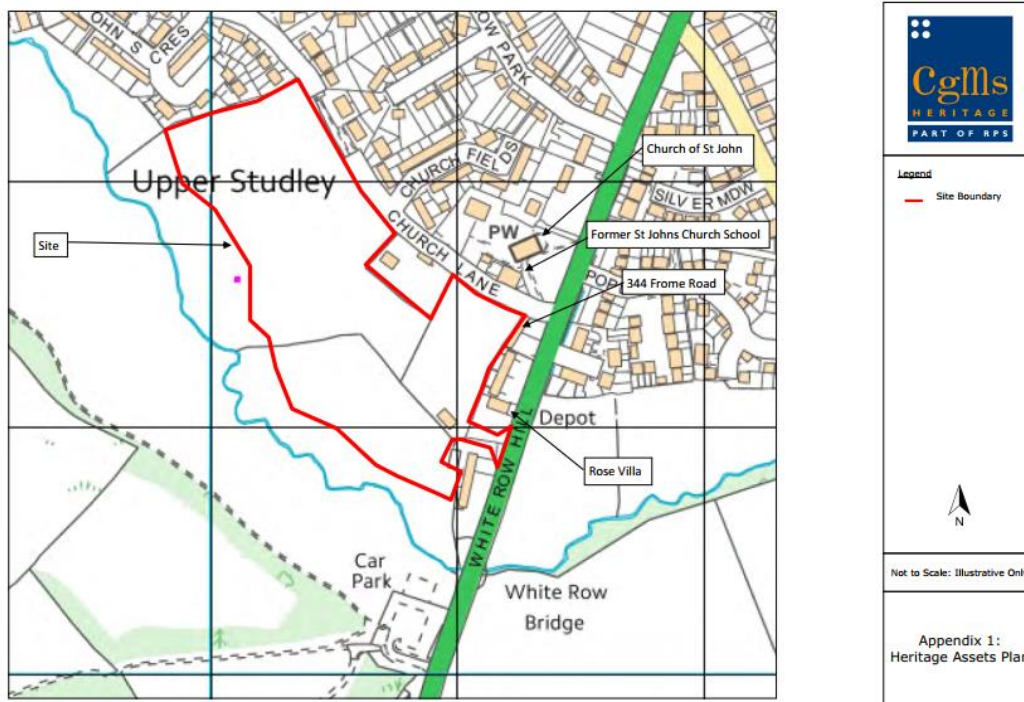


Figure 3 Heritage Assets

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

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

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

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

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

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

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

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

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

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

4. Planning History of Application site

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

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

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

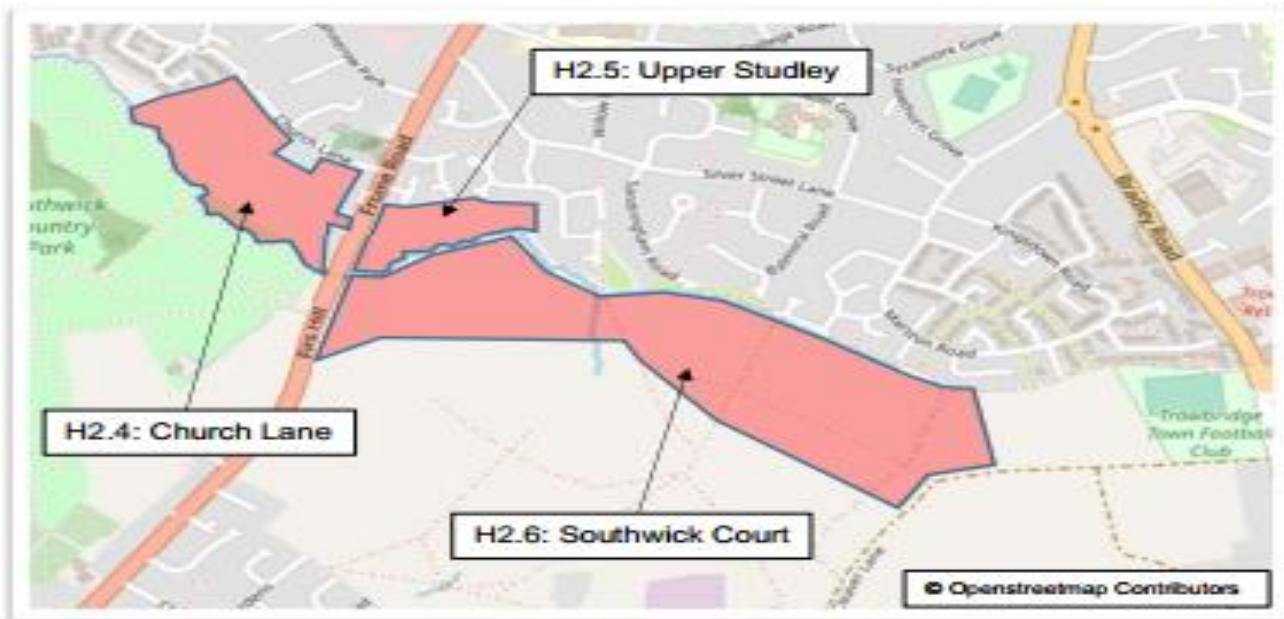


Figure 4 Related WHSAP allocated sites

5. The Application

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

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

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

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



Figure 5 Parameters Plan

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

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

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

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

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

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

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

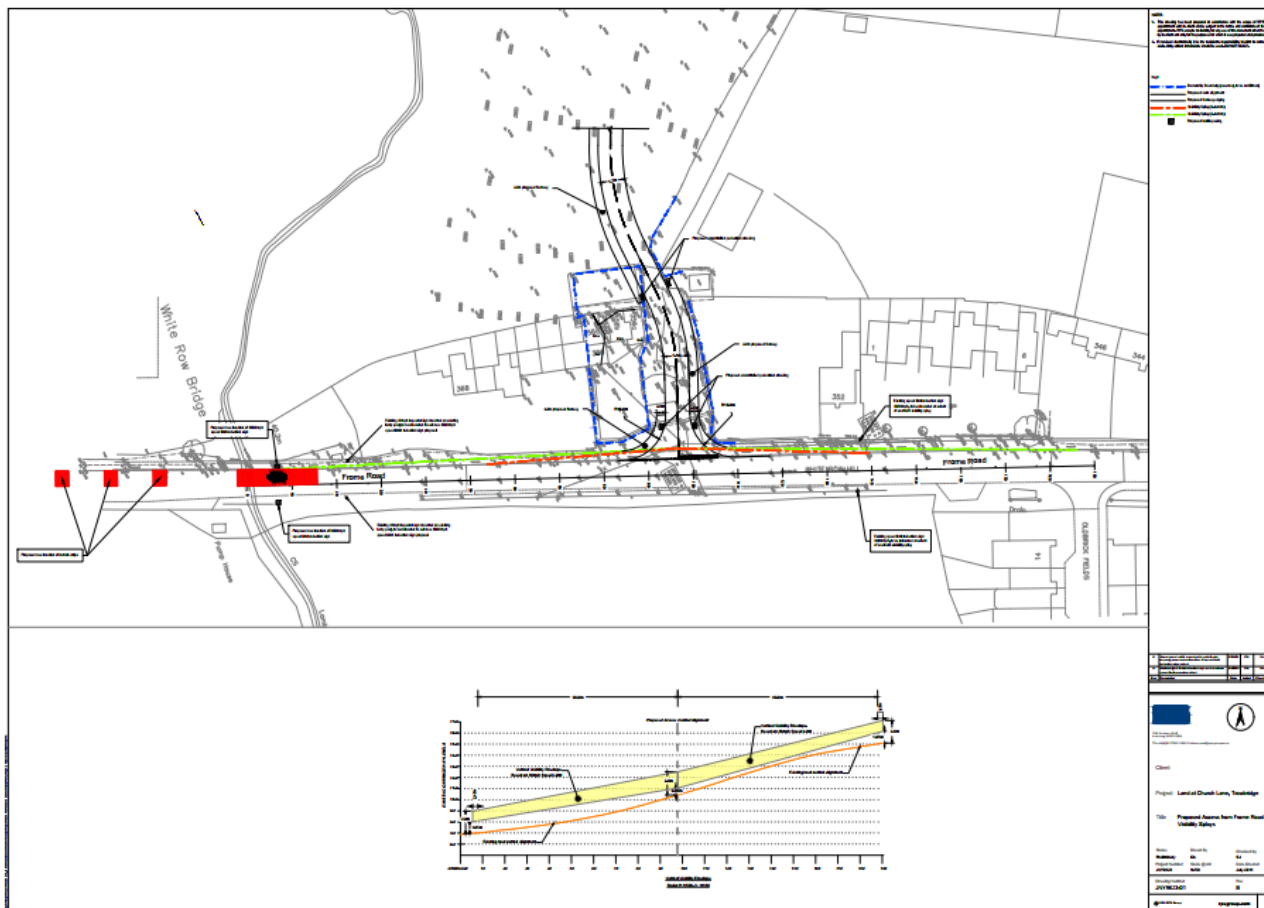


Figure 6 Access Arrangements

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

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

6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

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

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

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

U1a Foul Water Disposal and U2 Surface Water Disposal

Trowbridge Neighbourhood Plan (Area Designation June 2018)

Other

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

7. Consultations

Trowbridge Town Council – Objection:

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

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

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

Wiltshire Council Archaeology - No objection.

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

Wiltshire Council Arboricultural Officer – No response.

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

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

Wiltshire Council Public Rights of Way Officer – No objection.

Wiltshire Council Landscape Officer – No objection.

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

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

Wiltshire Council Urban Designer – No objection subject to condition.

Wiltshire Council Conservation Officer – No objection subject to conditions.

Wiltshire Council Spatial Planning – No objection.

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

Environment Agency – No objection subject to conditions.

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

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

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

Salisbury and Wilton Swifts – No objection subject to condition.

8. Publicity and Subsequent Representations

The application was advertised by:

- press notice,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Planning Considerations

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

9.1 Principle

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

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

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

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

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

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

Development will be subject to the following requirements:

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

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

9.2 Master-planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Concept Masterplan

9.3 Impact on the character and appearance of the area

Core Policy 51 states that:

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

Core Policy 57 states that:

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

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

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

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

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

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

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

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

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

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

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

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



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

9.4 Drainage and Flooding

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

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

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

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

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

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

The EA commented further:

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

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

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

9.5 Biodiversity

Wiltshire Core Strategy Policy CP50 states that:

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

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

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

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

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

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

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

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



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

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

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

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

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

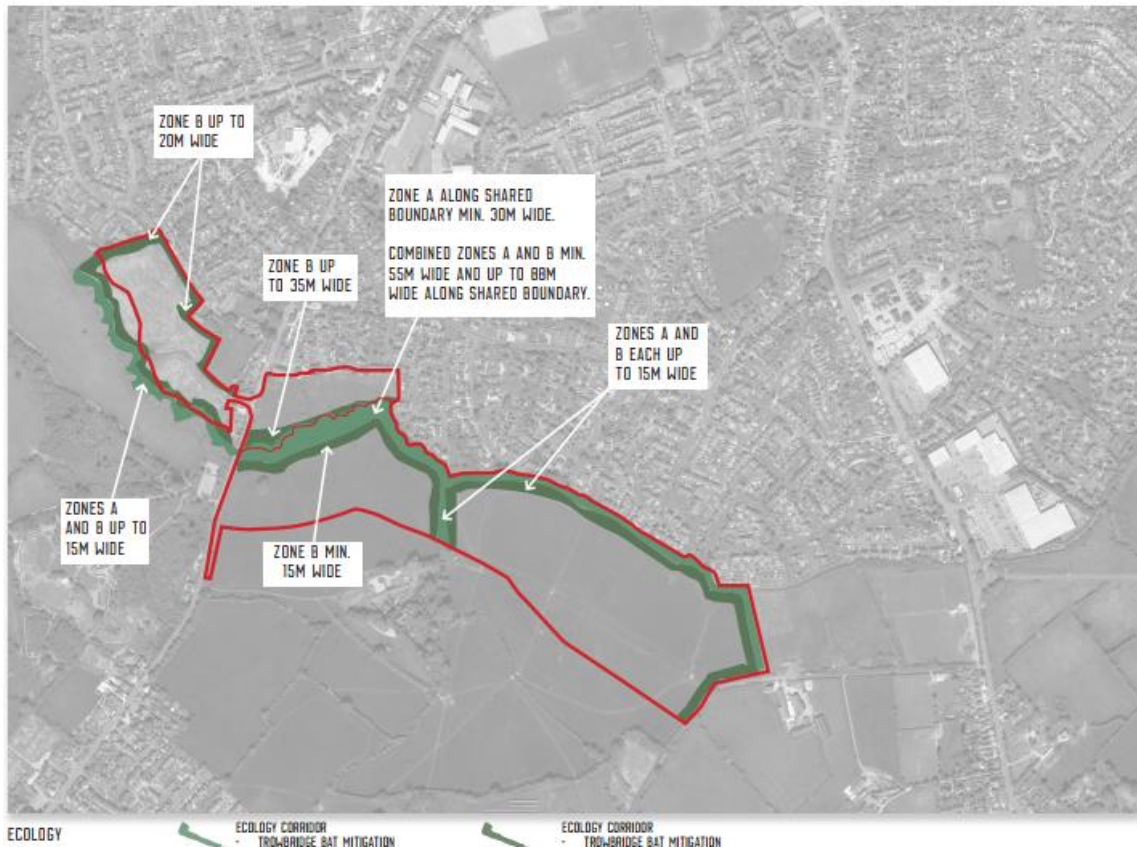


Figure 7 Coordinated Strategy Plan

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

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

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

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

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

Habitat Regulations – Appropriate Assessment –

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

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

9.6 Heritage Assets

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

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

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

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

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

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

'Built' heritage assets –

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

Paragraph 199 of the NPPF states that:

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

Paragraph 200 of the NPPF states that:

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

Paragraph 201 of the NPPF states that:

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

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

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

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

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

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

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

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

Archaeology –

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

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

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

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

9.7 Residential and Visual Amenity

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

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

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

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

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

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

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

9.8 Highways

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

Paragraph 111 of the July 2021 NPPF states that:

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

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

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

Traffic impact –

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

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

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

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

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

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

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

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

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

Sustainability of the site –

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

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

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

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

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

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

Technical detail –

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

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

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

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

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

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

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

9.9 Other Matters

Section 106

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

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework ‘The Framework’. These are:

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

The developer has agreed (see appendix H) to the following Section 106 requirements (the calculations are based on the maximum net addition of new homes which is 55):

Affordable Housing

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

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

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

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

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

This is as specified by the WC Housing Officer.

Education

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

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

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

Waste

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

Leisure and Play

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

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

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

Public Art

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

Highways & Public Right of Way

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

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

Biodiversity

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

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

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

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

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

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

10. Conclusion (The Planning Balance)

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

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

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

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

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

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

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

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

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

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

This is therefore a neutral consideration on the planning balance.

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

Final Balance -

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

RECOMMENDATION

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

S106 matters –

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

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

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

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

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

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

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

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

CONDITIONS

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

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

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

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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

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

REASON: To clarify the terms of the planning permission.

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

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

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

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

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

9. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;

- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
 - Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
 - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

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

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

11. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

INFORMATIVE

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

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

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

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

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

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

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

15. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting, Semi-natural neutral meadow grassland and retained hedge, scrub and trees. The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

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

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

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

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

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

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

and Guidance note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

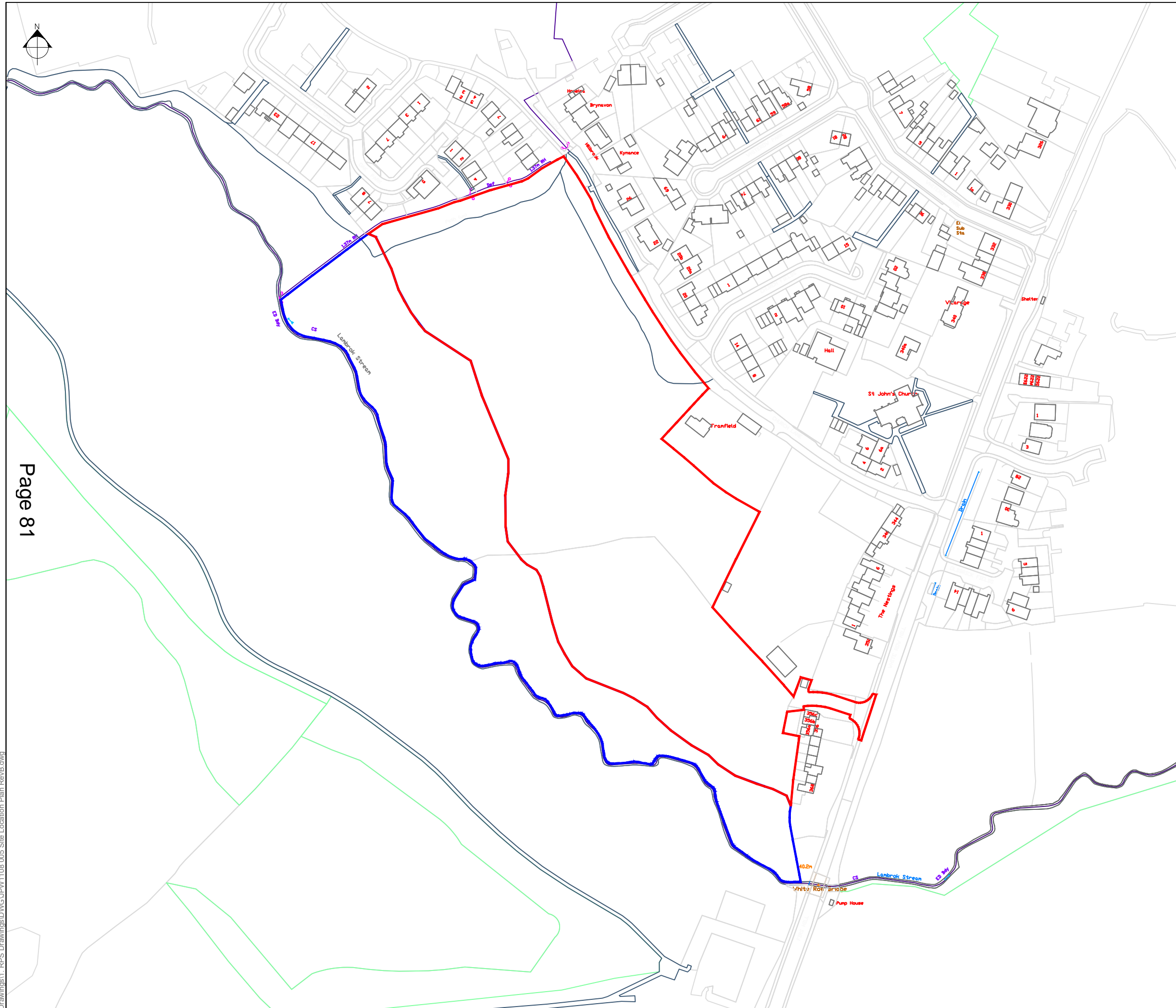
The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation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

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

Appendices

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

APPENDIX A



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- Application Boundary
- Ownership Area

B	Revised Red line boundary	GG	DP	20/08/2020
Rev	Description	By	CB	Date



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Client Parry

Project Upper Studley, Trowbridge

Title Site Location Plan

Status Drawn By PM/Checked by
 Planning AW DP

Job Ref Scale @ A3 Date Created
 JPW1108 1:2000 April 2018

RPS Drawing/Figure Number Rev
 JPW1108-005 B

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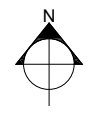
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- Site Boundary
- Residential Area
- Public Open Space
- Ecology Corridors
- Infrastructure
- Ownership Area
- POS in Ownership Area
- Lambrok Stream Ecology Corridor (minimum 30m buffer)
- Attenuation Pond
- Wildlife Wetland Areas
- View Corridors
- Potential Foot/Cycle Links
- Existing Trees to be Retained
- Proposed Public Rights of Way (subject to DMMO)



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Client **Parry**
 Project **Land at Church Lane, Trowbridge**
 Title **Parameter Plan**

Status	Drawn By	PM/Checked by
Draft	JS/JL	JS
Job Ref	Scale @ A3	Date Created
JPW1108	1:2000	Jan 22
Drawing Number		Rev
JPW1108-003		K

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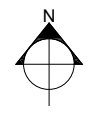
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- Site Boundary
- Residential Development Area
- Public Open Space
- Attenuation Basin
- Wildlife Wetland Area
- Primary Vehicular Route
- Secondary Vehicular Route
- Landscape Vegetation
- Proposed Public Rights of Way (subject to DMMO)
- Ownership Area
- POS in Ownership Area
- Lambrok Stream Ecology Corridor (minimum 30m buffer)



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Client **Parry**
 Project **Land at Church Lane, Trowbridge**
 Title **Concept Masteplan**

Status	Drawn By	PM/Checked by
Draft	JS	JS
Job Ref	Scale @ A3	Date Created
JPW1108	1:2000	March 22
Drawing Number		Rev
JPW1108-004		C

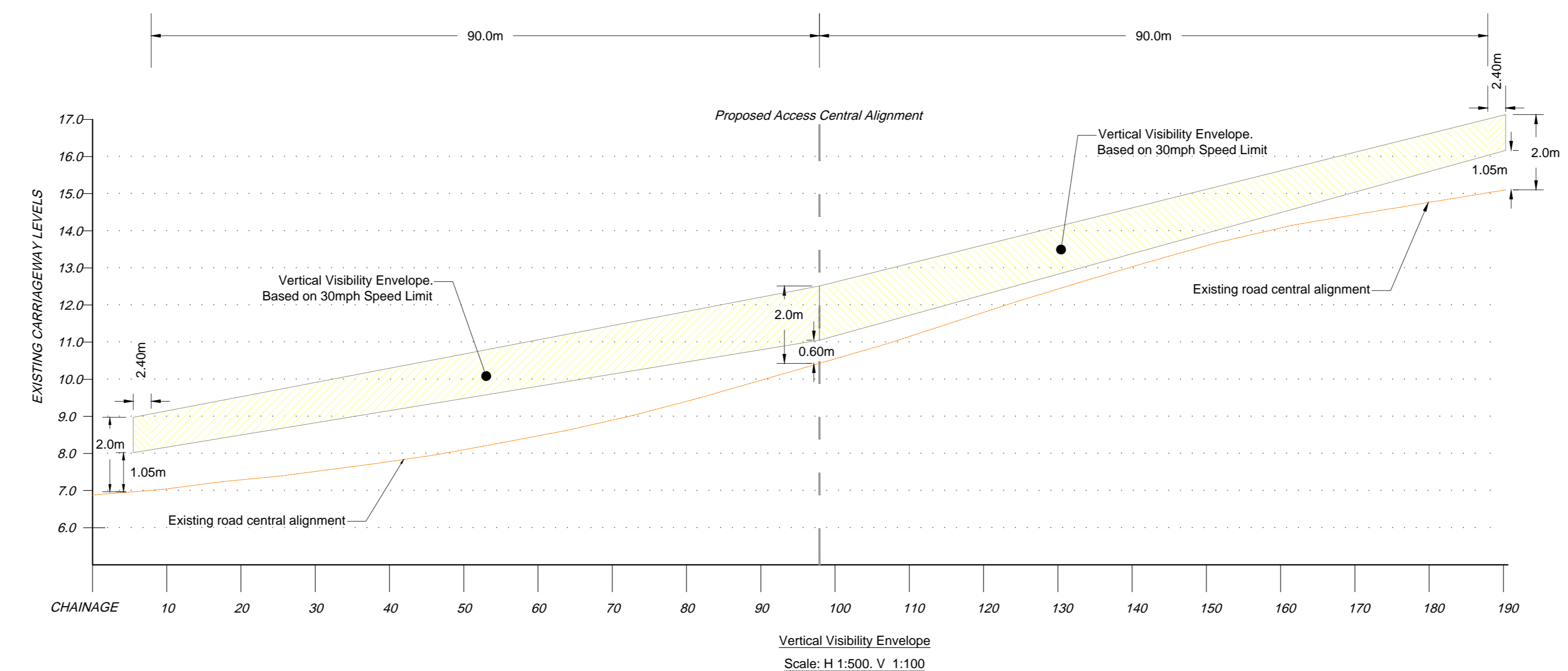
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- Key:**
- Ownership Boundary (assumed, to be confirmed)
 - Proposed kerb alignment
 - Proposed footway edging
 - Visibility Splay (2.4x43m)
 - Visibility Splay (2.4x90m)
 - Proposed tactile paving

B	Access road width amended to suit clients request, proposed re-location of speed limit reduction sign added	01/6/18	CA	SJ
A	Further speed limit reduction sign and southern speed limit repeater added	24/7/18	CA	SJ
Rev	Description	Date	Initial	Checked



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Client
 Project **Land at Church Lane, Trowbridge**
 Title **Proposed Access from Frome Road Visibility Splays**

Status: Preliminary
 Drawn By: CA
 Project Number: JNY9623
 Scale: @ A0
 1:250

Checked by: SJ
 Date Created: July 2018

Drawing Number: **JNY9623-01**
 Rev: **B**

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- On-site Boundary
- Off-site Boundary
- Public Open Space (Semi-natural, natural meadow grassland)
- Ecology Corridor, min. 15m buffer (Native tree & scrub planting)
- Lambrok Stream Ecology Corridor, min. 30m buffer (Floodplain wetland mosaic)
- Attenuation Basin (Wetland)
- Pond
- Residential Area
- Infrastructure
- Lambrok Stream
- Existing Trees to be Retained
- Proposed Public Rights of Way (subject to DMMO)



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Client **Parry**
 Project **Land at Church Lane, Trowbridge**
 Title **Habitat Creation and Management**

Status	Drawn By	PM/Checked by
For Planning	JL	NW
Job Ref	Scale @ A3	Date Created
JPW1108	1:2000	Jan 22
Drawing Number		Rev
JPW1108-005		-

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Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows
Date:	19/10/2022. 04/11/2022 (red text)
Application number:	18/10035/OUT
Proposal:	Outline application for residential development (up to 55 dwellings) with the creation of new vehicular access off Frome Road and removal/ demolition of all existing buildings (all matters aside from the formation of the new vehicular access are reserved).
Site address:	Land to the south of Church Lane, Upper Studley, Trowbridge, Wilts
Case officer:	Martin Broderick

Recommendations:

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	No objection
<input checked="" type="checkbox"/>	Condition (no objection subject to conditions)
<input type="checkbox"/>	Objection - further information required
<input type="checkbox"/>	Objection in principle
<input checked="" type="checkbox"/>	HRA required

The local authority has completed an Appropriate Assessment (AA) (refer to HRA section within these comments) that has been concluded favourably. The AA has been sent to NE (04/11/2022). NE have 21 days to respond, the application must not be determined until NE have endorsed this AA.

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	HRA Mitigation and BNG	CP50, TBMS, NPPF	Submission of the Habitat Creation and Management Plan Drawing JPW1108-005. (RPS Group, Jan 2022) currently embedded in the Habitat Creation and Management Plan as a separate standalone plan. (18/10/2022)	Yes 19/10/2022
2	HRA Mitigation BNG	CP50, TBMS, NPPF	Contribution for deficit in hedgerow units needs to be agreed with the applicant unless an alternative scheme is brought forward. (18/10/2022)	Yes Email from Darren Parker RPS Group dated 04/11/2022 confirms contribution is acceptable.

APPENDIX F

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

Following on from comments from Ecology (LK 20/10/2020, 21/01/2022 and 22/03/2022) please find final comments below. The documents listed below have been reviewed:

- Land at Church Lane, Trowbridge, Ecology Preliminary Ecological Appraisal. (RPS Group, November 2017).
- Land at Church Lane, Trowbridge, Bat Activity Survey. (RPS Group, July 2018).
- Land at Church Lane, Trowbridge, Bat Activity Survey. (RPS Group, August 2020).
- Upper Studley, Trowbridge Habitat Creation and Management Plan. (RPS Group, May 2022)
- Biodiversity Metric 3.0 Auditing and accounting for biodiversity calculation tool (6). (RPS Group, October 2022).
- Concept Masterplan. Drawing: JPW1108-004. (RPS Group, March 2022).
- Parameter Plan. Drawing: JPW1108-003. (RPS Group, March 2022).
- Habitat Creation and Management Plan. Drawing JPW1108-005. (RPS Group, Jan 2022).

Baseline

It is reported that the Site predominantly consisted of poor semi improved and improved grassland with hedgerows, trees, scrub and the Lambrok stream. Habitats were found to suitable for ground nesting birds and the hedgerows, trees and scrub were also of value for nesting by common farmland and garden species. Lambrok stream in this location is reported to provide sub-optimal habitat for otter and some suitable habitat for water vole. Given these species are known to be present locally it should be assumed that they are also present here. Survey carried out in 2017 confirmed a low population of slow-worm and grass snake present.

Layout

A masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared. The plan details a strategy that seeks to ensure compliance with the TBMS specifically the location of ecology corridors required to accommodate zones A and B. The current site layout demonstrates compliance with the Coordinated Strategy Masterplan and incorporates habitat buffers along 'core area' as required in the TBMS.

The Concept Masterplan Drawing: JPW1108-004 (RPS Group, March 2022), Parameter Plan Drawing: JPW1108-003 (RPS Group, March 2022) and Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022) appear to comply with each other. The Site measures approximately 5.04 hectares is allocated in the WHSAP as H2.4 Land at Church Lane to provide approximately 45 dwellings. This outline application exceeds this dwelling allowance. To ensure biodiversity mitigation agreed at outline can be delivered the developed area must not be increased above what is shown on these plans at reserved matters.

The Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022) is the only drawing the adequately details the habitats and features required to achieve an appropriate level of mitigation including the predicted biodiversity units and compliance with the TBMS. **To provide clarity at reserves matters and within the S106 the Habitat Creation and Management Plan Drawing JPW1108-005. (RPS Group, Jan 2022), which is currently embedded in the Habitat Creation and Management Plan, must be submitted as a separate drawing and secured by condition. Now submitted.**

Habitat Regulations Assessment

APPENDIX F

Bath and Bradford on Avon Bats SAC - Appropriate Assessment (AA)

This development is screened into appropriate assessment in relation to the Bath and Bradford on Avon Bats SAC. Following the TBMS guidance it lies within the zones of medium risk for both loss / damage to bat habitat and causing increased recreational pressure at woodlands used by Bechsteins' bats for breeding.

Background information for the appropriate assessment is contained in the TBMS which was adopted as SPD in February 2020. No other European site is screened into the assessment.

The SAC's qualifying Features are as follows:

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

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

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

Publication Date: 27th November 2018 – version 3. This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations 2017.

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

The application site lies on the southern side of the Trowbridge settlement boundary adjacent to Lambrok Stream. The TBMS was adopted as SPD in February 2020. No further information has since come to light to indicate compliance with TBMS cannot be relied onto for the purposes of concluding an appropriate assessment for a WHSAP allocation at Trowbridge favourably.

Compliance against TBMS criteria

	TBMS criteria	Details provided for Application
1	Surveys completed: <ul style="list-style-type: none"> • In accordance with Council pre-application advice if provided • In accordance with BCT Good Practice Guidelines • Could mating sites have been overlooked? (survey 	Refer to comments from WC ecologist Dated 20/10/20 which find the surveys to be broadly compliant with the TBMS. <i>Roosts</i> 3 trees have been identified as currently having potential to support bat roosts, T5, T6 and T8 (trees numbers shown in Bat Activity survey 2020). Other mature trees have potential in the future to support

APPENDIX F

	<p>April and October for male roosts)</p>	<p>roosts. All therefore have potential for Bechstein's roosts now and in the future.</p> <p><i>Foraging and commuting</i></p> <p>Transects and statics demonstrate that most if not all of the site will be used by SAC bats to some level. Low numbers of bats were recorded in the centre of the field except for greater horseshoe which were foraging to a significant extent in April 2020.</p> <p>The Lambrok stream is used consistently by bats throughout the year and is likely to be a commuting route for horseshoes and potentially Bechstein's.</p> <p>Vegetation along the east and north boundaries, including hedgerows, bramble scrub and hedgerow trees, is used for foraging by all three SAC species but particularly <i>Myotis</i> sp, including potentially Bechstein's.</p>
2	<p>Masterplan to be provided which covers entire allocation (referenced in WHSAP housing policies) and identifies:</p> <ul style="list-style-type: none"> • Core Bat Habitat features • That sufficient land can be set aside to achieve 100% mitigation for loss of habitat due to development footprint • That retained core bat habitat connects to the wider habitat network • The maximum quantum of residential units for the whole allocation 	<p>A masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared. The plan details a strategy that seeks to ensure compliance with the TBMS specifically the location of ecology corridors required to accommodate zones A and B.</p> <p>The current site layout demonstrates compliance with the Coordinated Strategy Masterplan and incorporates habitat buffers along 'core area' as required in the TBMS. Importantly the Lambrok Stream Ecology Corridor is afforded a 30m buffer and the western and northern boundaries are afforded a Ecology Corridor measuring a minimum of 15m.</p>
3	<p>For outline applications, Parameters Plan (para 142) to address:</p> <ul style="list-style-type: none"> • Specific site design measures/restrictions to deliver the Site Masterplan • Areas to remain undeveloped • Areas to form landscaping 	<p>The following plans have now been submitted and show a proportion of ecological mitigation:</p> <ul style="list-style-type: none"> • The Concept Masterplan Drawing: JPW1108-004 (RPS Group, March 2022) • Parameter Plan Drawing: JPW1108-003 (RPS Group, March 2022). <p>These plans do not detail, to a satisfactory level, all the measurements and enhancements required (including but not exclusively buffer widths and features to achieve no net loss in biodiversity) to demonstrate compliance with the TBMS.</p> <p>The Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022) which is currently embedded in the Habitat Creation and Management Plan does detail mitigation to a satisfactory level. <u>As recommended by these comments this plan must be submitted as a separate drawing and secured as an approved plan by condition and S106 to demonstrate compliance</u></p>

APPENDIX F

		with the TBMS can be achieved. Now submitted.
4	Biodiversity Net Gain Calculations demonstrate 100 % mitigation has been provided for all habitat lost where the yellow zone and the application boundary overlap.	<p>The recently submitted BNG calculation (RPS Group, October 2022) predicts a net gain in habitat units of 1.13 and a short fall in hedgerow units of -1.01. The current site layout is therefore unable to achieve no net loss in biodiversity and therefore not compliant with CP50 or the TBMS. If the developer is unable to mitigate this shortfall in hedgerow units the deficit must be made up through contributions to a council led scheme.</p> <p><u>The contribution needs to be agreed with the developer.</u></p> <p>The contribution for the council to make up the deficit in hedgerow units, based on the TBMS funding (planting, fencing (at CS rates), contractor + maintenance for 10 years) is £3,237.20 (Email from Darren Parker RPS Group dated 04/11/2022).</p> <p><u>S106 required to fix the rate to be paid.</u></p>
5	<p>For reserved matters and full applications, an Ecological Mitigation (para 143 TBMS):</p> <p>(i) Scaled drawing(s) to show</p> <ul style="list-style-type: none"> • Details of replacement roosts. • Commuting routes and foraging habitat to be retained, created and enhanced. • Location/extent and full landscape specifications for tree and shrub planting, wildflower grassland etc. • Location of temporary work areas <p>(ii) Schedule of works covering removal, enhancement and creation of habitat features in relation to construction works.</p> <p>(iii) Detailed and scaled cross sections to accurately locate development and ecological mitigation features e.g. hedgerows, SuDs etc</p>	<p>Not required for the current application. The following conditions will be needed for a favourable AA outcome:</p> <p>A <u>detailed landscape planting plan</u> based on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).</p> <p>A detailed <u>Construction Environment Management Plan</u> (CEMP) containing details of temporary works, protective fencing etc;</p> <p>A detailed <u>Landscape and Ecology Management Plan</u> (LEMP) providing details of how habitats created will be managed for the duration of the development;</p> <p>A <u>phasing plan</u> demonstrating the timing of habitat creation works in relation to construction works in order to demonstrate that mitigation will follow quickly behind vegetation stripping for development.</p>
6	Application to demonstrate core bat habitat is adequately buffered and enhanced.	Yes refer to criterion 3.
7	Application to demonstrate	Yes, refer to criterion 2.

APPENDIX F

	retained core bat habitat connects to the wider habitat network.	
8	Application to demonstrate core bat habitat will remain relatively undisturbed by the effects of urbanisation.	LEMP to demonstrate the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will remain as informal open space and function as bat commuting and foraging habitat.
9	The potential impacts of lighting are adequately modelled and assessed with appropriate mitigation included to minimise the effects of artificial lighting across the site.	A lighting assessment, modelling and monitoring regime will be required by condition.
10	An appropriate lighting monitoring regime has been provided.	This will be covered by the lighting condition.
11	Appropriate mechanisms for maintenance, monitoring and mitigation have been submitted covering relevant phases of development including the post construction period.	Not required for the current application. This will be covered by CEMP and LEMP to be conditioned.
12	A financial contribution towards the Council led scheme for mitigating residual in-combination effects from loss / degradation of bat habitat will be secured by S106.	<u>Criterion will be met if a contribution of £777.62 per dwelling is secured through S106. Include in Heads of Terms for S106</u>
13	Is it likely that the CIL funded, Council led scheme, to offset residual effects from recreational pressure at woodlands used by breeding bats will be able to cover impacts arising from the application under consideration?	This development is covered by the costs identified in Appendix 2 of the TBMS. The Council will contribute £641.48 per dwelling from CIL towards delivery of projects in Appendix 2. <u>Include in Heads of Terms for S106</u>

The above table demonstrates that the local authority has carried out the AA which has reached with a favourable conclusion.

Biodiversity net gain

The recently submitted BNG calculation (RPS Group, October 2022) predicts a net gain in habitat units of 1.13 and a short fall in hedgerow units of -1.01. The current site layout is therefore unable to achieve no net loss in biodiversity and therefore not compliant with CP50 or the TBMS. If the developer is unable to mitigate this shortfall in hedgerow units the deficit must be made up through contributions to a council led scheme.

The Contribution required for the loss of 1.01 hedgerow units, payable to the council prior to construction, must be agreed with the applicant. This must be secured under a S106.

APPENDIX F

In response to previous comments from WC ecologists, relating to the feasibility of creating Floodplain Wetland Mosaic along the Lambrok Stream, a Habitat Creation and Management Plan. (RPS Group, May 2022) has now been submitted. Delivery of such a potentially valuable habitat is welcomed and whilst the Habitat Creation and Management Plan outlines how it could be achieved it is extremely ambitious and its successful delivery will require great investment and technical expertise.

It is also notable that the enhancement of off-site habitat along the Lambrok Stream Ecology Corridor to provide 1.25 hectares of Floodplain Wetland Mosaic of 'fairly good' condition and neutral grassland also of 'fairly good' is critical to achieve no net loss in habitat units. If either is delivered at a lower condition the scheme will result in net loss which is contrary to CP50 and the TBMS. Provision of all off-site mitigation as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and shown on the embedded Habitat Creation and Management Plan Drawing JPW1108-005 must be secured via S106. **The S106 must specifically secure provision of 1.25 hectares of Floodplain Wetland Mosaic of 'fairly good' condition as required by the BNG calculation, described in the afore mentioned Habitat Creation and Management Plan and shown on the Habitat Creation and Management Plan Drawing JPW1108-005. (RPS Group, Jan 2022). Now submitted.**

Onsite mitigation can be secured by a condition requesting a LEMP to be provided in accordance with the Habitat Creation and Management Plan, BNG calculations and impact assessment.

S106 Requirements:

1. £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses
2. Contribution of ££3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.
3. Off-site Biodiversity Provision of Floodplain wetland mosaic (1.25 hectares) fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022). The timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.
4. Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

Conditions:

The following, or similarly worded, conditions are recommended:

Compliance with submitted documents

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

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

REASON:

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

APPENDIX F

Construction Environment Management Plan (CEMP)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds, reptiles, bats, otter, water vole, badger and dormice.
- c. Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

Landscape and Ecological Management Plan (LEMP)

Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting, Semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of 10 integral bird nesting features (including for swift) and 10 bat roosting features to be provided.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

APPENDIX F

REASON:

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

Detailed landscape planting plan

Prior to the start of construction, a Detailed Landscape Planting Plan shall be submitted to and approved in writing by the Local Planning Authority. It will be based on the agreed Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

REASON:

To ensure the provision of landscape and ecological features, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

Lighting

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

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

Final sign off – all matters addressed:

Ecologist Elizabeth Burrows	Date 19/10/2022
--------------------------------	--------------------

APPENDIX G

From: Broderick, Martin <martin.broderick@wiltshire.gov.uk>
Sent: 09 December 2022 13:00
To: Developmentmanagement <Developmentmanagement@wiltshire.gov.uk>
Subject: FW: Appropriate Assessment 18/10035/OUT

Please publish this email thread on the public planning portal.

From: Conroy, Kyle
Sent: 09 December 2022 11:59
To: Burrows, Elizabeth <elizabeth.burrows@wiltshire.gov.uk>
Cc: Broderick, Martin <martin.broderick@wiltshire.gov.uk>
Subject: RE: Appropriate Assessment 18/10035/OUT

Lizzie,

Thank you for providing clarification on the hedgerow contribution and for consulting Natural England on the AA for the aforementioned application. Please accept our apologies for the delay in responding, due to resourcing issues and high workloads.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the site in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England is satisfied that the measures comply with the TBMS and thus we have no objection to the proposals, providing that all mitigation measures are appropriately secured in any permission given.

Should you require further information please do not hesitate to contact me.

Regards

Kyle Conroy

Lead Advisor – Wiltshire
Wessex Team
Natural England
Horizon House, Deanery Road, Bristol, BS1 5AH

www.gov.uk/natural-england

From: Burrows, Elizabeth <elizabeth.burrows@wiltshire.gov.uk>
Sent: 09 December 2022 11:21

APPENDIX G

To: Conroy, Kyle <[REDACTED]>
Subject: RE: Appropriate Assessment 18/10035/OUT

Thank you for getting back to me. Yes there is a typo. The hedgerow contribution is £3,237.20 and has been worked out by Sam Davies our TBMS project officer using the following information.

0.1km (100m) will provide 1.02 hedgerow units.

The cost based on the TBMS funding (planting, fencing (at CS rates), contractor + maintenance for 10 years) is £3,237.20.

The amount is correctly stated in Item 4 of the TBMS compliance table which is part of the AA.

I hope this addresses your comment however please don't hesitate to contact me if you would like further information.

