

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 18 September 2024

**Time:** 2.00 pm

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## **Membership**

Cllr Chuck Berry (Chairman)

Cllr Howard Greenman (Vice-Chairman)

Cllr David Bowler

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Gavin Grant

Cllr Jacqui Lay

Cllr Nic Puntis

Cllr Mike Sankey

Cllr Martin Smith

Cllr Elizabeth Threlfall

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## **Substitutes**

Cllr Ruth Hopkinson

Cllr Peter Hutton

Cllr Dr Nick Murry

Cllr Ashley O'Neill

Cllr Tom Rounds

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## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. The meeting may also be recorded by the press or members of the public.

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**Monkton Park, Chippenham**

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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](#).

Our privacy policy is found [here](#).

For assistance on these and other matters please contact the officer named above for details

# 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 - 10*)

To approve as a true and correct record the minutes of the previous meeting held on 21 August 2024 .

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 minutes before the start 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.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

### Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 11 September 2024** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 13 September 2024**. 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 11 - 12*)

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

### **Planning Applications**

To consider and determine the following planning applications:

#### 7 **PL/2023/05471: Land South West of Park Road, Malmesbury, Wiltshire** (*Pages 13 - 34*)

Approval of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT.

#### 8 **PL/2022/06908: Phase 6, Land at Hunters Moon, Chippenham** (*Pages 35 - 100*)

Full Planning Application for 56 dwellings, associated parking, public open space, landscaping access, drainage works and associated infrastructure.

#### 9 **Urgent Items**

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

**Part II**

***Items 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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## Northern Area Planning Committee

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### **MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 21 AUGUST 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Chuck Berry (Chairman), Cllr Howard Greenman (Vice-Chairman),  
Cllr Clare Cape, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Nic Puntis,  
Cllr Elizabeth Threlfall, Cllr Ruth Hopkinson (Substitute) and Cllr Ashley O'Neill  
(Substitute)

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#### 57 **Apologies**

Apologies were received from:

Cllr Mike Sankey (Substituted by Cllr Ashley O'Neil)  
Cllr Martin Smith (Substituted by Cllr Ruth Hopkinson)

#### 58 **Minutes of the Previous Meeting**

The minutes of the last meeting of the Committee held on 17 July 2024 were considered for approval by the committee.

#### **Resolved**

**To approve the minutes of the previous meeting held on 17 July 2024 as a true and correct record.**

#### 59 **Declarations of Interest**

There were no declarations of interest.

#### 60 **Chairman's Announcements**

There were no Chairman's announcements.

#### 61 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no statements or questions submitted.

#### 62 **Planning Appeals and Updates**

The Chairman invited Adrian Walker, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

It was stated that no planning appeals had been received or decided within the time period.

Following which, it was:

**Resolved:**

**The Committee noted the appeals report for the period 5 July to 9 August 2024.**

**63 PL-2023-05471: Land South West of Park Road, Malmesbury**

Public Participation

- Mrs Catherine Doody and Mrs Kim Power spoke in objection of the application.
- Mr James Durant spoke in support of the application.
- Mayor Cllr Phil Exton, representing Malmesbury Town Council, spoke in objection of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee approve planning permission, subject to conditions, for a Reserved Matters Application of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT.

The main issues which were considered material in the determination of the application were:

- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

Members of the Committee then had the opportunity to ask technical questions to the officer. The following was clarified:

- The reason for a green buffer zone was that there was another site on the opposite side of the zone. The buffer zone would be managed by a management company.
- Condition 10 included the preparation of a work schedule to look after the green buffer zone.



Members of the public then had the opportunity to present their views to the committee as detailed above. The local member, Cllr Gavin Grant, also spoke to the application.

A debate followed where Councillors raised concerns over a lack of information regarding flooding risks and EGRESS plans. Councillors were also frustrated at an inability to examine some information and conditions.

Core Policy 41 was also referred to as no sustainable energy strategy had been provided.

During debate, a motion to defer the application was proposed by Cllr Chuck Berry and seconded by Cllr Gavin Grant

## **RESOLVED**

**i) To defer the application**

**ii) To formally request that documents relating to flooding risk and EGRESS be made public**

### **64 PI-2022-06908: Phase 6 - Land at Hunters Moon, Chippenham**

#### Public Participation

- Mrs Janet Morgan and Mr Matthew Short spoke in objection of the application.
- Mr Mike Gover, Mr Max Thurgood and Mr Nick Paterson-Neild spoke in support of the application.
- Andy Conroy spoke on behalf of Chippenham Town Council.

Officers from the Development Management Area Team introduced the report which recommended that the Committee approve planning permission, subject to conditions, for the erection of 56 dwellings, associated parking, public open space, landscaping access, drainage works and associated infrastructure.

The main issues which were considered material in the determination of the application were:

- Relationship to adjoining properties
- Environmental / highway impact

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

The following was clarified:

Cumulative impact had not been considered, except for any potential impact on early years provision.

Members of the public then had the opportunity to present their views to the committee as detailed above. The local member, Cllr Peter Hutton, also spoke to the application.

A debate followed where Councillors discussed the designation of the land and Core Policies 35 and 61. Councillors also raised concern with discrepancies and ambiguity in the Planning report.

During debate, motions to approve and reject the application both failed.

A motion to defer was moved by Cllr Ruth Hopkinson and seconded by Cllr Ashley O'Neil.

## **RESOLVED**

### **To defer the application**

#### 65 **Urgent Items**

There were no urgent items.

(Duration of meeting: 14.00 - 17.15 pm)

The Officer who has produced these minutes is Max Hirst of Democratic Services, direct line , e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

**Wiltshire Council  
Northern Area Planning Committee  
18<sup>th</sup> September 2024**

Planning Appeals Received between 09/08/2024 and 06/09/2024

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Start Date</b>	<b>Overturn at Cttee</b>
ENF/2023/00388	Land at Swindon Road, Cleverton, Little Somerford, SN15 5BW	Lea and Cleverton	Unauthorised creation of track	DEL	Hearing	-	19/08/2024	No
PL/2022/04524	Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ	Minety	Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates	NAPC	Written Representations	Approve with Conditions	14/08/2024	Yes
PL/2023/04973	Top Yard, Malmesbury Road, Leigh, Cricklade, SN6 6RH	Leigh	Flexible use of existing building for the storage of lorries & trailers & operations ancillary to that use (the permitted use) and/or the repair & restoration of cars.	DEL	Written Representations	Refuse	15/08/2024	No
PL/2023/09367	Orchard Lodge, The Pippin, Calne, SN11 8RN	Calne	Change of Use of Commercial Unit 4 (Use Class E) to Residential Accommodation (Use Class C3)	DEL	Written Representations	Refuse	13/08/2024	No
PL/2024/04027	Long View, Causeway End, Brinkworth, Chippenham, SN15 5DL	Brinkworth	Erection of detached garage, garage conversion, external/ internal alterations, porch and attic conversion and associated works.	DEL	Householder Appeal	Refuse	20/08/2024	No

Planning Appeals Decided between 09/08/2024 and 06/09/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/08092	Land adjacent to 53 Compton Bassett, SN11 8RH	Compton Bassett	Erection of dwelling	DEL	Written Reps	Refuse	Dismissed	22/08/2024	None
PL/2023/02473	Ski's Trees Compound & Yard, Adjacent to Blackfords Industrial Estate, Greenhill, Royal Wootton Bassett, SN4 8EH	Lydiard Millicent	Erection of Security Lodge & associated works	DEL	Hearing	Refuse	Dismissed	22/08/2024	Appellant applied for Costs - <b>REFUSED</b>
PL/2023/05635	178 & 179 High Street, Royal Wootton Bassett. SN4 7BZ	Royal Wootton Bassett	Proposed new driveway entrance with associated landscape alterations	DEL	Written Reps	Refuse	Dismissed	09/08/2024	None
PL/2023/06299	88 Lime Kiln, Royal Wootton Bassett, Swindon, SN4 7HG	Royal Wootton Bassett	Erection of a new timber fence along the grass verge.	DEL	Householder Appeal	Refuse	Dismissed	21/08/2024	None
PL/2023/07377	Land At The Haven, Webbs Hill, Minety, Malmesbury, Wilts, SN16 9QG	Minety	Permission in principal for erection of 1 no. dwelling	DEL	Written Reps	Refuse	Dismissed	02/09/2024	None
PL/2023/08406	The Long Barn, Lower Stanton St Quintin, Chippenham, Wilts, SN14 6DB	Stanton St. Quintin	Permission in Principle for the Erection of 2no. Dwellings	DEL	Written Reps	Refuse	Dismissed	03/09/2024	None
PL/2023/08462	The Long Barn, Lower Stanton St Quintin, Chippenham, Wilts, SN14 6DB	Stanton St. Quintin	Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.	DEL	Written Reps	Refuse	Dismissed	06/09/2024	None
PL/2024/00196	Bryn Cottage, 14 Calcutt Street, Cricklade, Swindon, SN6 68D	Cricklade	Detached double garage and store outbuilding, with ancillary floorspace above	DEL	Householder Appeal	Refuse	Dismissed	04/09/2024	None
PL/2024/03389	Old Well House, The Street, Charlton, Malmesbury, SN16 9DL	Charlton	Retrospective application to retain existing 1.8m high stone gate piers and timber gates	DEL	Householder Appeal	Refuse	Dismissed	05/09/2024	None

## REPORT FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	18 <sup>th</sup> September 2024
<b>Application Number</b>	PL/2023/05471
<b>Site Address</b>	Land South West of Park Road, Malmesbury, Wiltshire
<b>Proposal</b>	Approval of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT
<b>Applicant</b>	Cotswold Homes
<b>Town Council</b>	Malmesbury
<b>Ward</b>	Malmesbury
<b>Type of application</b>	Reserved Matters
<b>Case Officer</b>	James Repper

### Addendum

The planning application was originally heard by the northern area planning committee on Wednesday the 21<sup>st</sup> August 2024.

The application was deferred due to the application being in technical breach of Core Policy 41. The applicants supplied a Sustainable Energy Strategy which has been viewed by the Climate and Environment Officer who has made the following comment;

“Thank you for consulting me on the Sustainable Energy Strategy. This is adequate to comply with CP41 requirements. It demonstrates that the developer is targeting an approach that exceeds current building regulations and as such, without any specific local standards may be considered as a policy-compliant ‘low carbon’ approach.

Subject to the conditions set out below and within the previous committee report I have no objection. Please note that the previous committee report included a separate condition wording (for cycle parking) within the reason for condition 7 by mistake. This needs to be amended on any Decision Notice, so there will be a total of nine conditions.”

The climate and environment officer’s position is now No Objection Subject to Conditions.