Kind regards,

Lizzie

From: Conroy, Kyle
Sent: 09 December 2022 09:34
To: Burrows, Elizabeth <elizabeth.burrows@wiltshire.gov.uk>
Subject: RE: Appropriate Assessment 18/10035/OUT

Morning Lizzie,

We have been reviewing the AA and I just had a query before providing our formal response.

I would like to query with you the financial contribution for the loss of hedgerow. For our information could you please confirm whether the sum is current and how it has been calculated? Also, there appears to be a typo in the AA text (two £ symbols). I just want to be sure that the correct financial contribution value is included in the AA. I have attached the AA and a screenshot of the text in question for reference.

Kind regards,
Kyle Conroy

Lead Advisor – Wiltshire
Wessex Team
Natural England
Horizon House, Deanery Road, Bristol, BS1 5AH

www.gov.uk/natural-england

APPENDIX H

18/10035/OUT – Upper Studley HEADS OF TERMS (for up to 55 Dwellings)

SUBJECT	REQUEST	AMOUNT	AGREED
Housing	On site delivery of 30% Affordable Housing	17 Units	
Public Open Space	Upgrade of Lambrok Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.	£12,980	
	TBC @ REM stage on the basis of 34.93m ² public open space and 1.77m ² equipped play per dwelling.	N/A	
Ecology	To address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting.	£42,769.10	
	Off-site contribution to compensate for the loss of 1.01 hedgerow units on site	£3,237.20	
Waste & Recycling	Provision of waste and recycling containers	£5,005	
Education	Early years provision	£122,654	
	Primary school provision	£300,128	
	Secondary school provision	£252,340	
Public Art	Public art scheme to be delivered on site @ £300 per dwelling	£16,500	
Highways	Pedestrian and cycle improvements	£7,377	
	Church Lane works – ped/cycle enhancements	£10,000	
	Bus stop improvement – Whiterow Park	£12,571	
	Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness.	£6,000	
	Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness.	£5,000	
TOTAL SUM OF MONEY		£796,560.30	

NB. Agreement is to the contributions specified in column two as the amounts may change dependent on the scheme approved at Reserved Matters stage.

Signed:



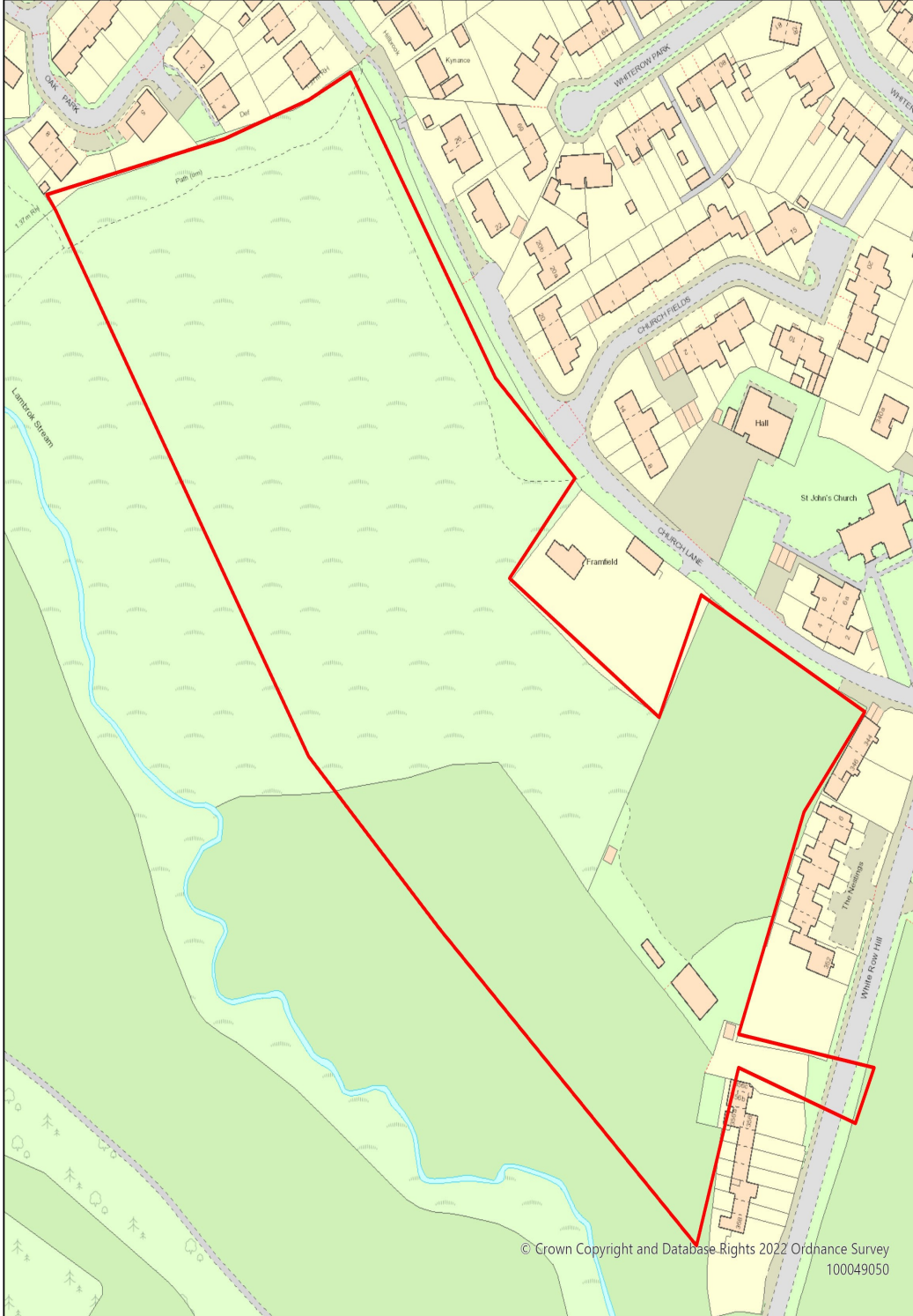
Dated: 10th February 2023

on behalf of the applicant

Print:

Darren Parker
RPS.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 February 2023
Application Number	20/09659/FUL
Site Address	Land off Frome Road, Upper Studley, Trowbridge
Proposal	Erection of 50 dwellings and associated access and landscaping works
Applicant	Newland Homes Ltd
Town/Parish Council	SOUTHWICK; TROWBRIDGE
Electoral Division	TROWBRIDGE GROVE (Cllr David Vigar) SOUTHWICK (Cllr Horace Prickett)
Grid Reference	384365 156185
Type of Application	FULL
Case Officer	Andrew Guest/Martin Broderick

Reason for the application being considered by Committee

This application has been 'called in' for Committee determination at the request of the former local Trowbridge Grove division councillor, David Halik on the 12 January 2021, for the following reasons:

- Scale and neighbouring amenity

1. Purpose of Report

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

2. Report Summary

The main planning issues are considered to be:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)

- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

3. Site Description

The application site extends to approximately 2.30ha and is surrounded by existing residential development to the north and east, The Poplars and Spring Meadows, and Frome Road and Southwick Country Park to the west, and Lambrok Stream to the south Figures 1 and 2 and Appendix A).

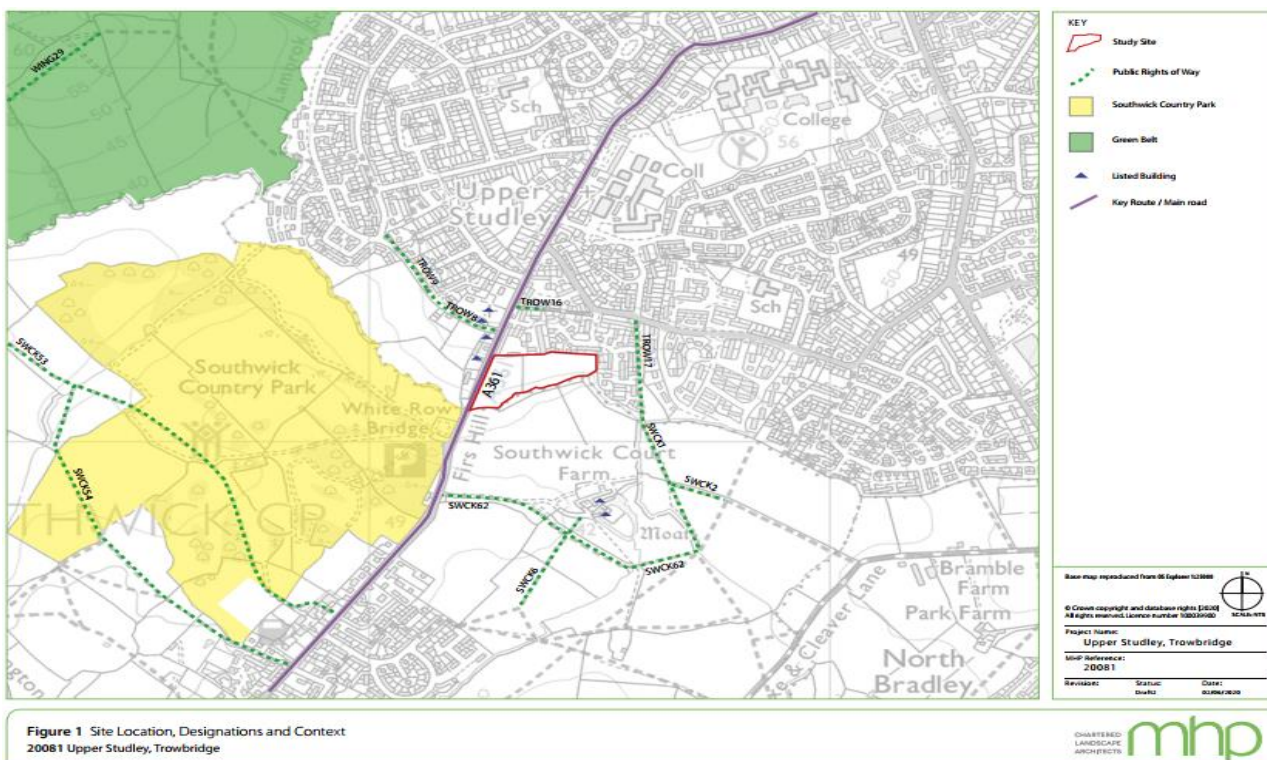


Figure 1 Site Location and designations



Figure 2 Site Location

The site comprises open agricultural land that has most recently been used as a smallholding. The site slopes from north to south, down to the Lambrok Stream that runs along the southern boundary. There is an existing field gate access onto White Row Hill (A361) to the east.

The site is located in an accessible location on the south-west side of Trowbridge, approximately 2km from the town centre.

Heritage assets near to the application site include:

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

4. Planning History of Application site

There is no recorded planning history relating to the application site. However, the following live undetermined applications on the following adjacent sites are (see Figure 3) relevant:

Reference	Description	Decision
18/10035/OUT	Land at Church Lane (H2.4): Outline application for residential development (up to 55 dwellings) with the creation of new vehicular access off Frome Road and removal/demolition of all existing buildings (all matters aside from the formation of the new vehicular access are reserved)	Pending
20/00379/OUT	Land adjacent to Southwick Court (H2.6): Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.	Pending

The site was initially promoted for development at the outset of the Wiltshire Housing Site Allocation Plan (WHSAP) making process, which commenced in 2015. Representations were submitted in response to all stages in the subsequent plan-making process which culminated in an Examination in Public that took place in April 2019. Trowbridge Town Council supported the scheme at the Examination. The Inspector's Report dated January 2020 endorsed the allocation of site H2.5. The WHSAP was formally adopted in February 2020.



Figure 3 Related WHSAP allocated sites

5. The Application

The application is for 'full' planning permission for a scheme of 50 residential units and associated access and landscaping works. A full description of the proposals is set out in the applicant's Design and Access Statement and Landscape Strategy. Appendix B and Figure 4 below shows the site layout.



Figure 4 Site layout

The extent of developable area has been dictated by the flood plain associated with Lambrok Stream to the south and the formation of a communally managed buffer around the north and eastern boundaries as the development abuts existing residential properties. This has enabled a set piece design to be created along the southern boundary, which will create a new ‘designed’ edge to this part of southwest Trowbridge.

Housing Mix

Following engagement with the Council’s Housing Team to determine the affordable housing mix, the proposed mix for the site is set out in the Table 1 and Figure 5 below (see also Appendix C). This makes provision for the full policy requirement provision of 30% of affordable homes, comprising social housing and an element of shared ownership. The open market mix has been determined through local agent advice, and the applicants own experience of the local market arising from the enquiries and transactions completed on their Bradley Road site in Trowbridge.

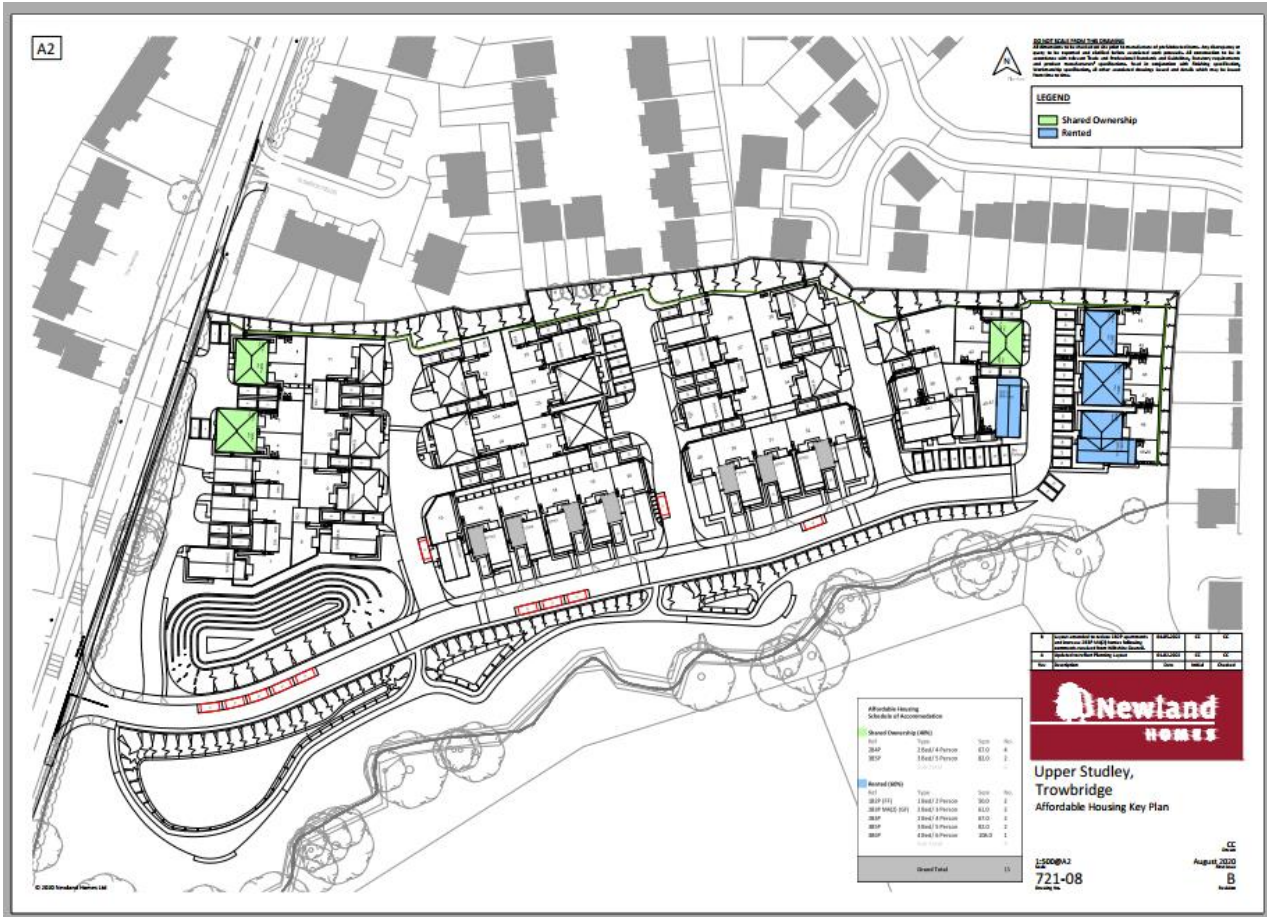


Figure 5 Affordable housing plan showing shared ownership (green) and affordable rent (blue) units

Schedule of Accommodation	
<p>Open Market Housing</p> <p>Ref Type No.</p> <p>SP2 2 Bed/ 4 Person 4</p> <p>AT2 2 Bed/ 4 Person 2</p> <p>HO3 3 Bed/ 5 Person 2</p> <p>HO3 DA 3 Bed/ 5 Person 1</p> <p>HN3 3 Bed/ 5 Person 6</p> <p>CR3 3 Bed/ 5 Person 3</p> <p>TH3 3 Bed/ 6 Person 7</p> <p>HA4 (SUN) 4 Bed/ 7 Person 3</p> <p>SH4 (SUN) 4 Bed/ 7 Person 5</p> <p>PB4 DA (SUN) 4 Bed/ 7 Person 2</p> <p>Sub-Total 35</p>	<p>Affordable Housing</p> <p>Ref Type No.</p> <p>1B2P (FF) 1 Bed/ 2 Person 2</p> <p>2B3P M4(2) (GF) 2 Bed/ 3 Person 2</p> <p>2B4P 2 Bed/ 4 Person 6</p> <p>3B5P 3 Bed/ 5 Person 4</p> <p>4B6P 4 Bed/ 6 Person 1</p> <p>Sub-Total 15</p>
Grand Total 50	

Table 1 Schedule of Accommodation

Vehicular Access and Car Parking

It is proposed to form a new priority junction from the Frome Road (A361). The siting of the new junction is in the optimum location in terms of highway safety and affords a full standard of exit visibility in both directions (Figure 6 and Appendix D). A secondary access from Frome Road, in the location of the current field gate access, is proposed to service 4 No. plots as a private drive.

The internal access road runs parallel to the watercourse, outside the 1:1000 floodplain, and will be built to adoptable standards terminating at a turning head sufficient to accommodate turning for a refuse vehicle. Private drives are connected to the end of each termination point of the adopted internal access road.

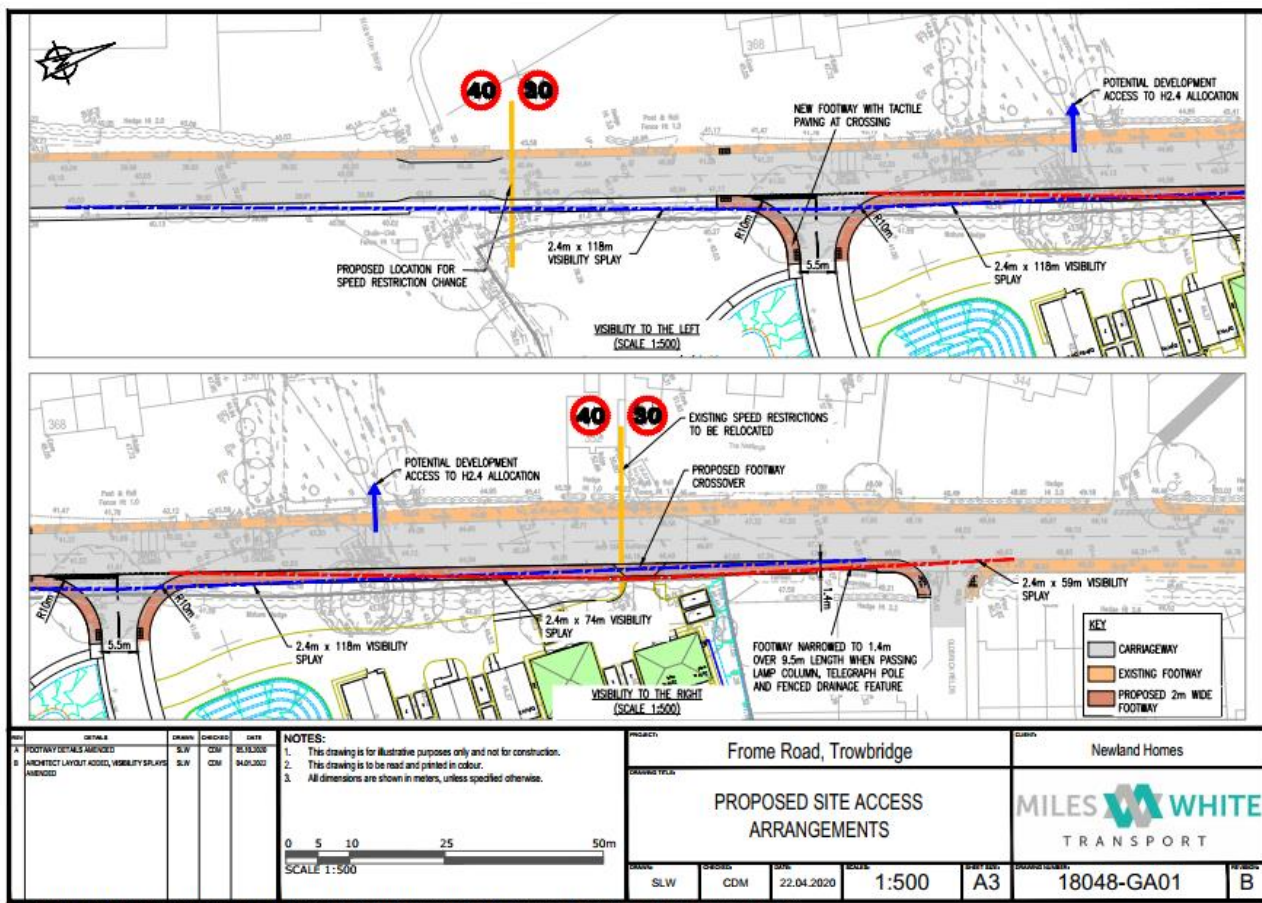


Figure 6 Proposed site access arrangements

Car parking is proposed in accordance with the Council's standards along with the required provision for visitor parking and secure cycle storage as follows:

- 118 No. allocated spaces (NB. 109 spaces required)
- 11 No. visitor spaces (NB. 10 spaces are required)

6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,
- CP29 – Spatial Strategy Trowbridge,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP56 – Contaminated Land,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

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

U1a Foul Water Disposal and U2 Surface Water Disposal

Trowbridge Neighbourhood Plan (Area Designation June 2018)

Other

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

7. Consultations

Trowbridge Town Council – Objection

The WHSAP Inspector required this site (WHSAP 2.5) to be considered together with two other sites (WHSAP 2.4 & 2.6) as linked sites with common issues and to that end requested a masterplan approach to address a number of aspects including landscape, ecology and heritage.

This joint approach is evidently lacking in this application.

There also is a failure by Wiltshire Council to provide the necessary guidance to the applicants for the three sites in respect of such Masterplanning matters as requested by the Inspector and until such guidance is provided and published none of the applications should be permitted.

Whilst it is recognised that the applicant for this site has done more than the other two to address such matters, including landscape and ecology, the lack of a joint plan which demonstrates that such matters have been considered jointly with the other two sites is unsatisfactory.

The lack of a flood risk assessment which clearly recognises the joint impact of the three sites on the Lambrok Stream and the potential to exacerbate flooding down-stream between Southwick Court and Cock Hill/Bradford Road, where the Lambrok joins the River Biss is also of concern and a reason for objection at this stage.

Environment Agency – No objection subject to conditions.

Historic England – No objection.

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

Wiltshire Council Archaeology - No objection. It was recommended that a programme of archaeological and geophysical investigation is carried out in order to excavate and record these remains considered to be of archaeological interest. This is in line with the National Planning Policy Framework. This was reported in August 2022 and Wiltshire Council's archaeology officer was satisfied with its findings.

Wiltshire Council Drainage – No objection subject to the proposed development being subject to the drainage suggested conditions (and their previous comments being addressed within the detail submitted to discharge these conditions).

Wiltshire Council Arboricultural Officer – No response.

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

Wiltshire Council Public Protection Officer – No objection.

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

Wiltshire Council Public Rights of Way Officer – No response.

Wiltshire Council Landscape Officer – No objection. They agree with the conclusions of the landscape technical note on cumulative effects. The sites are well buffered by open spaces and ecological corridors, in combination with the topography and proposed/retained vegetation. They note that there is little opportunity to view the sites in combination from PROWs, therefore *'it is considered that cumulatively these developments will not have an adverse impact on the landscape setting'*.

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

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

Wiltshire Council Urban Designer – No objection subject to conditions.

Wiltshire Council Conservation Officer – No objection.

Wiltshire Council Spatial Planning – No objection.

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

Wiltshire Council Public Arts Officer - S106 contribution is required. HoTs agreed.

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

On the 20 December 2022 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) on the Bath and Bradford on Avon Bat SAC.

Ecology – No objection subject to s106 contributions and conditions. S106 HoTs agreed.

Salisbury and Wilton Swifts – No objection subject to condition.

8. Publicity and Subsequent Representations

The application was advertised by:

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

The deadline for any correspondence was 12th April 2022. 57 letters of objection were received on the amended plans. The application has been the subject of consultation exercises, and the following is a summary of the position reached following these. This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

Principle

- Why is the proposal so densely populated with houses?
- Why not use brownfield sites?
- Lack of master-planning of cumulative effects with H2.4 and H2.6

Impact upon the area

- Flooding and drainage
- Reduction in biodiversity
- Impacts on bats
- Historical Aspects - The area has a number of Graded properties including Soutwick Court, St Johns Church and cottages around the church.
- Adequacy of infrastructure

Impact on Amenity

- Inadequate landscaping

Access

- Frome Road is very busy
- No indication for the charging of electric cars

Other

- Why is there no school being provided on this site
- An irreversible loss of open countryside;
- Loss of open space for wildlife, potentially destroying natural roosting and food habitat for numerous birds and other wildlife.
- Increased flooding along the Lambrok Stream and beyond,
- Create more traffic nuisance, air pollution and noise to the area and indeed the town centre,
- Encroach on the buffer between the village of Southwick and Trowbridge,
- Impact upon the provision of local public services.

Friends of Southwick Country Park – Objection on grounds of lack of master-planning, flooding/drainage, biodiversity.

9. Planning Considerations

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

9.1 Principle

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

In the WHSAP the site is referred to as 'H2.5' and is subject to Policy H2.5, and this application is to, therefore, determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF. Policy H2.5 states that the site has been allocated for a development comprising of the following elements:

- *approximately 45 dwellings;*
- *vehicular access via a new junction arrangement off the A361; and*
- *improvements to cycling and walking routes through the site to link into the existing network.*

The current application seeks up to 50 dwellings, improved open space improved junction and improvements to cycle and walking routes and as such, in principle, would comply with Policy H2.5.

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

Development will be subject to the following requirements:

- *Core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate survey, impact assessments and the Trowbridge Bat Mitigation Strategy(TBMS);*
- *Appropriate mitigation to protect bats, including financial contributions towards management, monitoring and off-site measures as necessary, as informed by the TBMS;*
- *An attractive frontage to A361 and enhancement of this approach to the town;*

- *Retention and enhancement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements, and the creation of a publicly accessible Green Infrastructure corridor along the Lambrok Stream to protect and enhance the character, biodiversity and amenity provided by Southwick Country Park in conjunction with development at Southwick Court and Church Lane; and*
- *A Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Objections have been received as to why there are so many houses being built on the land subject of this application. Policy H2.5 requires approximately 45 dwellings. The proposal requests up to 50 dwellings which is marginally greater but within the 'approximately' parameters of the policy. The application demonstrates how 55 dwellings can be accommodated without causing harm; this is discussed later in the report.

9.2 Master-planning

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

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

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

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

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

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

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

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

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

Whilst the policy must be read as a whole, there are three requirements to address in the final paragraph –

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

Provided the planning application for H2.5 addresses these points and the rest of the policy requirements in full then it can be determined without the need to wait for schemes on H2.4 and H2.6 to similarly demonstrate how they have considered cumulative effects within their submissions. The key here is consistency and ensuring each development scheme comprehensively addresses policy requirements whilst also not prejudicing delivery on one, or all, of the allocated sites. With specific regard to point 1 the reference here is for a masterplan for H2.5 only – not a multilateral masterplan for H2.4, H2.5 and H2.6.

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

9.3 Design and impact upon the character and appearance of the area

Core Policy 51 states that:

“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.”

This advice is echoed in paragraph 174 of the NPPF.

Core Policy 57 states that:

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

The Council's Landscape Officer has made no objections to the proposal. One can therefore conclude that the scheme will meet the requirements of the above-mentioned policies i.e., that it will protect landscape character and not have any harmful visual effects upon the receiving landscape. In any event, it can be argued that this proposal is seeking to provide a better developed edge to Trowbridge, through a more softly treated margin as opposed to the backs of houses with sheds and fences in sight.

Naturally, CP51 allows for mitigation to be taken into account when assessing landscape impact. The applicants have provided detailed landscaping plans covering each section of the site with an illustrative plan covering the whole site to give the full picture. Such details are considered as acceptable mitigation and would need to be conditioned as part of any approval. The strategic planting (the planting not within private gardens) would be subject to further controls via the Landscape and Ecological Management Plan.

Core Policy 57 requires a high standard of design in all new developments. It requires developments to demonstrate that their scheme will make a positive contribution to the character of Wiltshire by amongst other things:

- enhancing the natural and historic environment and existing built form;
- retaining important landscape and natural features;
- responding positively to the existing townscape and landscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines;
- making efficient use of land whilst taking account of site characteristics and context
- having regard to the compatibility of adjoining buildings and uses and the impact on the amenities;
- ensuring legibility throughout the development; and,
- using a high standard of materials.

The scheme is allocated in the plan for approximately 45 units. Whilst 50 have been advanced in the application, it is considered that this number achieves best use of the land without comprising on quality, and so is acceptable. The design meets minimum parking standards, ensuring sufficient private amenity spaces, provision of bin and bike storage, appropriate levels of strategic landscaping and open space as well as sufficient road widths and pavements within the site. As such, it would be difficult to argue that this would be an over-development.

Furthermore, the density of development would not be at odds with established residential developments in Upper Studley. It is also of note that much of the existing housing consists of cul-de-sac style developments, and in that regard the proposal would seemingly blend in. Given that the site would be surrounded by existing housing, there are no concerns regarding its compatibility.

The proposal retains the Lambrook Stream corridor by providing a comprehensive package of landscaping and public open space along the southern side of the development. This ensures that the existing important landscape features on the site are retained and enhanced in line with CP 57 requirements.

Whilst the sole connectivity the site has is with the Frome Road, it has been evidenced during the lifetime of the application what the barriers are to greater connectivity e.g., ransom strips to the north and ecological and flooding issues to the south. With these constraints in mind, it is considered the scheme is acceptable in terms of safety, accessibility, and legibility. Footpath connectivity would link into the existing network along the Frome Road allowing people a safe walking route into the town centre.

The scheme has been the subject of detailed design assessment by the WC Urban Design Officer (UDO). Extensive comments were provided for the application in December 2020 and June 2021. Concerns raised have been addressed by the applicant during the life of the application.

In his final response dated 1 April 2022 the UDO states that:

“I note the applicant's urban design response and explanations and confirmations as to what has been agreed with other officers and am content to consider most matters settled.”

The last remaining issues related to amenity/privacy in the north-eastern corner of the site and separate cycle parking provision for upstairs apartment homes. Through amendments to the plans and via conditions, these matters have been resolved to the satisfaction of the UDO.

In light of the comments from the UDO and subsequent amendments to the plans, it is now accepted that detailed design matters have been addressed (e.g., buildings layouts, materials, elevational design, building lines, streetscapes) to ensure that a high-quality scheme will be delivered in line with the requirements of Core Policy 57 and Section 12 of the NPPF.

Other than the issue of neighbour amenity (for both existing and future occupants), which is covered in section 9.8 of this report, it is concluded that the design of the scheme and its impact on the surrounding landscape is acceptable and in-line with local plan policies covering these matters.

9.4 Drainage and Flooding

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

In summary, there is no conflict with Core Policy 67 or guidance contained within the NPPF.

Representations (photos and videos) have been submitted which show that the land to the immediate north of the watercourse is subject to regular flooding. This ties in with the Environment Agency flood map which shows that this land is within EA Flood Zone 3. The proposed layout plan shows that all the planned housing would be outside of this flood zone, including the proposed attenuation basin that would store the site's runoff. The flood zone area is located to the south of the proposed roadway, with all housing being to the north. This south area is already wetland in view of it being within the flood zone. Any planned features within this wetland are for enhancement purposes only and are not drainage features.

Given that no properties or infrastructure is proposed to be constructed within Flood Zone 3, the any existing flooding issues in this area are of little relevance.

The ponds provided in the wetland area form part of the landscaping and amenity features of the proposal. As such they are not drainage features and so cannot be incorporated to provide attenuation as they would likely be flooded in times of extreme rainfall. However, their position would naturally provide low level cut-off in times of blockage, but only when river levels are low.

Modelled flood information provided within the BWB Flood Risk Assessment (FRA), and Hydraulic Modelling Summary Note (HMSN) indicate most of the development site is within Flood Zone 1 (area at low risk of flooding from rivers and sea), with a strip along the bank of the Lambrok Stream being Flood Zone 3, principal flood plain. The FRA also identifies the site as being at low risk from Pluvial (Surface Water), groundwater, sewer, and canal /reservoir sources of flooding.

To mitigate against flooding of the proposed dwellings a condition has been agreed for Finished Floor Levels to be set at 600mm above the 1 in 100-yr (+35% climate change allowance) flood level 40.43m AOD.

In response to comments during the planning consultation period BWB provided a response letter to address concerns that had arisen, dated 18 January 2022. The response letter spells out how the FRA they produced dated September 2020 conforms to current policy context set out within the Wiltshire Core Strategy, Policy 67: Flood Risk, as well as Wiltshire Housing Site Allocations Plan (WHSAP) Policy H2.5 "Upper Studley".

BWB further reviewed how the development site does not negatively affect the surrounding catchment, referring to the mapping information and guidance set out in the May 2019 Wiltshire Level 1 Strategic Flood Risk Assessment (SFRA).

Surface water runoff from the development's impermeable areas will be positively drained via a piped sewer network that will outfall the runoff to Lambrok Stream. Discharge rates will be limited from the development to Qbar 4.1 l/s.

Surface water runoff from the site's impermeable areas will be attenuated within a pond located to the lower south-western part of the development and will be sized to accommodate the 1 in 100-yr (+40% CCA) storm event.

Specifically chosen planting within the attenuation basin will help to provide biodiversity and amenity benefits through encouraging wildlife and helping to cleanse the runoff.

The Environment Agency commented:

"Following review of additional information provided by Rachel Meredith (BWB Consulting) confirming there had been no new structures since approval of the previous flood model, we are in a position to withdraw our objection provided the following conditions are included in any planning permission."

The EAs conditions were accepted by the applicant.

In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area through suitable management of surface water runoff discharging from the site.

9.5 Biodiversity

Wiltshire Core Strategy CP50 states that:

"Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services."

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

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

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

The application is accompanied by an ‘Extended Phase One Ecology Survey’, an ‘Ecology Masterplan’, and the ‘Ecology Cumulative Impact Assessment’. The Survey demonstrates that the site supports semi-improved poor grassland, hedges, a low population of slow-worm, common toads and potential for nesting birds and hedgehog. Otter and water vole are also present in Lambrok Stream at the southern boundary, which in accordance with the TBMS is also recognised as ‘core habitat’ for foraging and commuting bats.

Proposed mitigation and improvement proposals include:

- Species-rich neutral grassland (0.50ha);
- Hedgerow (0.33km);
- Shrub, tree, and broadleaved woodland (0.05ha) planting; and
- Wetland features.

With the exception of hedge planting (refer to BNG section below) these proposals are acceptable to the WC Ecologists.

A masterplan ‘Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation’ prepared by Greenhalgh (21/04/2021) has also been submitted (Figure 7). The Masterplan details a strategy that seeks to ensure compliance with the TBMS, specifically the location of ecology corridors, required to accommodate zones A and B. The site layout is compliant with the Coordinated Strategy Masterplan, and incorporates habitat buffers along ‘core area’ as required in the TBMS.

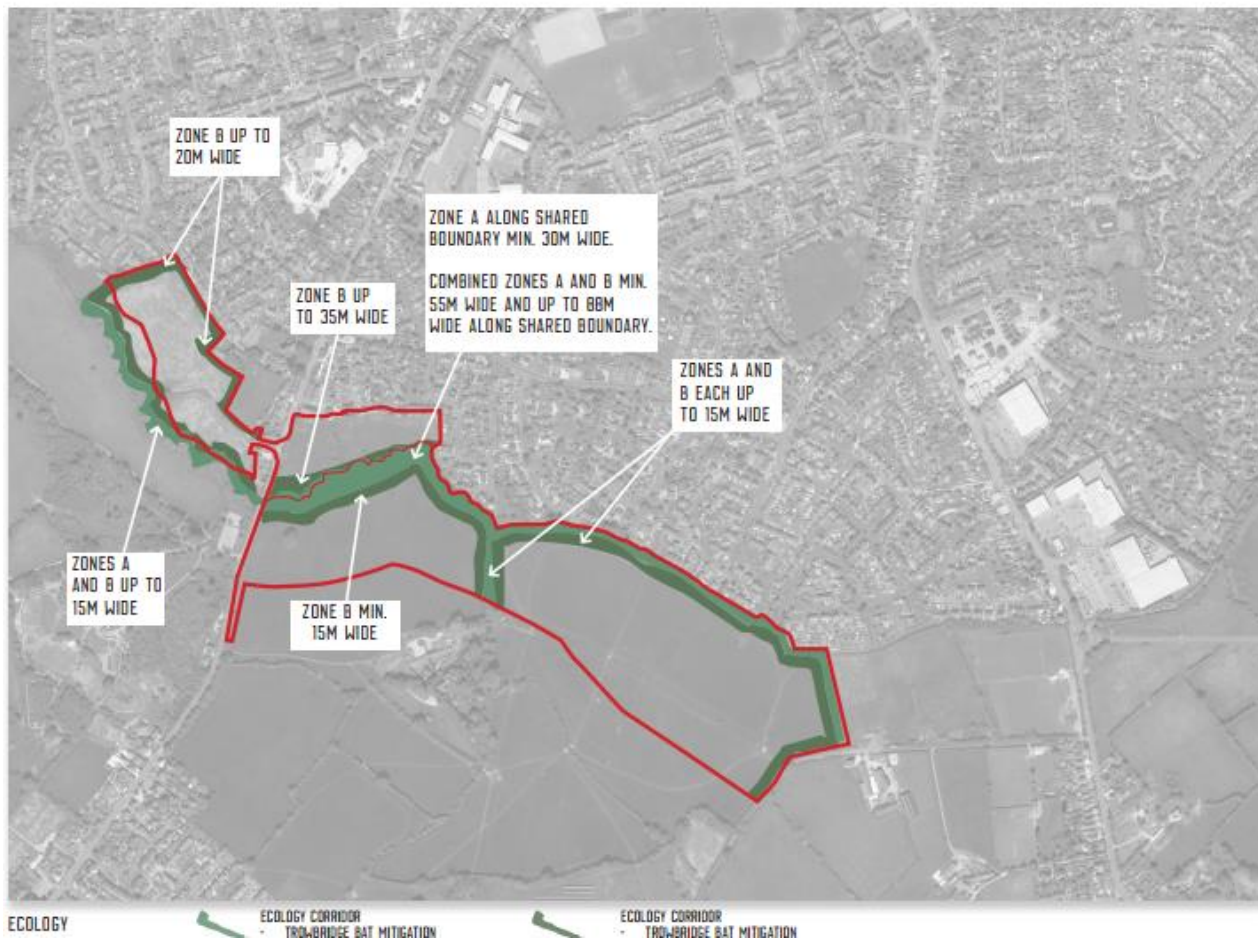


Figure 6 Coordinated Strategy Plan

New hedge planting is to be provided along the whole northern boundary, eastern boundary and along the western half of the access road (refer to detailed planting plans and Ecological Mitigation Plan). Once established this would provide connectivity along the northern and eastern boundaries. However, the proposal is unable to achieve no net loss in biodiversity with the submitted DEFRA metric calculation (Upper Studey Defra Metric 2.0) predicting a short fall of 3.37 habitat units. Off-site mitigation is, therefore, proposed to address this through financial contributions to a Council led scheme. They would be secured via the S106 agreement.

Construction-stage impacts on ecology would be avoided through the implementation of a Construction and Ecological Management Plan (CEMP). Long term impacts on wildlife would be avoided through the provision of new habitat and the retention and enhancement of existing habitats.

Habitat Regulations – Appropriate Assessment –

The proposal could have had significant effects on the Bath and Bradford on Avon Bat SAC. However, in view of all the additional supporting information provided which sets out how effects can be satisfactorily mitigated, both the WC Ecologist and Natural England have concluded that the proposal will not result in adverse effects on the integrity of the SAC. Accordingly, a positive Appropriate Assessment decision has been made.

9.6 Archaeology

Trial Trenching in accordance with the Written Scheme of Investigation, as approved by the WC Archaeologist, has been completed. An Evaluation Summary was provided in August

2022. This confirmed the Desk Based Assessment findings that the site has no archaeological interest.

The WC Archaeologist has confirmed that there is no reason for any further archaeological work to be carried out.

9.7 Impact on the setting of Listed Buildings

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

Paragraph 199 of the NPPF states that:

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

Paragraph 200 of the NPPF states that:

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

Paragraph 201 of the NPPF states that:

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

Core Policy 57 of the Wiltshire Core Strategy states:

"A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"

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

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

The closest heritage assets to the application site are the Listed buildings in Frome Road, notably Rose Villa. The proposal would have a neutral impact on these assets. Proposed works within their vicinity include the creation of a new footway on the east side of the road and the formation of the vehicular access into the site. The main access would be constructed to normal adoptable highways standards including lighting, with more low-key treatments within the site. The supporting information commits to the retention and reinforcement of the perimeter vegetation around the site, and this would maintain the character of Frome Road.

According to the WC Conservation Officer, the works within and adjacent to Frome Road are limited to that essential to allow the development of the site, and would not have a significant impact on the Listed buildings. The Conservation Officer, therefore, raises no objections to the proposal, finding the impact of the proposal to be neutral. The proposal is therefore in accordance with CP58 of the WCS.

9.8 Impact upon neighbouring amenity

Core Policy 57 point vii. requires development to have regard to

“...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution...”

With the above in mind, sufficient separation distances have been provided between the proposed dwellings and existing houses in the adjacent established residential area to ensure no loss of privacy, loss of light or overbearing impacts. In some areas there are level changes between the site and existing properties (the existing properties being higher), and this would further safeguard the amenities of the existing residents.