### Suggested Conditions;

1. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

2. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer’s details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

3. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer’s details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy.

4. No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

5. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

Concerns were also raised in relation to the details submitted via previous applications PL/2023/05416, PL/2023/04614 and PL/2023/07243 were not visible on the public portal. All files have now been published and whilst technical applications can now be fully viewed.

The original Committee Report follows this addendum. The above conditions represent conditions 5-9 the only other required alteration is to condition 2.

**RECOMMENDATION:**

Approve as in original officer's report 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:

Application Form & Certificate Received 5<sup>th</sup> July 2023

As per the plans schedule, received on 2nd July 2024 Plans Ref:

Drawing Number Drawing Description

897 – 100 Rev A Site Layout

897 - 150 Site Location Plan

897 – 101 Rev B Boundary Treatments Plan

897 – 102 Rev A Wall Materials Plan

897 – 103 Rev B Roof Materials Plan

897 – 104 Rev A Tenure Plan

897 – 105 Rev A Ownership Plan

897 – 107 Rev A PV Panel and Air Source Heat Pump Locations Plan

897 – 005 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Floorplans

897 – 006 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Elevations

897 – 007 Plots 13 and 14 - Affordable 3 Bed - Floorplans

897 - 008 Plots 13 and 14 - Affordable 3 Bed - Elevations

897 – 009 Plots 10 11 and 12 - Affordable 2 Bed - Floorplans

897 - 010 Plots 10 11 and 12 - Affordable 2 Bed - Elevations

897 – 011 Plot 15 - Type B - Floorplans

897 – 012 Plot 15 - Type B - Elevations

897 – 013 Plots 16 and 22 - Type D - Floorplans

897 – 014 Plots 16 and 22 - Type D - Elevations

897 – 015 Plot 1 - Type D Bay - Floorplans

897 – 016 Plot 1 - Type D Bay - Elevations

897 – 017 Plots 20 and 21 - Type K and KV1 - Floorplans

897 – 018 Plots 20 and 21 - Type K and KV1 - Elevations  
897 – 019 Plots 2 3 4 and 5 - Type OM 3 bed - Floorplans  
897 – 020 Plots 2 3 4 and 5 - Type OM 3 bed - Elevations  
897 – 021 Plot 18 - Type BV1 - Floorplans  
897 – 022 Plot 18 - Type BV1 - Elevations  
897 – 023 Plot 19 - Type BV1 - Floorplans  
897 – 024 Plot 19 - Type BV1 - Elevations  
897 – 025 Plot 17 and 23 - Type DV1 - Floorplans  
897 – 026 Plot 17 and 23 - Type DV1 - Elevations  
897 – 050 Single Garage Floorplan and Elevations  
897 – 051 Double Garage Floorplan and Elevations  
897 – 250 Site Section  
897 Material Finishes Schedule  
23\_271\_101\_B Soft Landscaping Plan

Energy Statement – Cotswold Homes Received 6<sup>th</sup> September 2024

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

3. 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.

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

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

5. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

7. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy.

8. No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

9. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

sts of proper planning.



<b>Date of Meeting</b>	
<b>Application Number</b>	PL/2023/05471
<b>Site Address</b>	Land South West of Park Road, Malmesbury, Wiltshire
<b>Proposal</b>	Approval of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT
<b>Applicant</b>	Cotswold Homes
<b>Town Council</b>	Malmesbury
<b>Ward</b>	Malmesbury
<b>Type of application</b>	Reserved Matters
<b>Case Officer</b>	James Repper

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

Councillor Gavin Grant has called the application to committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- High level of public opposition

**1. Purpose of Report**

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

**2. Report Summary**

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

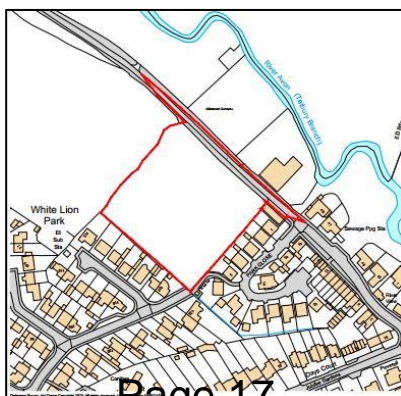
- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

The revised application has generated a mixed position from Malmesbury Town Council and 10 letters of representation from the general public.

**3. Site Description**

The application site consists of 0.84 Ha of land located to the northwest of properties in Park Close and to the northeast of the properties 116-122 of White Lion Park. The site outlined in red forms part of a grassed field. The application site includes the current field hedgerows and trees to the northwest of the site with open fields beyond.

The site slopes up from Park Road fairly steeply towards White Lion Park. The site is located in the Avon River Valley with the boundary to the Cotswold AONB located to the western side of Park Lane. Park Road, including land within the red site boundary forming the proposed access to the site, is low-lying and close to the river valley and is located in Flood Risk Zones 2 and 3 and part of the application site is also in an area at risk of both groundwater and surface water flooding.





2 Proposed Site Plan

#### 4. Planning History

Application Ref	Proposal	Decision
20/08341/OUT	Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Spaces, Landscaping and Associated Engineering Works.	Approved via Appeal September 2022
PL/2023/05416	Discharge of conditions 6, 9 and 21 of 20/08341/OUT	Approved 30 <sup>th</sup> April 2024
PL/2023/04614	Discharge of Condition No 22 on 20/08341/OUT (Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Space, Landscaping and Associated Engineering Works)	Approved 3 <sup>rd</sup> August 2023
PL/2023/07243	Discharge of conditions 8, 10, 11, 12, 16 and 18 of 20/08341/OUT	Approved 30 <sup>th</sup> April 2024

Discharged Conditions of Application 20/08341/OUT under reference PL/2023/07243

- 6 Details of site levels in relation to existing ground levels.
- 8 Submission of Construction Ecological Management Plan (CECoMP)
- 9 Submission of Arboricultural Method Statement (AMS)
- 10 Submission of Scheme for the discharge of surface water from the site, including Sustainable Drainage Systems (SuDS)
- 11 Submission of Scheme for
  - i. There is no raising of ground levels within the current or future flood zones 2 and 3, or that any raising is suitably compensated for a level-for-level basis, and;
  - ii. Finished floor levels are set no lower than 600mm above the 1 in 100-year design flood level, plus an appropriate allowance for climate change.

- 12 Submission of a Flooding Emergency Access and Egress Management Plan (the Management Plan)
- 16 Submission of a Construction Management Statement (CMS)
- 18 Submission of a Residential Travel Information Pack (RTIP)
- 21 Submission of a Revised Ecological Parameters Plan (REPP)
- 22 Submission of Reptile Translocation Scheme (RTS)

## 5. The Proposal

This is a Reserved Matters Application seeking consent for all those matters not approved as part of the outline application or subsequent Discharge of Condition Applications, Namely, layout, design, detail and landscaping.

## 6. Local Planning Policy

National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2021

### North Wiltshire Local Plan 2011 saved policies:

H4 – Residential Development in the Open Countryside  
 NE14: Trees, Site Features and the control of new development.  
 CF3: Provision of Open Space  
 NE18: Noise and Pollution

### Wiltshire Core Strategy:

Core Policy 1- Settlement Strategy  
 Core Policy 2 - Delivery Strategy  
 Core Policy 3 – Infrastructure Strategy  
 Core Policy 13 - Malmesbury Community Area  
 Core Policy 43 – Providing Affordable Homes  
 Core Policy 50 - Biodiversity and Geodiversity  
 Core Policy 51- Landscape.  
 Core Policy 52 - Green Infrastructure.  
 Core Policy 57 - Ensuring High Quality Design and Place Shaping  
 Core Policy 60 – Sustainable Transport  
 Core Policy 61 – Transport and New Development  
 Core Policy 64 – Demand Management

### Supplementary Planning Guidance:

Wiltshire Design Guide (Shaping the Future – My Place, Your Place, Our Place) 2024  
 Wiltshire Local Transport Plan – Car Parking Strategy  
 Malmesbury Neighbourhood Plan (February 2015)

## 7. Summary of Consultation Responses

### Malmesbury Town Council:

- Comment  
 At the last Planning and Environment Committee meeting on 11th June 2024 it was agreed that we would write to request an enforcement order on construction traffic, details of the minutes are shown below.

*Following discussion around road safety and flood issues, it was agreed that the Town Council will ask WC to put an enforcement order on construction traffic to use the Sherston Road rather than through the residential areas.*

#### Previous Objection:

At the Malmesbury Town Council Planning and Environment Committee meeting on 9th January 2024, the following comment was resolved: Objection. We continue to have concerns over drainage and flood provision on this site. There is insufficient evidence with the application for us to consider how these matters have been addressed and we note that the Drainage team continue not to be satisfied with the proposals as they stand. MTC and its flood consultant will review all information provided from Wiltshire Council and the developer to ensure that the drainage and flood scheme is appropriate and effective and all conditions have been met. The lack of information provided on the planning portal concerning this application has not been helpful.

#### Landscape:

- No Objection subject to conditions  
No objection subject to condition/s requiring implementation of any finally approved Hard & Soft Landscaping scheme. Wiltshire Standard Model Planning Condition 'WC2' would suffice in this regard.

#### Housing Enabling Team:

- No Objection  
Thank you for consulting the Housing Enabling Team on the amended plans for the above application. My comments and observations in respect of the affordable housing requirements remain unchanged from my previous response dated 15th August 2023. The only issue outstanding is confirmation of the location of the Electric Vehicle Charging Points, which as I understand it the developer will submit after permission has been approved. It is important to note that the Affordable Housing should be treated equitably to ensure that each property has access to an EVCP, or the infrastructure is provided for a point, that is connected to the electricity supply of the associated dwelling.

15/08/23

- It is noted that the outline permission ref 20/08341/OUT was for 26 homes, and this Reserved Matters application is for 23 homes. As such the requirement for the number of affordable homes is reduced to 9, rather than the 10 homes shown in the indicative mix of the s106 signed 21st July 2022.

#### Tenure and Unit Size Mix:

The affordable homes included in the Site Layout Tenure plan drawing number 108 dated May 23 shows the following affordable homes:

- Affordable Rented (5 homes)
- 2 x 1 bed 2 person maisonette
- 2 x 2 bed 3 person maisonette
- 1 x 2 bed 4 person house
- Shared Ownership (4 homes)
- 2 x 2 bed 4 person house
- 2 x 3 bed 5 person house

The Housing Enabling team has had some discussion with the applicant's Affordable Housing Agent regarding an appropriate Affordable Housing mix to reflect current need within the constraints of the signed s106, the proposals don't exactly match the mix as set out in the s106, however as the Affordable Housing mix in the S106 is indicative I can confirm that the mix proposed is acceptable.