As for the new residents (at the lower level), the separations between the buildings would also safeguard their privacy. Some landscaping (tree planting) is also proposed on the common boundaries to soften and, to some extent, provide a screen.

With regards to the amenity impacts within the development site itself, no objections have been raised by the WC Urban Design Officer. The layout meets usual standards for new residential developments.

Regarding noise, a noise assessment has been submitted. It concludes no issues with the proposal that would impact negatively on the amenity of future or existing occupants. Noting that potential short-term disruption and disturbance from construction is not a ground to refuse an application, and can be controlled c/o a construction management plan.

9.10 Highways

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

Paragraph 111 of the July 2021 NPPF states that:

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

Summary –

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

Development of the site would bring with it a new length of footway (approximately 110m) running north to connect with the existing footways that continue north towards Trowbridge town centre. Landscape and ecological constraints prevent delivery of a wider shared use path along this length.

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

Public transport services pass the site with bus stops available within a short walking distance. Buses operate to a 30-minute frequency on the route that links Frome, Trowbridge, Melksham and

Chippenham and are timed such that the bus can be used for a range of employment, retail, leisure and educational purposes.

A new site access junction would be introduced on Frome Road in the form of a simple priority T-junction. This would be located such that it is compatible with the proposed access arrangements associated with other allocated development sites in the local area. Visibility splays on egress from the proposed access would comply with the existing 85th percentile traffic speeds recorded through previous surveys.

The proposed site layout provides car and cycle parking in full accordance with Wiltshire Council's standards. It also allows appropriate access for service vehicles.

Trip generation analysis suggests that peak hour traffic flows to and from the proposed development site would likely be a maximum of 29 two-way vehicle movements in the highway peak hours with 63.3% travelling to and from the north and 36.7% travelling to and from the south. Based on previous traffic surveys, the additional traffic generated by the site would be likely to represent an increase of up to 2.1% in the highway peak hours and 1.6% across a typical weekday. This level of flow increase is considered small and would not have adverse implications on the existing operation or safety of Frome Road or the local area.

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

Transport Statement –

A revised Transport Statement (TS) was submitted and published online on 17 March 2022. The Highways Officer broadly agrees with the majority of the TS, excluding consideration of accessibility to local services which may be enhanced through connectivity with adjacent sites; this is considered in the TS and dismissed, and also considered further below. With regards to cumulative impacts, the TS considers the impact of sites H2.4, H2.5 and H2.6 together which is the correct approach and in accordance with the WHSAP.

The TA does not consider the wider growth agenda for Trowbridge. But in any event the application proposes financial contributions towards proposals set out in the Trowbridge Transport Plan, notably relating to improving pedestrian accessibility to the town centre.

Detailed matters –

The WC Highways Officers final response to the application is set out below –

In light of Policy H2.5 and the consideration of adjacent sites H2.4 and H2.6, Miles White Transport drawing 18048-GA03 provides a summary of the 3 sites access junction arrangements onto Frome Road. Whilst a number of access points in a short distance would be typically objected to on the basis of multiplicity of access points, which may present safety issues, in this instance, it is intended to have the opposite effect through identifying to drivers that they are entering an urban fringe with greater activity thereby eliciting greater caution.

The site-specific access details are illustrated on drawing 18048-GA1 Rev B, and this displays the principal vehicle access serving the site which is presented as a typical minor/major priority junction with 5.5m minor arm carriageway width and 2.0m footways on either side of the access road. The access is served by sight stopping distance visibility of 2.4m by 118m, which has been illustrated to be sufficient with the recorded road speed. The 5.5m width is also typical of a residential road and allows for the passage of a large vehicle, such as a refuse vehicle, and a typical car at 30MPH.

An additional vehicle crossing is also provided and located just within the existing 30MPH limit. Because drivers exiting the vehicle crossing will observe cars approaching the 30MPH limit at a decreasing speed, but likely to be faster than 30MPH, the designer has been mindful to ensure that a 40MPH vehicle on the major road can be accommodated coming from the south (74m visibility splay) and a 37MPH car accelerating within the 30MPH limit from the north (59m visibility splay). Both access points are considered sufficient for the intended use and further allow the accommodation of existing road speeds.

Miles White Transport drawing 18048-GA03 further illustrates the delivery of a footway connection along the A361 to Old Brick Fields, with dropped ped crossings (tactiles) on both sides of the junction. On the approach to Old Brick Fields, it is noted that a fenced drainage structure prevents the delivery of a 2m width path, which is reduced to 1.4m width. Rather than commit to the reduced width route at outset, it is suggested that a study is carried out with Wiltshire Council Drainage Team to establish what alterations may be made to the drainage feature to allow a full 2m width footway to be delivered. In this regard, a condition is proposed by highways.

The applicants assert that The Disability Discrimination Act 1995 (2015 addendums) requires that a minimum 1200mm wide footway should be applied to new developments. They state that there is currently no Wiltshire Council Highways Design Guide that would contradict this and therefore a 1400mm wide footway should be acceptable. This is noted in both of their drawings and Transport Statement. It is also asserted by the applicants that they have done studies into the possibility of widening this section of pavement and have provided information on its feasibility. However, given this will be the sole access into the site for pedestrians, this footway does become of elevation importance. Accordingly, officers consider the condition necessary and would therefore recommend it is imposed. It is noted that the LHA consider that it would be feasible to deliver said footway width.

The delivery of the footpath along Frome Road provides access to a number of amenities and facilities but does not provide cycle access and is not considered as attractive as routes through the adjacent existing housing estate and through the adjacent development site to the southeast (H2.4). The attractiveness of the alternative routes is generated through the reduced levels of traffic presenting a quiet road network that facilitates cyclists sharing the carriageway safely and removes many of the environmental factors that make walking along a busy thoroughfare unappealing; Frome Road does not present similar opportunities. With consideration for this, the Local Highway Authority (LHA) have been consistent in their requests for alternative footway/cycleway connections through to the northeast of the site.

Two further points of connectivity were initially requested; access to Spring Meadows and access through site H2.6 to Westmead Crescent and alternative Public Rights of Way connections to the east. Access to Spring Meadows has been dismissed by the applicant due to the potential for a marginal ransom between the application site and the highway boundary. Whilst the potential for ransom exists, this has not been clearly evidenced by a Land Registry Search and thorough assessment of the highway boundary. However, rather than pursue this matter, the LHA concede this point due to high gradients, but advise the applicant to avoid the application of site boundary treatment around Spring Meadows to allow future connections to be made; the LHA choose not to condition this matter, to avoid any assertion that the LHA are advocating or advising the use of a route to Spring Meadows in its current condition.

With regards to access to Westmead Crescent via H2.6, this would require a footpath/cycle path connection in the location of the break in vegetative screen between the sites crossing the Lambrok Stream. The applicants has made the following comments against the delivery of such a footway, namely:

- that the area for the footway lies within Flood Zones 2 and 3;*
- that the suggested link is not a planning policy requirement and would not deliver any meaningful functional benefit in terms of desire lines from the application site to existing facilities and services in Trowbridge;*

- *that it is not necessary to make the development acceptable in planning terms;*
- *that there are ecological constraints to its delivery as well as impacts from engineering works required; and,*
- *that there would be significant costs associated with its delivery.*

It is for these practical reasons, combined with the limited benefit of provision, that the applicant is not willing to provide the footway connection. Your officers have considered these reasons, including whether they themselves feel that the connection would be necessary to make the development acceptable, and have reached the conclusion that it should not be insisted upon. Although this issue of connectivity was initially raised by the LHA, they are no longer actively pursuing this connection.

With regards to materials, the planning layout (721-06 Rev C) illustrates the proposed delivery of pedestrian priority across side junctions as a function of material continuity with footways and side road shared surfaces; this approach is fully advocated. Whilst the LHA will broadly defer to their colleagues in Urban Design to determine the aesthetic of material choice, the engineering will need to be defined against agreed specification between Wiltshire Council and the developer. The LHA are also mindful that elements of engineering detail for road adoption have also been submitted and like material choice, this will require wider consultation beyond planning legislation and will need to ensure that the submission broadly comply with both the subsequent planning approval and provisions within the Highway Act 1980 and relevant engineer approval. In this regard, a condition has been proposed and accepted by the applicants to cover the submission of these details.

With further regard to site layout, it is acknowledged that the site does not afford full circulation by a refuse vehicle and that bin collection points are necessary. In order to avoid unnecessary large vehicle turning manoeuvres a condition has been agreed with Wiltshire Waste Services.

The LHA support the scheme coming forward, subject to the conditions identified above and to s106 contributions towards the Trowbridge Transport Strategy and bus shelter upgrades.

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

9.11 Other Matters

Section 106

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed (see appendix C) to provide the following (The calculation is based on the net addition of dwellings as 50):

Affordable Housing

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

The proposal would therefore be required to provide 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.

The proposed units have been considered acceptable by the Councils Housing Officer.

Education

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

In order to achieve this requirement, the proposed development is required to fund:

- Early Years Contribution – 7 places totalling **[£122,654]** with timing of payment of contribution TBA
- Primary Education Contribution – 14 places totalling **[£262,612]** with timing of payment of contribution TBA.
- Secondary Education Contribution – 10 places totalling **[£229,400]** with timing of payment of contribution TBA.

Waste

A contribution of £91 per dwelling would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1. The total sum for the 50 dwellings would therefore result in £4,550.00.

Leisure and Play

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

A public open space leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground has been agreed.

Public Art

A public art contribution of £300 per dwelling is requested for the applicant to deliver the integration of public art for this site and no more than 10% of this should be spent upon the production of a public art plan. The total sum for 50 dwellings would therefore be £15,000.00.

Art and design in the public realm will help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development.

The above contribution is considered reasonable and necessary in line with the following policies of the development plan:

- Core Policy 3 promotes and defines public art as a type of place-shaping infrastructure and states that the cost of providing infrastructure can be met through the use of planning obligations.
- Core Policy 57 promotes “the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm.”
- Saved West Wiltshire District Plan 1st Alteration Policy I2 also makes reference to The Arts.
- The Planning Obligations Supplementary Planning Document (October 2016) refers to the 2011 guidance note of art and design in the public realm [page 31, paragraph 10]. This guidance note is attached for reference.

In addition, the NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that *“Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.”*

The sum has been agreed with the applicants. However, they wish to retain the option of delivering a scheme themselves as Newland Homes have done on their recently built out Bradley Road site (application refs: 17/05669/FUL & 18/11915/VAR). Officers have no concerns with an either or clause within the s106 provided any art scheme delivered by Newland Homes has the prior approval of the Council’s Public Arts Officer.

Highways & Public Right of Way

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identified transport strategies for Wiltshire’s principal settlements (Trowbridge being one of them) which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The following planning obligations are sought by the LHA:

- A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
- Bus stop shelter – White Row Park - £11,429

More detailed breakdowns of the contributions are detailed in the LHA consultation response. The transport strategy contribution is based upon infrastructure that is directly related to the impacts of housing growth caused by sites H2.4, H2.5 and H2.6, with the sum identified above being a percentage of the total figure covering all three sites.

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

Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be $55 \times £777.62 = £38,881$.

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

As the site cannot deliver no biodiversity net loss (a requirement set out in TBMS policy), the applicants are required to pay an off-site contribution of £232,537 to account for the loss of 3.37 habitat units. The money will be used by the Council to fund the purchase of land to deliver the 3.37 habitat units. The land in question must be within the yellow zone of the TBMS. The planning permission is unable to deliver this on site and in the absence of the contribution would not be supported due to non-compliance with the TBMS (i.e., a breach of the habitat regulations).

The S106 must also:

- Secure appointment of ECoW prior to construction commencing.
- Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.
- Secure provision of off-site mitigation area Zone A in accordance the Ecological Mitigation Plan embedded in the Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts prepared by Clarkson and Woods, (May 2022).

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

10. Conclusion (The Planning Balance)

The site the subject of this planning application is an allocated housing site known as 'H2.5' in the Wiltshire Housing Site Allocations Plan (WHSAP), and accordingly its development for residential purposes is already established as acceptable as a matter of principle. In essence this planning application is to, therefore, 'just' consider the finer detail, and specifically the compatibility of the proposal with Policy H2.5 of the WHSAP and the wider Wiltshire Core Strategy. This report demonstrates that there is compatibility.

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

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

both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H2.5.

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

It is considered that the proposal in principle would not cause a detrimental impact upon the amenity of existing or future occupiers subject to relevant conditions. The fully detailed proposal (this is a 'full' application) shows a well-designed layout which would introduce a softer edge to the countryside than presently exists; this is a positive benefit of the proposal.

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

- **Drainage and Flooding -**
The Council's Drainage Team and Wessex Water in their responses have confirmed that the level of detail provided as part of this application proves that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk, and therefore support the application in principle. This is therefore a neutral consideration on the planning balance.
- **Biodiversity -**
There are ecological constraints on this site and any development must accord with the Trowbridge Bat Mitigation Strategy. The application demonstrates mainly positive outcomes for ecology, with the slight negative consequences for hedgerows addressed by an off-site financial contribution.

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

This is therefore a neutral consideration on the planning balance.

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

Final Balance –

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

RECOMMENDATION:

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

S106 matters –

- Affordable housing – 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.
- Education –
 - Early Years Contribution – 7 places totalling [£122,654] with timing of payment of contribution TBA [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
 - Primary Education Contribution – 14 places totalling [£262,612] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
 - Secondary Education Contribution – 10 places totalling [£229,400] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
 - All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.
 - The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
 - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
 - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- Open space – A leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground.
- Biodiversity - Biodiversity Contribution towards Trowbridge Bat Mitigation Strategy – £777.62 x 50 = £38,881.

Off-site biodiversity to include planting on local receptor site to deliver off-site biodiversity net gain. Details of scheme planting and subsequent maintenance regime to be agreed by the Council prior to first occupation of the development.
£232,537 BNG contribution.
- Highways -
 - A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
 - Bus stop shelter – White Row Park - £11,429
- Waste Collection Services- £5,050
- Public Art Provision - £15,000 based on £300/dwelling.

CONDITIONS

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Design and Planning:

- 721_B_Design and Access Statement_A3
- 721-01__Location Plan_A3
- 721-06_C_Planning Layout_A2
- 721-07_B_Building Height Key Plan_A2
- 721-08_B_Affordable Housing Key Plan_A2
- 721-09_A_Boundaries & Enclosures Key Plan_A2
- 721-10_B_External Material Finishes Key Plan_A2
- 721-11-01_B_Site Sections_A1
- 721-11-02_A_Site Sections_A1
- 721-12_B_Street Scene_A0
- 721-100_B_External Materials Schedule_A3

House Types/ Garages:

- 721-30-01__AT2 & CR3_A3
- 721-30-02__AT2 & CR3_A3
- 721-30-03__AT2 & CR3_A3
- 721-31-01__SP2_A3
- 721-31-02__SP2_A3
- 721-32-01__HN3_A3
- 721-32-02__HN3_A3
- 721-33-01__HO3_A3
- 721-33-02__HO3_A3
- 721-33-03__HO3 DA_A3
- 721-33-04__HO3 DA_A3
- 721-34-01__CR3_A3
- 721-34-02__CR3_A3
- 721-35-01__TH3_A3
- 721-35-02__TH3_A3
- 721-36-01__HA4_A3
- 721-36-02__HA4_A3
- 721-37-01__SH4_A3
- 721-37-02__SH4_A3
- 721-38-01__PB4_A3
- 721-38-02__PB4_A3
- 721-39-01_A_1B2P 50 & 2B3P 61 & 4B6P 108_A3
- 721-39-02_A_1B2P 50 & 2B3P 61 & 4B6P 108_A3
- 721-40-01_A_1B2P 50 & 2B3P 61_A3
- 721-40-02_A_1B2P 50 & 2B3P 61_A3
- 721-41-01_A_2B4P 68_A3
- 721-41-02_A_2B4P 68_A3
- 721-42-01__3B5P 83_A3

- 721-42-02__3B5P 83_A3
- 721-43-01_A_Garages_A3
- 721-43-02_A_Garages_A3

Engineering:

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long.Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)
- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)
- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1_500)

Supporting Information:

Landscape -

- 721__Landscape Visual Appraisal_A4
- 161-801_E Illustrative Landscape Plan
- 161-ID-G101_F Landscape Strategy
- 161-001_M Landscape Plan
- 161-201_G Planting Plan 1 of 3
- 161-202_G Planting Plan 1 of 3
- 161-203_G Planting Plan 1 of 3
- 161-401 Trees in soft under 20cm girth
- 721_B_Landscape Planting Schedules_A1

- 721_A Landscape Management Plan_A1
- 721__Landscape Cumulative Impact Assessment_A4
- 161-TECH NOTE-001_Landscape Cumulative_v2
- 161-804_C Coordinated Strategy Masterplan
- 161-805_C Coordinated Strategy Supporting Diagrams

Arboriculture -

- 721__AIA+AMS+TPP_A4 (Arboricultural Implications Assessment/ Arboricultural Method Statement/ Tree Protection Plan) (July 2022)

Urban Design -

- 721__Building for a Healthy Life Assesment_A4

Ecology -

- 721__Extended Phase 1 Ecological Survey Report_A4
- EMP (Ecological Mitigation Plan) (May 2022)
- CEMP_Biodiversity_Upper Studley_v6.0 (Construction Ecological Management Plan)
- EclA_Upper Studley_v6.0 (Ecological Impact Assessment)
- LEMP_Upper Studley_v6.0 (Landscape Ecological Management Plan)
- Upper Studley_Defra Metric v2.0 (February 2022)
- Upper Studley_Defra Metric v2.0_No Offsite (February 2022)
- HRA_Upper Studley_v1.0
- Masterplan_Ecology_H2.4-H2.5-H2.6_v4.0 (May 2022)
- 721-16__The Grove Illustrative Landscape Enhancements_A3

Lighting -

- 721__Lighting Impact Assessment_A4 (February 2022)
- 721__Street Lighting Calculation MF0.87
- 721__Street Lighting Calculation MF1
- 721__Street Lighting Strategy Summary MF0.87
- 721__Street Lighting Strategy Summary MF1

Drainage -

- SRT-BWB-EWE-XX-RP-EN-0001_S2_P2.0_FRA (Flood Risk Assessment)
- SRT-BWB-EWE-XX-RP-EN-0002_HMSN_S2_P1.00 (Hydraulic Modelling Summary Note)
- SRT-BWB-HDG-XX-RP-CD-0001_S2_P1.0_SDS (Sustainable Drainage Statement)
- CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)

Archaeology -

- Historic Environment Desk Based Assessment_A4
- Heritage Cumulative Impact Assessment_A4
- Written Scheme of Investigation_A4 (June 2022)
- Archaeological Evaluation Summary

Acoustic -

- M2201 Frome Road R01b - Noise Assessment

Highways -

- 721__Transport Statement_A4 (February 2022)

Planning -

- 721__Planning Statement_A4
- 721__Application Form_A4
- 721__CIL Form 1 - Additional Information_A4
- 721__Notice Served_A4

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

- 3 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
 - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

- 4 Notwithstanding the submitted details, no development shall take place on-site until details of the estate roads, footways, footpaths (including surfacing of public footpaths), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved by the Local Planning Authority. The development of a phase shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the site highway and transport infrastructure is constructed in a satisfactory manner.

- 5 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

- 6 The development shall be implemented in accordance with the foul drainage detailed design in accordance with the Drainage Strategy Rev D received on 17th June 2022 and associated list of drawings (below) received 2nd December 2022. No dwelling shall be first occupied until the associated approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2
- 721-142-3 Rev D Drainage and Levels - Sheet 3

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 7 The development shall be carried out in accordance with the submitted flood risk assessment, dated December 2017 (ref: SRT-BWB-EWE-XX-RP-EN-0001_FRA, version P2) and the mitigation measures it details, including ground floor finished floor are set at 41.03m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 8 The soft and hard landscaping for the development shall be implemented in accordance with Landscape Plan 161-001-M and Planting Plans 161-201-G & 161-202-G & 161-203-G received on 27th May 2022.

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

- 9 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.

- 10 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protection measures outlined in Appendix 2 of the Arboricultural Implications Assessment and Tree Protection Method Statement by Tree Maintenance Limited and dated August 2020 have been erected in accordance with the approved details.

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

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

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

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

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

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

- 11 Natural play areas for the development shall be implemented in accordance with Landscape Plan 161-001-M and 161-ID-G101_F Landscape Strategy received on 27th May 2022.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 12 Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: to demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

- 13 The development will be carried out in strict accordance with the following documents:
- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).
 - Lighting Impact Assessment. (Illume Design, 22/02/2022).
 - Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
 - Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).
 - Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).

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

- 14 The development shall be implemented in accordance with the site-specific CEMP_Biodiversity_Upper Studley_v6.0 (Construction Environmental Management Plan) received on 27th May 2022. All approved features noted on the plan at Pages 29 & 30 shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. An ECoW will be appointed.

REASON: to protect protected species and existing retained habitat for the duration of the construction process and to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

- 15 The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- 16 The development shall be implemented in accordance with the external lighting details contained within 721__Lighting Impact Assessment_A4 received 17th March 2022 and 721__Street Lighting Strategy MF0.87 & 721__Street Lighting Strategy MF1 received 30th October 2020. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 17 On completion of the required remedial works specified in Chapter 7.6 of the Geo-Environmental Report submitted as part of the application, the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 18 Prior to first occupation all works shall be completed in accordance with approved drawing 18048-GA03. Illustrated visibility splays serving each access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

- 19 Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall be submitted to and approved by the Local Planning Authority. The details shall include footway/cycleway infrastructure that maximises the width of appropriate surfacing available within Highway extents, with an absolute minimum of 2m and wherever possible complying with LTN 1/20. Where an absolute minimum of 2m width cannot be achieved a scheme of mitigation shall be provided that may include pedestrian crossing facilities of Frome Road and or carriageway narrowing or realignment. Prior to first occupation of the development, the footway and associated works shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To provide safe and convenient access to surrounding settlement in the interests of highway safety and Core Strategy Policy 61 and 62.

- 20 The footpath and cycle provisions shall be implemented in accordance with drawings 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2, and 721-141-3 Rev E External Works Layout - Sheet 3 all received on 2nd December 2022. The approved details shall be maintained as such in perpetuity.

REASON: In pursuit of sustainable transport objectives.

- 21 No dwelling shall be occupied until the parking space(s) together with the access thereto (including from the Frome Road), have been provided in accordance with the approved plans. They shall be maintained as such in perpetuity.

REASON: In the interests of highway safety and the amenity of future occupants.

- 22 Prior to occupation, each dwelling shall have their boundary details implemented in accordance with 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2 & 721-141-3 Rev E External Works Layout - Sheet 3 received on 2nd December 2022 and 721-151 Rev A - External Works Details - Walls, Fences and Railings received 27th May

2022. The approved boundary conditions shall be retained and maintained as such at all times thereafter.

REASON: To prevent loss of privacy to new properties and overlooking from existing properties on Spring Meadows, which are elevated above the site.

- 23 Prior to occupation, each dwelling shall have their waste collection details implemented in accordance with the list of drawings (below) received 2nd December 2022. The approved details shall be maintained as such in perpetuity.

List of drawings;

- 721-141-1 Rev E External Works Layout - Sheet 1
- 721-141-2 Rev E External Works Layout - Sheet 2
- 721-141-3 Rev E External Works Layout - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

REASON: To ensure that waste collections will function in accordance with the requirements of policies CP3 and WCS6.

- 24 No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

Appendices

Location Plan	Appendix A
Site layout	Appendix B
Affordable Housing Plan	Appendix C
Site Access Plan	Appendix D
Appropriate Assessment	Appendix E
Natural England Agreement	Appendix F
S106 Heads of Terms Agreement	Appendix G

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APPENDIX A

DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or query to be reported and clarified before associated work proceeds. All construction to be in accordance with relevant Trade and Professional Standards and Guidelines, Statutory requirements and product manufacturers' specifications. Read in conjunction with Finishing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.

LEGEND

- Redline Boundary
- 5.687 Ac
- 2.301 Ha



Rev	Description	Date	Initial	Checked



Upper Studley,
 Trowbridge
 Location Plan



1:1250@A3
 Scale
721-01
 Drawing No.

CC
 Drawn
 June 2020
 First Issue
 -
 Revision

DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or query to be reported and clarified before associated work proceeds. All construction to be in accordance with relevant Trade and Professional Standards and Guidelines, Statutory requirements and product manufacturers' specifications. Read in conjunction with Finishing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.



C	Layout amended to reduce 182P apartments and increase 2B3P M4(2) homes following comments received from Wiltshire Council.	04.05.2022	CC	CC
B	Layout amended following comments	18.01.2022	CC	CC
A	Layout amended following comments received from Wiltshire Council	23.04.2021	CC	CC
Rev	Description	Date	Initial	Checked

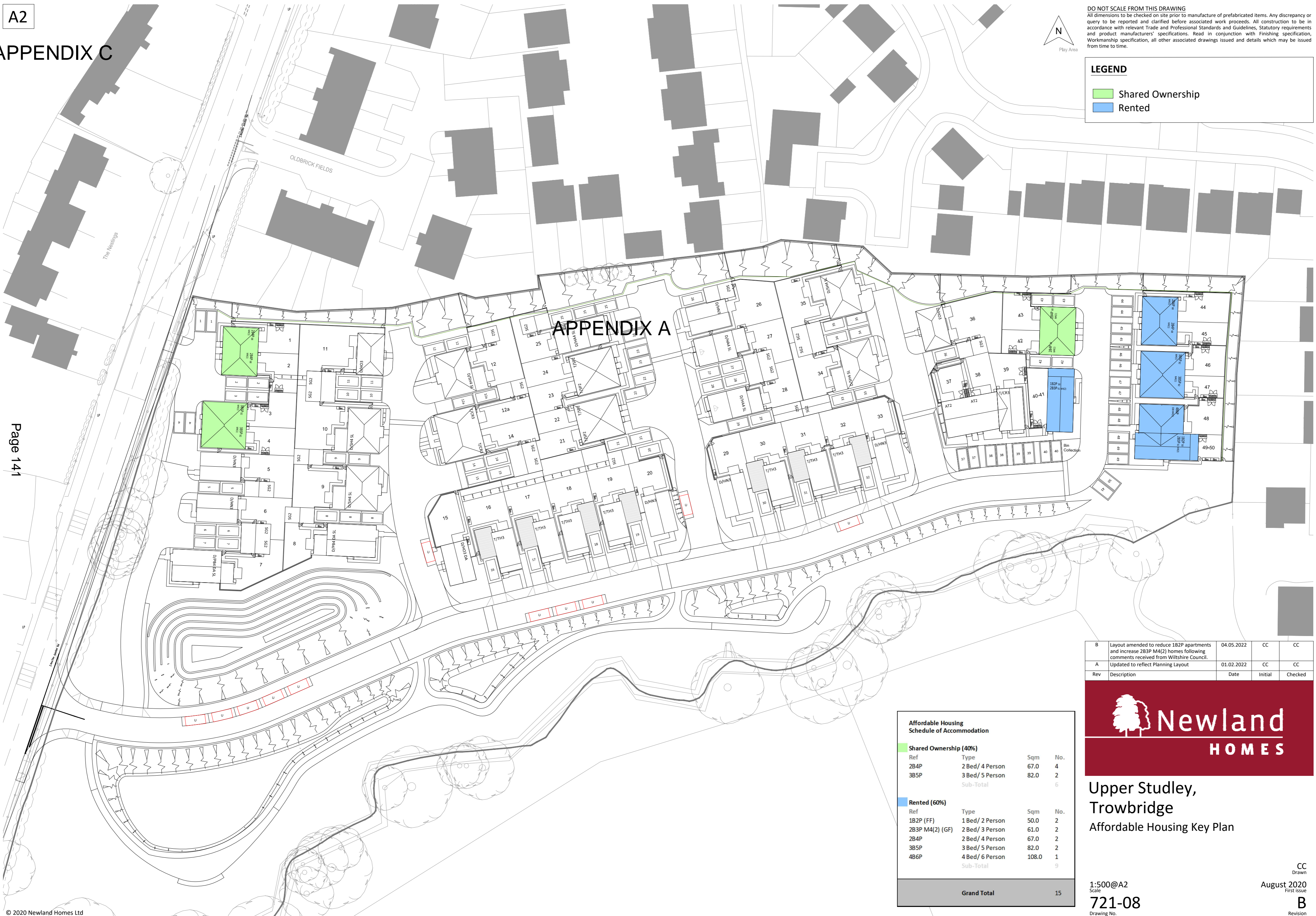
Schedule of Accommodation		
Ref	Type	No.
Open Market Housing		
SP2	2 Bed/ 4 Person	4
AT2	2 Bed/ 4 Person	2
HO3	3 Bed/ 5 Person	2
HO3 DA	3 Bed/ 5 Person	1
HN3	3 Bed/ 5 Person	6
CR3	3 Bed/ 5 Person	3
TH3	3 Bed/ 6 Person	7
HA4 (SUN)	4 Bed/ 7 Person	3
SH4 (SUN)	4 Bed/ 7 Person	5
PB4 DA (SUN)	4 Bed/ 7 Person	2
	Sub-Total	35
Affordable Housing (30%)		
Ref	Type	No.
1B2P (FF)	1 Bed/ 2 Person	2
2B3P M4(2) (GF)	2 Bed/ 3 Person	2
2B4P	2 Bed/ 4 Person	6
3B5P	3 Bed/ 5 Person	4
4B6P	4 Bed/ 6 Person	1
	Sub-Total	15
Grand Total		50



Upper Studley,
 Trowbridge
 Planning Layout

1:500@A2
 Scale
721-06
 Drawing No.

CC
 Drawn
 March 2020
 First issue
 C
 Revision



DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or query to be reported and clarified before associated work proceeds. All construction to be in accordance with relevant Trade and Professional Standards and Guidelines, Statutory requirements and product manufacturers' specifications. Read in conjunction with Finishing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.

LEGEND

- Shared Ownership
- Rented

APPENDIX A

B	Layout amended to reduce 182P apartments and increase 2B3P M4(2) homes following comments received from Wiltshire Council.	04.05.2022	CC	CC
A	Updated to reflect Planning Layout	01.02.2022	CC	CC
Rev	Description	Date	Initial	Checked

Affordable Housing Schedule of Accommodation

Shared Ownership (40%)			
Ref	Type	Sqm	No.
2B4P	2 Bed/ 4 Person	67.0	4
3B5P	3 Bed/ 5 Person	82.0	2
Sub-Total			6
Rented (60%)			
Ref	Type	Sqm	No.
182P (FF)	1 Bed/ 2 Person	50.0	2
2B3P M4(2) (GF)	2 Bed/ 3 Person	61.0	2
2B4P	2 Bed/ 4 Person	67.0	2
3B5P	3 Bed/ 5 Person	82.0	2
4B6P	4 Bed/ 6 Person	108.0	1
Sub-Total			9
Grand Total			15



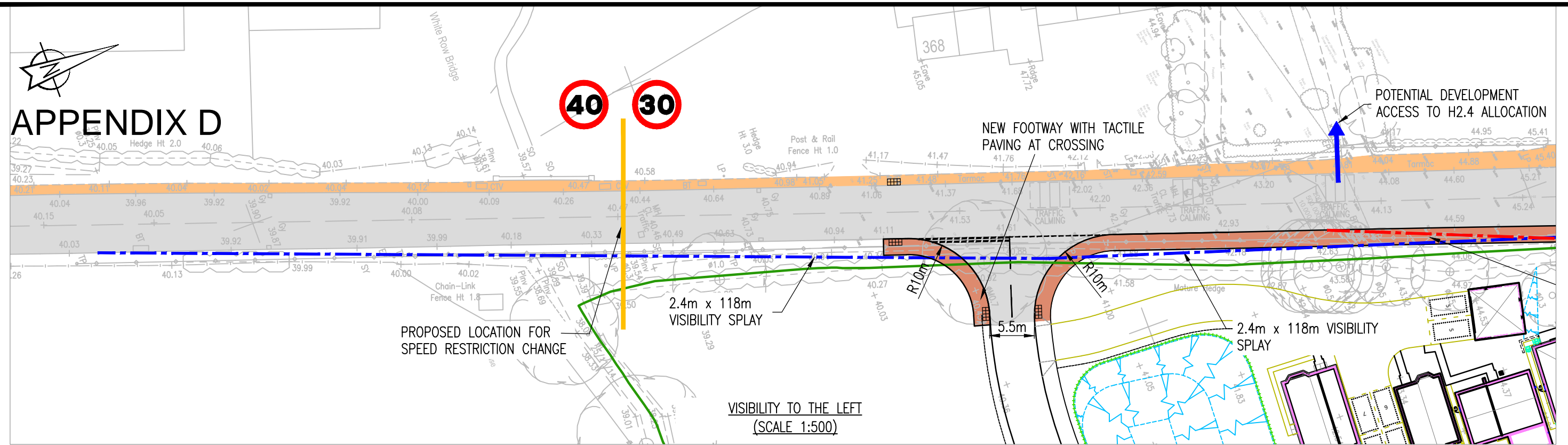
Upper Studley, Trowbridge Affordable Housing Key Plan

1:500@A2
 Scale
721-08
 Drawing No.

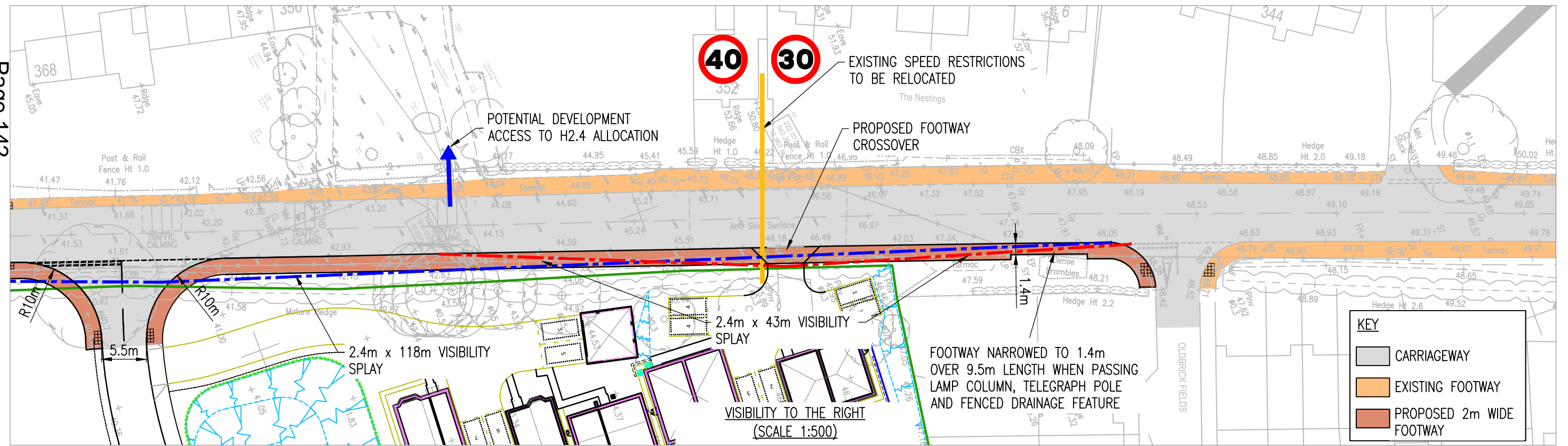
CC Drawn
 August 2020 First issue
 B Revision



APPENDIX D



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REV	DETAILS	DRAWN	CHECKED	DATE
A	FOOTWAY DETAILS AMENDED	SLW	CDM	05.10.2020

NOTES:

- This drawing is for illustrative purposes only and not for construction.
- This drawing is to be read and printed in colour.
- All dimensions are shown in meters, unless specified otherwise.

SCALE 1:500

PROJECT: Frome Road, Trowbridge

DRAWING TITLE: PROPOSED SITE ACCESS ARRANGEMENTS

DRAWN: SLW	CHECKED: CDM	DATE: 22.04.2020	SCALES: 1:500	SHEET SIZE: A3
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CLIENT: Newland Homes

DRAWING NUMBER: 18048-GA01

REVISION: A

NOTE: THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN MILES WHITE TRANSPORT LTD. IT MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows
Date:	19/10/2022. 14/11/2022 (Amendments in red text)
Application number:	20/09659/FUL
Proposal:	Erection of 50 dwellings and associated access and landscaping works
Site address:	Land off Frome Road, Upper Studley, Trowbridge
Case officer:	Martin Broderick

Recommendations:

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	No objection
<input type="checkbox"/>	Condition (no objection subject to conditions)
<input type="checkbox"/>	Objection - further information required
<input type="checkbox"/>	Objection in principle
<input checked="" type="checkbox"/>	HRA required

The local authority has completed an Appropriate Assessment (AA) (refer to HRA section within these comments) that has been concluded favourably. The AA has been sent to NE (14/11/2022). NE have 21 days to respond, the application must not be determined until NE have endorsed this AA.

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	TBMS Mitigation	CP50, TBMS, HRA	Submission of Ecological Mitigation Plan currently embedded in the Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts prepared by Clarkson and Woods, (May 2022) as a standalone document. (19/10/2022).	Yes 26/10/2022 Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).
2	TBMS Mitigation	CP50, TBMS, HRA	A mechanism to secure simultaneously delivery of 'Zone A' which is off-site to the south with site clearance commencing is required. (19/10/2022)	Yes 26/10/2022– refer to AA below.
3	BNG, TBMS Mitigation	CP50, TBMS, HRA	Confirmation from the developer that the required BNG contribution has been agreed. (19/10/2022)	Yes 26/10/2022
4	BNG, TBMS Mitigation	CP50, TBMS, HRA	Confirmation that issues raised by WCs Sustainable Transport Team can be overcome without changes to the layout specifically further encroachment into 'Zone B' and reptile	Yes 4/11/2022 verbal communication between

APPENDIX E

			mitigation area. (19/10/2022)	Highways and Ecology
5	BNG, TBMS Mitigation	CP50, TBMS, HRA	Confirmation that lighting layout is realistic in the long-term given street lighting appears to be required to the west of this access road but not to the east. (19/10/2022)	Yes 4/11/2022 verbal communication between Highways and Ecology
6	BNG, TBMS Mitigation	CP50, TBMS, HRA	Justification that hedge mitigation will be provided in accordance with the BNG calculation is required. Alternatively, the BNG calculation must be amended to accurately calculate the change in hedgerow units. If the developer is unable to mitigate a shortfall in hedgerow units the deficit must be made up through contributions to a council led scheme. (19/10/2022)	Yes

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

Following previous comments from ecology dated 29/01/21 and 09/06/21 and review of the submissions below please find comments to follow:

- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).
- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).
- Ecology Masterplan WHSAP Allocated Sites H2.4, H2.5 and H2.6. (Clarkson and Woods, February 2022).
- Upper Studley_Defra Metric 2.0_Feb 2022_No offsite
- Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation. (Greenhalgh, 21/04/2021).
- Lighting Impact Assessment. (Illume Design, 22/02/2022).
- Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
- Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
- Illustrative Masterplan. Drawing Number 161-801_D. (Greenhalgh, 11/09/2020).
- Landscape Plan. Drawing Number 161-001_L. (Greenhalgh, 28/08/2020).
- Planting Plan. Drawing Number 161-202_F (Sheets 1-3). (Greenhalgh, 28/08/2020).
- H2.5, H2.6 and Flood Zone Overlay. (Newland Homes, October 2022).
- Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).
- Ecology Rebuttal Summary Table. (Planning Sphere 19th October 2022).

Baseline

It is reported that the Site supports semi-improved poor grassland, hedges, a low population of slow-worm, common toads and potential for nesting birds and hedgehog. Otter and water vole are present in Lambrok Stream at the southern boundary which in accordance with the TBMS is also recognised as 'core habitat' for foraging and commuting bats. Mitigation and enhancement features include: Species-rich neutral grassland (0.50ha). Hedgerow (0.33km), shrub, tree, and broadleaved woodland (0.05ha) planting. Wetland features. With the exception of hedge planting (refer to BNG section below) these features appear on submitted plans.

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Layout

This is WHSAP allocated site (H2.6) for 45 dwellings houses. As identified in previous comments this application exceeds this dwelling allocation limiting the space available to fulfil WHSAP Policy H2.5, TBMS mitigation requirements and CP50.

Following a request from Ecology a masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared and submitted with this application. The plan details a strategy that seeks to ensure compliance with the TBMS specifically the location of ecology corridors required to accommodate zones A and B along 'core habitat'. The current site layout demonstrates compliance with the Coordinated Strategy Masterplan and highlights that, if complied with, ample habitat buffers along 'core habitat' as required in the TBMS could be provided but that it is located on land off-site to the south.

The Ecological Mitigation Plan (Clarkson and Woods, 14/03/2022) is the only drawing that adequately details the habitats and features required to achieve an appropriate level of mitigation including the predicted biodiversity units and compliance with the TBMS. **To ensure all the required mitigation can be secured the Ecological Mitigation Plan which is currently embedded in the Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts prepared by Clarkson and Woods, (May 2022)), must be submitted as a stand alone drawing and secured by condition.** If required this plan must also be amended to address the issues raised in these comments.

WCs Sustainable Transport Team have raised issues including the lack of turning space for refuse trucks. The provision of additional turning space/s will result in changes to the layout and therefore the mitigation (TBMS Zone B and reptile mitigation) upon which the BNG calculations and Habitat Regulations Assessment are based. **Any changes to the layout required to address such comments must be made prior to determination and not left to condition.**

Habitat Regulations Assessment

Bath and Bradford on Avon Bats SAC - Appropriate Assessment

This development is screened into appropriate assessment in relation to the Bath and Bradford on Avon Bats SAC. Following the TBMS guidance it lies within the zones of medium risk for both loss / damage to bat habitat and causing increased recreational pressure at woodlands used by Bechsteins' bats for breeding.

Background information for the appropriate assessment is contained in the TBMS which was adopted as SPD in February 2020. No other European site is screened into the assessment.

The SAC's qualifying Features are as follows:

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

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

APPENDIX E

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

Publication Date: 27th November 2018 – version 3. This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations 2017.

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

The application site lies on the southern side of the Trowbridge settlement boundary adjacent to Lambrok Stream. The TBMS was adopted as SPD in February 2020. No further information has since come to light to indicate compliance with TBMS cannot be relied onto for the purposes of concluding an appropriate assessment for a WHSAP allocation at Trowbridge favourably.

Compliance against TBMS criteria

Under items 1 -11 below, I have underlined where we need further information to progress the AA.

	TBMS criteria	Details provided for Application
1	<p>Surveys completed:</p> <ul style="list-style-type: none"> • In accordance with Council pre-application advice if provided • In accordance with BCT Good Practice Guidelines • Could mating sites have been overlooked? (survey April and October for male roosts) 	<p>Surveys are fully compliant. 10 transect surveys between April and October 2019. 3 static detectors for at least 5 nights per month from April to October 2019. In addition, 3 nights of harp and mist trapping during June and July 2019. Assessment of potential bat roost features in trees.</p> <p>The EclA states that ‘<i>Greater horseshoe bats, which may be associated with the SAC, were recorded on the Site across the survey season, notably along the Lambrok stream and northern boundary. Numbers rose in June/July and peaked in August. Lesser horseshoe bat numbers were low across the survey season. Myotis sp., which could potentially include Bechstein’s bats associated with the SAC, were recorded across the survey season. Activity was low in the first half of the season but increased from July to October across the whole site, particularly along the Lambrok stream and western site boundary.</i>’</p> <p>Most trapped bats surveys were males (mostly pipistrelle spp). The consultant considered the local micro-climate was relatively cold - may mean foraging resources are inadequate at this site for females in breeding condition. This may partly explain why higher numbers of greater horseshoe and Myotis bats were recorded in the latter part of the season. However, this</p>

APPENDIX E

		<p>is speculative and was not true for none Annex II bats which were more evenly distributed throughout the season.</p> <p>No trees with potential to support roosts. Several trees to the south of site have potential bat roost features.</p> <p>The Lambrok stream connects with habitat off site and is likely to be a commuting route for horseshoes and potentially Bechstein's. Lambrok Stream is therefore recognised at 'core habitat'.</p>
2	<p>Masterplan to be provided which covers entire allocation (referenced in WHSAP housing policies) and identifies:</p> <ul style="list-style-type: none"> • Core Bat Habitat features • That sufficient land can be set aside to achieve 100% mitigation for loss of habitat due to development footprint • That retained core bat habitat connects to the wider habitat network • The maximum quantum of residential units for the whole allocation 	<p>A masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared and submitted with this application. The plan identifies the full extent of land required to ensure compliance with the TBMS.</p> <p>The current site layout is unable to achieve the core bat habitat buffers required in the TBMS. Most notably the layout relies on the provision of 'Zone A' (refer yellow shading in Ecological Mitigation Plan embedded in the Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts prepared by Clarkson and Woods, (May 2022)), to be provided on land south of Lambrok Stream which is off-site. <u>A mechanism to secure simultaneously delivery of Zone A with site clearance commencing is required.</u></p> <p>For the following reasons Zone A would be protected from change associated with development.</p> <ul style="list-style-type: none"> • Drawing H2.5, H2.6 and Flood Zone Overlay (Newland Homes, October 2022) shows land is within flood Zones 2 and 3. • The masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' does shows Zone A would be retained with buffer in line with TBMS. • Any application affecting Zone A would be subject to the TBMS which would ensure appropriate buffers were provided here.
3	<p>For outline applications, Parameters Plan (para 142) to address:</p>	<p>Not required for this full application.</p>
4	<p>Biodiversity Net Gain Calculations demonstrate 100 % mitigation has been provided for all habitat lost where the yellow zone and the application boundary overlap.</p>	<p><u>To ensure all the required mitigation can be secured the Ecological Mitigation Plan which is currently embedded in the Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts prepared by Clarkson and Woods, (May 2022)), must be submitted as a standalone drawing and secured by condition. Done.</u></p> <p>There is a significant discrepancy between the on-site hedge mitigation planting detailed in the BNG calculation and the landscape/ mitigation plans (refer to BNG below). <u>Justification that hedge mitigation will be provided in accordance with the BNG calculation is required. Alternatively, the BNG calculation must be</u></p>

APPENDIX E

		<p><u>amended to accurately calculate the change in hedgerow units. If the developer is unable to mitigate this shortfall in hedgerow units the deficit must be made up through contributions to a council led scheme.</u></p> <p>Discussions with the consultant ecologist confirmed new hedge planting is to be provided along the northern boundary and along the new access road. This planting is shown on the submitted plans that will be secured by condition.</p> <p>The current site layout is unable to achieve no net loss in biodiversity with the submitted defra metric calculation (Upper Studey Defra Metric 2.0) predicting a short fall of 3.37 habitat units. The loss is due to development on permanent grassland which is not Priority Habitat. The council considers that the deficit can be acceptably addressed through additional financial contributions to the TBMS to achieve additional woodland and hedgerow creation outlined in Appendix I of that document.</p> <p><u>Awaiting confirmation from the developer that the required contribution has been agreed. Yes agreed</u></p> <p><u>S106 required to fix the rate to be paid.</u></p>
5	<p>For reserved matters and full applications, an Ecological Mitigation Plan in accordance with para 143, section 8.2 and Figure 6 of the TBMS:</p> <p>(i) Scaled drawing(s) to show</p> <ul style="list-style-type: none"> • Limit of built development • Core bat habitat is adequately buffered and enhanced. • Details of replacement roosts • Commuting routes and foraging habitat to be retained, created and enhanced • Location/extent and full landscape specifications for tree and shrub planting, wildflower grassland etc <p>(ii) Detailed and scaled cross sections to accurately locate development and ecological mitigation features e.g. hedgerows, SuDs etc</p>	<p>Overall, the selection of tree, shrub and wetland species supports the ecological ambitions of the scheme design and is welcomed.</p> <p>The current site layout is unable to achieve the core bat habitat buffers required in the TBMS. Most notably the layout relies on the provision of 'Zone A' (refer yellow shading on extract from Ecological Mitigation Plan below), the 15m core habitat buffer, to be provided on land south of Lambrok Stream and off-site. <u>A mechanism to secure Zone A is required. Yes refer to comment in Item 2.</u></p> <p><u>WCs Sustainable Transport Team have commented on the lack of turning space for refuse trucks at the eastern end of the cul-de-sac by dwellings 49-50. Additional turning space here will exacerbate an existing pinch point in the TBMS buffer zone, reduce reptile mitigation and is likely to be unacceptable in ecology terms. This must be resolved prior to determination.</u></p> <p><u>Yes verbal communication between Highways and Ecology.</u></p> <p>A phasing plan demonstrating the timing of habitat creation works in relation to construction works in order to demonstrate that mitigation will follow quickly behind vegetation stripping for development.</p>

APPENDIX E

		None of the tree planting in Zone A should be of fastigate varieties. Plans should confirm this is the case to avoid stock substitutions.
6	<p>For Reserved Matters and Full applications, CEMP to set out:</p> <ul style="list-style-type: none"> • Location of temporary work areas • Schedule of works covering removal, enhancement and creation of habitat features in relation to construction works. • Details of compliance arrangements and how staff will interface with Council TBMS Project Officer • Management of habitats during the construction phase 	<p>The CEMP is clearly written and well set out. It requires oversight of some works by an Ecological Clerk of Works.</p> <p>As the vegetation removal and protection of habitats is critical at this site, it will be important the ECoW is appointed before this work commences. A favourable conclusion of this AA will depend on this matter being resolved through the S106.</p> <p>S106 required to secure appointment of ECoW prior to construction commencing.</p> <p>The following matters need to be resolved before the CEMP is agreed.</p> <p>There is a lack of clarity between MS3 and MS4 over when clearance down to 300mm may occur.</p> <p>The location of fencing on Figure 1 may need to be reconsidered once the EMP is agreed.</p> <p>Sufficient information has been submitted to demonstrate this requirement can be conditioned. Conditions for CEMP, LEMP, landscape plans and the revised biodiversity metric will secure the necessary ecological mitigation.</p>
7	<p>For Reserved Matters and Full applications, LEMP to set out:</p> <ul style="list-style-type: none"> • Plan showing extent of habitats which the Management Company will be responsible for • Management objectives for each habitat • 1 and 5 year schedules of management activities including replacement /restoration works where damage occurs • Review mechanism 	<p>The LEMP is helpfully laid out and covers the key issues.</p>
8	<p>The potential impacts of lighting are adequately modelled and assessed with appropriate mitigation included to minimise the effects artificial lighting across the site in accordance with section 8.3.</p>	<p>The Lighting Impact Assessment. (Illume Design, 22/02/2022) demonstrates a 15m dark buffer can be provided.</p> <p><u>However, assurance that this lighting layout is realistic in the long-term is required given street lighting appears to be required to the west of this access road but not to the east. This must be provided prior to determination.</u></p> <p>Yes verbal communication between Highways and Ecology.</p>
9	<p>An appropriate lighting</p>	<p>The EclA confirms monitoring will be undertaken a year</p>

APPENDIX E

	monitoring regime has been provided.	after construction. This will be secured by condition.
10	The applicant agrees that a financial contribution towards the Council led scheme for mitigating residual effects from loss / degradation of bat habitat will be secured by S106.	£777.62 will be collected through Section 106 for each dwelling in accordance with Appendix 1 of the TBMS. Include in Heads of Terms for S106
11	Is it likely that the CIL funded, Council led scheme, to offset residual effects from recreational pressure at woodlands used by breeding bats will be able to cover impacts arising from the application under consideration?	This development is covered by the costs identified in Appendix 2 of the TBMS. The Council will contribute £641.48 per dwelling from CIL towards delivery of projects in Appendix 2.

The above table demonstrates that the local authority has carried out the AA which has reached with a favourable conclusion.

Biodiversity Net Gain

The current site layout is unable to achieve no net loss in biodiversity with the submitted defra metric calculation (Upper Studey Defra Metric 2.0) predicting a short fall of 3.37 habitat units. As far as I can see the developer is not able to provide off-site mitigation and is proposing the deficit is made up through contributions to a council led scheme.

There is a significant discrepancy between the on-site hedge mitigation planting detailed in the BNG calculation and the landscape/ mitigation plans. The BNG calculation which shows a total provision of 0.327km of hedge to be planted at the north-eastern boundary (0.057km) and by the road (0.27km). Planting of 0.27km by the road is not possible because the phase I map shows an existing hedge in this location. In addition, this boundary only measures approximately 0.15km and must also accommodate two new road entrances. The north-eastern boundaries will be curtilage boundaries so mitigation hedge planting is not acceptable in this location because it is not possible to secure its maintenance and long-term existence. All hedgerow mitigation must be provided within the public domain. Justification that hedge mitigation will be provided in accordance with the BNG calculation is required. Alternatively, the BNG calculation must be amended to accurately calculate the change in hedgerow units. If the developer is unable to mitigate this shortfall in hedgerow units the deficit must be made up through contributions to a council led scheme.

Discussions with the consultant ecologist confirmed new hedge planting is to be provided along the whole northern boundary, eastern boundary and along the western half of the access road (refer to detailed planting plans and Ecological Mitigation Plan). Once established this will provide connectivity along the northern and eastern boundaries.

The Contribution required for any loss of XX hedgerow units, payable to the council prior to construction, must be agreed with the applicant. This must be secured under a S106.
Not required.

The Contribution required for the Loss of 3.37 Habitat Units, payable to the council prior to construction, must be agreed prior to determination and secured in the S106. Yes agreed.

APPENDIX E

S106 Requirements:

1. £777.62 per dwelling (index linked) to offset residual / in-combination losses
2. Contribution of £232,537 to account for loss of 3.37 habitat units which the planning permission will not be able to deliver on site.
3. Secure appointment of ECoW prior to construction commencing.
4. Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

There are a number of outstanding issues with the proposed layout. It appears that a reduction in the dwelling number to the allocated 45 would facilitate the resolution of these issues resulting in a more acceptable layout. Any plans/ drawings amended to address the issues raised must be re-submitted for approval. The AA must be based on the final layout supported by current plans and drawings such as the EclA, Ecological Mitigation Plan, BNG and Planting Plans in order for a favourable conclusion to be reached.

CONDITIONS:

The following, or similarly worded, conditions are recommended:

Compliance with submitted documents

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

- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).
- Lighting Impact Assessment. (Illume Design, 22/02/2022).
- Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
- Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).
- Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).

REASON:

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

Lighting

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to

APPENDIX E

the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

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

Final sign off – all matters addressed:

Ecologist Elizabeth Burrows	Date 14/11/2022
---------------------------------------	---------------------------

APPENDIX F

Burrows, Elizabeth

From: Conroy, Kyle <[REDACTED]>
Sent: 19 December 2022 17:04
To: Burrows, Elizabeth
Cc: Broderick, Martin
Subject: RE: 2022-12-05 413088 HRA & Appropriate Assessment - Erection of 50 dwellings - Land off Frome Road, Upper Studley, Trowbridge (Wiltshire) 20/09659/FUL

Lizzie,

Thank you for consulting Natural England on the AA for the aforementioned application. Please accept our apologies for the delay in responding, due to resourcing issues and high workloads.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the site in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England is satisfied that the measures comply with the TBMS and thus we have no objection to the proposals, providing that all mitigation measures are appropriately secured in any permission given.

Should you require further information please do not hesitate to contact me.

Regards,

Kyle Conroy

Lead Advisor – Wiltshire
Wessex Team
Natural England
Horizon House, Deanery Road, Bristol, BS1 5AH

[REDACTED]
www.gov.uk/natural-england



From: Burrows, Elizabeth <elizabeth.burrows@wiltshire.gov.uk>
Sent: 14 November 2022 12:16
To: SM-NE-Consultations (NE) <[REDACTED]>
Cc: Broderick, Martin <martin.broderick@wiltshire.gov.uk>
Subject: Appropriate Assessment Request 20/09659/FUL

APPENDIX F

Dear Sir/Madam,

Appropriate Assessment for application 20/09659/FUL

Wiltshire Council has conducted an appropriate assessment (attached) for the above planning application and hereby requests the views of Natural England. The application details can be viewed by entering the application number in the search bar at [Home \(wiltshire.gov.uk\)](http://Home.wiltshire.gov.uk).

I attach the Coordinated Strategy Masterplan for your reference. Whilst this is not an allocated plan it provides a useful overview of the green corridors/ open space connecting the three allocated Sites (H2.4/ H2.5/ H2.6) in this area.

Please do let me know if you have any queries regarding the application. If the response could be issued to myself directly and copied to the planning officer (copied in above), that would be much appreciated.

Yours sincerely,

Lizzie

Lizzie Burrows

Ecologist

Landscape and Design, Spatial Planning

(Please my working hours are Monday, Tuesday and Thursday 09.30 – 14:45.)

Wiltshire Council

Tel: 01225 713420

Email: elizabeth.burrows@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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APPENDIX G

20/09659/FUL – Upper Studley HEADS OF TERMS (for 50 Dwellings)

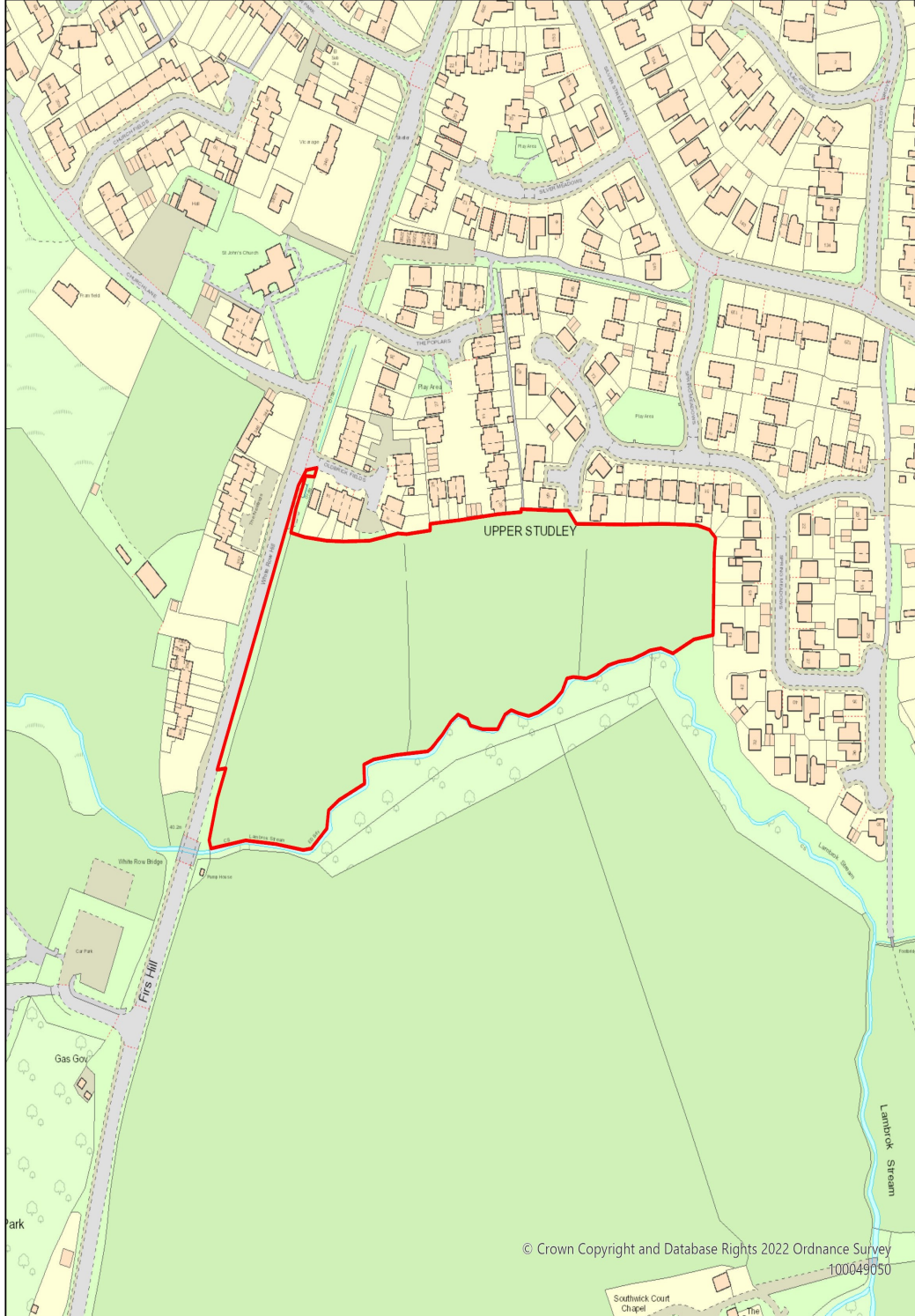
SUBJECT	REQUEST	AMOUNT	AGREED
Housing	On site delivery of 30% Affordable Housing	15 Units	✓
Public Open Space	Upgrade of Woodmarsh Sports Ground	£11,800	✓
Ecology	To address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting.	£38,881	✓
	Off-site contribution to provide for a scheme to deliver the 3.37 units of habitat loss on site	£232,537	✓
Waste & Recycling	Provision of waste and recycling containers	£5,050	
Education	Early years provision x 7 places	£122,654	✓
	Primary school provision x 14 places	£262,612	✓
	Secondary school provision x 10 places	£229,400	✓
Public Art	Public art scheme to be delivered on site either by Newland Homes or via a Council scheme @ £300 per dwelling	£15,000	✓
Highways	Pedestrian and cycle improvements	£28,374	✓
	Bus shelter – Whiterow Park	£11,429	✓
TOTAL SUM OF MONEY		£957,737	✓

Signed: C.Cobham (on behalf of Newland Homes)

Dated: 08.02.2023

Print: C.Cobham (on behalf of Newland Homes)

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 nd February 2023
Application Number	20/00379/OUT
Site Address	Land South of Trowbridge, Southwick, Trowbridge, Wilts
Proposal	Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.
Applicant	Waddeton Park Ltd
Town/Parish Council	SOUTHWICK
Electoral Division	Southwick (Cllr Prickett)
Grid Ref	386180 159631
Type of application	Outline Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is called to Committee at the request of Councillor Prickett. His concerns relate to the scale of development, the visual impact upon the surrounding area, the relationship with adjoining properties and the environmental/highways impacts.

1. Purpose of Report

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

2. Report Summary

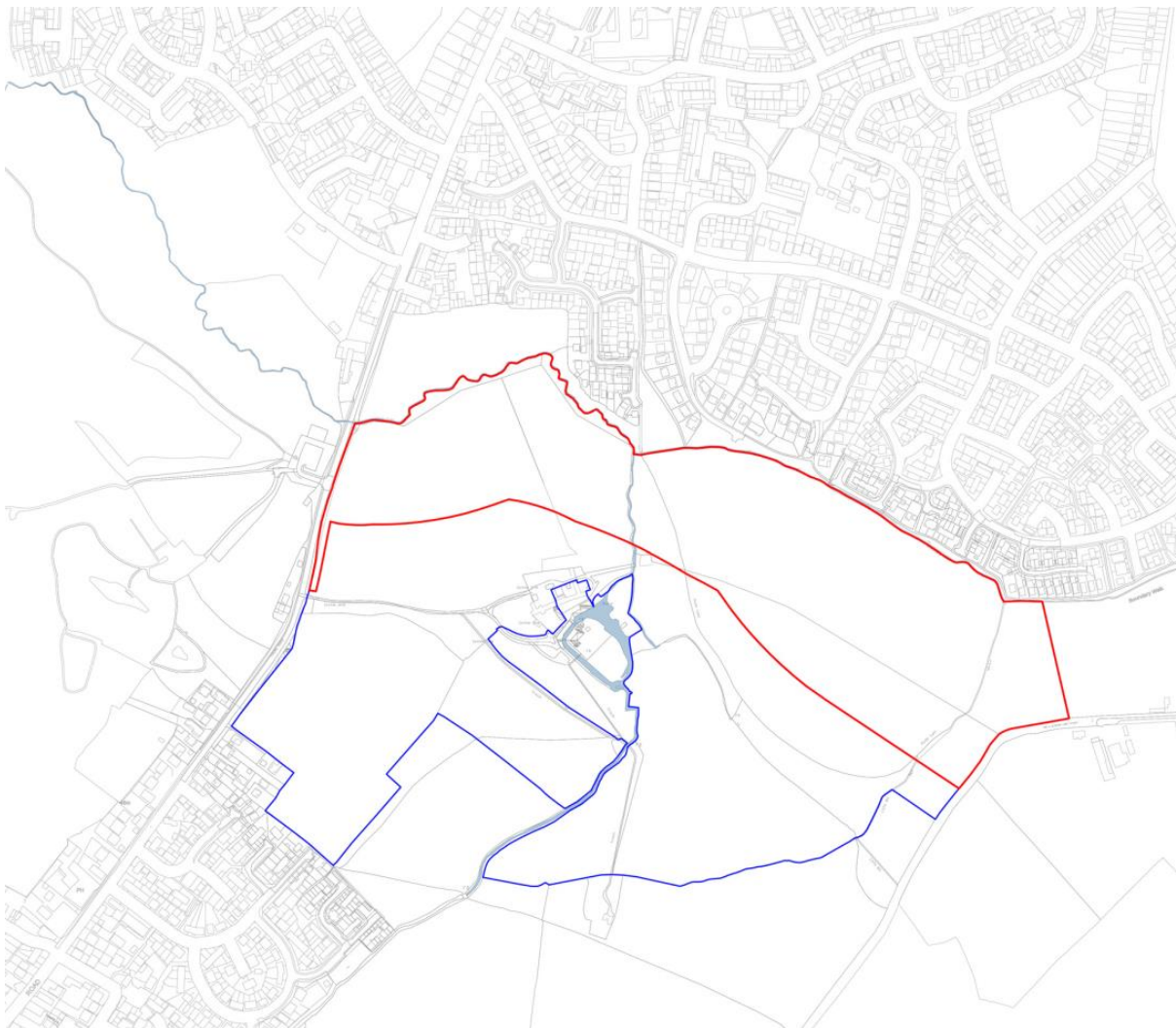
The main issues to be considered are:

- Whether the proposal constitutes EIA development
- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)?

- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

3. Site Description and location

The site of approximately 18.8ha in area (see below and appendix A) is located within Southwick Parish. The northern edges of the site adjoin the boundary of Trowbridge Parish and the Eastern edge abuts North Bradley Parish. It forms part of the Wiltshire Housing Sites Allocation Plan (WHSAP) under the reference H2.6.



Running across the site are a number of a public rights of way (PRoW) – SWCK1, SWCK2 and SWCK3. There are a network of other PRoWs that run close to the site.

The Lambrok Stream (a main river) traverses the site. A strip of land following the path of the brook is classified as Flood Risk Zone 2 and 3.

Southwick Court Farmhouse is located adjacent to the site and is Listed at grade II* along with its gatehouse and bridge over moat.

In archaeological terms, the site appears to represent water meadows from the post medieval period.

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

The site lies within the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy.

Southwick Country Park lies directly to the west of the Application Site and is separated from the site by the A361.

4. Planning History

There is no recorded planning history relating to the application site. However, the following live undetermined applications on the following adjacent sites are (see Figure 1) relevant:

Reference	Description	Decision
18/10035/OUT	Land at Church Lane (H2.4): Outline application for residential development (up to 55 dwellings) with the creation of new vehicular access off Frome Road and removal/demolition of all existing buildings (all matters aside from the formation of the new vehicular access are reserved)	Pending
20/09659/OUT	Land at Upper Studley (H2.5): Erection of 50 dwellings and associated access and landscaping works.	Pending

In addition, the site is allocated in the Wiltshire Housing Sites Allocation Plan (Feb 2020) under site H2.6. This of course relates to the planning history of the site and will be covered later in the report.

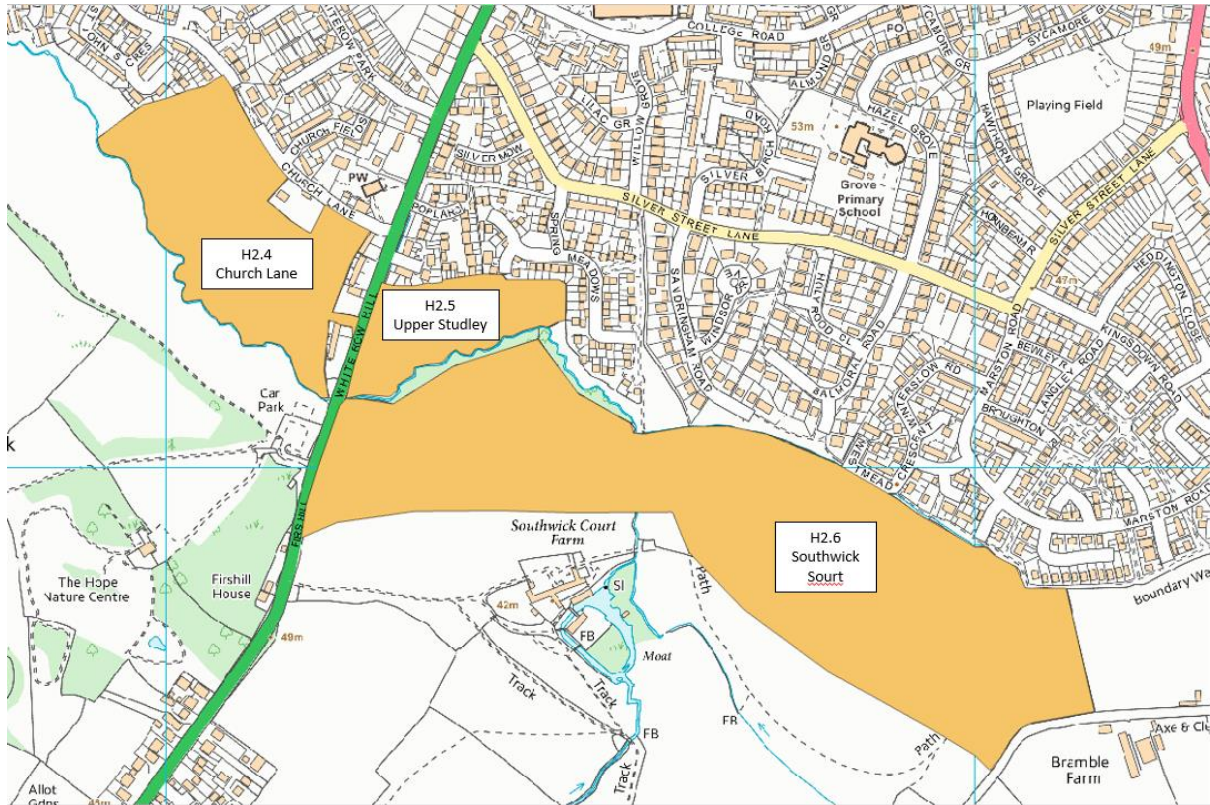


Figure 1 Related WHSAP allocated sites

5. The Proposal

This is an outline application for a development of up to 180 dwellings. The application includes the provision of new open space and associated infrastructure. It should be noted that this is an outline application where all matters bar access is reserved. It is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment
- Framework Travel Plan
- Heritage Assessment
- Landscape and Visual Assessment
- Preliminary Ground Investigation Report
- Lighting Parameters Plan
- Green Infrastructure Parameters Plan
- Access, Land use and & Building heights Parameters Plan
- Indicative Layout Plan
- Access Plans
- Tree Constrains Plan

Vehicular access is to be formed off Firs Hill (Frome Road) just to the south of the entrance point into Southwick Country Park. A pedestrian and cycle access are to be formed onto Firs Hill (Frome Road) to the north of the entrance point into Southwick Country Park. Emergency access to and from the site is to be taken off Westmead Crescent on the northern side of the

development. Pedestrian access is retained at the points of entry into the site from existing PRowS with some additional points to ensure better connectivity.

An internal access road leads from the Frome Road across the Lambrok to the proposed housing development. The block of housing is to be located to the northeast of the Southwick Court Farm Complex. It is surrounded by landscape and ecological buffers as well as attenuation for surface water drainage.

The illustrative masterplan for the site is shown at below (also see Appendix B). This seeks to show a possible layout of how the housing could fit on the site in an acceptable and policy compliant manner.



Appendix D, E and F are parameters plans. These would fix at outline stage certain parameters within the site (e.g. ecological and landscape buffer zones) and, if approved as part of this application could not be altered at reserved matters stage (unless a variation to the outline consent is submitted). They show agreed ecological buffers and dark corridors, green infrastructure including landscape buffers, access, land use and buildings heights. Appendix D shows that the net developable area of housing will be 5.96 ha. For the 180 dwellings, this equates to c. 30 dwellings/ha, which is comfortably within expected tolerances for an edge of settlement urban development. It also shows approximately 12.8 ha of publicly accessible open space.

Appendix G, H and I provide the details of the means of access (main and emergency) to the development as well as the indicative plans for the internal access road from the Frome Road to the housing.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP48 – Supporting Rural Life
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

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

- U1a Foul Water Disposal
- U2 Surface Water Disposal
- U4 Ground Source Protection Areas

Southwick Neighbourhood Plan (Oct 2021)

North Bradley Neighbourhood Plan (May 2021)

Other

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

7. Summary of consultation responses

Southwick Parish Council - Objection

Access issues:

- a) *Building of the new access is shown as being across green fields, which will have a detrimental impact on the environment including an impact on the buried roman road*
- b) *The proposed access to Frome Road will generate a significant increase in traffic volume onto the already congested A361*
- c) *Access onto already congested roads will generate significant road safety issues*
- d) *The proposed access road has to cross the Lambrok stream which will require the building of a viaduct. This will have a detrimental impact on the environment and wildlife.*
- e) *Access to the east would be more environmentally satisfactory, would avoid the building of a new road across open fields, a viaduct across the Lambrok and divert away from the historic site of Southwick Court*
- f) *Members propose the merits of any access should be via Axe & Cleaver Lane to Woodmarsh, a route which will particularly benefit pedestrians.*

Heritage issues – impact on Grade II star listed property and its environment, designated as a ‘historic landscape of high importance’. The development of this site would result in extensive harm to this landscape, which cannot easily be mitigated.

Ecological issues – the development, which is on higher ground, would generate run off and pollution, into the Lambrok stream and the lake on the Southwick Court estate which would have a detrimental impact on the varied wildlife living there including otters, water voles, bats, great crested newts.

Flooding – the fields proposed for the development flood on a regular basis and are permanently waterlogged.

Loss of buffer zone with Trowbridge, contrary to the landscape gap policy proposed in the emerging Southwick Neighbourhood Plan.

Trowbridge Town Council - Objection

Flood Risk, for the reasons provided by the Environment Agency.

Flood Risk and Drainage, for the reasons provided by the Principal Drainage Engineer.

Impact on ecology and biodiversity, for the reasons that the application does not provide the necessary evidence in respect of those species which are evident and would be significantly adversely impacted by the development including Otters. In particular, the proposed bridge to carry the road across Lambrok Stream will have a significant adverse impact. The lack of drawings detailing the bridge design results in an unacceptable application which fails to propose how the development area will satisfactorily be accessed.

Impact on Historic Landscape Setting, for the reasons that the proposed road and the bridge, if satisfactorily mitigated for severe adverse impact on biodiversity, ecology and flood risk is likely then to have a significant adverse impact on this aspect. The proposed bridge will have a significant impact on the setting of Southwick Court.

The proposal is not in accordance with the Trowbridge Bat Mitigation Strategy (Figure 6, page 40), for the reason that the TBMS requires a ‘Zone A’ NEW Core Bat Habitat to be created by the developer which is in addition to the RETAINED Core Bat Habitat and then a ‘Zone B’ Dark

Buffer Zone. The applicant has failed to acknowledge the RETAINED Core Bat Habitat in their application and appears to indicate that buildings will be built at the edge of the Dark Buffer Zone, rather than this being the edge of highways and gardens.

AND:

If Wiltshire Council is minded to approve the application, then Trowbridge Town Council would request the following conditions:

A. The proposed road should be designed such that it is sensitive to the; historic landscape character of the area and adjacent buildings; the impact on flood risk and; on the ecological and biodiversity aspects of the site and in particular where it crosses the Lambrok Stream, such that the road and in particular the bridge, together mitigates satisfactorily for all of these three aspects individually and in combination.

B. The development of the site should provide for a through dedicated cycle path from east to west;

- linking to the A361 in such a way that it forms part of a longer route through to Southwick Country Park and via the Church Lane site (H2.4) to Acorn Meadow and Lambrok Road in the Northwest; This requirement appears to have been accommodated in part as part of the revised proposal (February 2021) but further detail is required, and*
- linking to Axe and Cleaver Lane in such a way that it forms part of a longer route through to North Bradley village in the South East; This is not clear on the revised proposal. A cycle route from the site linking to Axe & Cleaver Lane is required from the developed area with an improved surface on Axe & Cleaver Lane, and*
- linking to Boundary Walk in such a way that it forms part of a longer route through to Bradley Road and the Elm Grove site and thence on to Ashton Park in the North East; This is not clear on the revised proposal. A cycle route from the developed area to Boundary Walk, with improvements to Boundary Walk and the path linking to Bradley Road/Woodmarsh is required, and*
- linking to the path between Sandringham Road and Spring Meadows to the North; This is not clear on the revised proposal.*
- The developers should fund improvements to the surface of Axe and Cleaver Lane from the access point from the site to Woodmarsh Road so that it is suitable for cycling; and*
- The developers should fund improvements to Boundary Walk footpath, including widening between the site and Woodmarsh Road so that it is suitable for cycling as well as walking; The developers should provide a suitable crossing point on the A361 to allow the safe passage of cyclists to cross the road and a suitable route for cyclists to access the Church Lane site.*

C. The developer should make a substantial contribution towards the provision of additional children's play equipment at Spring Meadows and at The Grove Recreation Ground, in lieu of an equipped play area on the site. This does not appear to have been incorporated, as the proposal still includes a LEAP.

D. The developer should make a substantial contribution towards improvements and enhancements to Woodmarsh Football Ground. This is not covered by the revised application.

E. If it is to be in accordance with the TBMS the proposal will need to be revised to include a minimum 30m wide protection zone across the whole site in addition to the RETAINED Core Bat Habitat at the edge of the development.

F. The revised application talks about bus stops. Looking at all of the south of Trowbridge sites it would be appropriate that; Sites H2.4 and H2.5 should fund improvements to bus stops and shelters on Frome Road. Site H2.1 should fund improvements to bus stops shelters on Bradley Road in the vicinity of Spitfire Retail Park. Site H2.2 should fund improvements to bus stops and shelters on Woodmarsh.

This site: H2.6, should fund the provision of:

- i. A bus shelter at the junction of Summerdown Walk and Marston Road including seating and a litter bin.*
- ii. The relocation of the bus stop at Marston Road near the junction with Westmead Crescent and the installation of a bus shelter, widened pavement, seating and litter bin in the existing grass triangle area.*

North Bradley Parish Council - objection

Whilst the Parish Council accepts that this development is in the WHSAP it has objected to the development over the various stages of public consultation for the following reasons:

- *The Parish Council would wish to have sight of mitigation plans that would prevent flooding risks. The potential run off from this estate which is on higher ground would pollute the Lambrok stream and lake and have a detrimental effect on wildlife.*
- *There would be immense additional congestion along Frome Road and into North Bradley.*
- *This would be erasing the western boundary of North Bradley.*
- *Should this application be approved, the Parish Council would require a condition that Axe and Cleaver Lane be accessible to emergency vehicles only.*
- *In the development of its Neighbourhood Plan, North Bradley Parish Council has worked towards developing the Landscape Setting Gap as a bat commuting route between the woods to the North East of Trowbridge and Southwick Country Park on their way to the Bradford on Avon roosting sites. The parish council considers that the bats, and particularly the Bechstein bats, are a considerable environmental asset to the parish, and indeed to the whole of the local area. We are very proud to be so blessed. The Parish Council wishes to be positive and enhance provision for bats and not just mitigate against adverse effects. We would hope that Wiltshire Council feels the same way.*
- *With this in mind the proposed woodland in the planning application should contain some semi-mature oak trees and the most south-easterly plot replaced by more woodland, including oaks, to make a substantial sized copse. The objective would be to eventually establish Bechstein roosting sites.*
- *The Council added that this plan should be taken into consideration as part of a master plan and not considered in isolation. They note that the road network has been modified to provide two significant S bends, but the eastern end has no stop end and is pointing into North Bradley's landscape gap. The PC objects to this and asks that a building is located across the end of the road to prevent any developer from extending eastwards.*

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

The LHA support the scheme coming forward, subject to conditions, and provided that appropriate mitigation in the form of contributions to the Trowbridge Transport Strategy and new bus stop provision is secured via a s106 Agreement.

WC Lead Local Flood Authority – no objection, subject to conditions

The LLFA have reviewed the following document that was submitted with the application:

- Level 2 Flood Risk Assessment (November 2019)
- Addendum to the Level 2 Flood Risk Assessment (December 2020)
- Addendum to the Level 2 Flood Risk Assessment (December 2020) - Microdrainage Source Control Outputs
- Revised Illustrative Masterplan
- Revised Parameter Plan – Green Infrastructure
- Consultee Response – LLFA (Drainage)
- Consultee Response – Drainage Comments (2)
- Consultee Response – Wessex Water
- Consultee Response – Wessex Water (2)
- Flood Risk Assessment Addendum 2
- Groundwater Flood Risk Assessment
- Trowbridge Council Flooding Technical Note (Site H2.6)
- Environment Agency Consultee Response (April 2021)
- Flood Risk Assessment Addendum 3 (incl. appendices)
- Hydrology Modelling Report

They also noted that representations have been received by local residents / councillors in relation to the drainage and flood risk of this site. Whilst these comments have been reviewed, they have not been used to influence the drainage team's assessment of the proposed drainage strategy of the site.

After reviewing all the submitted information, included revised documentation requested during the determination process, and noting that the EA have now removed their planning objection subject to condition; the LLFA are now in a position where they can seek to condition the application.

Environment Agency – no objection, subject to conditions

The EA have now removed their objection to the proposal upon receipt of further information that they had requested (notably an amended FRA and revised fluvial modelling). All aspects of the EA's concerns have been suitable addressed and they are now able to offer no objections to the scheme subject to conditions which are set out in more detail in the report.

Wiltshire Council Affordable Housing – no objection, subject to S106

Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 180 new homes, the on-site affordable housing requirement will be for 54 affordable homes - a tenure split of 60% affordable rented homes and 40% shared ownership homes is required. Therefore, the Council would seek 32 homes for affordable rent and 22 homes as shared ownership.

Wiltshire Council Education – no objection, subject to S106

The Council's Education Team have no objections to the development subject to securing s106 money towards the provision of early years, primary and secondary education. The money requested is set out in more detail within the report.

Wiltshire Council Landscape Officer - No objections

Wiltshire Council Arboricultural Officer - No comment

Wiltshire Council Conservation Officer – Comments

Whilst the allocation of the site suggest that some level of harm should be accepted in the interest of providing housing, the allocation policy itself as well as the thrust of general conservation legislation and policy require that this harm should be strictly limited.

On the basis of the submitted indicative development details, I consider that the harm which would result to the Southwick Court group of assets from a development in accordance with the current indicative details should be considered as 'less than substantial harm' but within the higher levels of this category. Assuming that the positive opportunities suggested for the design of the road and the design and layout of the housing are reflected in the final scheme, this may assist in limiting harm but not to reduce it to the suggested "very small level".

Paragraph 196 of the NPPF requires that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". It will fall to the Case Officer for the application to assess the benefits which will accrue and to consider the above comments in respect of conservation issues in conjunction with advice on other planning constraints to reach a view on the final planning balance.

In reaching this decision the Case Officer will be required to take into account not only the special regard required by Section 66 of the Act to be given to the desirability of preserving the setting of listed buildings but also the great weight ascribed to the conservation of designated assets by paragraph 193 of the NPPF (and "the more important the asset, the greater the weight should be") which are echoed in the Council's own heritage policy CP58.

Historic England – comments

The proposed housing will not adversely impact the setting of the Grade II* listed Southwick Court, but the construction of the access road serving the development would have a negative impact. They consider that impact to be relatively minor, but nonetheless adverse.

The creation of a road across the pasture will still have an adverse impact on appreciation of the Grade II* listed buildings, despite its proposed sympathetic design. The engineered nature of the carriageway and the frequency of vehicular traffic will serve to erode the sense of rural isolation of the Grade II* listed building.

An alternative means of accessing the site might be possible by linking into existing roads to the east or the north of the site, negating the need for a new road across the pasture north-west of Southwick Court. If this were possible, it would reduce harm to the setting of Southwick Court to a very minor level indeed.

Historic England's expertise is in the historic environment, and not highway infrastructure or traffic management. We are unable to suggest whether the alternative means of accessing the site from the east or the north is feasible. But it is certainly desirable in terms of preserving the isolated rural setting of the Grade II* listed building.

They recommend that Wiltshire Council carefully considers, in consultation with your colleagues in the Highways Department, whether the alternative means of accessing the site from the North or East is possible. If it is, then the justification for constructing a new road through the pasture north-west of Southwick Court would fail to be clear or convincing, and potentially thus be at odds with paragraph 193 of the National Planning Policy Framework.

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

They have no objections to the development, on the proviso that public open space is secured on the site via s106 as well as money for the improvement or development of sports pitches or associated facilities that enable their use. The space requirements and money requested is set out in more detail within the report.