#### Design of Scheme (including Minimum Floorspace Standards):

Affordable Housing in Wiltshire is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. In designing the scheme the Affordable Housing units should be evenly dispersed within mixed tenure developments. I confirm that the Affordable Homes proposed meet these requirements, and the use of the same materials throughout the development is welcomed.

To ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, we would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space

Standard (NDSS) relevant to the dwelling type and minimum person criteria. I confirm that the Affordable Homes proposed meet these requirements. The Provision of Solar PV panels and Air Source Heat pumps is welcomed. It is noted, however, that the Site Layout – PV, ASHP, EVCP Locations Plan drawing 107, shows in the key the indicative location of electric vehicle charging points, but these appear not to be included on the drawing. I would like to see a revised plan showing the locations.

Transfer of Affordable Rented and Shared Ownership Units to Registered Provider:

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis. It is strongly recommended that the applicant contacts Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council, and contact details for Wiltshire Council's Residential Development Team, can be provided on request.

Nominations:

The Local Authority will have nomination rights to the affordable dwellings, as secured through the signed s106 Agreement.

**Arborocultural Officer:**

- No Objection AMS provided as part of a discharge of conditions application.

**Climate Officer:**

- Thank you for consulting me on the revised plans. I cannot see a great deal of change though, and there is no covering letter to explain the submission, nor the Sustainable energy Strategy that I requested and that is required under CP41 of the development plan. The plan that shows PV, ASHP and EVCP locations does not have a symbol for where the EVCP are to be located. It shows some ASHP in close proximity to the neighbour boundaries so care will need to be had in relation to noise impacts (units 10, 11 and 12), and at least 2 units (10 and 21) have solar panels facing north-west and are unlikely to generate renewable energy very well.

I have tried to be supportive and encouraging and I have tried to be positive and proactive. Technically the scheme fails to comply with CP41 in that no Sustainable Energy Strategy has been provided. However, there is still room for optimism and in particular the seeming commitment to ASHP, solar PV, EVC, and cycle storage. I am also mindful of the need to meet housing supply demand including the provision of affordable housing. As such, if you are minded to recommend the application for approval I suggest the following conditions. All the conditions are relevant to the reserved matters and consistent with the overarching aim of planning, which is to achieve sustainable development:

- Suggested conditions:

Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily

be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy. - No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

#### **Urban Design:**

- Objection  
The following points in my consultation response 14.07.2023 have not been satisfactorily addressed in the Revised submission:

Point 1: It would be perfectly feasible to incorporate a margin also down the side or between car bays plots P3 & P4 by simply moving plots 1 and 2 the small amount necessary i.e. 1 metre towards Park Road, to create this small additional 1m width enlarging the width between the side facades of plot 3 and 4 to 6 metres (as shown for P1&/18 for example. i.e. This does not require moving plots 6-9;

Point 3: As a matter of principle to reflect the intrinsic characteristic of the local area and in accordance with the NP the majority of the high external boundary walls to rear gardens where these DIRECTLY FACE the street and open space should be in 'stone' whereas they are all in brickwork. The NP is a DPD level document i.e. requirements . While stone is 'preferred ' it would be feasible to incorporate this , i.e. consider incidental house elevation in brick rather than stone where it would be away from the street scene and view up the slope of the site e.g. the discrete rear facades and possibly side façades of houses 10 to 14 in brick rather than stone with this displaced stone then providing for the stone to the boundary walls facing the street and open space. Similarly with exception of boundary wall to plot 5 and the walls (or a close board fence) returning in to form the side boundary alongside recessed car bays P19 which would not be prominent in the street scene. This is an approach by housebuilders utilising stone where it is placed to best/most visible effect;

Point 4: The NP is clear on avoiding concrete roof tiles and other housing developments under the NP have adhered to this.

## 8. **Publicity**

This application was advertised through the use of a site notice, press notice and letters of consultation.

10 letters of representation were received from the residents of 9 properties. The following comments were made:

- Inadequate access via an area known to flood
- Inadequate garden sizes
- Lack of privacy – overlooking each other and existing dwellings
- Habitat destruction
- Highway safety
- Insufficient parking within the development
- Danger to life
- Should be postponed until neighbouring sites are completed to assess impacts
- Detrimental impacts on the AONB
- Insufficient school and medical facilities available
- Construction vehicle access
- Outside the scope of the neighbourhood plan

## 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.

At the current time, the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020) and the Malmesbury Neighbourhood Plan (adopted February 2015)

### 9.1 **Principle:**

This application is for reserved matters, the principle of development having been established with the grant of outline permission 20/08341/OUT with all matters reserved except access. There is accordingly no question as to the principle of development and the consideration of this proposal is confined to the details provided. Access was not a reserved matter at outline phase and this matter is also considered settled in planning terms as is drainage and flooding, as this has been addressed by the discharged conditions. This application is concerned with the remaining matters: appearance, landscaping, layout and scale.

### 9.2 **The Proposal:**

The proposal has undergone substantial revision over the course of the application. The most significant of these was followed by a full re-consultation, with neighbours notified of additional plans. The outline permission was granted at appeal subject to a range of conditions. It will not be necessary to replicate these and this application sits alongside a separate application made to discharge pre-commencement conditions. Planning practice guidance sets out that any conditions to be attached at reserved matters stage following a grant of outline planning permission can only be those that directly relate to the reserved matters.

The final proposal before the committee is as follows; Twenty-three dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works.

### 9.3 **Appearance, Landscaping & Layout:**

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider

context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

The development proposes the use of real stone for the walls of all dwellings, brick garages and brick retaining walls, Sandtoft natural clay traditional pantile rooves, solar panels for all buildings, air source heat pumps in rear amenity spaces and EV charging points to all property frontages (exact locations to be confirmed after any permission is granted). The parking is arranged adjacent to all properties with two visitor spaces adjacent to the road upon entering the development. The development road meanders through the site in a river-esque fashion rather than in straight lines. The site's public amenity spaces are contained mainly along the site's edge to Park Road, the larger of the areas being located to the eastern corner of the site under which the drainage tanks will be stored allowing for an expanse of recreational grassland. The hedge border will be maintained and enhanced along Park Road with tree planting throughout the site. A gated dark corridor runs along the northwestern edge next to the existing hedge line for the preservation of ecology.

The Urban Design consultee made comments about shuffling plots 1 and 2 to create a larger gap between plots 3 and 4, however, it is noted that the proposed scheme follows the suggested scheme from the outline application but with reduced numbers to improve amenity throughout the site.



*3 Current application*





*4 Previously approved application*

The use of natural stone for dwelling walls under clay tiles with brick counterpoints for the garages and retaining walls is considered to be of good quality. Whilst the urban designer has referenced the neighbourhood plan's desire for estate walls to be made out of natural stone it is considered that the use of natural stone for the houses showcases the superior quality of the build these houses will achieve and that the materials for the entire site can be conditioned to be approved before works continue beyond slab level. The site does slope considerably towards Park Road as the below section shows the street scene along the northwestern edge.



*5 Proposed Street Scene*

It is also considered that the walls visible to public view are quite limited and would act as a counterpoint to the natural stone preventing the washing out of certain vistas. It must also be considered that whilst the Urban Designer's comment does quote the neighbourhood plan, there is a great deal of red brick used within the local area in both White Lion Park adjoining the site and the Backbridge Farm estate to the near north. Given the prevalence of brick in the area and the limited use of brick within the proposals supported by the justifications of the developer, it is considered that it would not be sufficiently harmful or detrimental to the character of the surrounding area to warrant a refusal of planning permission. It is agreed by officers that the juxtaposition of the limited red brick, the planting and the natural stone walling will create a well-designed and beautiful street scene.



*6 cream denotes natural stone purple red brick*

Overall, it is considered that the layout of the proposed scheme represents a high quality development of mixed-form housing arranged in such a way as to vary the street scene, a mixture of front and side gables, and whilst certain materials may not fully accord with the design scheme's laid out within the neighbourhood plan, it is further considered that the material palette overall is acceptable and the quality of which can be controlled by conditions attached to any permission. This revised design is considered to result in a legible and permeable scheme that offers a coherent identity with a public realm that offers a pleasant and comfortable environment. Whilst the Urban Design Officer retains some misgivings about certain details, ultimately these elements are minor and not considered to cause unacceptable harm whether in terms of the local character, amenity or other experiential considerations.



*7 Completed Cotswold Homes Buildings using natural Stone*

Taking into account the outline consent for this scheme granted at appeal outside of the settlement boundary combined with the levels of ongoing development in the near vicinity of the market town, the proposal is considered to avoid unacceptable levels of harm to the immediate landscape and local character and can be secured by way of conditions. The proposals are, therefore, considered to accord with core policies 51 and 57 of the Wiltshire Core Strategy.

#### **9.4 Housing Mix:**

The proposed development is for a total of 23 dwellings of which 5 will be Affordable Housing, 4 will be shared ownership and the remaining 14 will be open-market properties. This represents a 39% affordable housing mix which is considered to be acceptable by the housing enablement team provided the units are treated equitably in terms of renewable energy and electric car provisions. The provision of renewable energy and electric car chargers can be secured by condition after any permission is granted.

#### **9.5 Residential Amenity:**

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The proposed development site is located to the northwest of Park Close and the northeast of White Lion Park, as such it is considered that the proposals would not have an overshadowing effect on these established residences. Where the proposed units are proposed along shared boundaries of existing units they are arranged garden to garden this design maintains a distance between buildings of circa 20m, it should also be noted that the affected buildings of Park Close and White Lion Park are all linear form housing, as such their rear amenity provisions are overlooked from closer range, albeit obliquely, from their immediate neighbours. The properties at White Lion Park are also located on higher ground than the proposed units lessening further any effects of overlooking. Whilst overlooking has been raised by some objectors it is considered that the level of harm is not sufficient to warrant a refusal of planning on a site that has outline permission for development over areas already overlooked. The proposed units do not have balconies overlooking these amenity areas so it is considered that it would be unlikely for people to linger for significant times at bedroom windows. As discussed in the design section of the report, it is considered that the proposals equate to a well-designed development and offer acceptable levels of private amenities to its future residents with additional areas of public open space.

Overall it is considered that the proposals would offer acceptable levels of amenities, both private and public, for the future residents of the site and would not be significantly detrimental to the enjoyment of amenity spaces available to the occupiers of the existing nearby residential properties of White Lion Park and Park Close.

#### 9.6 Highways:

The site access was considered at the outline stage and does not form part of the reserved matters application.

General highway provision across the site has been subject to the tensions inherent between securing a liveable and permeable place while facilitating vehicular movement and also meeting the Council's parking standards as set out in the Local Transport Plan. The proposed site layout meets the relevant standards in this regard. The proposal also includes widespread provision of electric vehicle charging points, whether via posts or wall-mounted outlets (subject to confirmation), as well as cycle and bin storage to an acceptable standard.



8 Indicative plan showing solar, ashp & car charging

#### 9.7 Drainage:

The drainage of the site was considered during the outline phase of the application with a condition requiring the provision to be discharged. This condition has been discharged via application PL/2023/07243 after extensive work from the applicant with the drainage team and achieves the required betterment levels to satisfy policy.

#### 9.8 Other Matters:

Multiple comments have been received from members of the public and the town council relating to matters beyond the scope of this reserved matters application such as the flooding of the access, ecology and protected species, vehicle access to the site during the construction phase, hours of operation etc. These matters were either determined by the inspector directly when granting the outline planning permission or secured by conditions requiring discharging with the specialist officers from the specific departments. These matters have already been determined and as such are not relevant to this reserved matters application and can have no bearing on the decision-making process before the committee today.

#### 10. Conclusion:

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and the Malmesbury Neighbourhood Plan (February 2015), and to all the relevant material considerations set out in the report.

**RECOMMENDATION:**

Approve 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:

Application Form & Certificate Received 5<sup>th</sup> July 2023

As per the plans schedule, received on 2nd July 2024 Plans Ref:

Drawing Number Drawing Description

897 – 100 Rev A Site Layout

897 - 150 Site Location Plan

897 – 101 Rev B Boundary Treatments Plan

897 – 102 Rev A Wall Materials Plan

897 – 103 Rev B Roof Materials Plan

897 – 104 Rev A Tenure Plan

897 – 105 Rev A Ownership Plan

897 – 107 Rev A PV Panel and Air Source Heat Pump Locations Plan

897 – 005 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Floorplans

897 – 006 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Elevations

897 – 007 Plots 13 and 14 - Affordable 3 Bed - Floorplans

897 - 008 Plots 13 and 14 - Affordable 3 Bed - Elevations

897 – 009 Plots 10 11 and 12 - Affordable 2 Bed - Floorplans

897 - 010 Plots 10 11 and 12 - Affordable 2 Bed - Elevations

897 – 011 Plot 15 - Type B - Floorplans

897 – 012 Plot 15 - Type B - Elevations

897 – 013 Plots 16 and 22 - Type D - Floorplans

897 – 014 Plots 16 and 22 - Type D - Elevations

897 – 015 Plot 1 - Type D Bay - Floorplans

897 – 016 Plot 1 - Type D Bay - Elevations

897 – 017 Plots 20 and 21 - Type K and KV1 - Floorplans

897 – 018 Plots 20 and 21 - Type K and KV1 - Elevations

897 – 019 Plots 2 3 4 and 5 - Type OM 3 bed - Floorplans

897 – 020 Plots 2 3 4 and 5 - Type OM 3 bed - Elevations

897 – 021 Plot 18 - Type BV1 - Floorplans

897 – 022 Plot 18 - Type BV1 - Elevations

897 – 023 Plot 19 - Type BV1 - Floorplans

897 – 024 Plot 19 - Type BV1 - Elevations

897 – 025 Plot 17 and 23 - Type DV1 - Floorplans

897 – 026 Plot 17 and 23 - Type DV1 - Elevations

897 – 050 Single Garage Floorplan and Elevations

897 – 051 Double Garage Floorplan and Elevations

897 – 250 Site Section

897 Material Finishes Schedule

23\_271\_101\_B Soft Landscaping Plan

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

3. 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.

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

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

5. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

7. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

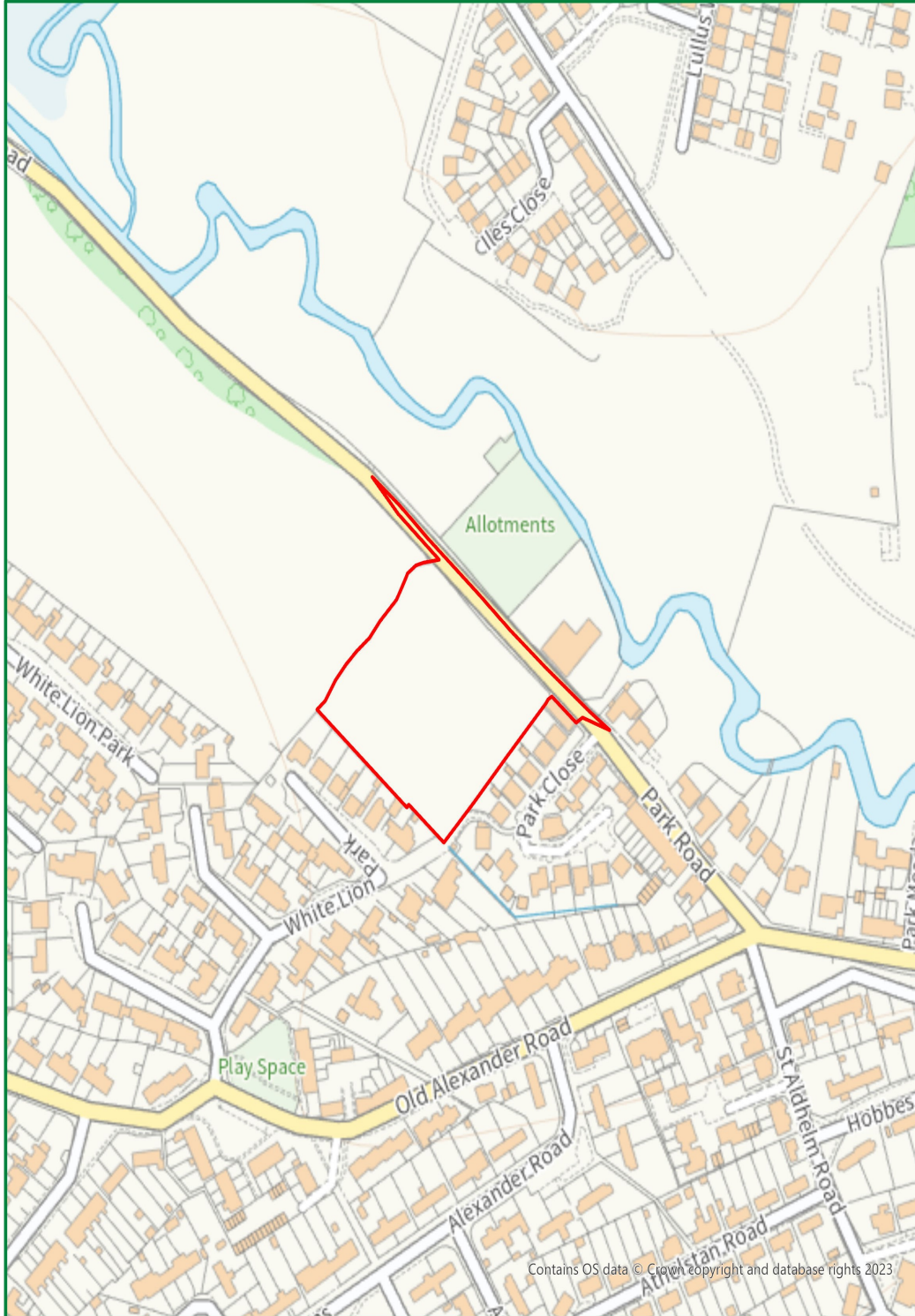
REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy. - No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

8. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

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## REPORT TO THE AREA PLANNING COMMITTEE

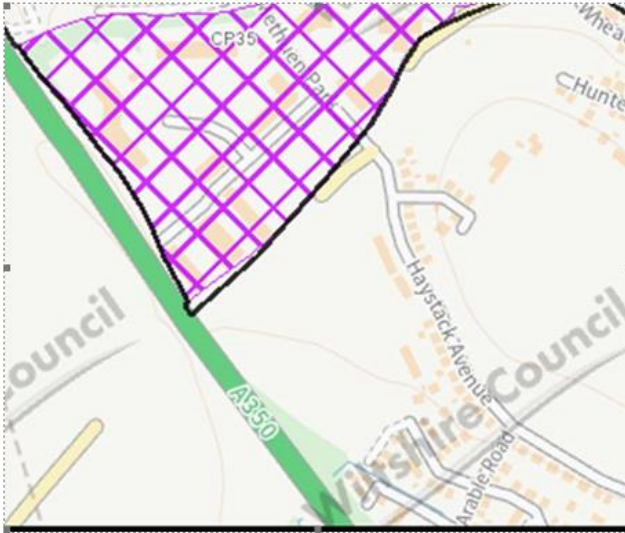
<b>Date of Meeting</b>	18 <sup>th</sup> September 2024
<b>Application Number</b>	PL/2022/06908 (Full Planning Permission)
<b>Site Address</b>	Phase 6, Land at Hunters Moon, Chippenham
<b>Proposal</b>	Full Planning Application for 56 dwellings, associated parking, public open space, landscaping access, drainage works and associated infrastructure
<b>Applicant</b>	Bloor Homes South West
<b>Town/Parish Council</b>	Chippenham Town Council
<b>Electoral Division</b>	Chippenham Cepen Park & Hunters Moon
<b>Grid Ref</b>	390054, 171710
<b>Type of application</b>	Full planning application
<b>Case Officer</b>	Olivia Tresise

### Reasons for the application being considered by Committee

Members may recall that this application deferred by the previous Northern Area Planning Committee to seek further clarification about the designation of the land.

Followed the resolution of the previous Northern Area Planning Committee, your case officer sought further clarification from the Strategic Planning Team. The [Spatial Planning] Officer has confirmed that the application site is part of the Hunters Moon site, which is NOT an allocated employment land. The purple hatched area, as shown below, is part of Methuen Park which is designated as a Principal Employment Site. Therefore, the section of 'Loss of previously approved employment land' i.e. **paragraphs 9.4-9.6**, has been updated.

In addition, given the recent appeal decision in related to land of Storridge Road, Westbury, PL/2022/09842, APP Ref.: APP/Y3940/W24/3340811 and the section of 'Conclusion – Planning Balance', i.e. **paragraphs 9.36-9.46**, have also been updated in this report.



This application was referred to the Northern Area Planning Committee by Councillor Peter Hutton to enable the Planning Committee to consider the following key issues:

- Relationship to adjoining properties
- Environmental / highway impact

In particular, the main concerns from the community are of the current proposed drainage plan and the negative impact onto existing homes and the surrounding street scene who have previously experienced flood. A robust surface water / watercourse scheme will be needed to ensure no negative impact to properties. Concerns over the capacity of the stream running through the development and how it will cope with extra water coming from the proposed development. Sufficient noise / screen barrier for the properties near to the A350.