Wiltshire Council Public Art – no objection, subject to S106

They have no objections to the development on the proviso that s106 money is obtained for a scheme of public art to be delivered on the site. The money requested is set out in more detail within the report.

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

They have no objections to the development on the proviso that s106 money is obtained for air quality monitoring as part of the Council's requirements to reduce emissions, and that conditions are imposed to deal with construction management and contaminated land.

Wiltshire Council Ecology – no objection, subject to conditions

On review of all the relevant documentation, they no longer have any objections to the scheme subject to:

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

The full response of all the matters they have considered can be seen in their consultation response on the online file.

Natural England – comments

Further information is required to determine impacts on designated sites (the Bath and Bradford on Avon Bat SAC). Awaiting comment by Wiltshire Council Ecology to inform their decision.

No response received on the Appropriate Assessment consultation undertaken by Wiltshire Council Ecology.

Wiltshire Council Urban Design – comments

Initially they objected to the scheme wanting to see a more robust Design and Access Statement and more parameters plans to secure the vision stated in this OUT application at REM stage. Concerns were also raised over block structure, housing backing onto public open

space, street layout and the need for a proving layout to demonstrate parking is achievable when POS and drainage etc. are included. After a series of meetings and revisions to plans and statements, the Urban Design Officer is no longer objecting to the scheme subject to the parameters plans being included on the approved plans list. They comment with the following:

“Subsequent to my previous response (email 7th January 2022), the indicative net density is included in the DAS but still includes open space, which it ought not too. Nonetheless, I have no objection to this application, on the basis of the strong urban design framework (which is explained and demonstrated at length in the DAS) which has been incorporated into the site, in particular the developable area. The application provides a clear set of proven design principles for an REM applicant to take instruction from. Thus the applicant complies satisfactorily with CP57.

I shall defer to the highways officer to formally comment on the access road and entry junction, which required a specific design principle for a non-standard ‘rural/estate’ character, which was discussed long ago (as I recall) with Historic England.”

Wessex Water – no objections

They have no objections to the development. Their latest response details standard advice and guidance relevant to their apparatus.

Wales and West Utilities – comments

Comments to state that they have pipes in the area that cross the site. They remind the applicants that they must not build over any of their plant or enclose their apparatus.

Waste and Recycling – no objections

They have no objections subject to the provision of s106 money to provide waste and recycling containers for each dwelling. The money requested is set out in more detail within the report.

Rights of Way – comments / S106

We should take a contribution for TROW17 to be turned into a cycleway so the legal cost of the conversion order.

The bridge over the Lambrok Stream will need to be widened and I think the approach to it should be a ramp rather than steps. The construction of the bridge is timber which while suitable when this was a rural footpath will need to be of a material suitable for the increase in users.

The stile at the junction of TROW17 and SWCK1 will need to be removed.

The bridge at the Northern end of SWCK3 will need to be upgraded to a bridge more suitable for linking two developments it might be a suitable route for a cycleway link as well.

SWCK2 NBRA44 should be upgraded so that it is possible to link to the bridleway on a bicycle.

SWCK62: access is via a cattle grid, request a contribution of £550 to allow for us to install a new kissing gate.

Junction of SWCK1, SWCK3 SWCK62, well used area, request a contribution towards replacing a stile with a kissing gate and placing stone on the approach to this busy junction, we will also repair the headwalls on the ditch to keep the public safe. £950

SWCK1 double stile replace with one kissing gate and culvert the ditch, place stone on the approach. £1,500

SWCK1 junction with SWCK60 improve access through hedge. £200

SWCK1 junction with SWCK60 replace stile with kissing gate and culvert the ditch. £1,500

SWCK1 junction with SWCK5 replace stile with kissing gate £550

SWCK5A improvements to surface around kissing gate £200

SWCK3 junction with Wynsome Street replace stile with Kissing gate £550

SWCK3 improvements to surface around kissing gate £200

SWCK7 replace stile with kissing gate and stone up approach to kissing gate £750

SWCK3 replace stile with kissing gate and stone up approach to kissing gate £750

SWCK6 replace double stile with kissing gate and stone up approach to kissing gate £750

Total request are £8,450 plus the cost of the conversion order.

8. Publicity

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

A very large number of objections to the development have been received including petitions, individual letters and reports compiled by professionals whose services have been employed to provide objections on behalf of certain local residents. Objections have also been made by the Trowbridge Civic Society and CPRE – these are set out at the end of the summary of objections. The material planning considerations that have come out of all of this are summarised below.

Need

- The CPRE have published a report in February 2021, Wiltshire Housing Assessment, in which it made critical observations of the Council and its housing predictions. In point 79 it suggests that the need for housing allocation should be reduced across Wiltshire as it could be 71% above actual ONS2014 demographic needs. In point 80 it states that the CPRE would want to identify those sites which do least damage to the countryside. Has their opinion been sought?
- Why build on Greenfields when there are numerous brownfield sites in Trowbridge.

- Wiltshire council has already met its expected number of new houses being built, or in fact built more than needed.
- The area has already been overdeveloped.
- We were alarmed to read an article on page 23 of 22nd November, 2019 edition of the Wiltshire Times headed :-"Scandal of empty houses." The sub-heading states:- "Over 1,500 homes in Wiltshire have been empty for over six months, says new survey." This sad statement will need researching before considering this application.
- The land was originally regarded as only marginally sustainable when being considered by Wiltshire Council for inclusion as the final site in its draft Wiltshire Housing Sites Allocation Plan. It was only included because there was a potential shortage of houses in Trowbridge's contribution to the Allocation Plan. That justification is no longer valid because that shortage has been made up.
- I will NEVER support a planning application in my home town when there are so many other sites that fit the bill for new housing! Why build new when you can recycle the old!!

Drainage / Flooding

- The site is very waterlogged
- The site is subject to fluvial flooding
- It is quite unbelievable that this planning application is to build 180 new houses on a recognised flood plain which whilst not quite being illegal, is opposed by the Environment Agency on flood risk grounds.
- The developer has not addressed significant issues pertaining to drainage, or, indeed accepted the fact that the site is subject to annual flooding.
- It will increase floodrisk elsewhere.
- It will serve to exacerbate an already overloaded watercourse
- The bridge/culvert is placed within LIDAR assessment of low points in FZ3 with no room for climate change encroachment and therefore will be closed by flooding.
- Identification of the site as being the source of major flooding across the town to the confluence with the Biss.
- After a long wet spell the drainage system has backed-up forcing polluted water back into the gardens of the residents in Sandringham Road. The application does not address this issue adequately, and implies that "water will naturally flow uphill!"
- Development should be refused due to EA objections.
- Drainage matters cannot be delayed until REM stage
- Flooding has increased on these fields over the past few years
- Was an historic water meadow – that says enough!
- Inadequate drainage and sewerage in the area to cope with this development
- Amazed that the Groundwater Flood Risk Assessment has highlighted no incidences have been recorded within the vicinity of the proposed development.

Ecology / Environment

- Loss of wildlife, flora and fauna
- Active presence of at least 5 Annex IV(a) species recorded on site
- Southwick Country Park has been awarded Nature Reserve status and ALL surface water run-off entering the Lambrook threatens that space.
- It is archaic to always put the economy over the natural world especially considering how much covid 19 has shown how much we need our green space for our mental health.

- It is illegal to cut through or damage the protected trees and ancient hedgerow to the north of the site to enable a so called emergency vehicular access and three pedestrian access points. Therefore, none of the trees and hedgerows which form this sites Northern boundary should be felled for access.
- The development does not comply with the TBMS.
- No mentions of slow worm, Water voles or buzzard which are evidenced as present.
- All we ask is for the council to think about the damaging effects this build will have on the community and the nature both thriving on the land and the surrounding area and call off the construction.
- The developers could not have chosen a better place to build than the Southwick fields, had their intension been to decimate the local bat flight paths.
- All the methods suggested to limit damage to the ecology and biodiversity of the site are merely a cosmetic exercise in mitigation rather than a genuine solution.
- Streetlighting will disrupt local wildlife however minimal.
- This is not NIMBYISM this is crucial conservation.
- Trees will be lost which harbour important wildlife.
- Wiltshire Council's own ecology expert has pointed out that ecology surveys carried out at the site are old and as such "a significant deviation from best practice".
- Not enough of a buffer zone provided for the bats in line with the TBMS requirements
- Loss of roadside hedging on Firs Hill will be detrimental to local ecology
- Application should not be permitted until these hedges have been properly surveyed, and all species named, in the light of new information about the area's biodiversity and alternatives to removal/translocation fully explored.
- The plan does not show how the Lambrok stream is to be bridged – will have a potentially huge impact on local ecology (notably otters).
- The plan is clearly at odds with Wiltshire Council's environmental policy, which notes that "the Council seeks to mitigate the environmental impacts associated with its services". Building 180 new homes on a greenfield site will obviously have a detrimental impact on the local environment, and is clearly an inappropriate use of resources.
- Ecological survey submitted in inadequate
- Swifts must be taken into account if this development goes ahead. UK swift populations are declining and therefore habitat creating is important to stop this decline.
- Wiltshire Council cannot be serious about tackling climate change if it intends to build on this field
- The benefit of residential gardens as environmental habitats will be affected by human activity and pollution
- With COP26 and trying to do what we can to save this planet at the forefront of everyone's minds right now, destroying valuable green space for more housing and roads seems absolutely ludicrous!
- Biodiversity netgains are questionable
- Contrary to Core Policy 50 and NPPF policy

Loss of Green Space / Conglomeration

- Loss of public amenity space used by many over the years for all kinds of leisure activities without any objection from the owners – including walking off the PROWs.
- When moving to this area 46 years ago, we were assured by officials that the open fields separating Trowbridge from North Bradley and Southwick were designated as "green belt" and would never be developed.
- Loss of open space will affect so many local residents health and wellbeing.
- It will lead to the conglomeration of Southwick and Trowbridge.
- No replacement greenspace is provided as mandated by Core Policy 51.

- Lockdown reminded us how vital access to the green outdoors is for human physical and mental wellbeing, but there are precious few places in Trowbridge to explore and enjoy native wildlife and flora. Not enough of it left in Trowbridge.
- The Government is advocating keeping green spaces for the wellbeing of the nation especially mental health.
- The development will inevitably lead to further unwanted development between Trowbridge and North Bradley/Southwick causing conglomeration etc.
- We know that houses are needed, but so are green spaces for residents to use for recreation. It is presumed that the people on the planning committee do not live anywhere near the proposed site, so it will not interfere with them. Please think about how this will impact on the residents here.
- The plan would be a gross intrusion into the green space surrounding the county town. If this process is allowed to continue, the villages surrounding the town will very soon be absorbed to the detriment of their character and that of town, particularly the neighbourhoods on its edge.
- Loss of green space will lead to increased incidences of depression
- Loss of productive farmland

Design / Character of the Area

- Plans submitted by the developer do not respect the current density or nature of the built form: existing properties being - detached houses, detached bungalows, semi-detached houses and terrace dwellings. None of which exceed two stories.
- Housing density is too much
- Not enough thought has gone into the design of this development – we should be building a community not just houses
- The block design proposed for the residential areas is an alien style to modern developments in Trowbridge.
- Policy requires that any new homes must respect both the topography of the land and existing urban form to the immediate north. This suggests that single storey dwellings would be more suitable at north east area of site.
- Lack of details of the height of the bridge – potential to be very intrusive

Location

- The location is wrong – should be on the disused sites in town
- Therein lies the wrong and poor nature of our council. They have passed over so many different opportunities to get Trowbridge centre re developed and now want to ruin one of the nicest rural areas on the town outskirts with footpaths running through it. It is an absolute disgrace.
- Build on Innox Mills instead.
- This proposed development is outside the Trowbridge settlement boundary.
- A new town should be built in Wiltshire as opposed to limited all new development to existing settlements.
- The site is too far away from shops, services and facilities to be considered sustainable

Infrastructure

- The existing local, already overstretched amenity infrastructure will find it impossible to cope with the needs of the families from 180 new homes - e.g. the number of available school places, health centres and dental surgeries.

- Wiltshire Council should therefore adhere to its own recommendation as outlined in The Core Strategy (Jan 2015) Policy 29 and refuse any further planning applications for new properties until additional school provision is provided in Trowbridge
- Trowbridge has well expanded over the years but the town centre is quite inadequate and rather embarrassing seeing it is the county town of Wiltshire.
- Loss of employment sites in the town over the years means there are fewer jobs in Trowbridge yet we are building more and more houses.
- Nearest local primary school is over 2.5km away – not sustainable

Pollution

- Extra traffic on Frome Road means more pollution in the area

Landscape and Visual Impact

- Breaches CP 51
- The development will have a harmful visual impact
- It will harm a tranquil area of Trowbridge/Southwick
- The landscape character around Trowbridge must be preserved
- Landscape and Visual Assessment is skewed towards showing effect that existing urban form will have on planned development as typified on following images from page 29 of LVA.
- Loss of greenbelt
- The new submissions for the proposed access road reveal that a massive bridge will need to be constructed to cross the Lambrok stream. Plans indicate a bridge that is 100 metres long and 5.5 metres wide. Clearance of the flood zone, the roadbed itself and the addition of safety barriers will result in a bridge likely to be 5 metres tall. This is not only an outrageously expensive exercise but will be an indelible blot on the landscape.

Masterplan

- No master plan has been produced for the three sites H2.4, H2.5 and H2.6 as required by policy in the WHSAP.
- Cumulative issues have not been assessed as a result of no master plan

Contrary to Development Plan

- Close inspection of the application demonstrates inconsistencies in practise and in places a total lack of adherence to Wiltshire Council policies.
- Despite many issues being related to reserved matters, the Applicant is yet to demonstrate the ability to present an application which is compliant with Policy, which meets the demands of statutory consultees and which is deliverable.
- The site is outside the Trowbridge settlement boundary and therefore its choice for allocation conflicts with the principles set out in Wiltshire's own Housing Site Allocations Plan and Wiltshire Core Strategy, which say developments will not be permitted outside these boundaries unless they meet exceptions such as job creation or military use.
- Wiltshire Core Strategy, January 2015 states, para 4.16 " there is a general presumption against development outside the limits of the Principal Settlements..." Para 4.17 states development will not be supported "unless they arise through community led planning documents ... which are endorsed by the local community and accord with the provisions of this plan" – the local community actively oppose this.

Contrary to Neighbourhood Plan

- North Bradley NP Policy 1 clearly describes "The North Bradley Landscape Setting Gap as a guarantee that North Bradley will not merge with Trowbridge. Keeping an undeveloped area will also help to maintain a wildlife corridor from Southwick Country Park to the Biss Wood area and will be good for nature." The proposed development is contrary to this.
- We understand that this proposal includes a new road (H07) between the A361 (Southwick Country Park) and the A363 (Woodmarsh Roundabout) which, again, contradicts the NBNP Policy 1 and also the Wiltshire Council Core Strategy Policy 29. Please refer also to the NBNP Policy 4 which states that the Trowbridge Town football ground will be protected from development.

Highways / Parking

- The estates access road is very close to Southwick Park entrance on the already very busy Frome road, where due to the open road appearance, traffic often exceeds the speed limit. The additional daily car journeys to and from this new estate will create further congestion. It is believed that this will result in significant road safety issues and this access road junction could easily become an accident black spot.
- The only way to reach the estate will be by car, in direct conflict with Wiltshire's Policy 61 which states "New development should be located and designed to reduce the need to travel, particularly by private car."
- Junction onto Frome Road is in the wrong place.
- Pedestrian access onto Frome Road is in the wrong place and not near any bus stops.
- The junction with the Frome Road I perceive as an issue, particularly if Park Runs are held in the Country Park, when car parking along Frome Road is atrocious.
- The Frome Road is already an extremely busy and congested road. This development will cause significant further problems.
- The Planning Inspector has directed that other emergency access options be explored and this should be done as Wiltshire Council has previously committed not to breach these historic hedgerows.
- Access is across land that frequently floods – applicant is attempting to delay consideration of this aspect until REM stage which is wrong
- Appendices of transport report are not available thus demonstrating inadequacy of consultation on the proposals
- Location of the development does not encourage non-car use
- Has access to the north or east been properly considered?
- Mitigation improvements at the junction of Bradley Road with County Way should be installed before housing on Southwick Court is occupied.
- The absence of reliable local public transport in the area already creates a large burden of traffic around the roads. If this is not adequately addressed, a development of 180 new homes could result in an extra 300+ cars using the roads, putting pressure on already congested road systems.
- Safe and suitable walking / cycling opportunities are not afforded from the propose development for primary and secondary aged school pupils to get to and from school.
- Access via Axe & Cleaver Lane, a registered bridal way, should be retained for its present use only and not made an access road for any proposed development.
- Speed limit must be reduced on Firs Hill if this development goes ahead (40mph).

Heritage

- If this application is approved it would be tantamount to condoning vandalism of an historic site which would be lost forever for coming generations.

- Evidence of significant Archaeological importance has been placed across the site with zero possibility of error.
- The application is unsympathetic to conserving historical buildings designated as heritage sites within the immediate landscape.
- An application to build a culvert over a water main on a level 3 floodplain with the road running alongside a Grade 2* heritage building (Southwick Court) is not permitted in law.
- Contrary to CP 58 as heritage assets are not conserved.
- No cumulative assessment of heritage across sites H2.4, H2.5 and H2.6.
- The Heritage Impact Assessment report commissioned by Wiltshire Council from Land Use Consultants in 2018 was even more insistent and warned that the development would in fact cause “extensive harm”.
- The access road will cause irreparable harm to the historic setting of Southwick Court.
- Insufficient information to assess the heritage impacts of the development
- Fails the statutory test set out at s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Neighbour Amenity

- Losing a peaceful and safe area to live through construction noise and increase in vehicles
- The access bridge required, will have to cross a huge expanse creating unnecessary noise for existing residents of Balmoral Road and Sandringham Road, as well as other nearby settlement.
- It will effects the level of daylight received to my property (17 Boundary Walk) and will result in loss of privacy

Democracy / Local Opinion

- Allowing to build here would go against local sentiment
- Why are the County Council not helping it's tax paying home owners and being underhand in not forwarding the Town Council and our elected councillors with all relevant information on this proposed planning application?

Consultation

- The developers have not consulted with local residents, Trowbridge Town Council, North Bradley Parish Council or Southwick Parish Council, all, of whom have a vested interest and are required in law to be consulted pre-submission.
- Not all Statutory Consultees have been consulted in respect of the cumulative impact on the three sites and when they have, their objections have been ignored and side stepped.
- The required one months' notice of this application by planning notices being prominently displayed near the site to create awareness of the planning application was not given. Many of the local residents are elderly and are probably unaware of this intrusive development on their doorsteps and its implications for them due to this lack of displayed regulation notices.
- In the first iteration of this application Natural England were not consulted. Along with the absence of Archaeological comment this represents a significant failure which has been repeated and not addressed.

Other

- There are material changes in circumstances since the site was presented to the WHSAP Inspector.
- The application form still shows neither land ownership certificate, declares that there is no flood risk and fails to correctly identify the nature of the land as informal recreational as defined in the WHSAP submission. Therefore the application is invalid
- All three developments should be considered as a single conjoined development rather than as three separate applications.
- This outline application for H2.6 has been submitted on a speculative basis by land agents and no actual builder is attached to the project. The agents wish merely to secure planning permission for the initial site access entrance, and then will auction off the project to any willing builder, who is unlikely to be any obligation to adhere to any of the indicative drawings submitted by those agents. It is not acceptable to grant permission for any developer to start putting spades in the ground in any part of the site until a full application has been submitted for the entire development.
- Make developers build the 50,000 houses already with planning permission
- If this development goes ahead do you also plan to rename Boundary Walk? Could I suggest Planners Folly.
- The government's policy is that no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, allowing a similar period for any appeal. The original application was submitted on 15 January 2020, was not determined within the allowed legal limit of 26 weeks and should have been withdrawn. Where a planning application takes longer than the statutory period to decide, the government's policy is that the decision should be made within 26 weeks AT MOST. This application is therefore invalid and should be now been rejected by the Local Planning Authority, if it is not voluntarily withdrawn. It was illegally allowed to stay on the portal, blocking legitimate applications for a Village Green. Quite why it was given this favourable treatment is a matter which ought to be investigated and will be drawn to the attention of the Local Government Ombudsman if this development is approved.
- NO EIA has been carried out for the development
- In correct description of the land – WHSAP says it is informal recreation space not agricultural as the applicants have put.
- Errors on application form
- Applicant is silent on ownership of the land proposed for the emergency access
- Documents missing from Councils website
- Appendix 3 of Planning Statement missing which contains reps from third parties made as part of the SCI.
- A planned development of this size also prevents the use of the land for more environmentally-sustainable practices, such as the extension of the solar power electricity farm located nearby.
- DAS is full of inaccuracies and untruths
- Financially the scheme is unviable considering the length of road bridge required
- Delay to determination unacceptable. Wiltshire Council should not allow this to continue and the application should be refused.
- Likely that officers dealing with the application will push the main issues further down the line just to get OUT consent, preserve the WHSAP and 5YRHLS.

Trowbridge Civic Society - objection

General

Importantly, this application is premature. This site would feed traffic along Frome Road into a part of the Trowbridge road network that the traffic analysis for application 19/11459/OUT has shown will be very seriously affected by traffic queues. Mitigation improvements at the junction of Bradley Road with County Way should be installed before housing on Southwick Court is occupied.

The design concept of this developer must be challenged. The landscape character around Trowbridge must be preserved. Last year, the then Housing Secretary, Robert Jenrick is reported to have complained to a "Think Tank" that architects and developers have forgotten how to build beautiful homes. What should be aimed for is a sense of place. It is not good enough to just build houses. We should be looking to build a community. This is endorsed by the report of the Building Better, Building Beautiful Commission January 2020, "Living with beauty - Promoting health, well-being and sustainable growth". This sense of place will be particularly important for this site as it will stand as a separate entity.

The Design and Access statement says "The use of natural local materials to develop a sensitive aesthetic to the site;" We are interested in learning what these "local" materials are.

The block design proposed for the residential areas is an alien style to modern developments in Trowbridge. A more informal broken up edge would be more interesting. The National Design Guide states:- Well-designed places have individual characteristics which work together to create its physical Character. One of the ten characteristics is "Identity – Attractive and Distinctive." We do not feel that the proposals currently satisfy that characteristic.

The provision of bin stores is welcomed. However, we have up to 4 bins in Trowbridge. And what provision will be made for storing cycles?

Highway Considerations

At present there is a stretch of 40 mph speed restriction between Southwick and Trowbridge. The dip in the vertical alignment encourages traffic to speed up and enter both communities at speeds higher than 30mph. A new access designed as a roundabout would control traffic speeds. Why was this not considered?

Such a flowing alignment of the access road, as proposed, will encourage high speeds. It should be designed to be a 20mph environment with tight bends and, perhaps, narrowings where pedestrians and cyclists may tend to cross. The Elm Grove Farm layout is a good model. If the straight alignment is installed then vertical speed control (humps and ramps) would be called for and this would be seen as a failure of modern planning.

The assessment in Table 7.2 that the Frome Road/College Road traffic signals will operate well within capacity is surprising, as it already has significant queueing quite often. It is very difficult to model a single lane approach with a significant right turning movement. It may need a Paramics model to do it more accurately.

This is yet another developer who argues that their development is only going to worsen the traffic congestion a little bit. Add all the Trowbridge developments together and you get a significant worsening. This applicant's Transport Assessment states

"7.4.2 The B3105/B3106 junction has a forecasted V/C above 85% for the Reference and Test Case scenarios. Therefore, the operation of this junction is not due to development traffic. In addition, the Bythesea Road/Stallard Street junction is indicated to operate over 85% V/C due to development traffic during the PM peak hour. However, further analysis has confirmed that development traffic impact on this junction is negligible.

7.4.3 As a result of the strategic modelling and above analysis, we consider that no further capacity modelling is necessary, and no highway mitigation is required.”

So, this is yet another warning of potential central area problems. It is clear that the central Trowbridge road network needs to be managed and the developer required to contribute to improving the network.

The Transport Assessment also states:-

8.1.1 The transport strategy considered within this TA focuses on making best possible use of existing transport infrastructure, with the intention of mitigating the impact of the proposed development, in order of preference, through:

- Demand management;
- Improvements to the local public transport network, and walking and cycling facilities; and
- Minor physical improvements to existing roads.

Rather than getting improvements to the local transport system, ie buses, in the Trowbridge area we are gradually getting a worsening. More cuts to the First services are being carried out. Is Wiltshire Council prepared to subsidise bus operators to a greater extent? Also, as traffic congestion grows, service reliability will get worse, and the use of buses will get even more unattractive. Perhaps the assigned modal split should be re-evaluated?

Environment

The bats around Trowbridge, and particularly the Bechsteins, are a notable feature of the area. There is now the draft Trowbridge Bat Mitigation Strategy. Should we not be really looking at an enhancement strategy to increase the number of bats, rather than just trying to minimise adverse effects? We should be consciously planting oaks in numbers to increase the woodland habitat for the future. Although some planting is proposed, this should be significantly enhanced with this in mind.

A planning requirement is “a comprehensive approach to landscaping to enhance the urban edge of the town.” At the eastern end of the development the applicant is relying on the existing hedgerow. It would clearly be desirable to have a substantial copse, so that the housing was not seen from the east. If native oaks were provided, the copse, in due time, might well provide a roost for the valued Bechstein bats.

Increasing the woodland will also help to mitigate climate change and make this development more sustainable.

The Lambrok Stream is currently a very clean water course. It is understood to home fresh water mussels. So, extra special protection should be given to the stream. It should not be used as a leisure attraction and so attract pollution.

CPRE - objection

Members do not support this proposal for the following reasons:

- Flood Risk - the proposed attenuation does not look to be of sufficient capacity to prevent total run off and create additional flooding at the lower level of Southwick Court.

- *Ecology - CPRE do not believe that the measures being proposed to protect the endangered specie of Beckstein Bat are sufficient. Other rare and at risk species are also near to the site. These include Otter and Water Vole.*
- *Access Road - the length and use of the access road questionable. Should the access road be used as a relief road for Wynsome Street, this would simply be moving the problem from one part of Southwick to another. What is really needed is a full bypass to join the A36 to the A350 and alleviate traffic volumes away from local villages*

9. Planning Considerations

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

9.1 EIA Development

The application was screened under Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015. The letter published on the website is dated the 2 April 2021. It was concluded that:

“The development is not of a substantial size such that its environmental impacts would be considered significant or indeed extend beyond a far wider geographic area than the immediate site. Any environmental effects arising from this development can be suitably addressed through appropriate technical documentation as part of the planning application and through suitable mitigation measures in the event of an approval. Therefore, the development is not considered EIA and as such, no Environmental Statement (ES) should be submitted with the application.”

9.2 Principle of Development

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

In the WHSAP the site is referred to as ‘H2.6’ and is subject to Policy H2.6, and this application is to, therefore, determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF. Policy H2.6 states that the site has been allocated for a development comprising of the following elements:

- *approximately 180 dwellings;*
- *a sensitively designed vehicular access from the A361 and road across the site that minimises intrusion within the historic landscape. Signage should be kept to a minimum and particular attention given to reducing any adverse impacts of lighting;*
- *a controlled emergency vehicular access; and*
- *improvements to cycling and walking routes through the site to link in to the existing network.*

The current application seeks up to 180 dwellings, a sensitively designed vehicular access from the A361 and road access to the site, a controlled emergency vehicular access, and improved improvements to cycle and walking routes, and as such, in principle, would comply with Policy H2.6.

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

Development will be subject to the following requirements:

- *core bat habitat will be protected or enhanced. Design and layout will be informed by appropriate survey, impact assessments and the Trowbridge Bat Mitigation Strategy (TBMS);*
- *appropriate mitigation to protect bats, including financial contributions toward management, monitoring and any off-site measures as necessary, as informed by the TBMS;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings are not subject to unacceptable harm. New homes will be situated to the east of the Lambrok Stream and adjacent to the existing urban area in a manner that respects both the topography of the land and existing urban form to the immediate north. Land to the west of the Lambrok Stream will remain open and free from residential development. This shall be informed by appropriate heritage and archaeological assessments;*
- *a comprehensive approach to landscaping to enhance the urban edge of the town and in so doing protect and enhance the setting of Southwick Court Farmstead;*
- *retention and enhancement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements, and the creation of a publicly accessible green corridor along the Lambrok Stream to protect and enhance the character and amenity provided by Southwick Country Park; and*
- *a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

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

With regards the Southwick Neighbourhood Plan (NP), it does not seek to address the allocation formally (and rightly so) but, it does highlight the importance of maintaining the landscape setting and gap between Trowbridge and Southwick. The NP states at paragraph 9.5 that:

“A Landscape and Visual Setting Analysis (LVSA) report was commissioned by the NDP to provide an analysis of the area between Southwick and Trowbridge and identify that which should be preserved and protected from development to provide a landscape gap for Southwick. The report demonstrated that, if carefully designed, the strategic allocation at Southwick Court could be accommodated...”

Provided a gap and landscape setting area are maintained, in principle, the proposal will not conflict with the Southwick NP.

Although within Southwick Parish, the site adjoins North Bradley which also has an adopted NP. The North Bradley NP addresses the allocation of site H2.6 in the WHSAP in a similar manner to Southwick i.e. does not dispute the allocation with WC but wishes to see the landscape setting of North Bradley preserved. There are therefore no ‘in principle’ objections

in the North Bradley NP to the development of this site provided that (the gap and landscape setting) can be accommodated.

In principle therefore, the development is considered to accord with the development plan.

It should also be mentioned in this section that the absence or otherwise of a five-year supply of deliverable housing (5YRHLS) is a material consideration. It is accepted at the time of writing this report that the Council is unable to demonstrate a 5YRHLS. The precise figure is ever evolving but, the Council would assert that at this present moment in time it can demonstrate 4.72 years' worth of housing (taken from the latest Housing Land Supply Statement that has a base date of April 2021). An approximate shortfall of 590 homes. It is therefore accepted that at the time of determining this application, paragraph 11d of the Framework is engaged. This means the policies most important to the determination of this application would be considered out-of-date and accordingly would be afforded reduced weight in the planning balance. Before considering the detailed merits of this application, it should be noted that given the outstanding requirements for housing in the Trowbridge Community Area and the present lack of a 5YRHLS in Wiltshire as a whole, this proposal would make an important contribution to identified need and, the provision of market and affordable housing should carry significant weight in favour of the proposal.

In addition to the above points, one must also highlight that, as this site forms part of an allocation in an adopted development plan document, the following points apply:

- the WHSAP has been produced to provide a surety of supply of land to greatly facilitate the delivery of the housing figures in the WCS up to the period 2026;
- this site has been selected as an appropriate location for housing by the Local Planning Authority (and ultimately, the Planning Inspector at examination) via a site selection process which considered many other locations in the round over a period of several years and subject to varies levels of consultation;
- the issues contained within this report have all been looked at in respect of the sites ability to accommodate housing in principle during the WHSAP process and examination where no significant concerns were raised;
- it is the opinion of officers that to take a different view on the principle of development would be contrary to the position taken on the site in the WHSAP; and that,
- such a reason would be difficult to defend on appeal.

9.3 Masterplan

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

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

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

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

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

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

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

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

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

Whilst the policy must be read as a whole, there are three requirements to address in the final paragraph –

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

Provided the planning application for H2.6 addresses these points and the rest of the policy requirements in full then it can be determined without the need to wait for schemes on H2.4 and H2.5 to similarly demonstrate how they have considered cumulative effects within their submissions. The key here is consistency and ensuring each development scheme

comprehensively addresses policy requirements whilst also not prejudicing delivery on one, or all, of the allocated sites. With specific regard to point 1 the reference here is for a masterplan for H2.6 only – not a multilateral masterplan for H2.4, H2.5 and H2.6.

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

The masterplan for H2.6 is shown at Appendix B.

9.4 Design

The detailed considerations in respect of design are not for consideration under this outline application i.e., the layout, scale, appearance and landscaping of the development are points to be determined as part of a Reserved Matters application. However, it is still necessary to look at these issues at a higher level to ensure that the figure of 180 dwellings can be accommodated on the site whilst ensuring a high standard of design can be achieved.

Since the original submission the indicative layout plan has gone through several iterations and the Design and Access Statement amended accordingly in order to address the concerns raised by the Urban Design Officer.

From the above, it is concluded that 180 dwellings can be accommodated on the site without compromising the ability to comply with Core Policy 57 at REM stage i.e. a high quality design can be secured at REM stage based on a figure of 180 dwellings without the appearance of overdevelopment and one that can ultimately fit in with the prevailing character of the area (e.g. in terms of density, appearance and layout). A suitable level of detailing has been provided by way of illustrative plans and within an updated Design and Access Statement (DAS) to enable officers to have reached this conclusion. In any event, the scheme as applied for is for up to 180 dwellings, which does allow flexibility to reduce the numbers should that be necessary at REM stage because of unforeseen issues.

Whilst the Urban Designer does have some smaller criticisms of the scheme, on the whole they support the development. The smaller points can be ironed out at REM stage and, with appropriate conditions / informatives, the applicant can be made aware of these points. Ultimately, as said previously, this is an outline application where detailed design matters have been left for future consideration and so the LPA should not be getting too prescriptive at this stage. However, at the request of the Urban Design Officer, the DAS has been updated along with the illustrative material to include more design principles in the scheme, which has provided the LPA with a solid platform from which the REM application is to be based upon in order to secure a high-quality design. A condition can be imposed to ensure the development is in general accordance with the DAS.

The illustrative layout satisfactorily demonstrates that a scheme of 180 dwellings could be accommodated on the site in principle without giving rise to adverse amenity impacts.

Given the presence of the bat corridor to the north of the development block (which naturally will contain a high degree of planting) there exists on average a gap of approximately 40-50m between the proposed dwellings and the nearest existing properties on the indicative layout plan (Boundary Walk, Westmead Close and Balmoral Road). This is more than sufficient to ensure that there will be no adverse loss of privacy to the existing properties (21m metres is considered adequate generally). Furthermore, by reason of this separation distance the development will not cause any loss of light, overshadowing or overbearing impacts upon the adjoining residents (noting the development is limited to 2.5 storeys).

The access, land use and building heights parameters plan, sets out the limits of residential development on the site. Any subsequent REM application would have to follow this. It is clear from this plan that the separation distances involved ensure that at REM stage a proposal can be designed without giving rise to any adverse harm in terms of loss of light, privacy or overbearing impacts to any further properties in the vicinity of the site (notably Southwick Court Farm complex and Bramble Farm).

The detailed aspects of amenity will of course be controlled at REM stage but in principle there are no concerns at this stage as the indicative layout plan has demonstrated that 180 dwellings can be accommodated on the site whilst ensuring the reasonable living standards of the adjoining residents can be preserved. The amenities of the future occupants of the development site are something to be considered at REM stage. However, there appears from the indicative layout plan to be sufficient space to enable a scheme of 180 dwellings to come forward without giving rise to unacceptable amenity impacts upon the future occupants of the development. Such conclusions can be reached as the layout is realistic showing the typical features required of a housing development e.g. parking spaces, amenity space, public open space, roads, footpaths, SUDs, play space, ecological buffers, attenuation ponds and strategic landscaping.

Whilst access is not a reserved matter, details of access should confirm all the access routes (both vehicular and pedestrian) going into and out of a site. As a reserved matter, 'layout' relates to, amongst other things, the internal roads, footpaths, cycleways etc. within the development site itself. As such, it is the opinion of officers that the section of road connecting the block of development with the Frome Road is to be considered under the reserved matter entitled layout. The point of access with the Frome Rd and the junction details etc. are to be considered under this outline consent. However, an indicative plan has been provided and illustrative material of this is also contained within the DAS.

This shows a road designed in a very low-key manner (e.g., soft verges, no street lighting or pavement and minimal signage). There is an obvious constraint that the road must overcome before reaching the development (the Lambrok and its flood plain), and the indicative material seems to demonstrate a way this could be suitably achieved in a policy compliant manner. The WHSAP Inspector notes in paragraph 89 of their Examiners Report that:

"Although the Plan is silent on access, the Council has indicated a preference for access to be taken from Frome Road. This would result in a relatively long access road crossing the open part of the site. Achieving a satisfactory form of development will be challenging. Nevertheless, I am satisfied that with great care, there is scope for development on this site and thus the allocation is acceptable in principle."

Officers are of the opinion that the indicative access proposals put forward with this OUT application square with the Inspectors views above. The plans submitted to demonstrate a suitable internal access are to be conditioned so that the design at REM stage is in general accordance with these details.

9.5 Landscape, Open Space and Visual Impact

Landscape and visual matters have already been considered as part of the housing sites allocation process. In summary, during this process, the sites that were deemed to be totally unacceptable to develop in landscape terms were removed at various stages of the plan's advancement, with the final sites subject to a more detailed landscape assessment. As such, in allocating the site, the Council has already made the assumption that in principle, residential development can take place on the site without causing demonstrable harm to the receiving

landscape. Naturally, such a decision was taken with the caveat that it very much depends on the design and scale of the scheme presented.

Early engagement with the applicants as part of the WHSAP saw a reduction in the size of the development proposals. Original landscape assessments for the site carried out by the Council indicated a low level of potential to accommodate change on the site – this was based upon the potential to develop across the entire site. After further LVA work by the applicants, and the confirmation in the site allocation policy that the western side of the site must be kept open (paragraph 5.78), the developable site area was reduced. Following this, a site visit was undertaken with WC's Landscape and Arboricultural Officers. In this meeting it was confirmed that there is a distinct variation between the landscape character of the allocation site between the eastern side (where the housing is now solely proposed) and western side of the Lambrook Stream, and that the existing urban edge of Trowbridge on the eastern side has a greater influence than indicated. It was confirmed as part of this visit that a comprehensive landscaping scheme could be delivered on the site.

The Examiners Report on the WHSAP (paragraph 89) acknowledges that *“achieving a satisfactory form of development will be challenging.”* But nevertheless, they conclude that they are *“satisfied that with great care, there is scope for development on this site and thus the allocation is acceptable in principle.”* Whilst this quote from the report goes beyond landscape matters it clearly indicates that a carefully considered scheme will be acceptable in principle i.e., will not have adverse visual impacts.

In respect of coalescence between Trowbridge and the neighbouring villages of Southwick and North Bradley, the Examiner concludes at paragraph 92 that:

“The gap to North Bradley would be reduced, but would still exist, particularly in relation to the football ground. The existing gap along Woodmarsh would also be maintained. The solar farms to the south do not alter this conclusion. While clearly not agricultural in nature, the solar panels do not have the character or permanence of residential development. They are also some distance from the southern extent of any likely development. As such, while there would be an inevitable change in the character of the area, the risk of coalescence between Trowbridge and North Bradley or Southwick would not be significant.”

The indicative layout plan satisfactory demonstrates that the above is achievable i.e., a sufficient gap can be left between the built form of the development and the edges of the villages of Southwick and North Bradley. Furthermore, a wide buffer of landscaping exists along the southern edge of the development (the southern buffer on the indicative layout plan averages around 55m in width).

The appellants have submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has looked at both the impact of the development on the landscape character of the area and on the visual effect it will have, assessing the amenity value of the views. It is based on the GLVIA 3 guidelines published by the Landscape Institute and this is considered appropriate by your officers. The principal conclusion of this assessment was that:

“The application site is not subject to any landscape planning designations identified by the Wiltshire Core Strategy and is allocated for housing development in the adopted Wiltshire Housing Site Allocations Plan. This Addendum has concluded that by incorporating the revised design principles into the scheme at the Reserved Matters stage, the proposals would be of a scale and design that respects the character and distinctiveness of the local landscape and they would not give rise to any significant adverse residual landscape or visual impacts.”

There would be significant benefits to the Public Rights-of-Way network and, in the longer term, to the vegetation within the site and the character of the emerging settlement edge. These conclusions have not been changed by the revised submission, but the additional design information in the Design and Access Statement provides greater certainty relating to the deliverability of the proposals and therefore greater certainty regarding the impacts that will arise.

It is therefore concluded that the scheme would be fully in accordance with the relevant planning policies and that there are no landscape or visual reasons to prevent outline planning permission being granted.”

In general, officers are in broad agreement with the conclusions of this report. The site is not short on space and the landscape buffers shown on the indicative layout plan suggest that at REM stage, a robust scheme of landscaping can be submitted that will ensure that there are no adverse visual consequences arising from the development of this site. Looking at the landscape assessment in more detail, the Council would make the following comments.

The site is agricultural at present, but it is influenced to an extent by the existing residential development forming the edge of Trowbridge where gaps in the planting ensure intervisibility between the houses and the fields (notably on the eastern side) – although in summer months this is more limited. Its character is reflective in parts of the North Bradley Open Clay Lowland in which it sits (as defined in the West Wiltshire Landscape Character Assessment) e.g.:

- gently rolling pastureland
- some intact hedgerows and mature trees forming enclosure
- dense network of footpaths
- influenced by secondary roads

That said, it does not display all the characteristics typified by this landscape type. For example:

- it consists of rather large and open fields as opposed to small to medium sized ones enclosed by mainly intact hedging.
- topography and built form prevent extensive views across the countryside (notably that of the chalk downland)
- no woodland blocks are present on the site

Naturally, the sites inclusion in the WHSAP means it will see an unavoidable character change with the loss of agricultural fields and the subsequent residential development.

As mentioned above, the site is also crossed by a couple of PRowS with other public footpaths close by or adjoining the site. There will again be an impact upon the user's enjoyment of these PRowS because of the development of this field i.e., the visual presence of houses vs the current agricultural character the field has. Both the landscape character change and visual impacts are an inevitable consequence of developing upon fields surrounding principal settlements where growth is usually centred.

Inherently harm will arise from these impacts, but this must be weighed against the following factors:

- the need for housing due to the lack of 5YRHLS
- the sites inclusion in the WHSAP thus establishing the principle of residential development and the inherent changes this would bring to its character

- the magnitude of effect upon the landscape character of the area
- the extent of these visual effects

With regards to the above points the following comments are noted.

The need for housing is clearly a benefit of the scheme but one whose weighting should sit in the overall planning balance. The sites inclusion in the WHSAP is clearly material to the landscape considerations on this site i.e., its inclusion effectively established that the principle of residential development of this field is seen as acceptable. In reaching this conclusion one is already accepting that there will be a degree of harm caused to this field; something inevitable with development.

The site is not a designated landscape, nor is it deemed to be valued landscape as defined within the NPPF. That said, the intrinsic value and beauty of the countryside is one the NPPF recognises as important, and its loss must be carefully considered. Although clearly its landscape character or visual amenities should not be given as much weight as for example, an AONB or national park.

Development of the site would naturally see the loss of the pastureland and perhaps some of its gently undulating form as it is levelled for house construction. However, the development can reinforce field patterns with the addition of dense hedgerow planting along the field margins – the reduction in the size of the remaining field helping to reinforce local character. The southern landscape buffer will see considerable tree planting to provide a scattered woodland block akin to the character of the area and will help to better contain the settlement of Trowbridge from its neighbouring villages.

PRoWs will be upgraded and links enhanced between the existing and proposed areas of development and Southwick Country Park. Whilst there will be inevitable negative experiences from users of the PRoWs that cross the parts of the site where the housing is located, the network of new permissive paths will provide some offsetting of these impacts by creating new attractive viewpoints that people can enjoy. The considerable amounts of planting proposed will also help to secure better views along the PRoWs outside of the site as the existing residential development becomes more contained/screened by the proposed planting.

Due to topography, the existing built form and vegetation around the site has a fairly high degree of visual enclosure which would be further enhanced by the proposed planting schemes. As such, the magnitude of effects of development of this field are much more locally felt which ultimately reduces the extent of the harm experienced. With the mitigation and enhancements measures demonstrated in this outline application, which can be secured as part of the detailed landscape and design work at REM stage, landscape character will be broadly conserved in accordance with the requirements of Core Policy 51 (noting that this policy accepts a degree of harm provided it is mitigated to an acceptable level).

The green infrastructure parameters plan submitted as part of this application sets out the areas intended to provide landscape buffering, ecology corridors, attenuation, and public open space. This plan should be conditioned as part of any outline consent to ensure it is safeguarded at REM stage to deliver the required amount of green infrastructure to make the proposal acceptable. This will ensure the principles put forward at OUT stage are secured.

It has also been noted that a great many comments have referred to the hedgerows that form the northern and western boundaries of this site – in particular their removal to accommodate site accesses. The Hedgerow Regulations 1997 have been referenced and there is an understanding by third parties that any section of these hedges must not be allowed to be removed unless it is a matter of national emergency or one of overriding public safety. This is

not quite the full picture. The aim of the regulations is to protect ‘important’ hedgerows in the countryside by controlling their removal through a system of notification with the Local Authority. It is not a blanket ban on the removal of hedgerows. In most cases it requires, through the serving of a Hedgerow Removal Notice, the LPA to consider whether the hedgerow is important (as defined by the regulations) or not. If it is important the presumption would be in favour of retention unless the LPA is satisfied with the reasons set out by the applicant for wanting its removal.

However, the Regulations allow under Section 6 (e) the removal of a Hedge where required “for carrying out development for which planning permission has been granted or is deemed to have been granted...” Your officers have had regard to the purposes of the regulations in reaching its recommendation to grant planning permission for this development and do not consider the integrity and/or function of these hedges from an historical landscape, archaeological or wildlife perspective to be harmed by small sections being removed to make way for site access. Should the committee decide to grant planning permission, such permissions would be deemed to permit the removal of sections of these hedges to provide access to the site – no separate notice under the Hedgerow regulations is required.

Reference has also been made to the loss of open space as a result of this development. The Local Plan has policies to safeguard against the loss of public open space and recreational facilities e.g., Policies LP1 and LP2 contained within the West Wiltshire Leisure and Recreation DPD. However, it should be noted that this is not public open space nor is it an existing recreational facility. Whilst it has PROWs crossing it, members of the public are not permitted to stray off the legal line of these PROWs and freely wander around the land subject to this development. As such, it is not public open space under the meanings identified within, for example, Policies LP1 and LP2. It is therefore not protected by such policies. The legal line and definitive widths of the PROWs will be retained to enable members of the public to continue to use them.

The Council does however have a Green Infrastructure (GI) Policy (CP 52) and whilst this site is not deemed to be public open space, it is considered to be GI. The GI parameters plan accompanying this application safeguards a reasonable amount of the space on site with the aims of delivering significant enhancements within these areas. Whilst some loss of GI is unavoidable to accommodate the new housing, it is being replaced around the edges with higher value/quality GI (e.g., safeguarding existing PROWs, creating new permissive paths, opening up the field to the west of the site as parkland, extensive planting, attenuation ponds, and suitable wildlife corridors for ecology. In light of the above, it is considered that the development will not adversely affect the integrity and value of this section of GI and therefore, there is no breach of CP 52.

9.6 Heritage Impact

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

When considering the effects of development upon non-designated heritage assets, the NPPF requires that “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” (Paragraph 203, NPPF)

The heritage assets considered in this assessment are the following:

- Southwick Court Farmhouse, gatehouse and bridge – grade II*

- The moated site – of schedulable quality
- The farmstead – curtilage listed
- Knapps Cottage (formerly Southwick Hill Cottage) – a non-designated heritage asset

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

The applicants have submitted a Heritage Impact Assessment (HIA) and one was commissioned by the Council as part of the evidence base to the WHSAP. It is noted that third parties have also made extensive comments on heritage impacts including the submission of an HIA by a heritage consultancy. These have all been considered by the Council's Conservation Officer in their assessment.

In respect of the Southwick Farm complex, the proposed development site which is currently in agricultural use plays an important role in the setting of these assets. The Conservation Officer has stated that:

“Whilst the earthworks of the water meadows may have become eroded to the point where they are only discernible to the trained eye, the group of assets continue to be set within an appreciable tract of open land, the overall use and character of which remains agricultural. The field boundaries also remain much as they were at the time that the farmstead and water meadows were created in the late C16/17th centuries and they were in common ownership as part of the manor of Southwick. This surrounding rural hinterland provides its context and contributes to understanding of its origins, development and to its significance.”

The Conservation Officer goes on to state that:

“Such functional and historic relationships between a designated farmstead and the surrounding agricultural land which forms their setting are generally acknowledged to contribute positively to the significance of the heritage assets – both in allowing them to be appreciated within their historic context and in contributing to the understanding of their development and function within the landscape. Whilst the overall land holding of the estate may have been diminished by the encroachment of the town, this makes the remaining area, if anything, of greater rather than lesser value in providing a meaningful setting.”

The Conservation Officer makes it clear that the development of this site is going to have a negative effect on these heritage assets due to the following:

- the loss of agricultural land historically associated with the farm complex;
- physical development within the setting (houses and road);
- noise, disturbance and light pollution from construction and occupation of the development;
- cumulative impact of the urbanisation of the wider rural setting of Southwick Court (solar farm and modern development to the north and south of the site in conjunction with this proposal); and,
- the creation of the access road across the western half of the site and the bridge which is required to cross the Lambrok flood plain.

Whilst the above is not an exhaustive list, it summarises the main impacts that have led the Conservation Officer to conclude that harm would arise to the setting of the Southwick Court farm complex. They have concluded that the scheme would cause less than substantial harm to the designated heritage asset known as Southwick Farm complex which includes the grade II* listed farmhouse, gatehouse and bridge. Whilst concluding the same level of harm as the

applicants in their HIA (i.e., less than substantial), they consider the harm to be of much greater significance than the “very small level” of harm acknowledged by the applicant’s consultants. They also disagree with Historic England’s assessment of the harms being limited.

In Respect of Knapps Cottage, the Conservation Officer concludes that:

“Knapps Cottage (formerly Southwick Hill cottage), a modest historic but non-designated cottage, is located beyond a mature tree’d hedge-line and in a heavily landscaped plot some distance further to the south of the site. Its surroundings are already heavily compromised by the solar farm to the east and current proposals are unlikely to have an additional impact on its special interest which relates primarily to its immediate garden plot.”

It was not therefore considered further in their assessment.

Paragraph 199 of the NPPF reminds us that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)...”* It goes on to state at paragraph 200 that any harm identified should require clear and convincing justification.

In light of the comments from the Conservation Officer, your officers accept that harm will arise from this proposal upon the designated asset comprising Southwick Court Farm complex.

With regards the LPA’s duties under paragraph 200, the clear and convincing justification is based on the need for housing and the lack of other suitable alternatives sites within Trowbridge to meet its identified housing needs for the plan period up to 2026. An assessment of all the alternative sites was considered during the WHSAP process for the current plan period (up to 2026) and after a process of elimination H2.6 was one of the sites deemed suitable to be put forward to meet housing need in the area.

However, as harm has been identified, the LPA is required in accordance with paragraph 202 of the NPPF, to consider what public benefits, if any, arise from this development and that, if there are public benefits, are they sufficient to outweigh the less than substantial harm identified above. In carrying out this assessment, if any public benefits arise from the proposal the LPA should first consider whether these public benefits can be accrued elsewhere without the need to cause the heritage harm identified.

In assessing the public benefits, the LPA has had regard to paragraph 5.83 of the WHSAP which states about site H2.6 that:

“The social, environmental and economic advantages of the development, including the provision of homes along with significant improvements to biodiversity and provision of open space will achieve substantial public benefits.”

In light of the above and in consideration of the application particulars, the LPA would consider the following to be public benefits of the scheme:

- the contribution towards the Council achieving a 5YRHLS;
- the provision of market and 30% affordable homes;
- economic benefits would ensue from the development in the creation of construction jobs and from expenditure post occupation;
- significant biodiversity enhancements; and,
- significant improvements to public open space.

In answer to the question about whether such benefits could be accrued elsewhere this is answered above when addressing paragraph 200 of the NPPF i.e., the clear and convincing justification for the harm is on the basis that the housing cannot be delivered elsewhere in Trowbridge. Furthermore, Trowbridge, as a Principal Settlement (defined in the WCS), is expected to grow as part of the WCS vision and, to achieve this, new housing is required to meet the town's needs. Again, as part of the identification of sites in the Trowbridge Community Area, this site was not only identified as able to deliver towards that need but, one that was also suitable to be developed without causing as much harm as others that formed part of the same assessment. It is therefore concluded that these public benefits cannot be accrued elsewhere to meet the identified needs of Trowbridge without causing more or unacceptable harm. What is more, ecological constraints have caused much delay to the delivery of housing in Trowbridge and so the need has become ever greater.

Furthermore, it should be noted that there are mitigation opportunities which have been employed by the applicants which have helped to reduce the impacts to Southwick Court Farm complex. These include but are not limited to, limiting all of the housing development to the eastern side of the site away from the Farm Complex, significant planting along the southern boundary of the development site, and the sensitive design of the vehicular access to the site. Such demonstrated measures will be secured by the submitted parameter plans on this application and as part of the detailed design at REM stage.

Note should also be taken of what the Inspector said in their examination report at paragraph 89:

“Southwick Court (H2.6) is allocated for around 180 dwellings. It comprises open fields on the edge of the settlement. The site is subject to several constraints relating to heritage, drainage and biodiversity. As a result, development is only suitable on the eastern part of the site. Although the Plan is silent on access, the Council has indicated a preference for access to be taken from Frome Road. This would result in a relatively long access road crossing the open part of the site. Achieving a satisfactory form of development will be challenging. Nevertheless, I am satisfied that with great care, there is scope for development on this site and thus the allocation is acceptable in principle.”

In other words, with great care over the design etc. the site could be developed on the eastern side without giving rise to unacceptable harm to the heritage assets. Looking at the access proposals as indicatively set out in the OUT documents, it is difficult to see how one could design a road that is any more low-key than that set out, whilst still complying with highways requirements and the drainage constraints of the site. That said, it is a matter that will be fully considered at REM stage when the detailed design of the access is road is presented to the Council. Consultation with Historic England and the Council's Conservation Officer would form part of this assessment.

Taking account of the mitigation measures outlined above, and the comments from the Inspector in their Examination Report, it is considered that the substantial public benefits accrued from the development of this site will outweigh the less than substantial harm identified to the heritage assets identified. The duty imposed by section 66, referred to above, is complied with if the harm caused to the listed buildings or their setting is assessed as being not as significant as the benefits which the proposed development will bring. This is the case here and; therefore, your officers are able to conclude that there will not be overall heritage harm that would justify a reason for refusal in this case.

9.7 Agricultural Land

The site is classified as grade 3. The area was not surveyed in the Post 1988 Agricultural Land Classification maps and so it is not possible to tell if the site is 3a (Best and Most Versatile Land (BMV)) or 3b (not BMV). However, given that the site was historically a water meadow, and given the evidence supplied by locals about how waterlogged the area is, it seems unlikely that it would be good quality agricultural land.

That aside, the portion of the site that is being lost to housing is just 6.3ha of the 18.8ha site. If it were BMV land that was being lost, it is not significant in area (Natural England are generally concerned where areas greater than 20ha are being lost). This portion of land falls well below that threshold and therefore, its loss is considered acceptable.

Furthermore, as this site has been promoted through the plan-led system (the WHSAP), it is noted that the issue of loss of BMV would have been looked at in conjunction with all other sites being considered. The LPA would not look to promote sites that saw significant loss of prime agricultural land unless absolutely necessary.

9.8 Sequential and Exceptions Test

As part of the site allocation plan process, H2.6 was subject to sequential testing, the results of such clearly leading to its inclusion in the Plan i.e., the sequential test was passed; noting in this allocation that the site includes the access road off the Frome Road and, as such, the proposed housing and access road were considered as one entity.

This outline application is in conformity with Policy H2.6 i.e., no deviations from the allocation (e.g., increasing the housing numbers beyond the allocated amount or altering the location). As such, it is not necessary to apply a further sequential test to this application.

That said, a sequential approach to development within H2.6 has been applied to the proposals whereby all the residential development parcels are located within Flood Risk Zone 1. Whilst the access road to the residential part of the site has to cross over Flood Zones 2 and 3, this was envisaged at allocation stage and, the site includes emergency access to the north which is outside of Flood Zones 2 and 3.

9.9 Flood Risk and Drainage

The site is approximately 18.81 ha in total with only 4.4 ha being changed to impermeable areas requiring positive drainage. Infiltration testing was carried out which demonstrated that the underlying geology was not suitable to include this method into any SUDs strategy.

As such, the strategy to deal with surface water is to provide attenuation ponds to store surface water. Water from the impermeable areas will be piped to the ponds and then restricted discharge pipes will control the flow of water into the existing watercourse (The Lambrok). The rate of discharge into the Lambrok will not exceed the current greenfield run-off rate for the field and must in fact achieve betterment (which it does).

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information, including the additional documentation sought by them and the EA during the application, have now removed their objection to the scheme. The amount of time it took, and the amount of information requested should be a good indicator that this matter was fully investigated. The EA removing their objection was also an influencing factor in this decision.

The LLFA's latest response suggests a number of conditions that their recommendation is subject to. Having reviewed these conditions, officers are satisfied that the information requested by them is reasonable and necessary to make the development acceptable in

planning terms i.e., to ensure the scheme does not lead to increased flood risks elsewhere during both the construction and occupation phases of the development. That said, the drainage team have suggested a total of 7 conditions which appears an unnecessary amount. It seems logical these matters could be dealt with via one overarching condition to cover a detailed surface water drainage strategy incorporating all of the points raised by the LLFA by referring to their latest response letter in the condition. With this condition in place, your officer's assert that the scheme now complies with current policy (Core Policy 67 of the WCS and paragraph 167 of the NPPF).

The illustrative layout plan submitted with this application has had regard to the need to deliver sustainable urban drainage (SUDs) features alongside a development of up to 180 dwellings. This is evidenced on the indicative plan where the No. 7 green dots are labelled in the key as green links including swales (swales being a form of SUDs/source control measure). Whilst this plan does not include a comprehensive suite of SUDs, it is the opinion of officers that sufficient space exists within this plan to accommodate such features at REM stage – and this would very much be expected. Furthermore, the applicants have noted the comments from the LLFA in respect of this matter and, given that this is an application for up to 180 dwellings, the numbers could be reduced at REM stage should the LPA (or LLFA) consider the need for greater SUDs provision throughout the development that cannot otherwise be accommodated without reducing dwelling numbers. Furthermore, it is noted in the LLFA's latest response that they appear happy for the matter to be dealt with at REM stage.

The Environment Agency (EA) were consulted from the outset and, after lengthy deliberations, including revised and additional documentation (notably revisions to the FRA and further modelling work), they have no further concerns about the proposals in terms of fluvial flood risk. Again, the amount of time it took, and the amount of information requested should be a strong indicator that this matter was fully investigated by them. All other aspects of the EA's concerns have been suitably addressed via the revised documentation or can be addressed through the use of suitably worded planning conditions. Subject to conditions, they have withdrawn their previous objection. The conditions suggested by the EA would cover the following:

- Development to be carried out in accordance with the submitted flood risk assessment.
- Water efficiency measures to enable growth in a sustainable manner with the same water resources.
- The submission of a Construction and Environmental Management Plan to prevent pollution of the water environment.

Having reviewed the conditions, officers consider them to be both reasonable and necessary and therefore suggest they are imposed on any permission given.

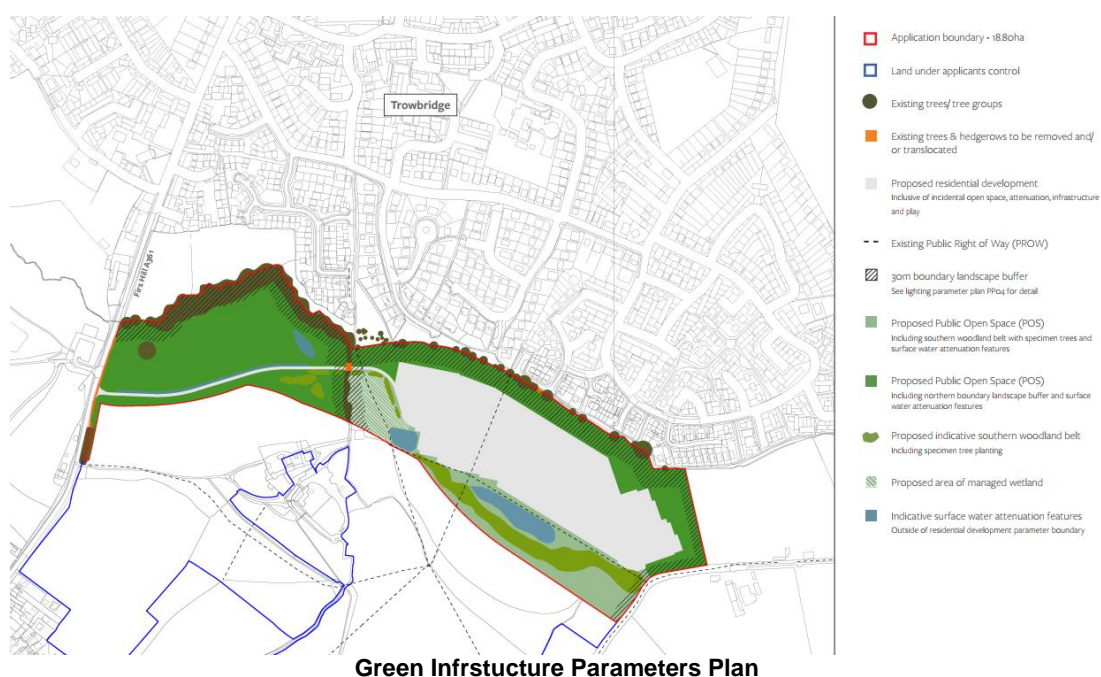
It is noted that a number of interested parties have expressed concern that there is a discrepancy between the application particulars and the real-world experiences of residents. Residents have provided accounts and images to show that areas of the site are continually waterlogged through the winter months and frequently flooded. In answer to this, your officers would state that the LLFA and the EA are the statutory advisors to the LPA on matters relating to drainage and flood risk. In the case of the EA, they are also the Government's advisory body on flooding and floodrisk. As they are both advising your officers that the scheme is now acceptable in relation to these matters, the LPA has no reason other than to conclude that the proposal will not lead to increased flood risks elsewhere. To go against the professional advice received i.e., seeking to raise grounds for refusal on flooding matters, would make it very difficult for the LPA to substantiate those grounds at appeal.

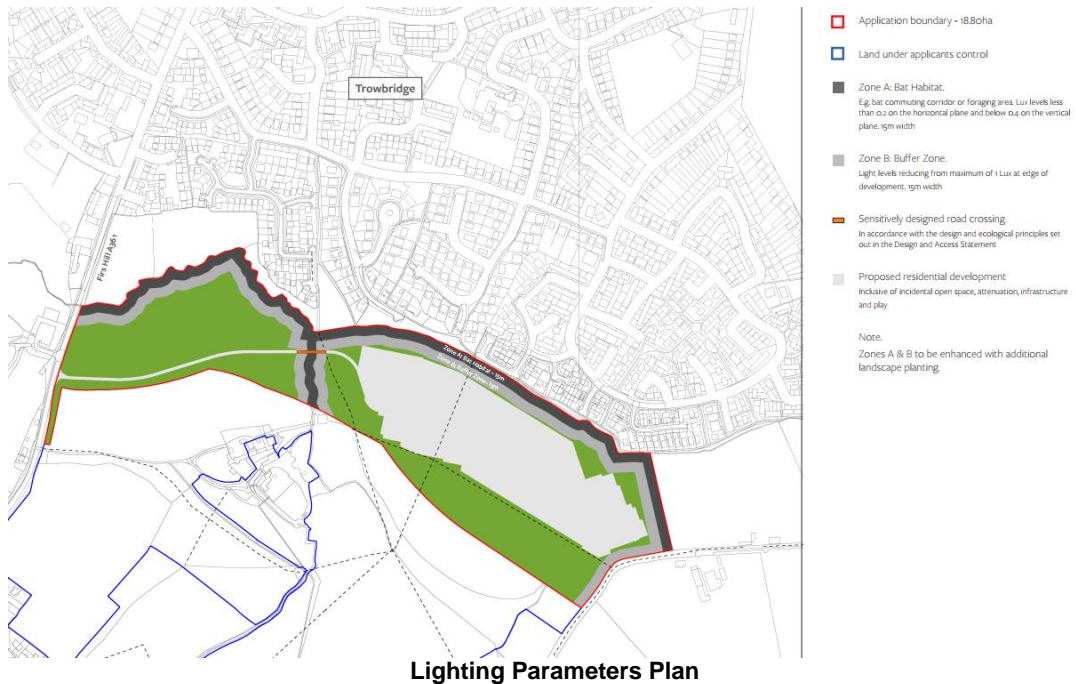
9.10 Ecological Impact

An Ecological impact assessment was submitted for the application which was based on the following surveys carried out between 2016 and 2020:

- The following further surveys have been carried out to date:
- Otter and water vole, badger, July 2017.
- GCN HSI and eDNA September 2020
- Bat survey Ground level tree assessment and endoscope survey 2020.
- Bat activity May to October 2016, April 2019, July and October 2020.
- Bat Automated Static Surveys May to October 2016, April 2019, August to October 2020
- Building inspections (Southwick Court September 2020)

The Council’s Ecologist raised an initial holding objection to the application until it could be demonstrated that the development would have an acceptable impact on protected species and priority habitats. In that regard further survey work has been undertaken at the request of Wiltshire Council Ecologists since the original submission and parameters plans covering lighting and ecological buffers zones have been revised (see below and Appendix E and F). It is now considered that alongside other surveys, those required by the Trowbridge Bat Mitigation Strategy have been undertaken and the results used to inform the layout and parameters of the site.





In particular, the assessments have identified the relevant ‘core bat habitat’ on the Application Site as the corridor along the northern boundary of the site (and the Lambrok Stream) and included an appropriate buffer zone and dark corridor on the parameter’s plans identified above in line with TBMS guidance. Furthermore, an ecological buffer and dark corridor is maintained along either side of the Lambrok Stream within the land controlled by the applicant. Critically, as noted by some third parties, there are no requirements for a minimum 60m buffer zones within the red line of this development site (as illustrated in Figure 6 of the TBMS). This is because the core bat habitats identified only have new housing along the one side (existing housing does not count). As such, only 30m is required to be policy compliant and this is achievable based on the parameters plans submitted in line with Figure 6 in the TBMS.

As the site is within the Yellow Sensitivity Zone within the Trowbridge Bat Mitigation Strategy (TBMS) particular regard has been given to the impact of the development upon local bat populations – both in terms of habitat loss (building on the green fields) and by recreational pressure placed upon nearby habitats by new residents of the development (e.g. walking in Biss or Green Lane Woods where significant bat roosts are located). However, it should be noted that, whilst particular regard has been given to local bat populations, all matters of ecological importance have been considered e.g. the effect of development on the Lambrok and the existing hedgerows on the site.

The net result of the additional survey work, coupled with the original survey work, reports and updated parameters plans has allowed the Ecologist to remove their objection to the scheme subject to certain conditions, s106 contributions and the satisfactory completion of an Appropriate Assessment (AA) to consider any potential significant effects on the Bath and Bradford on Avon Bat SAC. The AA has been done (see appendix I) and this concludes that there would be no adverse impacts on the Bath and Bradford on Avon Bat SAC as a result of this development proposal. It further notes that no net loss of biodiversity is achieved on site, in fact the opposite, biodiversity net gain is accomplished (in line with current policy standards). Whilst recreational pressures are cited as a concern within the TMBS, the development is well placed to access Southwick Country Park with CIL monies being used to improve visitor facilities here to ensure it acts as Suitable Alternative Natural Green Space (SANG).

After additional clarification from the case officer and ecologist, Natural England have supported the Council position in respect of the AA (see Appendix J).

The following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with the following plans:
 - Land at Southwick Court, Trowbridge Green Infrastructure Plan. Drawing 150202 PP 03. Clifton Emery Design (October 2020).
 - Land at Southwick Court, Trowbridge Lighting. Drawing 150202 PP 04. Clifton Emery Design (October 2020).
 - Southwick Court BNG. The Biodiversity Metric 3.0 Tool – Calculation Tool, 21/October/2021 and,
- that development shall not commence until the submission of a Lighting assessment of the final scheme, a Landscape and Ecological Management Plan (LEMP) and a Construction and Environmental Management Plan (CEMP).

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

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

9.11 Archaeology

The application was accompanied by a field survey, LIDAR, geophysics and a detailed desk-based heritage assessment.

This desk-based findings conducted by the applicants identified no potential features requiring further archaeological investigation. As such, they did not consider it necessary to carry out field evaluation. The Councils Archaeologist disagrees however and considers that a “*trial trench evaluation of the proposed development footprint, sampling a minimum of 4% of that area...*” is necessary. They state that this work must be undertaken prior to a decision being made. The applicants however disagree and have not undertaken field evaluation. They have stated that if Wiltshire are minded to insist upon trial trenching then a suitably worded planning condition could be attached to the consent.

Turning to this matter, regard should be had to paragraph 18a-041-20190723 of the Planning Practice Guidance (PPG) where it states:

“Decision-making regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.”

The applicants assert that the evidence does not suggest trial trenching is required/necessary and therefore, the request does not represent a proportionate response in accordance with the NPPF and advice in PPG above. The LPA's position is that of the consultee i.e., that trial trenching should take place prior to the decision being made. The decision has also been informed by third parties who seek to assert that there are significant archaeological finds on the site and have gone so far as to say they are of national significance.

In order to provide flexibility, and to enable the application, as well as applications 18/10035/OUT and 20/09659/FUL to be dealt with in a timely manner (rather than further delays), your officer's recommend that this matter is deferred and delegated to the Head of Development Management to ensure trial trenching is undertaken prior to the decision being issued. This enables the Committee to make a decision on the application with the knowledge that trial trenching will take place before the decision is issued by the Council, noting that the s106 process is likely to take around 6 months.

In accordance with policy contained within the NPPF, the results of the trial trenching will be used to inform the decision on the need for any further archaeological work that would need to be undertaken prior to development. Securing this method of archaeological evaluation will ensure that the estimated archaeological potential of the site is properly recorded and, if it reveals significant finds, that these would then be investigated and preserved, in line with local (CP58) and national planning policy. The carrying out of trial trenching post Committee decision would not jeopardise any potential below ground heritage assets.

Furthermore, it should be noted that there is nothing set out in legislation that mandates at which stage in the process trial trenching should be undertaken i.e., whether it should be undertaken before or after consent. In light of the above, your officer's would contend that there is no reason why this issue cannot be delegated.

9.12 Environmental Impact

The Council's Public Protection team have no objection to the development provided the following elements are covered:

- A s106 sum of £10000 to go towards air quality monitoring;
- that a construction management plan is submitted to the LPA for approval via condition; and,
- that a contaminated land report is submitted for approval via condition.

Officers have reviewed the above requests and consider the conditions suggested to be reasonable and necessary to make the development acceptable in planning terms. The same conclusions were drawn on the s106 request.

9.13 Highways / Rights of Way

As the site is allocated within the Wiltshire Housing Site Allocations Plan, it has already been considered in principle as suitable and sustainable by the Council for a residential development of up to 180 dwellings.

This outline planning application is supported by a Transport Assessment and Framework Travel Plan which were prepared in consultation with the Local Highway Authority.

The site is in close proximity to existing local services and facilities with the current pedestrian and cycle infrastructure near to the site offering reasonable walking and cycling opportunities. Furthermore, the site is accessible by quite good public transport services. Coupled with the

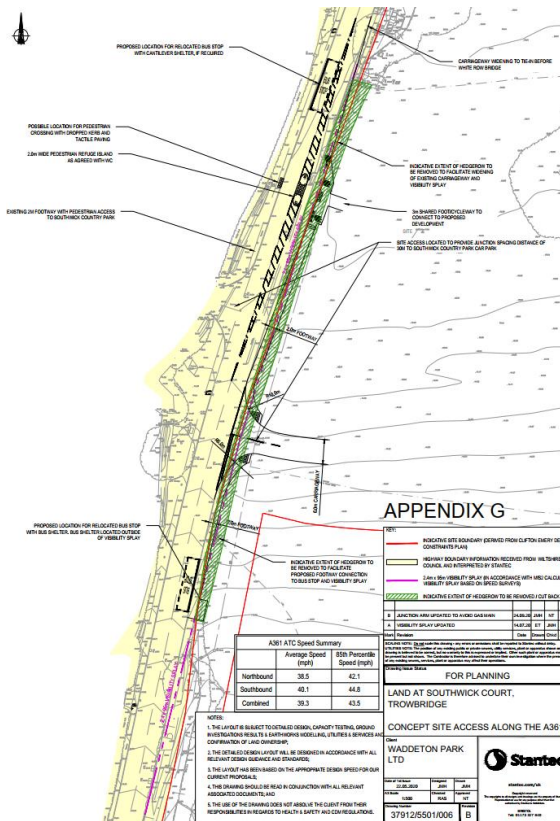
proposed pedestrian and cycle access points into and out of the site, there is sufficient opportunities for future occupants to travel via sustainable modes as opposed to the private car.

The Transport Assessment (TA) shows that the development will have an immaterial impact at congested junctions and is not modelled to exceed the design capacity elsewhere. The transport impacts of the development proposals were tested using the Strategic Trowbridge Model, as requested by the Highway Authority. With regards to construction impacts, the TA is silent however, this is not surprising given it is an outline application. This matter can be conditioned.

With regards to the cumulative impacts of access points onto the Frome Road by sites H2.4, H2.5 and H2.6, the LHA make the following comments:

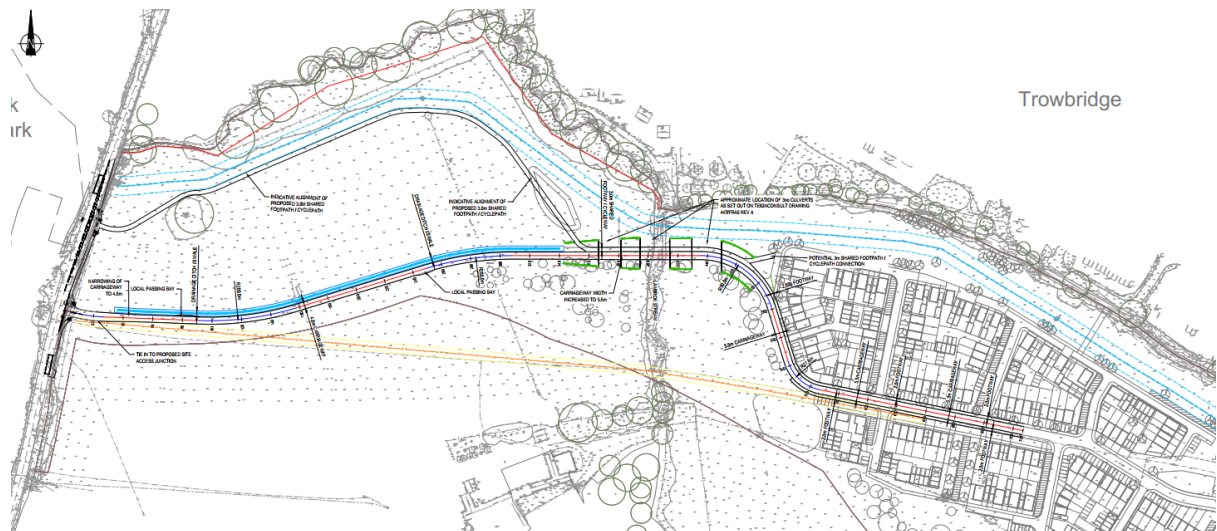
“In light of Policy H2.6 and the consideration of adjacent sites H2.4 and H2.5, drawing 18048-GA03 attached to application 20/09659 provides a summary of the 3 sites access junction arrangements onto Frome Road. Whilst a number of access points in a short distance would be typically objected to on the basis of multiplicity of access points, which may present safety issues, in this instance, it is intended to have the opposite effect through identifying to drivers that they are entering an urban fringe with greater activity thereby eliciting greater caution.”

In relation to the site-specific access, the junction was redesigned following comments from the Local Highways Authority (LHA) as it was perceived to be an excessive design for its purpose. The resultant junction is now illustrated on Stantec Drawing 37912-5501-006B (see below and appendix G) and has been agreed with the LHA (i.e., it is safe and suitable). This drawing will need to form part of the approved plans. A separate foot and cycleway is provided to the north of the proposed access to minimise the impact of the road on heritage assets. The LHA consider this to be a suitable and thus attractive cycling and walking route to link the development up with the Frome Road.



The detail of bus stop shelters has not been established and these will need to be specifically considered in an access condition and will need to include real time information boards as standard. These details can be secured via condition with the monies being provided through s106 contributions.

The internal access road was redesigned following comments from the Local Planning Authority. The revised access road proposals are shown on Stantec Drawing 37912-5501-010G (see below and appendix I). Whilst the internal access road is a matter to be considered at REM stage, the REM application will need to be designed in general accordance with this plan. This can be conditioned to ensure minimal impacts on sensitive receptors e.g., Southwick Court.



Given the scale of development, an emergency access is also required. Whilst the principal of the access point is accepted, this will need to be subject of further design to establish its acceptability to accommodate large fire tenders, whilst not presenting an opportunity for general vehicle usage that would conflict with intended pedestrian/cyclist priority. This can be conditioned.

In conclusion, in light of the above, it is considered that the residual cumulative impacts on the road network are not considered to be 'severe'. The LHA's conclusions are of course predicated on the fact conditions and s106 obligations will be necessary to make the development acceptable in planning terms. As discussed within this section, the highways conditions would cover the following:

- Access provided before 1st occupation.
- Full details of bus shelters to be positioned on both sides of Frome Road to be agreed with LPA before commencement of development.
- Emergency access details to be submitted and approved in writing and constructed prior to occupation of 50th dwelling.
- Approval of a construction management statement prior to commencement

The s106 obligations relating to highways matters are set out in detail in section 9.15 of this report.

The Rights of Way Team have no objections to the development. However, this is subject to the upgrades to the existing P_{Ro}W_s within the site and to their access points into and out of the site. For the most part, these issues can be addressed by financial contributions as part of the s106 agreement with the remaining elements considered at detailed design stage as part of any subsequent REM application. The 106 contributions are covered in detail later in the report.

9.14 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL. The site would fall under charging zone 2 where the sum equates to £55 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

10. S106 contributions

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed (see Appendix K) to provide the following (the calculation is based on the net addition of dwellings which is 180):

Affordable Housing

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

The applicant has agreed to provide 54 affordable housing units which meets the 30% required and will be transferred to a Registered Provider. Based on current housing need figures for Trowbridge these should be a mix of 60% affordable rent and 40% intermediate housing with a unit mix of 2-bed flats, 2-bed bungalows and 2, 3, 4 person houses and should also not normally be in groups exceeding 12-15 dwellings. There is also a need for 10% of these affordable homes to be identified for extra care units (adapted for disabled residents or wheelchair adapted accommodation).

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

The proposal generates a public open space requirement of 6605.64m² public open space with 318.6m² of this as equipped play all of which should be secured in perpetuity. The Play Officer is satisfied that this requirement can be met on site (the applicants are in fact provided in excess of this figure (400 m²))

A leisure contribution of £42,480.00 is required for the upgrade of Woodmarsh Sports Ground. This is considered a reasonable request as the sports ground lies within walking distance of the site and is likely to be used by residents of the new development as one of the nearest community facilities.

Education

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

Early Years - A contribution of £385,484 is required to go towards the funding of 22 pre-school places within the area. The Early Years Officer has advised that the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and Childcare in this area as they are all operating at high capacity.

Primary School – This development would result in a need of 51 primary school places. Which amounts to a total sum of £956,658 (51 x £18,758) which will be utilised towards expanding the local Primary Schools to accommodate the pupil forecasts from this development.

Secondary School – There is currently no spare capacity at a secondary level in the Trowbridge area (Clarendon, John of Gaunt and St Augustine’s RC Schools). The proposal would generate a need for 38 places at a cost of £22,940. A total contribution of £825,840 would therefore be required which will be put towards the provision of a new secondary school to serve Trowbridge.

Refuse

A contribution of £17,280 (£91 per dwelling x 180) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Public Art

An indicative public art contribution figure (based on £300 per dwelling) for the applicant to deliver the integration of public art for this site would be £54,000 for 180 dwellings. It is expected that no more than 10% of this figure should be spent upon the production of a public art plan.

Art and design in the public realm will help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development.

The above contribution is considered reasonable and necessary in line with the following policies of the development plan:

- Core Policy 3 promotes and defines public art as a type of place-shaping infrastructure and states that the cost of providing infrastructure can be met through the use of planning obligations.
- Core Policy 57 promotes “the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm.”
- Saved West Wiltshire District Plan 1st Alteration Policy I2 also makes reference to The Arts.
- The Planning Obligations Supplementary Planning Document (October 2016) refers to the 2011 guidance note of art and design in the public realm.

In addition, the NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that *“Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.”*

Air Quality

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and as such a financial contribution towards Air Quality Monitoring is required in areas where air quality is being monitored by the Council. A contribution of £10000 to cover the cost of real time air quality monitoring equipment is being sought. This is considered reasonable and necessary as part of the Council's commitment to reducing emissions.

Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be $180 \times £777.62 = £139,971.60$.

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

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

Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identified transport strategies for Wiltshire's Principle Settlements (Trowbridge being one of them) which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The following planning obligations are sought by the LHA:

- A contribution of £102,147 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
- New bus stop provision - £40,000
- Refuge pedestrian crossing - £10,000

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

impacts of housing growth caused by sites H2.4, H2.5 and H2.6, with the sum identified above being a percentage of the total figure covering all three sites.

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

In addition to the above the Public Rights of Way Team have also requested the following planning obligation:

- At total request of £8,450 plus the cost of the conversion order to make the necessary improvements and upgrades to the existing PRoWs that cross the site.

The public rights of way in the vicinity of and crossing the site will be directly affected by the scheme through their increased use by future occupiers of the development, and so the request being made here is reasonable and justified. The cost is no more than is necessary to carry out the improvement works.

11. Conclusion (The Planning Balance)

It should be noted that at the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11 of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

With regards to the above, the plan is not up-to date in all aspects as the Council finds itself without a 5YRHLS. As such paragraph 11d is engaged.

In relation to the first bullet point of paragraph 11d, it has not been found that the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing this development. Whilst heritage harm was identified, the public benefits were considered to outweigh the harm caused when the necessary heritage balance was conducted. This fully squares with the Framework's policies on protecting the historic environment.

In light of the above, the second bullet point of paragraph 11d is engaged which means that, any harm identified must be significant and demonstrable if it is to be considered grounds to refuse the application.

The benefits

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

Given the lack of a 5YRHLS within the county, the widely acknowledged nationwide housing crisis, the further shortage of affordable housing both locally and nationally, and the provision of 180 dwellings with 30% to be delivered as affordable, officers consider that significant

weight should be given to this benefit. The development would make a very important contribution to the Council's housing land supply and this point should attract substantial positive weight – particularly given the site is allocated in the Wiltshire site allocation plan via H2.6.

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

Some positive weight should also be attributed to this benefit, providing a boost to the economy through the provision of all associated construction jobs with a development of this scale. After all, the construction industry has been highlighted by the government as one of the key areas for growth post pandemic and more generally. A limited, yet still positive, amount of weight can also be attributed to the economic expenditure from future occupants of the development within the local economy.

Financial contributions towards off site infrastructure –

Whilst these contributions are required to make the development acceptable in planning terms, some of the contributions would be of benefit to the local population and, without the development would be unlikely to happen. In this case, a contribution to provide improvements to Woodmarsh Sports Ground, would not only be of benefit to future occupants of the development who may choose to use this facility, but to many locals who already use it. Some limited positive weight can be attributed to this point.

The 'harms'

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

Neutral

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

Conclusion

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

RECOMMENDATION:

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

- 1. first, completion of archaeology trial trenching and any necessary changes to conditions/plans arising from the results on the proviso that any substantial**

material changes to the scheme as a result of finds will require the application to be taken back to the Strategic Planning Committee; and,

- 2. following satisfactory resolution of 1, completion of a planning obligation/Section 106 agreement covering the matters set out in this report,**

and subject also to the planning conditions listed below –

Conditions:

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

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

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

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

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

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

- Dwg Ref: 150202 PP 01 Rev E Location Plan
- Dwg Ref: 150202 PP 02 Rev Q Access, land use and building heights
- Dwg Ref: 150202 PP 03 Rev U Green Infrastructure Plan
- Dwg Ref: 150202 PP 04 Rev Q Lighting
- Dwg Ref: 37912/5501/006 Rev B Concept Site Access

- Dwg Ref: 37912/5501/005 Rev A Emergency Access
- Dwg Ref: Southwick Court BNG. The Biodiversity Metric 3.0 Tool – Calculation Tool (21 October 2021)

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

5 The development hereby permitted shall be carried out in general accordance with the design and layout principles in the following:

- Dwg Ref: 150202 PP05 Rev B.Design Principles
- Dwg Ref: 150202 R01 Rev P Design and Access Statement
- Dwg Ref: 37912/5501/010 Rev G Proposed Internal Access Road

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

6 No development shall commence within the area edged in red on the Location Plan (Ref 150202 PP 01 Rev E) until:

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

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

7 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Lighting levels shall be in accordance with those defined on the approved Lighting Parameter Plan (Ref 150202 PP 04 Rev Q).