## **1. Purpose of Report**

- 1.1 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 to grant planning permission subject to conditions.

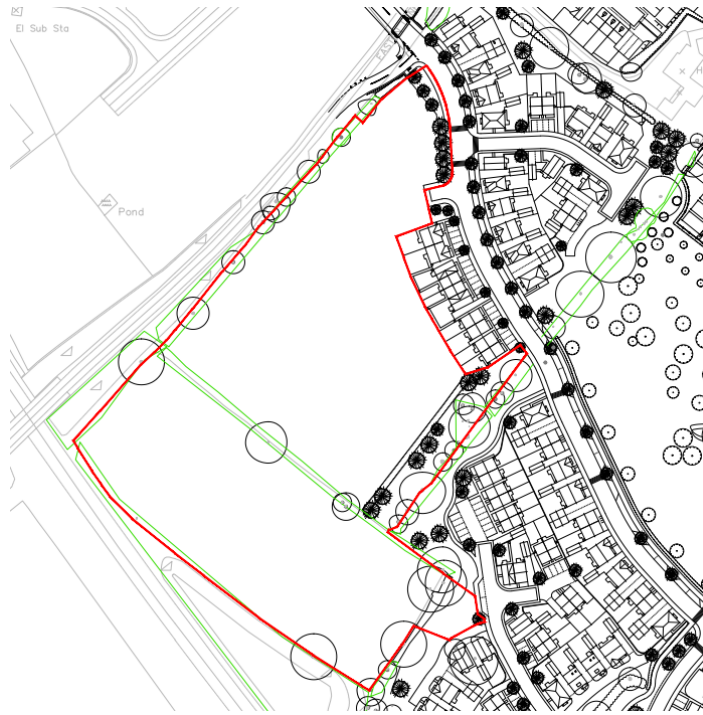
## **2. Report Summary**

The main issues for consideration are:

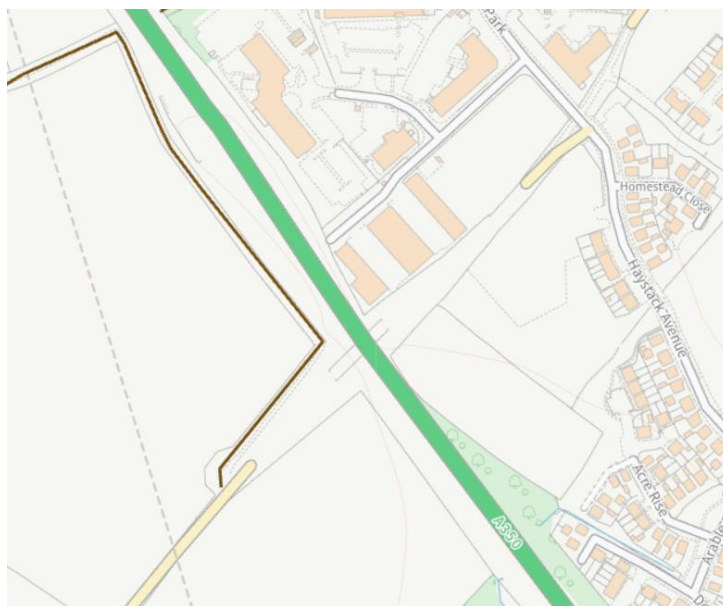
- a) Whether the proposal is acceptable in principle
- b) Whether the proposal would have an adverse impact in terms of the loss of employment land
- c) Whether the proposal would be harmful in terms of its visual amenity and landscape
- d) Whether the proposal would result in any harm to heritage assets including the archaeological interest
- e) Whether the proposal would have an adverse impact upon highway safety or public rights of way
- f) Whether the scheme would cause harm to protected species and/or their habitats
- g) Whether the scheme would result in unacceptable flood risk
- h) Whether the scheme would give rise to an adverse impact on residential amenity, in particular, the potential noise nuisance from the adjacent commercial properties and the traffic from the adjacent A350

## **3. Site Description**

- 3.1 The application site is an open field adjacent to the southeast side of Easton Lane, Hunters Moon, Chippenham. To the northwest of Easton Lane is a group of commercial units and some units are still being built. The site is surrounded by groups of mature trees while a hedgerow dividing the site into two parcels of land. The northern part of the site is currently used as a construction compound for the rest of Hunters Moon development.

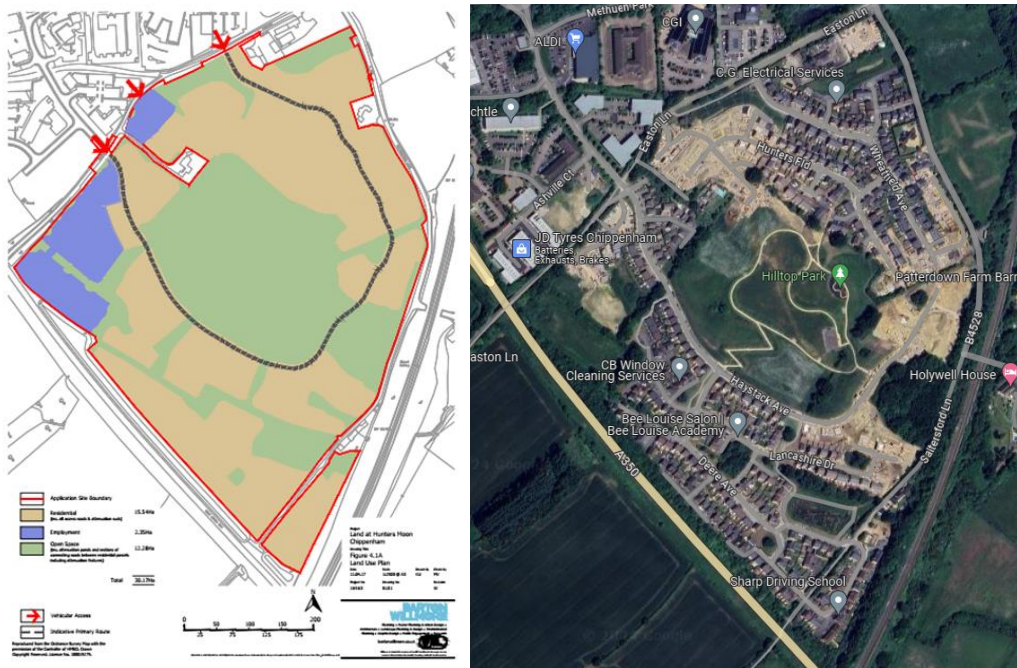


3.2 In terms of the site constraints, the site is not subject to any sensitive landscape designations. The land is classified as Grade 3 Agricultural Land which has moderate limitations that affect the choice of crops to be grown, timing and type of cultivation, harvesting or yield. It is situated within flood zone 1 in accordance with the flood map of Environment Agency. It is noted that a section of the southern boundary (A350) is subject to risk of flooding from surface water. The site is not situated within a conservation area and there is no statutorily listed building in the vicinity of the site. Easton Lane connects to the public rights of way, CORM122, which runs along the southern side of A350.



## 4. Planning History

- 4.1 The site is subject to a number of planning applications (which are listed in paragraph 4.3). A hybrid planning application, 16/12493/FUL, was granted (subject to conditions) in December 2017 for a mixed use for up to 450 dwellings and up to 2.41 ha employment (B1, B2 and B8) development, public open space, landscaping and all associated infrastructure works, and a full application was granted for the Phase 1 development including 140 dwellings, open space, and 10 no. B1 employments units, drainage works including attenuation pond and associated infrastructure.
- 4.2 The below plan shows the approved residential area in 'light brown', employment use in 'blue', and open space / landscaping area in 'green'. Most of the approved development in Hunters Moon have been constructed. The site subject to this application was previously approved for employment use (the larger 'blue' area) in the hybrid permission.



- 4.3 The following applications are the most relevant to the determination of this application:

16/12493/FUL - Hybrid planning application: Outline for mixed use development comprising 450 dwellings, up to 2.41 ha of employment development, public open space, landscaping & all associated infrastructure works; and Full for 'Phase 1' comprising 140 dwellings, open space, 10 employment units, drainage works & associated infrastructure - approved 18/12/2017 with a number of conditions including:

*Condition 2: The outline element of 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.*

*Condition 4: An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.*

18/00401/REM Reserved matters for 72 dwellings for 'Phase 2'.  
Approved 06 July 2018

18/12062/REM Reserved matters for 98 dwellings for 'Phase 3'.  
Approved 24 July 2019

18/12130/REM Reserved matters for the Hill Top Park. Approved 05  
June 2019

20/04398/REM Reserved matters for 76 dwellings for 'Phase 4'.  
Approved 05 February 2021

20/06824/REM Reserved Matters for 60 dwellings (Phase 4C).  
Approved 02 March 2022

21/01465/REM Reserved matters for 4 dwellings (Phase 4A).  
Approved 02 November 2021

21/01463/FUL Full planning application for residential development,  
associated parking, public open space, landscaping, access, drainage  
works and associated infrastructure (Phase 5). Approved 22 April 2022

## **5. The Proposal**

5.1 This is a full planning application for Phase 6 at Hunters Moon, Easton Lane, Chippenham. The proposal is related to the erection of 56 dwellings, associated parking, public open space, landscaping, access, drainage works and associated infrastructure.

5.2 During the course of the application, a number of revised proposals were submitted to address various concerns raised to the original scheme. The final revised proposal shows a number of amendments including (i) the change of the layout creating a 'loop' access through the existing hedgerow to minimise the use of cul-de-sac pattern via protecting the bat corridors, (ii) reduce the number of units from 61 to 56, in particular, to protect the amenity of the future residents due to the potential noise disturbance from the adjacent employment units. The description of the proposal has been updated to reflect the above changes.