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

A post-installation lighting survey must be conducted (in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy) and submitted to the Local Planning

Authority. This survey must demonstrate that the lighting levels comply with the approved Lighting Parameter Plan.

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

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should address the matters raised in the Council's letter, as Lead Local Flood Authority dated 9th November 2022

REASON: To ensure that the development can be adequately drained.

- 10 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

- 15 The development shall be carried out in accordance with the submitted flood risk assessment (July 2022 Addendum 4 To Level 2 Flood Risk Assessment Land South Of Trowbridge, Ref. 447/Fra2/Addm4, V1 – 21.07.22 and Appendix 2 Modelling Report including drawings FRA10 – FRA14) and the following mitigation measures it details:

- In accordance with page 5 of the FRA the bridge soffit shall be set 600mm above the design flood with a 39% allowance for climate change.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To minimise flood risk to/from the development.

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

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

The LEMP will include:

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

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- 17 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a

written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- a) A survey of the extent, nature and scale of contamination on site;
- b) The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- c) If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- d) An assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme:

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

Step (iii) Implementation of Approved Remediation Scheme:

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

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

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

Step (vi) Long Term Monitoring and Maintenance:

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

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

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

- 18 Prior to first occupation of any dwelling, the access junction shall be completed in all respects in accordance with the approved Stantec Drawing 37912-5501-010G. Illustrated visibility splays serving the access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

- 19 Prior to first occupation of any dwelling, the access junction shall be completed in all respects in accordance with the approved Stantec Drawing 37912-5501-010G. Illustrated visibility splays serving the access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

- 20 Prior to first occupation of any dwelling, the access junction shall be completed in all respects in accordance with the approved Stantec Drawing 37912-5501-010G.

Illustrated visibility splays serving the access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

Informatives:

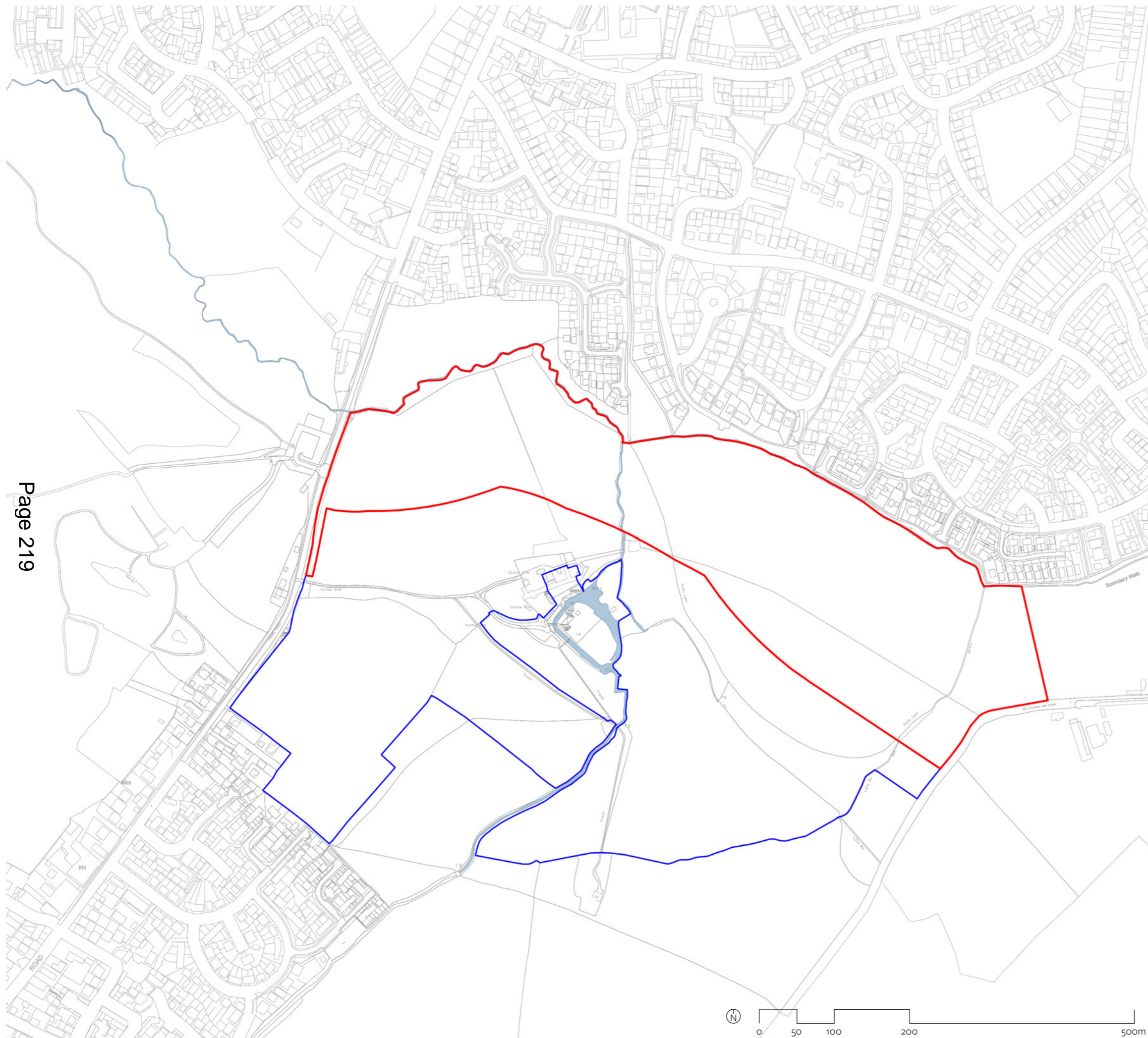
The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriately submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

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

Appendices

Location Plan	Appendix A
Illustrative Masterplan	Appendix B
Access, Land Use and Buildings Heights Parameters Plan	Appendix C
Green Infrastructure Parameters Plan	Appendix D
Lighting Parameters Plan	Appendix E
Concept Site Access	Appendix F
Proposed Internal Access Road	Appendix G
Emergency Access	Appendix H
Appropriate Assessment	Appendix I
Natural England Agreement	Appendix J
S106 Heads of Terms Agreement	Appendix K

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Legend

- Application boundary
- Other land in applicants control

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APPENDIX A

Land at Southwick Court, Trowbridge	E
Location Plan	MS / DE
150202 PP 01	Scale 1:5000 @ A3 Oct 2019

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Legend

- Application boundary
- Other land in applicants control
- Ecological + wildlife corridor along the northern and eastern boundary

- A Firs Hill (A361)
- B Axe and Cleaver Lane
- C Sandringham Road
- D Westmead Crescent
- E Boundary Walk
- F Southwick Court (Grade II* Listed bridge, farmhouse and gatehouse)
- G Lambrok Stream
- H Southwick Country Park

- B Existing bus stops
- Existing PROW
- P Pedestrian / cycle link with low level, downward orientated, low luminance lighting.
- Footpath links with proposed new crossing point to extend recreational opportunities to Southwick Country Park

- 1 Vehicular access
- 2 Causeway over Lambrok Stream
- 3 Potential connections to existing areas
- 4 Proposed pedestrian / cycle crossing (Firs Hill)
- 5 Emergency access - Westmead Crescent
- 6 Sensitively designed rural access road with minimal lighting and signage

- 7 Green links including swales
- 8 Landscape buffer to existing development
- 9 Attenuation pond features
- 10 Land retained in agricultural use
- 11 New planting designed to provide a strong landscaped edge to the developed area
- 12 Public Open Space
- 13 Wildlife and ecology buffer
- 14 Central open space inc childrens play area

APPENDIX B

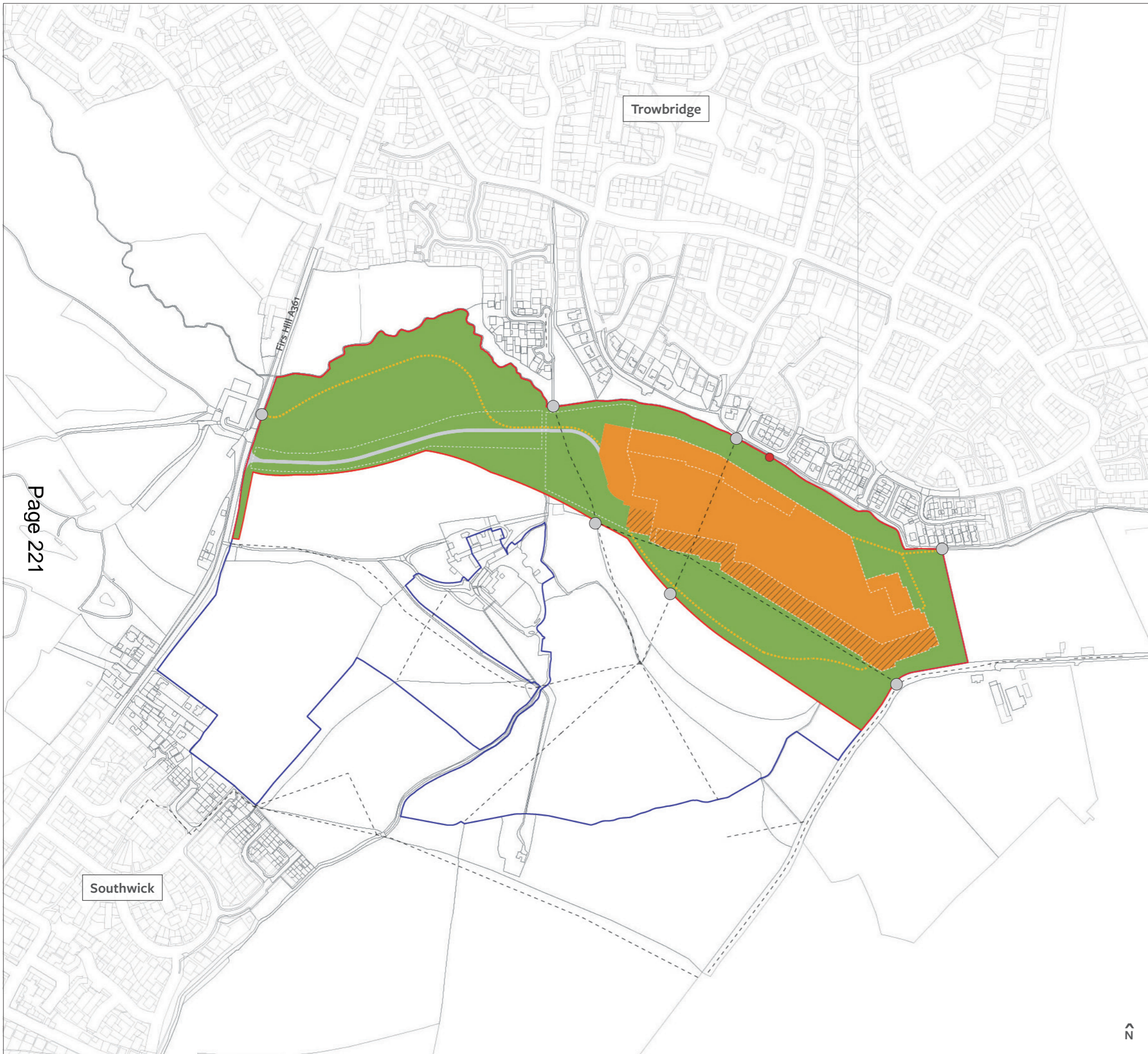
Land South of Trowbridge Illustrative masterplan		 N	E
150202 L 02 01		1:1250 @ A1	DCC/DC
		1:1250 @ A1	Sep 2021

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- Application boundary - 18.8oha
- Land under applicants control
- Proposed publicly accessible open space - 12.84ha
Inclusive of necessary infrastructure
- Proposed residential development - 5.96ha
Inclusive of incidental open space, attenuation, infrastructure and play
- ▨ Key character areas
See design parameter plan PPO5 for detail
- Proposed access road
- - Existing Public Right of Way (PRoW)
- - Indicative alignment of proposed footpaths and cycleway
- Proposed pedestrian, cycle and emergency access to Westmead Crescent
- Connections to existing Public Right of Way, Bridleway and/or footpath network
- Building Heights:**
- Development heights up to a maximum of 2.5 storeys. (Maximum 9.5m height)
- ▨ Development heights up to a maximum of 2 storeys. (Maximum 8.5m height)

APPENDIX C

Land at Southwick Court, Trowbridge	Q
Access, land use and building heights	DH/DC
150202 PP 02	Sep 2021

1:5000 @ A3

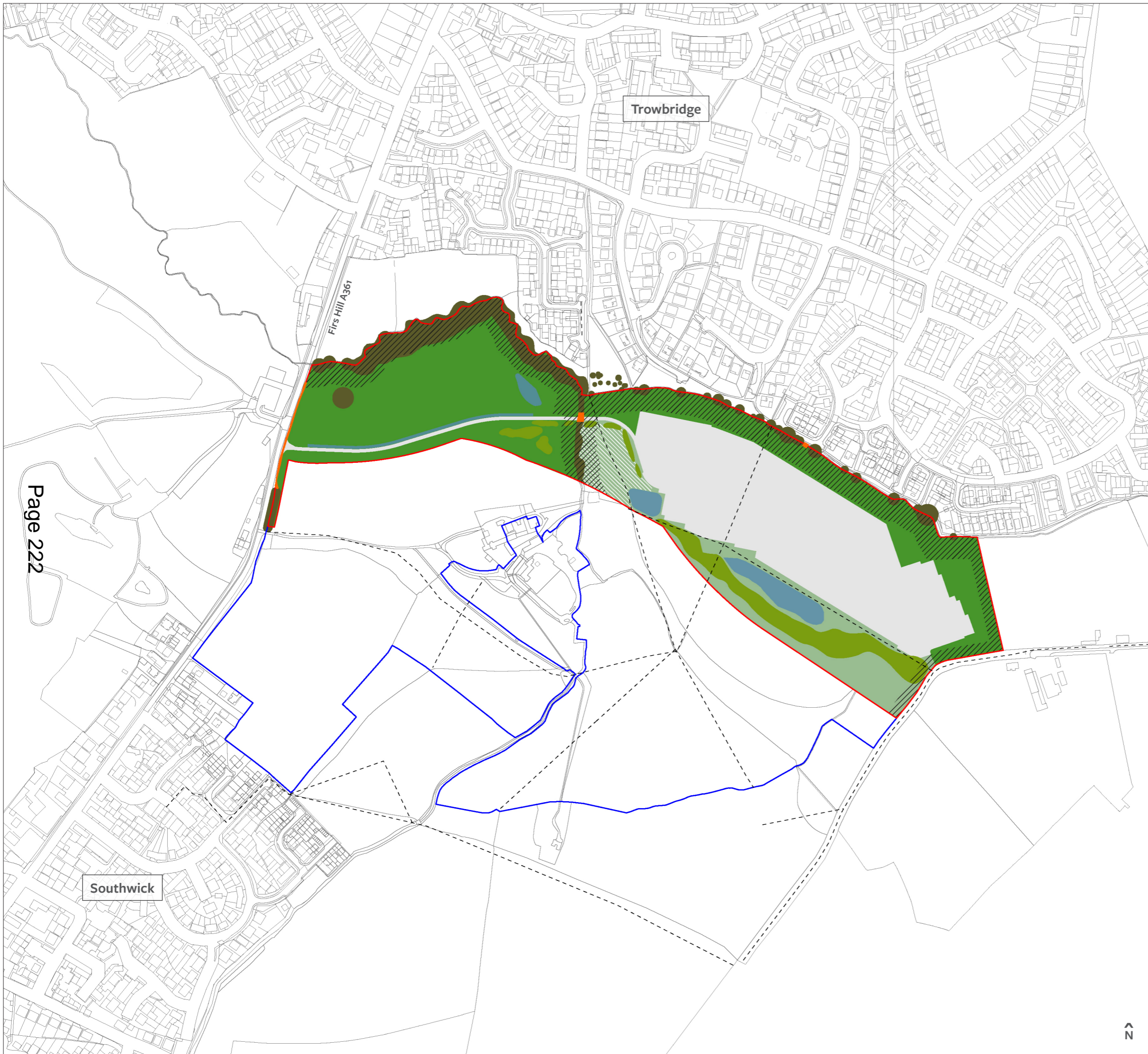
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- Application boundary - 18.8oha
- Land under applicants control
- Existing trees/ tree groups
- Existing trees & hedgerows to be removed and/or translocated
- Proposed residential development
Inclusive of incidental open space, attenuation, infrastructure and play
- Existing Public Right of Way (PROW)
- 30m boundary landscape buffer
See lighting parameter plan PPO4 for detail
- Proposed Public Open Space (POS)
Including southern woodland belt with specimen trees and surface water attenuation features
- Proposed Public Open Space (POS)
Including northern boundary landscape buffer and surface water attenuation features
- Proposed indicative southern woodland belt
Including specimen tree planting
- Proposed area of managed wetland
- Indicative surface water attenuation features
Outside of residential development parameter boundary

APPENDIX D

Land at Southwick Court, Trowbridge	V
Green Infrastructure Plan	CV/DCC
150202 PP 03	1:5000 @ A3
	Sep 2021

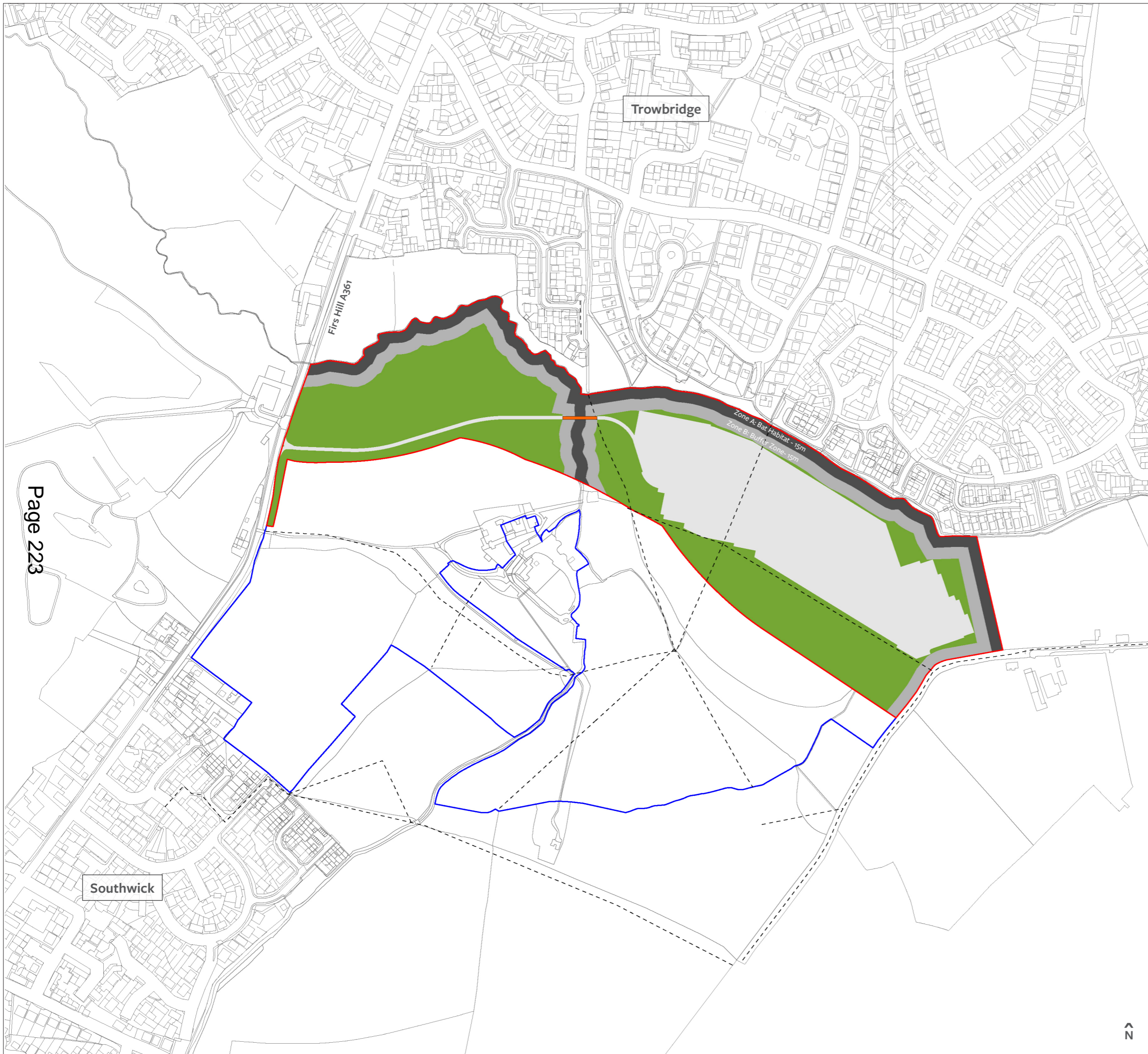
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- Application boundary - 18.8oha
- Land under applicants control
- Zone A: Bat Habitat.
E.g. bat commuting corridor or foraging area. Lux levels less than 0.2 on the horizontal plane and below 0.4 on the vertical plane. 15m width
- Zone B: Buffer Zone.
Light levels reducing from maximum of 1 Lux at edge of development. 15m width
- Sensitive road crossing
In accordance with the design and ecological principles set out in the Design and Access Statement
- Proposed residential development
Inclusive of incidental open space, attenuation, infrastructure and play

Note.
Zones A & B to be enhanced with additional landscape planting.

APPENDIX E

Land at Southwick Court, Trowbridge	R
Lighting	CV/DCC
150202 PP 04	1:5000 @ A3
	Nov 2021

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PROPOSED LOCATION FOR RELOCATED BUS STOP WITH CANTILEVER SHELTER, IF REQUIRED

CARRIAGEWAY WIDENING TO TIE-IN BEFORE WHITE ROW BRIDGE

POSSIBLE LOCATION FOR PEDESTRIAN CROSSING WITH DROPPED KERB AND TACTILE PAVING

2.0m WIDE PEDESTRIAN REFUGE ISLAND AS AGREED WITH WC

EXISTING 2M FOOTWAY WITH PEDESTRIAN ACCESS TO SOUTHWICK COUNTRY PARK

INDICATIVE EXTENT OF HEDGEROW TO BE REMOVED TO FACILITATE WIDENING OF EXISTING CARRIAGEWAY AND VISIBILITY SPLAY

3m SHARED FOOT/CYCLEWAY TO CONNECT TO PROPOSED DEVELOPMENT

SITE ACCESS LOCATED TO PROVIDE JUNCTION SPACING DISTANCE OF 30M TO SOUTHWICK COUNTRY PARK CAR PARK

2.0m FOOTWAY

R10.0m

R6.0m

6.0m CARRIAGEWAY

PROPOSED LOCATION FOR RELOCATED BUS STOP WITH BUS SHELTER. BUS SHELTER LOCATED OUTSIDE OF VISIBILITY SPLAY

INDICATIVE EXTENT OF HEDGEROW TO BE REMOVED TO FACILITATE PROPOSED FOOTWAY CONNECTION TO BUS STOP AND VISIBILITY SPLAY

APPENDIX F

KEY:

- INDICATIVE SITE BOUNDARY (DERIVED FROM CLIFTON EMERY DESIGN CONSTRAINTS PLAN)
- HIGHWAY BOUNDARY INFORMATION RECEIVED FROM WILTSHIRE COUNCIL AND INTERPRETED BY STANTEC
- 2.4m x 95m VISIBILITY SPLAY (IN ACCORDANCE WITH MFS2 CALCULATED VISIBILITY SPLAY BASED ON SPEED SURVEYS)
- INDICATIVE EXTENT OF HEDGEROW TO BE REMOVED / CUT BACK

Mark	Revision	Date	Drawn	Chkd	Appd
B	JUNCTION ARM UPDATED TO AVOID GAS MAIN	24.09.20	JMH	NT	NT
A	VISIBILITY SPLAY UPDATED	14.07.20	ET	JMH	JMH

SCALING NOTE: Do not scale this drawing - any errors or omissions shall be reported to Stantec without delay.
 UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

Drawing Issue Status **FOR PLANNING**

LAND AT SOUTHWICK COURT, TROWBRIDGE

CONCEPT SITE ACCESS ALONG THE A361

	Average Speed (mph)	85th Percentile Speed (mph)
Northbound	38.5	42.1
Southbound	40.1	44.8
Combined	39.3	43.5

- NOTES:
1. THE LAYOUT IS SUBJECT TO DETAILED DESIGN, CAPACITY TESTING, GROUND INVESTIGATIONS RESULTS & EARTHWORKS MODELLING, UTILITIES & SERVICES AND CONFIRMATION OF LAND OWNERSHIP;
 2. THE DETAILED DESIGN LAYOUT WILL BE DESIGNED IN ACCORDANCE WITH ALL RELEVANT DESIGN GUIDANCE AND STANDARDS;
 3. THE LAYOUT HAS BEEN BASED ON THE APPROPRIATE DESIGN SPEED FOR OUR CURRENT PROPOSALS;
 4. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT ASSOCIATED DOCUMENTS; AND
 5. THE USE OF THE DRAWING DOES NOT ABSOLVE THE CLIENT FROM THEIR RESPONSIBILITIES IN REGARDS TO HEALTH AND SAFETY AND CDM REGULATIONS.

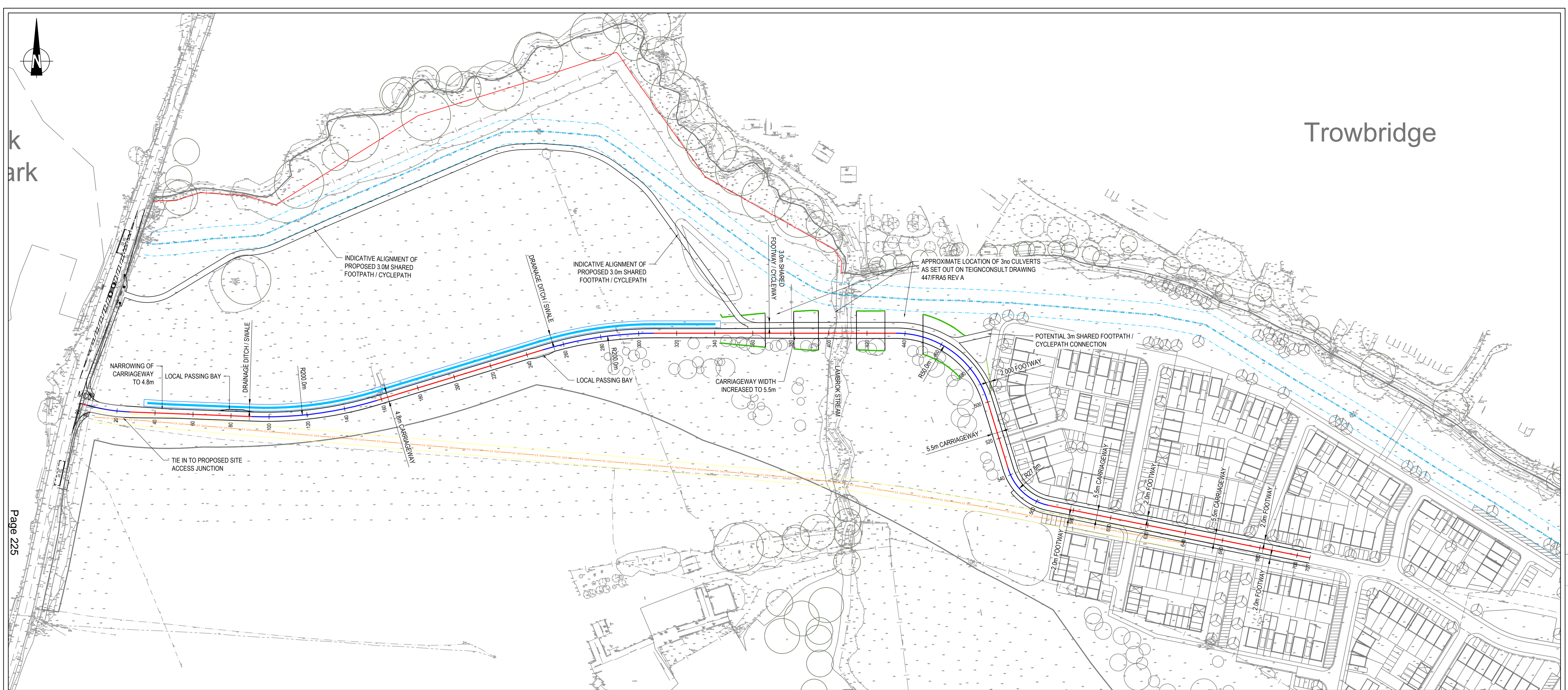
Client
WADDETON PARK LTD

Date of 1st Issue 22.05.2020	Designed JMH	Drawn JMH
A3 Scale 1:500	Checked RAS	Approved NT
Drawing Number 37912/5501/006	Revision B	

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BRISTOL
Tel: 01173 327 840



Trowbridge

park

Page 225

APPENDIX G

- NOTES:**
1. THE LAYOUT IS SUBJECT TO DETAILED DESIGN, CAPACITY TESTING, GROUND INVESTIGATIONS RESULTS & EARTHWORKS MODELLING, UTILITIES & SERVICES AND CONFIRMATION OF LAND OWNERSHIP.
 2. THE DETAILED DESIGN LAYOUT WILL BE DESIGNED IN ACCORDANCE WITH ALL RELEVANT DESIGN GUIDANCE AND STANDARDS.
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 4. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT ASSOCIATED DOCUMENTS, AND
 5. THE USE OF THE DRAWING DOES NOT ABSOLVE THE CLIENT FROM THEIR RESPONSIBILITIES IN REGARDS TO HEALTH & SAFETY AND CDM REGULATIONS.
 6. MASTERPLAN LAYOUT BASED ON CLIFTON EMERY DESIGN RECEIVED SEPTEMBER 2021 150202 L 02 01 F ILLUSTRATIVE LAYOUT
 7. DETAIL OF CULVERT DIMENSIONS, LAYOUT AND LEVEL AS PER TEIGN CONSULT DRAWING 447-FRA 6 C
 8. TOPOGRAPHIC SURVEY UNDERTAKEN BY LEWIS BROWN IN APRIL 2020

- KEY:**
- INDICATIVE SITE BOUNDARY (DERIVED FROM CLIFTON EMERY DESIGN CONSTRAINTS PLAN)
 - INDICATIVE EARTHWORKS
 - PROPOSED DRAINAGE DITCH /SWALE
 - EXISTING GAS MAIN AND 3.0m EASEMENT (BASED ON GEOCONSULTING DRAWING GCE09644-FGA)
 - EXISTING WATER MAIN AND 6.0m EASEMENT

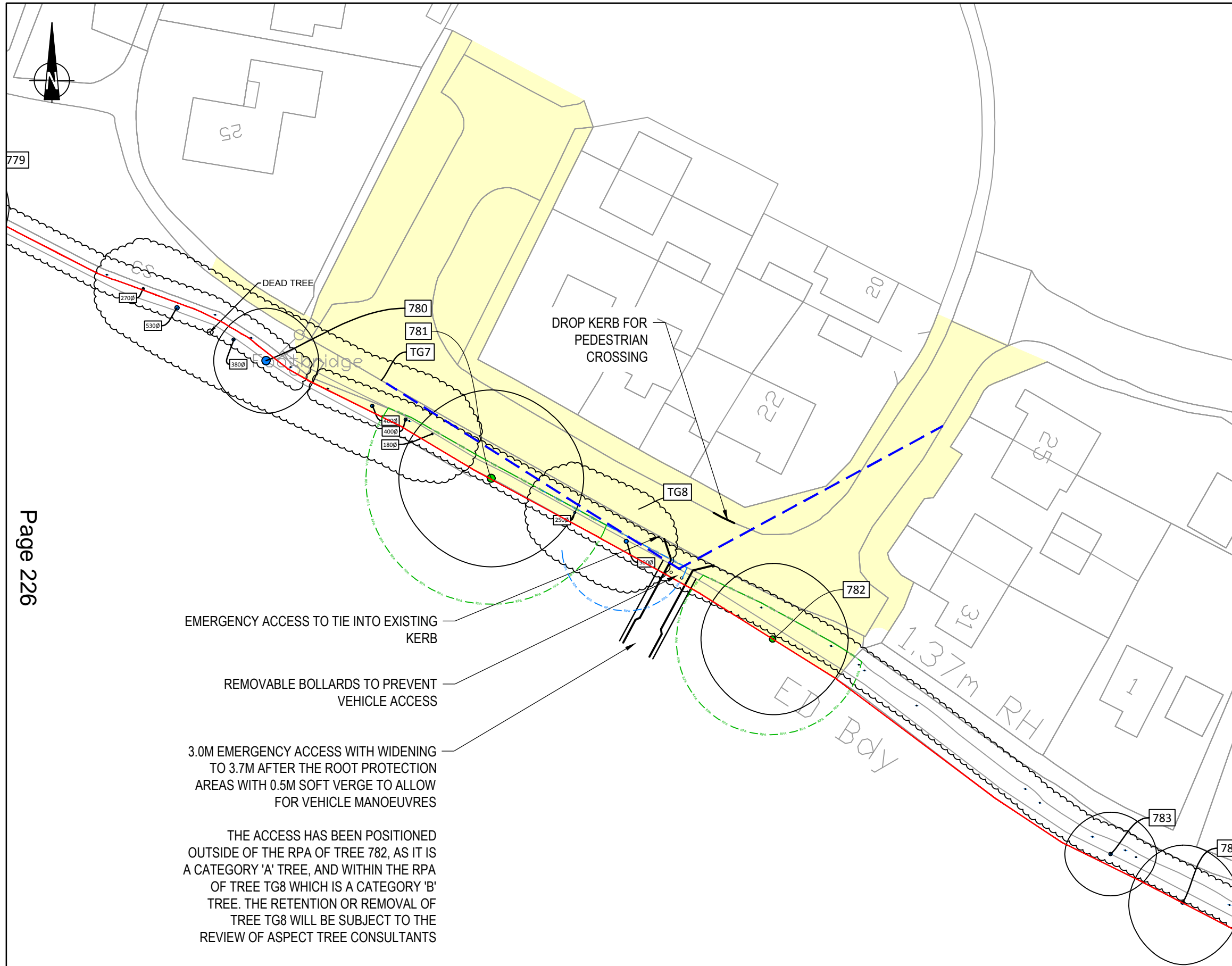
G	UPDATED MASTERPLAN	28.09.21	TM	JMH	-
F	UPDATED MASTERPLAN	10.09.21	IB	JMH	-
E	MINOR PRESENTATION CHANGE	25.06.21	ET	JMH	-
D	LAYOUT AMENDED TO AVOID WATER MAIN EASEMENT	27.05.21	SB	JMH	-
C	MINOR AMENDMENTS	06.01.21	ET	NK	-
B	LAYOUT AMENDED FOR CLARITY	22.12.20	ET	JMH	NT
A	LAYOUT UPDATED TO AVOID GAS MAIN	24.09.20	JMH	NT	NT
Mark	Revision	Date	Drawn	Chkd	Appd

SCALING NOTE: Do not scale this drawing - any errors or omissions shall be reported to Stantec without delay.
 UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

Drawing Issue Status
FOR PLANNING

**LAND AT SOUTHWICK COURT,
 TROWBRIDGE
 PROPOSED INTERNAL ACCESS ROAD
 ALIGNMENT**

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Date of 1st Issue 07.09.2020	Designed JMH	Drawn ET	
A1 Scale 1:1000	Checked JMH	Approved JMH	
Drawing Number 37912/5501/010	Revision G		



Page 226

NOTES:

1. THE LAYOUT IS SUBJECT TO DETAILED DESIGN, CAPACITY TESTING, GROUND INVESTIGATIONS RESULTS & EARTHWORKS MODELLING, UTILITIES & SERVICES AND CONFIRMATION OF LAND OWNERSHIP;
2. THE DETAILED DESIGN LAYOUT WILL BE DESIGNED IN ACCORDANCE WITH ALL RELEVANT DESIGN GUIDANCE AND STANDARDS;
3. THE LAYOUT HAS BEEN BASED ON THE APPROPRIATE DESIGN SPEED FOR OUR CURRENT PROPOSALS;
4. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT ASSOCIATED DOCUMENTS; AND
5. THE USE OF THE DRAWING DOES NOT ABSOLVE THE CLIENT FROM THEIR RESPONSIBILITIES IN REGARDS TO HEALTH & SAFETY AND CDM REGULATIONS.
6. TREE SURVEY SHOWN FROM ASPECT TREE CONSULTANCY DRG NO. 04974 TCP

KEY:

- INDICATIVE SITE BOUNDARY (DERIVED FROM CLIFTON EMERY DESIGN CONSTRAINTS PLAN)
- HIGHWAY BOUNDARY INFORMATION RECEIVED FROM WILTSHIRE COUNCIL AND INTERPRETED BY PBA
- CLASS A TREE ROOT PROTECTION AREA
- CLASS B TREE ROOT PROTECTION AREA
- 2.4M x 43M VISIBILITY SPLAY FOR A 30MPH TO MFS

EMERGENCY ACCESS TO TIE INTO EXISTING KERB

REMOVABLE BOLLARDS TO PREVENT VEHICLE ACCESS

3.0M EMERGENCY ACCESS WITH WIDENING TO 3.7M AFTER THE ROOT PROTECTION AREAS WITH 0.5M SOFT VERGE TO ALLOW FOR VEHICLE MANOEUVRES

THE ACCESS HAS BEEN POSITIONED OUTSIDE OF THE RPA OF TREE 782, AS IT IS A CATEGORY 'A' TREE, AND WITHIN THE RPA OF TREE TG8 WHICH IS A CATEGORY 'B' TREE. THE RETENTION OR REMOVAL OF TREE TG8 WILL BE SUBJECT TO THE REVIEW OF ASPECT TREE CONSULTANTS

A	REMOVED DRAFT STAMP	07.11.19	JHo	NK	-
Mark	Revision	Date	Drawn	Chkd	Appd

SCALING NOTE: Do not scale from this drawing. If in doubt, ask.
 UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake his own investigation where the presence of any existing sewers, services, plant or apparatus may affect his operations.

Drawing Issue Status **FOR PLANNING**

LAND AT SOUTHWICK COURT, TROWBRIDGE

EMERGENCY ACCESS

Client
WADDETON PARK LTD.

Date of 1st Issue	Designed	Drawn
20.03.2018	JHo	JHo
A3 Scale	Checked	Approved
1:1000	PC	NK

Drawing Number
37912/5501/005

Revision
A

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APPENDIX H

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Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows
Date:	17/11/2022
Application number:	20/00379/OUT
Proposal:	Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.
Site address:	Land South of Trowbridge, Southwick, Trowbridge, Wiltshire
Case officer:	Ruaridh O'Donoghue

Recommendations:

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	No objection
<input checked="" type="checkbox"/>	Condition (no objection subject to conditions)
<input type="checkbox"/>	Objection - further information required
<input type="checkbox"/>	Objection in principle
<input checked="" type="checkbox"/>	HRA required

The local authority has completed an Appropriate Assessment (AA) (refer to HRA section within these comments) that has been concluded favourably. The AA has been sent to NE (17/11/2022). NE have 21 days to respond, the application must not be determined until NE have endorsed this AA.

Matters considered:

Following on from comments from Ecology (LK 12/June/2020 and email 06/May/2021) please find final comments below. The documents listed below have been reviewed:

- Ecological Assessment Report. Engain (2/02/2021).
- Land at Southwick Court, Trowbridge Green Infrastructure Plan. Drawing 150202 PP 03. Clifton Emery Design (October 2020).
- Land at Southwick Court, Trowbridge Illustrative Master Plan. Drawing 150202 L 02 01. Clifton Emery Design (September, 2021).
- Land at Southwick Court, Trowbridge Lighting. Drawing 150202 PP 04. Clifton Emery Design (October 2020).
- Southwick Court BNG. The Biodiversity Metric 3.0 Tool – Calculation Tool, 21/October/2021
- Also, of relevance 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared to support the adjacent application (20/09659/FULL).

Layout

This is WHSAP site H2.6 allocated for 180 dwellings and subject to a number of requirements relevant to ecology focussed on compliance with the TBMS.

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Following a request from Ecology a masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared and submitted with an application for allocation H2.5 Upper Studley, Trowbridge to the north. The plan details a strategy that seeks to ensure compliance with the TBMS across all three WHSAP sites specifically the location of continuous ecology corridors along 'core habitat'. The current site layout demonstrates compliance with the Coordinated Strategy Masterplan and highlights that, if complied with, ample habitat buffers along 'core habitat' as required in the TBMS could be provided.

Importantly the submitted layout provides a significant amount of green space and seeks to retain and enhance the Lambrok Stream corridor, retain and enhance connectivity along the northern boundary and create a new landscape corridor with wetland features along southern the boundary.

A small number of new pedestrian links are required along the northern boundary at the eastern half of the Site and the new access road will cross the Lambrok Stream. In addition a section of hedge along the A361 must be relocated to accommodate a new visibility splay. Measures are required to avoid and minimise the associated adverse impacts to ensure fragmentation of habitat does not occur and must be demonstrated at detail design.

Baseline

An Ecological impact assessment is based on the following surveys carried out between 2016 and 2020 has been submitted.

- The following further surveys have been carried out to date:
- Otter and water vole, badger, July 2017.
- GCN HSI and eDNA September 2020
- Bat survey Ground level tree assessment and endoscope survey 2020.
- Bat activity May to October 2016, April 2019, July and October 2020.
- Bat Automated Static Surveys May to October 2016, April 2019, August to October 2020
- Building inspections (Southwick Court September 2020).

It is reported that the Site largely comprises an intensively farmed field used for grazing a dairy herd and for silage with little botanical value. It is surrounded by mature hedgerows with trees, which are of higher ecological value. The Ecological Assessment report confirms that the vegetated corridor along Lambrok Stream is a feature of significant ecological value known to function as an important corridor for the movement of a broad assemblage of species across the landscape including but not exclusively rare, protected and notable species: of invertebrates, bullhead fish, otter, water vole, bats and likely to be of value to amphibians, reptiles and a good assemblage of birds. The Lambrok Stream provides an important ecological link between habitats at Southwick Court, to the south of the proposed development, and Southwick Country Park, to the west.

Bats

The Site lies in the TBMS Yellow Zone meaning there is medium risk for both loss / damage to bat habitat and causing increased recreational pressure at woodlands used by Bechsteins' bats for breeding (refer to HRA below).