5.3 In support of the application the following documents have also been submitted:

- Planning Statement



- Design and Access Statement
- Commercial Property Advisor's letter and Representation Hunters Moon Employment Land
- Biodiversity Impact Assessment Calculations
- Phase 2 Site Investigation Geotechnical Report
- Ecological Appraisal and Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Site Waste Management Plan
- Residential Travel Plan
- Education Assessment
- Landscape & Visual Impact Assessment including Plans and Appendices
- Transport Assessment
- Arboricultural Impact Assessment
- Noise Assessment, Acoustic Technical Note
- Air Quality Assessment
- Heritage Assessment
- Flood Exceedance Route

## **6. Planning Policy**

### **6.1 National Planning Policy Framework (NPPF December 2023)**

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed and beautiful places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

### **6.2 National Planning Practice Guidance**

### **6.3 Wiltshire Local Plan: Core Strategy (Adopted January 2015)**

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure requirements

Core Policy 10: Spatial Strategy for the Chippenham Community Area

Core Policy 11: Spatial Strategy for the Corsham Community Area

Core Policy 34: Additional Employment Land

Core Policy 50: Biodiversity

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 55: Air Quality

Core Policy 57: Ensuring high quality design and place shaping

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

Core Policy 60: Sustainable transport

Core Policy 61: Transport and new development

Core Policy 62: Development impacts on the transport network  
Core Policy 65: Movement of Goods  
Core Policy 67: Flood Risk  
Core Policy 68: Water Resources

- 6.4 Saved policies of the North Wiltshire Local Plan 2011  
H4: New dwellings in the open countryside  
NE14: Trees, Site Features and Control of new development  
NE18: Noise and pollution
- 6.5 Emerging Local Plan  
Wiltshire Local Plan Review (Regulation 19)
- 6.6 Supplementary Planning Document 'SPD'  
Waste storage and collection: guidance for developers SPD (January 2017)  
Revised Wiltshire Planning Obligations SPD (October 2016)
- 6.7 Neighbourhood Plan  
Chippenham Neighbourhood Plan 2023-2038 (Made May 2024)  
Chippenham Design Guide (Annexe 1 of Chippenham Neighbourhood Plan) June 2023
- 6.8 The Wiltshire Housing Site Allocations Plan Settlement Boundary Review  
Wiltshire Housing Site Allocations Plan Adopted February 2020
- 6.9 Other relevant planning guidance or documents  
National Design Guide (2019)  
Building for a Healthy Life (Homes England 2020)

## **7. Consultation responses**

- 7.1 **Corsham Town Council** – No comments are raised to both original and revised proposals.
- 7.2 **Chippenham Town Council** – Objection (original proposal submitted in September 2022) - The lack of 5yr housing land supply in Wiltshire means that the 'tilted balance' is engaged in accordance with Paragraph 11d of the NPPF, whereby relevant policies for the supply of housing (in this Case Core Policy 2) should not be considered 'up to date'. The test is then whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Notwithstanding, weight should be given in the planning balance to recognise that the shortfall in five-year housing land supply is minimal (4.72 years) and the LPA is well exceeding the housing delivery test (141%) so housing need is not critical.

The application site is located outside of the defined settlement boundary for Chippenham and is not allocated for development in the Development Plan. Therefore, the development proposals do not accord with Core Policy 2 of the Wiltshire Core Strategy. However, given that this policy is 'out of date' and planning permission was granted in 2017 for a mixed-use development at Hunters Moon comprising of 2.41ha of employment land

and 450 houses, limited weight should be attached to it. An additional 95 houses were recently granted on the Hunters Moon site increasing the total number of houses on the site to 545 houses. This application, which seeks a further 61 dwellings, would bring the total number of dwellings on the Hunters Moon site to 606. The provision of over 600 houses on a greenfield site, without any local employment provision, local centre or community infrastructure such as schools, medical centres, GP surgeries or community centres being masterplanned in, would not make Hunters Moon a sustainable urban extension to Chippenham.

More importantly, the proposed loss of employment land, as key infrastructure which underpins the sustainability of this mixed-use development, and could provide local jobs, directly contravenes the outline consent and masterplan for Hunters Moon. In granting consent for the 2017 mixed use scheme the Committee Report noted that 'One of the main benefits associated to the development is the delivery of employment land at the site, which would assist in Chippenham becoming a more self-contained town'. CP1 of the Wiltshire Core Strategy explains that principal settlements 'will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self-containment'. The proposed loss of consented employment land would therefore be contrary to CP1.

The committed employment land at Hunters Moon would likely have been factored into future employment land allocations in both the Chippenham Site Allocations Plan and emerging Local Plan and therefore may adversely affect future allocations.

Whilst the employment landscape may well have changed in recent years, the Applicant in their Planning Statement explains 'The need for employment floorspace in Chippenham is acknowledged'. There is no up-to-date evidence (either from the Applicant or Wiltshire Council) to reach a different conclusion that consented employment land should be lost to residential development. Where evidence can demonstrate that employment uses are not required, the Town Council would support the development of this land for essential infrastructure such as a local centre, education or healthcare facilities, or place shaping infrastructure such as community, leisure or cultural facilities, all to support the Hunters Moon community.

The Town Council do not wish to comment further on the detailed aspects of this scheme, given the strong in-principle objection it has to the loss of consented employment land and the creation of a wider urban extension which would not have the essential and place-shaping infrastructure in place to make it sustainable, being contrary to CP1 and CP3 of the Wiltshire Core Strategy, the National Design Guide and the NPPF. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal.

- 7.3 **Chippenham Town Council** – Objection (revised proposal) - The Town Council objected to the proposal in October 2022. The amended plans do not overcome the strong 'in principle' objection to the loss of employment

land and the lack of essential and place-shaping infrastructure at Hunters Moon to accommodate the needs of additional dwellings. The Town Council concurs with the objections from Wiltshire Council's Strategic Planning team and Wiltshire Council's Economic Development team that the loss of this employment land would directly undermine the strategy and pattern of development for employment led growth contained in the Wiltshire Core Strategy and Chippenham Site Allocations Plan and would not constitute sustainable development, conflicting with the principal aims of the NPPF.

7.4 **National Highway** - No objection to the original proposal. With regard to the revised proposal. National Highway have noted that the revisions relate primarily to matters of internal site layout and design, although an updated Transport Assessment (May 2023) by Clarkbond has been submitted to address matters raised by Wiltshire Council as the relevant local highway authority. In respect of the SRN, National Highway remain of the opinion that the development will result in a reduction in trips to those previously assessed and accepted for employment uses consented under outline application 16/12493/FUL that the residential development will replace. On this basis National Highway consider that their recommendation of no objections dated 21 September 2022 remains appropriate.

7.5 **Wessex Water** – No objection to the proposal. The following advice is provided for the applicant:

(i) **Foul Drainage**  
The proposal to connect into drainage network of the wider consented scheme at Hunters Moon, is as expected and acceptable to Wessex Water.

(ii) **Surface Water Drainage**  
The proposal to drain surface water from the development via a gravity system which connects into the wider surface water drainage system for the whole site (previously consented) is acceptable to Wessex Water.

(iii) **Supply**  
A connection can be made from the 180mm diameter main previously lain into the site.

7.6 **Spatial Team** – Update (August 2023) - The purple hatched area (to the north of Easton Lane) is part of Methuen Park which is designated as a Principal Employment Site. The application site is part of the Hunters Moon site which is NOT an allocated site.

(Advice in November 2022) – Observation. This site has a recent planning history. The entire Hunters Moon site was granted planning permission in 2017 (16/12493/Ful) It comprised an outline permission for up to 2.07ha employment land as part of a wider residential site with up to 450 dwellings. The employment part of the site is located in the north west corner of the site with the Methuen Park Principal employment site situated immediately north of the site.

A subsequent reserved matters application has increased the number of houses by 95 dwellings and the total number now consented is 545. This application is proposing to change the use of the employment site to residential, which will further increase the number of houses on the site.

Development Strategy - In terms of assessing the relative merits of this proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy. In this regard, the settlement strategy is set out in Core Policy 1 of the Wiltshire Core Strategy (WCS). Chippenham is defined in Core Policy 1 as a Principal Settlement that has the ability to support significant levels of growth.

Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development.

Also, of relevance to the consideration of this proposal is Core Policy 10 which deals specifically with Chippenham and says 26.5ha employment land and approximately 5,090 new homes will be delivered over the plan period 2006 to 2026, with at least 4,510 being directed to Chippenham.

The strategy for Chippenham is based on significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people.

One of the specific issues identified to be addressed is that new employment provision in Chippenham is a priority and will help to redress the existing levels of net out-commuting. The site was permitted for employment use and represents an extension to the Methuen Park business area and Principal Employment Area, protected under Core Policy 35.

Core Policy 35 Existing Employment Sites seeks to protect Wiltshire's most sustainable and valued employment areas. Within Principal Settlements, proposals for the loss of employment land will be assessed against criteria i-v.

The outline permission granted was for a mixed-use site including up to 2.07ha employment land, which was intended to contribute to achieving the overall strategy for Chippenham and in particular to help improve the self-containment of the town by providing more jobs for local people, helping to redress the existing levels of out-commuting.

This application does not include any evidence to demonstrate how this proposal meets criteria i-iv. Of most concern, is that the application hasn't provided any valid evidence that the site has no long term and strategic requirement to remain in employment use (Criteria v.)

Other material considerations - The latest Housing Land Supply Statement 2021 (published April 2022) available at Monitoring and evidence - Wiltshire Council shows that in the Chippenham Community Area, 1398 homes have

been completed, with 312 identified as being deliverable by 2026 and a remaining indicative requirement of -315.

The Council's current 5-year housing land supply position is set out in the 2021 Housing Land Supply Statement. This indicates the Council can currently demonstrate a 4.72 year supply of housing at a unitary authority level.

At this stage, there are two observations:

- Housing land supply circumstance will change. The Council has put in place an action plan to remedy what was last characterised as a 'relatively modest' shortfall.
- The operation of a tilted balance does not mean policies, such as Core Policy 2, have no weight whatsoever. Core Policy 35 does not relate directly to housing. It is a matter for the decision maker to determine. Among other possible factors, the extent of a shortfall should have a bearing.

At Chippenham 1,530 homes have been completed, with 1,922 identified as being deliverable by 2026 and a further 988 remaining.

In summary, the Council's Spatial Team advised that the proposal would represent the loss of employment land directly undermining the strategy and pattern of development for employment led growth contained in the Wiltshire Core Strategy and Chippenham Site Allocations Plan. From a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflicts with the principal aims of the National Planning Policy Framework.

**7.7 Economic Regeneration Team:** It should be noted that the Spatial Team has confirmed in August 2023 (paragraph 7.6) that this application site is NOT allocated employment land. Therefore the below comments referred to 'principal employment area' would be incorrect.

'ER Team' – Objection (October 2022) The application site is identified as a principal employment area and is supported and safeguarded in accordance with Core Policy 35 of the adopted Wiltshire Core Strategy. The Core Strategy states that principal employment areas should be retained for employment purposes to safeguard their contribution to the Wiltshire economy and the role and function of individual towns.

The ER Team would argue that there is a chronic shortage of commercial property in Chippenham, particularly of industrial units, that are currently being marketed. Commercial property agents in Wiltshire have recently reported to Wiltshire Council that there is unmet demand for light industrial units and a shortfall in supply. This type of unit and usage could easily be accommodated on the application site.

The applicant states 'It is noted Methuen Business Park not only has vacant land which can help to accommodate Chippenham's employment needs, but also a pipeline of industrial floorspace that is currently available to the

market.' The ER Team assume that the applicant is referring to an area of land that was also the subject of an application for change of use from employment land to residential which was rejected. The current vacant land has been sold to a business for employment use and of the 'pipeline of industrial floorspace', of the twenty units that have been built, which were only completed in May 2022, only three remain for sale/lease. With the application site being the only employment land readily available, it can be argued that Chippenham currently has a severe shortage of premises and land.

Hunters Moon can accommodate businesses with a land requirement in the immediate/short term. The loss of the application site could result in Chippenham having no readily available employment land available to cater for local business and inward investor requirements.

The shortage of employment sites and premises causing difficulties to businesses in the region remains a theme in approaches to the Economic Regeneration Service. A lack of land and workspace can lead to local businesses migrating away from an area. The applicant acknowledges that Chippenham is a growing market town, with the population growing significantly in recent years and forecast to continue rising. One of Wiltshire Councils core strategies is to ensure that there are local employment opportunities for the local population and the loss of Hunters Moon would be a considerable loss.

In summary there is significant evidence for the retention of this plot as employment land:

- There is evidence of the prospects of the land being used for employment
- The evidence provided in this response from Economic Regeneration indicates that the loss of this site will create a shortage of readily available employment land in Chippenham.
- There is no evidence that the land is unviable
- There is evidence of market interest

The Economic Regeneration Team therefore objects to this application.

#### **7.8 Economic Regeneration Team. Update: As stated in paragraph 7.6 and 7.7.**

Objection (A revised proposal July 2023), ER Team remains strongly object to the proposal to build further housing on allocated employment land. The Team advised that the whole purpose of allocating employment land on sites like this is to provide local jobs for people who move to the adjacent new housing in an effort to reduce out commuting. Recently the Local Economic Partnership produced statistics showing that despite a just over 4% growth in the population of Wiltshire employment in the local authority area has fallen by 1% over the last five years, with unemployment being at or near record lows. This indicates that increasing numbers of Wiltshire residents are having to go out of the county for work which will only add to problems we are facing with our rapidly changing climate. In addition, the ER Team is also aware of a number of businesses in the area looking for

further space to accommodate their expansion but unable to find anything suitable. Some are considering moving out of the county which will be extremely disruptive for their employees. Another recent report states that at the time of writing there was less than 2% of built commercial space available to rent or buy within the local authority area which in the authors view was unsustainable.

**7.9 Highway Officer** (Original proposal) - No objection in principle to the proposed change in use, however, objection to the details of the proposal.

Principle of development - Whilst the proposal results in the total loss of any employment use on this section of the Hunters Moon development, there are no highway objections, in principle, to this change in use.

Site layout - Whilst the site junction falls outside of the application site, the detail for the adjoining junction to the north indicates a rumble strip feature, and this should be replicated (and partially amended) to accommodate the new road junction.

The road arrangement in the vicinity of Plot 30 seems contrived, and results in a severe double bend. A smoother alignment, where the section of road serving Plots 12-28 could have more appropriately been laid out as a separate access road, would provide a more appropriate layout which would also ease the bends. The current arrangement would need some localised widening at the bends to appropriately accommodate the vehicle swept path movements of larger vehicles.

The straight length of road running north to south of the western side of the site would require some feature to ensure 20mph is observed. Through other phases of the development, where the principal layout was fixed by the outline consent and where traffic calming was not built into the design, surface treatments/rumble strips have been used to give a visual deterrent to higher speeds. In this instance, where this is a wholly new phase of development, the road layout should do more to ensure speeds will be kept to a minimum.

There are footpath links within the site which are clearly not intended for adoption, but clarification of a management company to maintain is required. It is noted that there is a lack of direct links for pedestrian/cyclists from the site to the wider network, but there would appear to be achievable options to provide more links to both Haystack Avenue and Easton Lane, and this should be explored.

It is noted that a 1m service margin is proposed to the western side of the site access road but given that there are dwellings on this side of the road, and access to the visitor parking layby, the Highway Officer would wish for a standard 2m width of footway to provide appropriate provision for pedestrian users.

Swept path analysis - The details for the swept path analysis for a Fire Tender and Refuse Vehicle are considered acceptable, however, I have some concern over the extent of vehicle overhang in vicinity of plots 28-29, 16 and 58.



Visibility - Junction visibility has been indicated at the appropriate level of 2.4m by 25m, although the junction visibility applied to private drives falls short of this. With regard to areas requiring forward visibility, there seems to be various forward visibility dimensions being applied without any reasoning and justification. The severity of some of the road bends would, in the officer's view, warrant some localised widening of the bend, which would also address the issues regarding swept path movements for refuse vehicles.

Parking - The quantum of parking for Oagstone units is acceptable as a single space for a one bedroom unit, but the location of the parking for Plot 17 next to the parking space for Plot 15 is considered inappropriate for its convenient and proper use. Visitor parking provision of 12 spaces has been provided within the site layout, which accords with the current standards based on a 1 visitor space per 5 dwelling requirement. Of those spaces, 8 are provided in laybys adjoining the carriageway and 2 are within a private drive. The remaining 2 spaces are proposed adjoining the parking spaces for Plot 44 and Plot 54, and orientated perpendicular to the carriageway. This arrangement would not clearly indicate to visitors that it is a visitor, rather than a private, space, and is not in a form that would be acceptable for adoption, and therefore would need to be maintained by a Management Company, or otherwise assigned to an adjoining dwelling. It is noted that there has been no visitor parking provision to serve the northern end of the site, with all visitor spaces being concentrated further into the site.

Private drives - There are four separate shared private drives proposed within the layout, with some being of considerable length. Whilst the principle of shared private drives is acceptable, adequate and appropriate provision for refuse collections need to be accommodated and agreed with the Waste Management Team.

Whilst bin collection points have been indicated such that operatives can collect within 10m of an adoptable highway, the distances for residents to take bins to the collection points exceed the accepted distance of 30m set out in both Manual for Streets, and the Council's own Supplementary Planning Document - Waste storage and collection: guidance for developers.

Public Transport - The wider Hunters Moon development includes the provision of a financial contribution towards the expansion of the local bus service to run through the loop road of the site. It is understood that at the time the outline application, it was intended that this would be an extension of the 44D service. Also at the time of the outline submission, it was stated that bus stops in the wider development would be provided so that no dwelling was more than 400 metres from a bus stop. However, it is noted in this application that the developer states that the nearest bus stops are located approximately 550m walk from the centre of the Phase 6 site, on the A4, with seemingly no apparent reference to the stops within the wider development site." A drawing with 400m isochrones is therefore requested to determine where bus stops need to be located on the entire site. It is expected that the route for the buses would be a one-way loop.

Travel Plan - Firstly, the original TA for the whole site noted that this area was originally to be employment. It was to have a separate TA to the residential area. Now additional houses are proposed here it would be appropriate seek an additional TA contribution on a pro-rata basis. Excluding the Taylor Wimpey site, an increase of 60 houses from the original 485 is 12%. The original TA contribution, signed in 2017, was £60,000. In this stance, a further 12% (**£7,200**) contribution is required towards the TA. This should be indexed up from 2017 to 2023.

Amount of cycle parking - The CNDG are correct, the calculations for amount of cycle parking in table 5-3 in the TA are wrong. They do need to reflect Wiltshire's current standards properly and this needs to be reflected in the provision. There are some issues relating to the size of garages and their use for cycle parking.

Type of cycle parking - Where a storage facility is to be provided in the gardens, it will not be acceptable to provide a standard wooden shed. It must:

- be of an appropriate capacity for the required number of bikes
- be located where it is easy to get bikes in and out of the storage then off the premises
- meet secured by design level ([securedbydesign.com](http://securedbydesign.com))

Permeability of the site - The plans have not catered for a couple of clear, direct desire lines for residents walking/cycling. Even though the links will be short could we seek LTN1/20 compliant links, not just allow the developers to default to shared use:

- Provision must made from the south-east of the site to the adjacent road network. It is suggested that this should be from near plot 59 so walker/cyclists travelling along the access road have a direct line
- For residents at the NW of the site, it is a considerable diversion to access Easton Lane via the road network (particularly on foot). As recommended by CNDG, ideally a ped/cycle link adjacent to plot 39 should be provided. Could the developer demonstrate what is possible. It is assumed that they'd need a topographic survey. If that is not possible due to gradients is a ped/cycle link feasible near plot 8 feasible?

The submitted Travel Plan includes details of Travel Information Packs for residents, together with the provision of vouchers for public transport and cycle purchase, which is in line with what had been agreed on the Phase 5 development.

Having regard to the above, the Highway Officer offer a holding objection and request that the above comments are considered, and the layout reviewed to provide a more acceptable and accessible site layout.

#### **7.10 Highway Officer** (Revised Proposal for 60 units) - hold Objection

Site layout - The site access junction onto Haystack Avenue has been amended to provide a rumble strip feature. Ideally the junction surface treatment should replicate the arrangement on the junction to the north, whereby block paving is used to define the areas of Haystack Avenue and

into the side roads. This, however, falls outside of the red lined site boundary, although all within the Developer's control.

The road arrangement has been amended, and now provides a more permeable route, and a generally improved alignment, which better accommodates the swept paths of larger vehicles. The straight lengths of roads running north to south have included narrowing features to assist in keeping speeds in line with the intended 20mph zone. Whilst this is not an ideal way to address the traffic calming requirement, where the design of the road layout should achieve self-enforced speed restrictions, it would, however, achieve the required result.

As previously commented upon, the layout should provide better provision for pedestrians and cyclists to access the wider network through direct links to Haystack Avenue and Easton Lane. Whilst footpath links are shown to the eastern side of the site, these are not shown to be adopted, and would not be appropriate for pedestrian and cycle use.

Swept path analysis - The details for the swept path analysis for a Fire Tender and Refuse Vehicle are considered acceptable, however, the Highway Officer still has some concern over the extent of vehicle overhang in vicinity of plot 58.

Visibility - Junction visibility has been indicated at the appropriate level of 2.4m by 25m. The forward visibility has been indicated as 17m around the speed control bend, in the vicinity of Plot 47. Given the severity of the bend and the need to keep speeds low, this is considered acceptable, particularly having regard to the guidance in Manual for Streets Figure 7.16, where it states "Improved visibility and/or increased carriageway width were found to correlate with increased vehicle speeds."