Surveys have confirmed eleven bat species use the Site including numerous light sensitive species and Annex II bats GHB, LHB and Bechstein's for which the bat SAC is designated. Together with data from the WSBRC the results indicate a maternity or summer GHB roost is nearby/ within close proximity. Inspection of buildings at Southwick Court found features suitable for use by crevice dwelling bats but no evidence of a horseshoe bat roost. The location of a maternity or summer GHB roost is still unknown.

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The surveys confirm GHB most frequently use the western half of the Site specifically Lambrok Stream corridor and land adjacent to Southwick Court. Although horseshoes were recorded along the northern boundary the activity here was must lower.

Otter

Surveys have found evidence confirming otter use the Lambrok Stream. The evidence suggests that use is most likely to be individuals using the river as a transitory route to and from Southwick Court and west. Habitat suitable for use a holts was limited to the north but evidence of holts were not found.

Amphibians

eDNA returned no positive results for GCN however the vegetated corridor along Lambrok Stream and hedges are likely to be used by amphibians including frog and toad.

Mitigation and Enhancement

The mitigation and enhancement measures recommended in Section 7 of the Ecological Assessment Report align with the BNG calculation and appear to be achievable within the Green Infrastructure drawing. In habitat terms these measures broadly comprise:

- Provision of TBMS Zone A and Zone B landscape buffers, including planting a mosaic of trees, shrub and grassland, along core habitat - Lambrok Stream corridor, northern boundary and hedges.
- New landscape edge along southern boundary to include trees, shrubs, grassland and wetland (SUDS).
- Translocation of hedge/ hedge planting in advance of construction along A361 to retain connectivity between Lambrok Stream and Southwick Court Farm.
- Enhancement of retained grassland (approx. 2.3ha).
- Woodland planting.
- Scrub/shrub planting (approx. 3.4ha).
- Approximately 300m of new hedge planting and 440m of enhanced hedge.
- SUDS and wetland features (approx. 0.64 ha).

A Detailed Landscape Planting Plan will be submitted to and approved in writing by the Local Planning Authority at reserve matters. It must demonstrate compliance with the TBMS and Land at Southwick Court, Trowbridge Green Infrastructure Plan. Drawing 150202 PP 03 (Clifton Emery Design, October 2020), recommendations in Section 7.0 of the Ecological Assessment Report (Engain, 2/02/2021) and BNG calculations.

Detailed design of the causeway/ bridge over Lambrok Stream will be submitted to and approved in writing by the Local Planning Authority at reserve matters. It must be designed in a sensitive manor that ensures that the streams functionality as a wildlife corridor for both aquatic and terrestrial species is not interrupted. Features to enable and encourage the safe movement of species over and under the causeway including, but not exclusively, otter, water vole, reptiles and amphibians will be secured as part of this.

A number of trees within Zone A along Lambrok Stream at the northern boundary are known to be in poor condition. **The detailed planting scheme and LEMP must demonstrate that Zone A will be enhanced with tree and shrub planting to a minimum width of 15m and remain wooded into perpetuity with all fallen/ removed trees replaced.**

Bats are known to cross the Firs Hill/ A361 road at Lambrok Stream. All pedestrian/ cycle links through core habitat and connecting to A361 must adhere to the constraints of TBMS buffers to ensure the corridor remains intact and not impacted urbanisation such as lighting.

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The pedestrian/ cycle link alongside Lambrok Stream linking to Southwick Park as shown on the Illustrative Masterplan must lie south outside of TBMS Zone A and comply with TBMS Zone B parameter specifically lighting requirements.

Enhancement is likely to increase the foraging capacity of the area for a range of birds and bats. The development must provide nesting and bat roosting features to meet the likely increase in bird populations. Drawings showing the location and specification of and range of integral nesting and roosting features in line with best practise guidelines must be submitted.

BNG

The submitted BNG assessment predicts benefits in habitat units of 13.74%, hedgerow units of 14.60% and River units of 10.29%. The calculation is based on Figure 17 Post-development Habitat Units embedded in the Ecological Assessment Report and appears to align with the Green Infrastructure Plan. Assuming the layout accords with these submitted parameter plans and the LEMP seeks to provide the mitigation recommended in the Section 7 of the Ecological Assessment Report this level of net gain is considered achievable.

A proportion of the biodiversity enhancement would be delivered in the SUDs. Detailed design of the SUDs must demonstrate the 'drainage design meets best practice' and delivers all 4 pillars (including biodiversity) of SUDs wherever possible.

CEMP

Measures likely to be required in the CEMP are outlined in Section 7.0 of the submitted Ecological Assessment Report. **A condition is required to secure the CEMP at reserve matters, suggested wording is provided below**

LEMP

Measures likely to be required in the LEMP are outlined in Section 7.0 of the submitted Ecological Assessment Report. **The LEMP must include phasing plan demonstrating that the timing of habitat creation works in relation to TBMS Zones A and B landscape buffers, new landscape edge along southern boundary, grassland and translocation of hedge/ hedge planting will be completed in advance of or alongside vegetation stripping.**

Measures within the LEMP must demonstrate how habitats and features required to provide enhancement in accordance with the mitigation listed above and BNG calculation will be achieved. In addition, it would be welcomed if the LEMP included strategies that seek to enhance the Site for biodiversity known to be present locally including those along the Lambrok Stream corridor and at Southwick Court including, but not exclusively: Bullhead fish. Otter. Water Vole. Bats. Hedgehog. Reptiles (slow-worm, grass snake and adder). Amphibians (frog and toads). Birds (skylark, cuckoo, grasshopper warbler, house sparrow, starling, bullfinch, song thrush, and kingfisher). Invertebrates.

A condition is required to secure the LEMP at reserve matters, suggested wording is provided below.

Habitat Regulations Assessment

Bath and Bradford on Avon Bats SAC - Appropriate Assessment (AA)

This development is screened into appropriate assessment in relation to the Bath and Bradford on Avon Bats SAC. Following the TBMS guidance it lies within the zones of medium risk for both loss / damage to bat habitat and causing increased recreational pressure at woodlands used by Bechsteins' bats for breeding.

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Background information for the appropriate assessment is contained in the TBMS which was adopted as SPD in February 2020. No other European site is screened into the assessment.

The SAC's qualifying Features are as follows:

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

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

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

Publication Date: 27th November 2018 – version 3. This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations 2017.

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

The application site lies on the southern side of the Trowbridge settlement boundary adjacent to Lambrok Stream. The TBMS was adopted as SPD in February 2020.

Compliance against TBMS criteria

Item	TMBS criteria	Details provided in Application site
1	<p>Surveys completed:</p> <ul style="list-style-type: none"> • In accordance with Council pre-application advice if provided • In accordance with BCT Good Practice Guidelines 	<ul style="list-style-type: none"> • Bat survey Ground level tree assessment and endoscope survey 2020. • Bat activity May to October 2016, April 2019, July and October 2020. • Bat Automated Static Surveys May to October 2016, April 2019, August to October 2020 • Building inspections (Southwick Court September 2020). <p>Survey has confirmed Annex II bats GHB, LHB and Bechstein's for which the bat SAC is designated use the Site. The surveys strongly indicate these species frequently use the western half of the site specifically the Lambrok Stream corridor and land adjacent to Southwick Court.</p>

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2	<p>Masterplan to be provided which covers entire allocation (referenced in WHSAP housing policies) and identifies:</p> <ul style="list-style-type: none"> • Core Bat Habitat features • That sufficient land can be set aside to achieve 100% mitigation for loss of habitat due to development footprint • That retained core bat habitat connects to the wider habitat network 	<p>A masterplan 'Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation' prepared by Greenhalgh (21/04/2021) has been prepared to support the adjacent application (20/09659/FULL).</p> <p>The current site layout demonstrates compliance with the Coordinated Strategy Masterplan and incorporates habitat buffers along 'core area' as required in the TBMS. Importantly the Lambrok Stream Ecology Corridor and northern boundary to the east are afforded a 30m buffer to accommodate Zones A and B.</p> <p>These buffers ensure a good linkage to the wider habitat network with a continuous bat corridor in a east west direction along the southern edge of Trowbridge and along Lambrok Stream to Southwick Court.</p> <p>More specifically the Green Infrastructure Plan. Drawing 150202 PP 03 (Clifton Emery Design, October 2020) shows a 30m boundary landscape buffer along core habitat and the Land at Southwick Court, Trowbridge Lighting. Drawing 150202 PP 04. Clifton Emery Design (October 2020) states that these represent TBMS Zones A and B.</p> <p>Detailed design of causeway over Lambrok Stream must ensure that its functionality as a wildlife corridor for both aquatic and terrestrial species is retained.</p> <p>Adherence to these layouts will be required by the compliance condition.</p>
3	<p>For outline applications, Parameters Plan (para 142) to address:</p> <ul style="list-style-type: none"> • Specific site design measures/restrictions to deliver the Site Masterplan • Areas to remain undeveloped • Areas to form landscaping 	<p>The Green Infrastructure Plan. Drawing 150202 PP 03 (Clifton Emery Design, October 2020) and the Land at Southwick Court, Trowbridge Lighting. Drawing 150202 PP 04. Clifton Emery Design (October 2020) specify development restrictions in line with TBMS.</p> <p>Adherence to these layouts will be required by the compliance condition.</p>
4	<p>Biodiversity Net Gain Calculations demonstrate 100 % mitigation has been provided for all habitat lost where the yellow zone and the application boundary overlap.</p>	<p>The submitted BNG assessment predicts benefits in habitat units of 13.74%, hedgerow units of 14.60% and River units of 10.29%.</p> <p>Delivery of mitigation and enhancement will be secured by detailed design of SUDS at RM and LEMP.</p>
5	<p>For reserved matters and full applications, an Ecological Mitigation (para 143 TBMS):</p>	<p>N/A</p> <p>Not required for the current application. The following conditions will be needed for a</p>

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	<p>(i) Scaled drawing(s) to show</p> <ul style="list-style-type: none"> • Details of replacement roosts. • Commuting routes and foraging habitat to be retained, created and enhanced. • Location/extent and full landscape specifications for tree and shrub planting, wildflower grassland etc. • Location of temporary work areas <p>(ii) Schedule of works covering removal, enhancement and creation of habitat features in relation to construction works.</p> <p>(iii) Detailed and scaled cross sections to accurately locate development and ecological mitigation features e.g. hedgerows, SuDs etc</p>	<p>favourable AA outcome:</p> <p>A <u>detailed landscape planting plan</u> in accordance with Land at Southwick Court, Trowbridge Green Infrastructure Plan. Drawing 150202 PP 03 (Clifton Emery Design, October 2020).</p> <p>A detailed <u>Construction Environment Management Plan</u> (CEMP) containing details of temporary works, protective fencing etc;</p> <p>A detailed <u>Landscape and Ecology Management Plan</u> (LEMP) providing details of how habitats created will be managed for the duration of the development;</p> <p>A <u>phasing plan</u> demonstrating the timing of habitat creation works in relation to construction works in order to demonstrate that mitigation will follow quickly behind vegetation stripping for development.</p>
6.	Application to demonstrate core bat habitat is adequately buffered and enhanced.	Refer to Item 2.
7	Application to demonstrate retained core bat habitat connects to the wider habitat network.	Refer to Item 2.
8	Application to demonstrate core bat habitat will remain relatively undisturbed by the effects of urbanisation.	Refer to Item 2.
9	The potential impacts of lighting are adequately modelled and assessed with appropriate mitigation included to minimise the effects of artificial lighting across the site.	A lighting assessment, modelling and monitoring regime will be required by condition.
10	An appropriate lighting monitoring regime has been provided.	This will be covered by the lighting condition.
11	Appropriate mechanisms for maintenance, monitoring and mitigation have been submitted covering relevant phases of development including the post construction period.	Not required for the current application. This will be covered by CEMP and LEMP to be conditioned.
14	A financial contribution towards the Council led scheme for mitigating residual in-combination effects from loss / degradation of bat habitat will be secured by S106.	<u>Criterion will be met if a contribution of £777.62 per dwelling is secured through S106. Include in Heads of Terms for S106</u>
13	Is it likely that the CIL funded, Council led scheme, to offset residual effects from recreational pressure at	This development is covered by the costs identified in Appendix 2 of the TBMS. The Council will contribute £641.48 per dwelling

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	woodlands used by breeding bats will be able to cover impacts arising from the application under consideration?	from CIL towards delivery of projects in Appendix 2. Include in Heads of Terms for S106
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The above table demonstrates that the local authority has carried out the AA which has reached with a favourable conclusion.

S106 Requirements:

1. £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses
2. Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

Conditions:

The following, or similarly worded, conditions are recommended:

Compliance with submitted documents

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

- Land at Southwick Court, Trowbridge Green Infrastructure Plan. Drawing 150202 PP 03. Clifton Emery Design (October 2020).
- Land at Southwick Court, Trowbridge Lighting. Drawing 150202 PP 04. Clifton Emery Design (October 2020).
- Southwick Court BNG. The Biodiversity Metric 3.0 Tool – Calculation Tool, 21/October/2021

REASON:

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

Construction Environment Management Plan (CEMP)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- b. Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and pre-development provision of hedgerow mitigation/ translocation along Firs Hill A361.
- c. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- d. Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the water course and protected and notable species.
- e. Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
- f. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

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- g. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- h. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

Landscape and Ecological Management Plan (LEMP)

Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting, Semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

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

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON:

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

Lighting

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

APPENDIX I

publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

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

Final sign off – all matters addressed:

Ecologist Elizabeth Burrows	Date 17/11/2022
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APPENDIX J

Elizabeth

Thank you for consulting Natural England on the HRA for the aforementioned proposal and providing further clarification on the points raised.

Natural England notes that the design of the bridge crossing the Lambrook and the requirement for bat habitat creation scheme within the retained areas will be a matter for the Reserved Matters application. I can confirm Natural England has no objection to this approach. With regard to the bridge Natural England recommends that the requirement for designs that ensure the continued passage of bats along the stream corridor is noted in any permission. Natural England also notes that the restoration of a parkland / wood pasture landscape in the locality could provide substantive benefits to the bats and therefore conflicts with the setting of Southwick Court should not arise.

Finally, with regard to the width of the buffers against the southern edge of the development and in particular the narrowest points Natural England remains concerned that the minimum width required by the Trowbridge Bat Mitigation Strategy (30m) would not in itself ensure that the scheme provided the “wide swathes of land” required by the strategy in order to retain a permeable and functioning landscape for the target species. Here we would note that this is not just a matter of appropriately applying the policy, but also remains a requirement of the scheme’s appropriate assessment. However, based on the further information provided by your authority on the policy controls on the land to the south of the development and the extent of the land within the control of the applicant Natural England is now satisfied that an appropriately robust bat mitigation strategy can be secured at the Reserved Matters Stage. Natural England recommends that the applicant discusses the detailed design of the bat mitigation elements and detailed layout of the development at the earliest possible stage.

On this basis Natural England confirms that we have no further objection to the application. I trust this email is sufficient for you to now progress the application, but should you require more information please to get back to me.

Regards

John Stobart
Planning and Conservation Senior Advisor

[REDACTED]
[REDACTED]

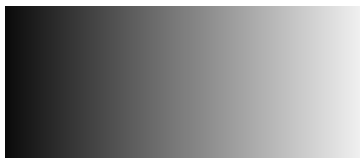
APPENDIX K

20/00379/OUT- Southwick Court HEADS OF TERMS (Based on 180 Dwellings)

SUBJECT	REQUEST	AMOUNT	AGREED
Housing	On site delivery of 30% Affordable Housing	54 Units	✓
Public Open Space	Delivery of 6605.64m ² of public open space, of which 318.6m ² is to be equipped play space	N/A	✓
	Upgrade of Woodmarsh Sports Ground	£42,480	✓
Ecology	To address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting.	£139,971.60	✓
Waste & Recycling	Provision of waste and recycling containers @ £91 per dwelling	£17,280	✓
Education	Early years provision x 22 places	£385,484	✓
	Primary school provision x 51 places	£956,658	✓
	Secondary school provision x 38 places	£825,840	✓
Public Art	Public art scheme to be delivered on site (£300 per dwelling)	£54,000	✓
Highways	New bus stop provisions	£40,000	✓
	Refuge pedestrian crossing	£10,000	✓
	Pedestrian and cycle improvements (PC09)	£102,147	✓
	Public Rights of Way enhancements	£8,450	✓
Air Quality	Contribution towards air quality monitoring	£10,000	✓
TOTAL SUM OF MONEY		£2,592,210.60	✓

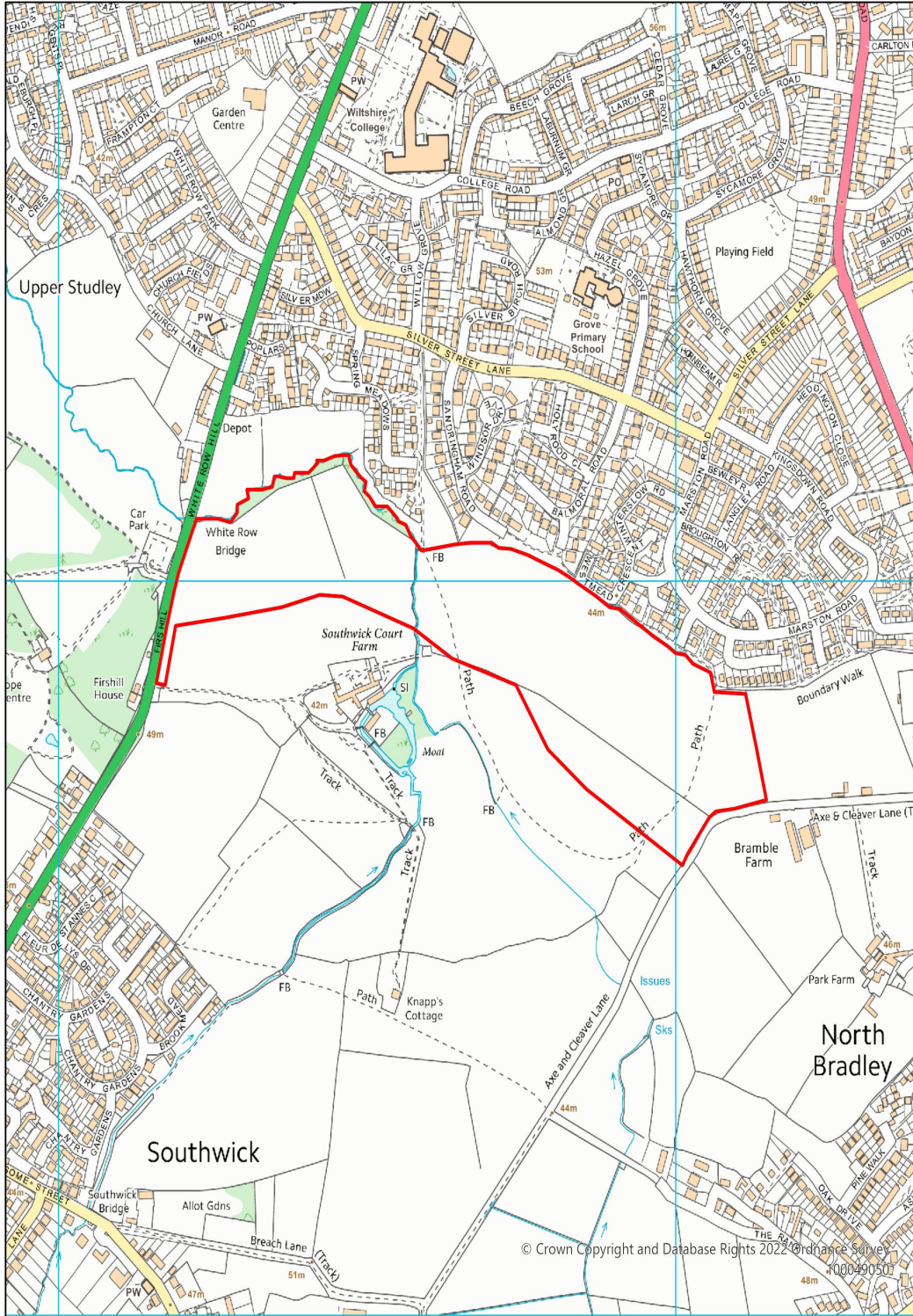
NB. Agreement is to the contributions specified in column two as the amounts may change dependent on the scheme approved at Reserved Matters stage.

Signed:



Dated: 08.02.23

Print: Nick Matthews



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 February 2023
Application Number	PL/2022/01367
Application type	FULL
Site Address	Land off St George's Road, Semington, Melksham
Proposal	Residential development of 18 Dwellings with associated works including vehicular access and parking
Applicant	Newland Homes Ltd
Town/Parish Council	SENINGTON
Electoral Division	MELKSHAM WITHOUT WEST & RURAL ED – Jonathon Seed
Grid Ref	51.341345, -2.152655
Type of application	Full Planning Permission
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement.

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 subject to completion of a Section 106 agreement.

2. Report Summary

The main issues to be considered are:

- The principle of the development
- Impact on the setting of the area
- Impact upon neighbouring amenity
- Highway and traffic impacts
- Drainage and flood risk
- Local Plan Review
- Section 106 Legal Agreement

3. Site Description

The site is agricultural land, covering approximately 0.80 hectares. It is located to the south-west of Semington, and Melksham lies approximately 3 miles to the north-north-west. Trowbridge lies approximately 3 miles to the west-south -west. It is a relatively level site that is open but contained on three sides by existing mature hedgerows and an existing building site to the north (see 'Planning History', below). The site is located outside of the limits of development of the Semington 'Large Village' as defined in the development plan.

The map below shows the site shaded/outlined in blue (the green area immediately to its north side (and through which the site is accessed) forms a housing site currently being developed out for 24 units – see 'Planning History' below). The red shading indicates the area contained within the limits of development for Semington, and surrounds the site on three sides.



Approximately 80 metres north-west of the site is a Grade II Listed Building known as St Georges Hospital which now houses residential properties ranging in height up to three storeys. A public right of way runs to the north of the site (SEM11) which cuts around the south of the Grade II Listed Hospital. To the east of the site lies existing residential properties which range from dormer bungalows to two storey houses. To the south of the site lie further agricultural fields. The site is not located within Flood Zones 2 or 3.

4. Planning History

There is no relevant planning history on the site in question but the land immediately to the north has outline and reserved matters approval for 24 units.

16/01678/OUT – Erection of 24 dwellings with associated access and parking and land for allotments – Approved 04/11/2016

19/07938/REM – reserved matters application for 24 units – Approved 16/01/20120 which saw the following approved layout:



5. The Proposal

This is a full application for the erection of 18 dwellings, and it effectively forms an extension to the above approved scheme, utilising its access.

Illustrative Masterplan is below:



6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

CP1 – Settlement Strategy,
CP2 – Delivery Strategy,
CP3 – Infrastructure Requirements,
CP15 – Spatial Strategy for the Melksham Community Area,
CP41 – Sustainable Construction and Low Carbon Energy,
CP43 - Providing Affordable Homes,
CP45 – Meeting Wiltshire’s Housing Needs,
CP48 – Supporting Rural Life,
CP49 – Protection of rural services and community facilities,
CP50 – Biodiversity and Geodiversity,
CP51 – Landscape,
CP52 – Green Infrastructure,
CP57 – Ensuring High Quality Design and Place Shaping,
CP58 – Ensuring the Conservation of the Historic Environment,
CP60 – Sustainable Transport,
CP61 – Transport and New Development,
CP62 – Development Impacts on the Transport Network,
CP64 – Demand Management,
CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan

U1a - Foul Water Disposal,
U2 - Surface Water Disposal,
U4 - Ground Source Protection Areas,
I1 - Implementation

Semington Neighbourhood Plan

Semington Parish Council have commenced the process of making a neighbourhood plan, but this is at a very early stage, and therefore cannot be given weight in the determination of planning applications. The initial application for Semington to be a designated a neighbourhood plan area was made in September 2021.

Other

- Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015).
- Wiltshire Housing Site Allocations Development Plan Document (DPD) (adopted 25 Feb 2020)
- Trowbridge Bat Mitigation Strategy
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Council Affordable Housing Supplementary Planning Guidance (adopted August 2004)
- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7. Consultation responses

Semington Parish Council: Object; on the grounds that:

- [i] the land is outside the development boundary
- [ii] too many houses are proposed for a large village
- [iii] there are already 52 dwellings with extant planning permission in the village whereas the parish's allocation in the draft local plan is only 35
- [iv] the recent rural housing needs survey for the village did not indicate a need for additional housing over and above those already granted permission
- [v] the neighbourhood planning steering group had not yet considered the issue of allocation of land for housing
- [vi] as some local services are already overstretched whilst others are overwhelmed, what is proposed cannot be sustainable development
- [vii] there is considerable opposition to the development from the village for the reasons stated above.

Wiltshire Council Highways: No objection

Wiltshire Council Affordable Housing: No objection, subject to S106

Wiltshire Council Education: No objection

Wiltshire Council Landscape Officer: No objection

Wiltshire Council Archaeology: No objection subject to conditions

Wiltshire Council Urban Design: No objections

Wiltshire Council Ecology: No objection subject to conditions

Wiltshire Council Drainage: No objection subject to conditions

Salisbury & Swindon Swifts: No objection subject to conditions

Wiltshire Council Public Rights of Way: No objection, subject to S106

Wiltshire Council Spatial Plans: Comments –

The proposal is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the Wiltshire Core Strategy (WCS). Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principal aims of the National Planning Policy Framework. This must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as a whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

Wessex Water: No objections

8. Publicity

The application was advertised by way of a site notice and neighbour notification letters. An advert was also placed in the press. The following is a summary of the issues raised by members of the public / third parties in 45 objections and 1 support -

Objections –

Principle –

It will blur the village boundaries

The development is beyond the settlement boundaries – Semington will become part of Trowbridge and Melksham if development continues

Housing Needs Survey did not identify any need

The Neighbourhood Planning Steering Group have not allocated any sites for housing

A large village is not to have more than 10 homes – we are now at 400%

We have met the current building needs in Semington

Why not focus developments within the towns

Impact on Area –

It will not retain the historical character and rural setting of Semington

It will destruct a green buffer with consequential loss of wildlife habitat

Increase in hard landscaping will mean an increase in rainwater run-off

There is a significant increase in density in this proposed site compared to the site immediately north

Impact on Highways –

Increase traffic in Semington

Increase traffic onto St Georges which is not a full width road and additional cars will create a bottleneck

Other –

Newland Homes are not trying to solve the crisis, they are merely here for profit

Medical and dentistry services are unable to cope as well as the local schools

Community consultation is poor – the parish council meeting only took place after the application had been submitted

Proposal would prevent the expansion of the allotments of which there is a waiting list

If permission is granted the developer must be held to account and deliver all of the energy and climate mitigation proposed, including EV points

Why can't the Council stop these applications before they get to the Parish Council because they cause more stress and wasted time by its parishioners?

Support (x1) –

Possible increase in customers to support the village pub and village social club

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan stating that, first and foremost, decisions must be made in accordance with the development plan unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight on the planning balance.

Beginning with the development plan (the Wiltshire Core Strategy (WCS)), the site lies outside the Limits of Development of the Semington 'Large Village' and is, therefore, in 'open countryside' where under Core Policies 1 and 2 new housing development is not normally permitted unless one of the following applies:

- the site is to be considered under one of the council's exceptions policies listed at paragraph 4.25 of the WCS;
- the site is being brought forward through a neighbourhood plan; or,
- the site is being brought forward through a site allocation development plan document.

As the site falls outside of the Limits of Development and has not been brought forward through either a Neighbourhood Plan or through an allocation in a development plan document for the area, the proposal does not comply with the requirements of Core Policies 1 and 2 of the WCS.

However, the Council cannot currently demonstrate a 5-year supply of deliverable housing land, and this is a material consideration. This circumstance means that the 'tilted balance' flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged; it states the following:

For decision taking this means: Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must be treated as being out of date. This does not mean that the policies carry no weight, but rather the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

In this case there are no demonstrable adverse impacts, and accordingly the benefits of developing the site for housing tip the balance in favour of the proposal. The delivery of housing to assist the shortfall in 5-yls in a location which is adjacent to a sustainable settlement and where there would be no harmful effects accords with the NPPF as a matter of principle, and it is this material consideration which makes the proposal in this case acceptable. Consideration of the detailed impacts of the proposal is given below.

Objections have been received regarding Semington already having more housing than previously identified, and that the Neighbourhood Plan has not allocated any additional housing. However, the Neighbourhood Plan is not at a point in the plan-making process where it can be given any weight, and as such it cannot be taken into consideration when making a decision on this planning application. And for the purposes of assessing the housing supply position, this must be considered at the county level and not locally in accordance with the NPPF. As stated, at the county level Wiltshire Council is presently unable to demonstrate the required 5-year land supply.

9.2 Scale, Design and Layout

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design.

The proposal sees a mix of dwellings. 13 of the units are to be 'open market' and include 2 x 3-bed bungalows, 6 x 3-bed houses and 5 x 4-bed houses. The 5 affordable units comprise 1 x 2-bed-4person accessible unit, 2 x 2 bed-4person units, and 2 x 3-bed-5 person units. The affordable housing units are considered acceptable to meet the current need by the Council Affordable Housing Officer.

The proposed development uses similar designs and materials (red facing brick, buff facing brick, buff recon stone, red double Roman concrete roof tile, and slate grey concrete roof tile) as the approved development to the north side, the only difference is that the proposed dwellings are to be made carbon neutral through insulation, photovoltaic panels on roofs, heating and hot water to be provided via air source heat pumps, and electric car charging points per unit. This ensures the development complies with the aspirations of CP41 and the relevant design criteria of CP57.

Regarding density, the approved development to the north is 11.6 dph, whereas this site is proposed to be 22 dph. Although the proposed density is slightly higher, it is still low and appropriate in the context of the wider surroundings.

9.3 Landscape and Visual Impact

Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance landscape character, and should not have a harmful impact on landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures. The site subject of this application sits in the Avon Vale, adjacent to existing housing.

The Council's Landscape Officer has assessed the proposal and considered that it would have limited impact upon the surrounding landscape due to the existing boundary treatment and surrounding development (on three sides) and as such would be acceptable. The only request has been for the hedge to the rear of plots 10-13 to be a thorny hedge to deter intruders and to improve the aesthetic of this space which would otherwise just be a timber fence. The site would be seen visually as an extension to the already approved development in an area that is not seen by the public largely due to the existing mature boundaries that surround the site, and as such the development is considered to have minimal impacts upon the wider landscape.

New planting is proposed on the site within the streets, with additional hedgerows and wildflower meadows, all of which will enhance biodiversity and help sustain and encourage the existing wildlife corridors that exist on site. The existing boundary hedges would be maintained and also enhanced. The Biodiversity Report submitted with the application demonstrates that the proposed development and landscaping would result in a habitat net percentage change of + 10.26% and a hedgerow net percentage change of +18.58%, and as such biodiversity offsetting would not be required.

9.4 Heritage Impact

CP58 states that development should protect, conserve and where possible enhance the historic environment.

The Council's Archaeologist has assessed the application and following the evaluation report and written scheme of determination has concluded that the proposed development should be carried out in accordance with the written scheme of investigation.

The Grade II Listed Buildings lie to the north east of the site. It is considered that the proposed development, by reason of the approved development to its north being closer to the Listed Buildings, and in view of the proposed boundary treatments in the form of existing and enhanced hedgerows, would remove the possibility of any harm (less than substantial or otherwise) to the heritage assets or their setting. The proposal is therefore considered to comply with CP58 and Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.6 Drainage

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). The site is located in Flood Zone 1 which is at least risk of flooding. Semington Brook is a main river located approximately 600 metres north east of the site. A surface water drainage strategy has been development incorporating sustainable urban drainage systems, and it demonstrates that a drainage scheme can be achieved by connecting to the approved site immediately to the north with additional on-site attenuation. The site has been confirmed as having no contamination.

As Wessex Water and WC Drainage have raised no objection to the scheme, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere – and with the requirements of CP67 of the WCS.

9.7 Ecological Impact

An ecological appraisal has been submitted with the application with a targeted survey on bats due to the site lying within the northern periphery of the "medium risk" zone for bats in the Trowbridge Bat Mitigation Strategy SPD. Mitigation for the bats has been provided on site through enhanced hedgerows, wildflower meadows etc but further mitigation to the wider would also be undertaken using CIL receipts.

The Council's Ecology Officer has raised no objections and has recommended conditions regarding a construction management plan, a landscape and ecological management plan, and no external lighting. These conditions are reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

The Salisbury and Swindon Swifts group have commented on the application and requested that 18 swift bricks are incorporated into the scheme in clusters on the north, east and west gables of some of the buildings. This can be required by condition, as was the case with the adjacent development.

9.8 Impact on amenity

CP57 requires proposals to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, etc..

The submitted plans indicate that the proposed gardens are at least equal to, if not greater than, the floorspace of the proposed dwellings they serve, and therefore it is considered that the proposed amenity spaces are of satisfactory size. The dwellings have also been designed with minimum space standards in mind. It is, therefore, considered that the proposed development itself does not bring about concerns for the amenities of future occupiers.

Units 1 and 18 are located to the west of the site and closest to existing residential properties in St George's Place, but both are considered to be sufficiently separated from the neighbours to raise no concerns from overshadowing. Unit 1 has one bathroom window located in its side elevation at first floor level, and this can be conditioned to be obscurely glazed to prevent any possibility of overlooking. Unit 18 has no windows on the side elevation and thus no overlooking concerns arise. The separation between proposed units 6, 7, 8 & 9 and the new development to the north is sufficient to not warrant any concerns over overlooking or overshadowing. The proposed open space adjacent to units 9 and 10 would protect those existing residential units that lie east of the site.

The proposed development is, therefore, considered to comply with the relevant criteria of CP57 relating to residential amenity.

9.9 Highways

The objectives of Core Strategy policies 60 and 61 are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The site is located within walking distance of bus stops and the village centre where there is a village shop, church, primary school, and walking library. There are good public transport links with the north and south bound bus stops being located at the junction of St Georges Road and High Street and are approximately 300m to the east of the access to the site. Bus X34 runs between Frome and Chippenham via Melksham and Trowbridge and operates every half hour Monday to Friday. Route 49 operates from bus stops on the A361 between 650 metres and 700 metres from the centre of the site which runs between Swindon and Trowbridge via Devizes and Wroughton Monday to Saturday. Other bus services include numbers 39 (Semington to Devizes which operates on a Thursday) and 86 (Semington and Bath which operates on a Wednesday). An existing public right of way (PROW) known as SEM11 runs to the west of the site providing access to the former hospital site and provides a continuous route to the High Street, and as part of the approved site located to the North, the site was linked up to this PROW via a tarmac surface at a width of 2 metres through a Section 106 Legal Agreement. Furthermore, to the north of Semington, the High Street crosses the Kennet and Avon Canal which becomes part of the National Cycle Network as route 403 which leads to Melksham. The towpath also provides long distance routes to Devizes and Trowbridge.

St Georges Road is approximately 6 metres wide with street lighting and a 2 metre footway on its southern side. It is subject to a 30mph speed limit and has road humps at regular intervals. To the east and west of the site, St Georges Road narrows to provide a single lane width for approximately 25 metres. At each end the road narrowing gives priority to eastbound drivers with a give way marking and signage. Access to the site would be via the access previously approved for the site to the north and refuse vehicle tracking has also been provided as part of the application.

The proposed development provides 49 car parking spaces, 4 visitor spaces and 1 cycle unit covered and secure in line with the Wiltshire Parking Strategy. There would be 1 electrical vehicle charging space provided per unit. Highways have raised no objections to the proposal.

9.10 Community Infrastructure Levy (CIL)

Interested party comments made relating to the provision of facilities, such as school places, transport provisions etc, within the area are acknowledged. Infrastructure made necessary by the development would be addressed through CIL payments or through the separate legal agreement (S106), or a mixture of both.

The new dwellings would be liable for CIL. The site would fall under charging 'Zone 1, Category 3' where the sum equates to £85 per square metre of residential floor space created, plus indexation.

In addition to CIL payments, further financial obligations towards infrastructure specific to a development proposal are secured through section 106 contributions.

10. S106 contributions

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

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

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

Affordable Housing

CP 43 states that on sites of dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The site is proposing 18 new homes, the affordable on-site housing requirement is, therefore, 5 affordable homes of *which 60% would be affordable rented homes (i.e. 3 homes) and 40% would be as shared ownership homes (i.e.2 homes)*. The property type, location and tenure mix that has been proposed as part of this application has been agreed by WC Housing.

Recreation and Open Space

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision, an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106. The proposal does include an area of public open space which is to be managed by a management company, and this is considered to be appropriate in the context of the policies.

Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The allocated schools for this development are St Georges CE primary school and Melksham Oak

Secondary School which both have capacity to serve the new development and therefore no contributions are required.

Refuse

A contribution of £1,638 (£91 per dwelling x 18) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Highways

CP52 states "*Development shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD. It is therefore considered that a contribution for nearby Public Rights of Way improvements is justified - £3800.00.

Management Company

The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after.

11. Conclusion (The Planning Balance)

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

The Council cannot currently demonstrate a 5-year supply of deliverable housing land; at the time of preparing this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.72 years. With this recognition the strategic policies of the Core Strategy must be considered out of date, and so the tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst the proposed development lies outside of the Semington 'Large Village' boundary and so conflicts with the strategic level policy requirements (CP1 & CP2), this report shows that there are no adverse impacts arising from the proposal on the wider landscape, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would contribute to the environmental objective of achieving sustainable development through the provision of electric vehicle charging points, etc., and provide economic benefits by providing work for construction professionals, increase economic activity within Semington and contributions towards off site infrastructure through S106 contributions and CIL.

As already set out, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for growth would bring. The proposal is for a well-planned windfall development that would read as a natural extension to the already approved development on its north side, and adjoin other established developments to its east and west.

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

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant full planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report, and subject to the conditions set out below –

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 Construction works involving activities audible at the edges of the site shall be restricted to the following times:-

- (a) Mondays - Fridays 07:30 – 18:00hrs
- (b) Saturdays 08:00 – 13:00hrs
- (c) Not at all on Sundays or Bank and Public Holidays.

No burning shall take place on site.

REASON: In the interests of the amenity of the area.

3 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

4 No dwelling hereby approved shall be first occupied until its associated access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5 No dwelling hereby approved shall be first occupied until its windows serving the en-suites and bathrooms have been glazed with obscured glass only to an obscurity level of no less than level 3. The windows shall thereafter be maintained with obscured glass in perpetuity.

REASON: In the interests of residential amenity and privacy.

6 No development shall commence above slab level until details of how nest and roosting places for building dependent species such as swifts will be incorporated into the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

REASON: In the interests of enhancing the local and natural environment.

7. No development shall commence on site until a programme of archaeological work to demonstrate that the development hereby approved has been carried out in accordance with the approved Written Scheme of Investigation (submitted to Wiltshire Council on 22nd August 2022) has been submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall commence on site until a Drainage Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Construction Management Plan shall include monitoring of, and measures to retain the existing vegetation across the site, together with drainage arrangements during the construction phase. The development shall be carried out at all times in accordance with the approved details.

REASON: To ensure that the site can be adequately drained during the construction phase.

No work shall commence on site including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase as recommended in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) including but not necessarily limited to:

- a) Ecological protection areas/buffer zones and tree root protection areas around retained hedgerows and trees including details of specification of physical means of protection, e.g. temporary fencing.
- b) Mitigation strategies for protected/priority species, such as reptiles, amphibians, nesting birds, badger and hedgehog.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10 No development shall commence on site including site clearance until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall specify the design and location of features required as mitigation as outlined in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) and required by the Biodiversity Net Gain Preliminary Design Stage Report prepared by All Ecology (July 2022) the including, including but not exclusively:

- a. New hedge planting in the public realm including protective measures and buffers.
- b. Enhancement of retained hedges.
- c. Protective measures and buffers for retained hedge at the northern boundary.
- d. Hedgehog paths through any solid fences.

- e. Integral bird swift boxes and bird homes.
- f. Reptile/ amphibian hibernaculum.
- g. Integral bat boxes.
- h. Hedgehog homes.

The LEMP shall also include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development including but not limited to:

1. Retained and new hedges and trees.
2. Attenuation basin/ pond and associated aquatic vegetation and wetland meadow grassland.
3. Wildlife corridor.
4. Wildflower meadow.
5. Native and non-native hedgerow planting.

The LEMP shall also include a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets and detail of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

11 No external light fixture or fitting shall be installed at the application site unless its details are first submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate compliance with Section 4 of the Walkover Survey report prepared by All Ecology (November 2021). The light fixture or fitting must be installed as approved and maintained as such thereafter.

REASON: To avoid inappropriate illumination of habitats used by bats.

12 The development hereby approved shall be carried out in accordance with the drainage strategy reference 877-ER-01 dated 10th November 2021 received by the Local Planning Authority on 18th February 2022.

REASON: To ensure the site satisfactorily drains and does not lead to flooding elsewhere.

13 Prior to the occupation of the 18th dwelling the fence and gate to be erected around the 'Wildflower Corridor'/'Wildlife Meadow' at the rear of units 10-13 shall be completed. Thereafter this area will remain private and inaccessible to the public, with access only for maintenance purposes.

REASON: To ensure the future protection of the wildlife corridor and wildlife habitats.

13 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 any part of the development or in accordance with a programme to be first agreed in writing by the local planning authority, 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 (which shall include all elements of the 'Play Trail' and the 'Self-binding gravel path' and related bench and log seating) shall also be carried out in accordance with the approved details prior to the first 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.

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

- 18th February 2022 877: 01 (location plan), 07 (Maintenance Area Management Plan), 10 (HT Floor plans and elevations), 11 (PB floor plans and elevations), 12 (CR floor plans and elevations), 13(HN floor plans and elevations) 14 (AG floor plans and elevations), 15 (2B4P floor plans and elevations), 16 (2B4P D Floor plans and elevations), 17 (3B5P floor plans and elevations) BIP (Boundary Identification Plan), 155 (External works, drives, kerbs, pavers)
- 2nd March 2022 877: 151 (External works details – walls, fences, railings),
- 21st June 2022 877: 08 rev A (street scenes), 122 -1 (drainage details), 141 Rev B (external works layout), 142 Rev A (drainage layout), 148 -1 &148-2 (swept path analysis), Planning materials Schedule, Semington Material Board,
- 5th August 2022 877: 05 Rev B (Planning layout), 09 (boundary identification plan), 50 Rev B (ecological parameters plan), 21/498/02D (detailed landscape Plan)

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

Informatives:

1 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

2 In order to discharge the archaeology condition above, the work is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be met by the applicant.

3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.



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