Parking - The quantum of parking spaces and their corresponding locations in relation to the plots is considered acceptable. The visitor parking provision of 12 spaces has been provided within the site layout, which accords with the current standards. Of those spaces, 10 are provided in laybys adjoining the carriageway and 2 are proposed adjoining Plot 10, orientated perpendicular to the carriageway. This arrangement would not clearly indicate to visitors that these are visitor spaces, rather than private ones, and is not in a form that would be acceptable for adoption (or indeed indicated as such), and therefore would need to be maintained by a Management Company, or otherwise assigned to an adjoining dwelling, the details of which would need to be submitted. Clarification of the intended way forward is required. It is noted, however, that the location of the visitor parking provision does not make any provision for the eastern side of the site.

With regard to cycle parking, there are no specific details of the proposed level of cycle parking, or the means of storage, although the Travel Plan advises cycle parking will accord with the Wiltshire Cycling Strategy and provided either within garages or in external storage facilities in the garden. A condition on any permission regarding the submission of details will be recommended.

Public Transport - It is advised that as part of the ongoing discussions with the Developer on the provision for a bus service through the site, details have now been submitted and the intended siting of bus stops would comply with the recommendation for each dwelling to be within 400m of a dwelling.

Transport Statement and Travel Plan - It is disappointing that the revised submission has not addressed the previously made comments, in respect of valuable and direct pedestrian and cycle links from this phase of development, particularly through to Easton Lane in the vicinity of Plot 9. Whilst it is acknowledged that a link has been provided to the south-east, it is not on the desire line and will result in users cutting across in as straight a line as possible.

As referred to previously, a contribution towards the provision and implementation of a Travel Plan is likely to be sought.

Having regard to the above, the Officer would again offer a holding objection and request that further consideration of the needs of pedestrian and cycle access is given to encourage sustainable travel. Further comments and clarification from the applicant regarding the provision of visitor parking to the east of the site, the management of visitor parking that is not proposed for adoption, together with the swept path analysis in the vicinity of plot 58, are required.

#### **7.11 Highway Officer** (Latest proposal for 56 units) – hold Objection.

Site layout - As previously stated, the site access junction onto Haystack Avenue was amended to provide a rumble strip feature. Ideally the junction surface treatment should replicate the arrangement on the junction to the north, whereby block paving is used to define the areas of Haystack Avenue and into the side roads. This, however, falls outside of the red lined site boundary, although all within the Developer's control.

As previously commented upon, the layout should provide better provision for pedestrians and cyclists to access the wider network through direct links to Haystack Avenue and Easton Lane. Whilst footpath links are shown to the eastern side of the site, these are not shown to be adopted, and would not be appropriate for pedestrian and cycle use.

Swept path analysis - The details for the swept path analysis for a Fire Tender and Refuse Vehicle are considered acceptable, however, even with some amendments to the layout the Highway Officer still have some concern over the extent of vehicle overhang in the turning head in the vicinity of plot 54 which falls outside of the adoptable area.

Visibility - Junction and forward visibility splays are considered to be acceptable.

Parking - The quantum of parking spaces and their corresponding locations in relation to the plots is considered acceptable. The Officer would again make comment in relation to the visitor parking locations and particularly the proposed visitor bays orientated perpendicular to the carriageway by Plot 8. This arrangement would not clearly indicate to visitors that these are

visitor spaces, rather than private ones, and is not in a form that would be acceptable for adoption (or indeed indicated as such), and therefore would need to be maintained by a Management Company, or otherwise assigned to an adjoining dwelling, the details of which would need to be submitted. The remaining 10 visitor spaces are laid out in layby form, however their locations do not make any provision for the eastern side of the site.

With regard to cycle parking, there are still no specific details of the proposed level of cycle parking, or the means of storage, although the Travel Plan had advised cycle parking will accord with the Wiltshire Cycling Strategy and provided either within garages or in external storage facilities in the garden. A condition on any permission regarding the submission of details will be recommended.

Transport Statement and Travel Plan – Officer would repeat the previous comments in relation to the pedestrian and cycle access from this parcel of development. It is disappointing that the revised submission has not addressed the made comments in respect of valuable and direct pedestrian and cycle links from this phase of development, particularly through to Easton Lane in the vicinity of Plot 7. Whilst it is acknowledged that a link has been provided to the south-east, it is not on the desire line and will result in users cutting across in as straight a line as possible.

As referred to previously, a contribution towards the provision and implementation of a Travel Plan is likely to be sought.

Having regard to the above, the Highway Officer would again offer a holding objection and request that further consideration of the needs of pedestrian and cycle access is given to encourage sustainable travel. In addition, further comment and clarification are required regarding the provision of visitor parking to the east of the site, and the management of visitor parking that is not proposed for adoption, together with the swept path analysis in the vicinity of plot 54.

- 7.12 **Drainage Engineer** – No objection to the proposal as additional information has been provided to address the original objections.

The application has been supported with a Flood Risk Assessment and Drainage Strategy. The applicant states that the drainage outfall from Phase 6 of the development will connect into Phase 2 of the development which has previously been approved. However, no application reference was provided with regard to Phase 2, it was unclear what the drainage strategy ultimately is beyond the point of the Phase 6 for which this application is based upon.

To address the above concern, the applicant has stated in their response that they will provide additional filter strips and enhanced areas of landscaping / planting in order to meet the Council's requirement for SuDS in line with Core Policy 52. The applicant is reminded that the inclusion of blue-green SuDS features should be considered holistically as part of master-planning of a site, and therefore reasons for not including them on the basis of layout constraints may not be acceptable to the LLFA / LPA. The Council's Drainage Engineer has considered the scheme and the

applicant's responses, and raised no objection subject to conditions seeking the following details:

- i. Calculation to demonstrate the proposed drainage design will provide a sufficient level of water treatment to prevent pollution of the receiving watercourse.
- ii. A construction management plan to demonstrate how pollution to groundwater and local watercourse will be mitigated and how flood risk to people and property will be mitigated.
- iii. A clear arrangement for the ownership and ongoing maintenance of the proposed drainage system
- iv. Refer to the informatives and provide the required calculations and drainages
- v. Provide additional blue-green SuDS features. It is expected this shall predominantly include additional filter strips around the site.
- vi. Further update - The applicant has provided a flood routing plan entitled "Phase 6 Flood Exceedance", however the applicant must provide a plan displaying detailed overland exceedance routes, including individual plots, to demonstrate flood risk to people and property is mitigated across the extent of the Phase 6 area, not just along highways.

In addition, the Drainage Engineer also noted the concerns raised by the residents and the Engineer had provided further response, which are discussed further in this report.

- 7.13 **Ecology Officer** – No objection subject to conditions. This full planning application on an area of land that was previously intended to be employment provision. A comprehensive suite of surveys undertaken in 2016, accompanied the original application. This further application is supported by updates of those original surveys.

EDP Ltd have undertaken the updated surveys and have provided a clear justification for the scope of survey, which essentially examined the site to note any major changes in habitat or management of habitat, or any other significant physical changes at the site. The change in the proposal from employment to residential use was also assessed for its potential impacts on wildlife species known to be present within the site and the surrounding area.

The Officer is satisfied that no additional ecological constraints have been identified during the update surveys in 2022 and that the subsequent layout of residential use will fit the ecological parameters plan that was agreed at the outline stage for the wider site and essentially for this phase of the wider site.

It is noted that the Urban Design Officer has raised concerns about the road layout and accessibility in the western part of the site, requesting an additional road to cut through the hedgerow in this area as a possible solution. The Ecology Officer advised that one additional break in this hedgerow will not result in any significant additional impact to wildlife species present within the site. Important points to note are that the integrity of trees must be maintained by suitable root protection and keeping

development at a sensible distance, so that removal of mature trees that have become problematic for residents, is not likely to be necessary in the future. If a further gap in the hedgerow is required, this should only be the necessary width to allow the carriageway plus pavement and should ideally be no greater than 10m in width. In creating the additional gap, it is likely that this hedgerow will not be suitable as a darkened corridor for bat foraging. The original surveys in 2016 did not identify this hedgerow as a key flightline and it would be unreasonable to insist that it be retained as a darkened area. Instead, the Officer would suggest more planting on the western/south-western boundary of the site, to link the boundary features also used by bats, to the central area of public open space to the northeast of this part of the wider site, which it has been agreed will be a darkened area for bats and included in all the previous, individual phase layouts. If a further break in the hedgerow is to be made to accommodate a further internal road, this must be included in the Construction Ecological Management Plan, which should be secured by condition.

7.14 **Archaeology Officer** – No objection. The archaeological mitigation for this site has been completed and full reporting and publication is underway.

7.15 **Arboricultural Officer** – Comments are made. The content of the Arboricultural Impact Assessment prepared by Treework Environmental Practice dated 14 June 2022. Twenty-five trees, seven tree groups and three hedgerows have been surveyed on this area of the site. None of the trees or tree groups are noted to be removed to facilitate this proposal. Two sections of H11 will need to be removed to facilitate road infrastructure and a footpath. Ten trees (T3, T8, T9, T10, T12, T20, T24, T26, T27 and T31) will be subject to some form of encroachment of the RPA's to facilitate the construction. These involve internal roads, footpaths, LAP and landscaping of final plots. All these works are shown to be a No-dig method with a number of the works being considered as minimal impact. All details of No-dig construction is noted in the site wide approved Arboricultural Method Statement. Officer sought the works to be carried out in accordance with the above Arboricultural Impact Assessment and the site wide Arboricultural Method Statement.

7.16 **Landscape Officer** (Original proposal) – Comments are made. In terms of principle of development, this site has an extant outline planning consent for urban employment uses. The principle of using this site for new urban development at this site is already established. Landscape Officer has no landscape objection to the principle of residential development at this site, as it will not result in loss of countryside or negatively impact upon local character over or above the currently established baseline employment use/s.

Landscape and visual effects / impacts: Officer considers that the landscape and visual effects likely to arise from this proposed residential use would be no greater than for the already approved industrial / employment uses. It is also highlight that the site occupies largely lower-level land fronting the A350 dual carriageway and is partially screened from countryside west by the intervening A350 its perimeter roadside vegetation and Eastern Lane A350 overpass bridge, which makes the majority of the site far less visually exposed from wider countryside receptors/views in comparison with other

more visually sensitive higher-level parts of the wider Hunters Moon outline planning site area.

In terms of planning layout, the Officer supports the Council's Urban Design officer's observations and recommendations regarding due to its poor cul-de-sac road arrangement /layout, and the lack of footpath/cycleway link from the south-eastern corner of the site to link into the newly adjacent residential neighbourhood area/s already approved / constructed.

In addition, it is noted that the planned removal of a number of originally proposed and approved new street trees from along the principal road serving this and the wider development, replaced by the first 3 dwelling houses (Plots 1-3). Normally, the Landscape Officer would object to removal of these proposed street trees, however in this instance the approved phase opposite has delivered a tree lined principal street and this application site area additionally benefits from a number of retained large trees and hedgerows bordering and within the site which will help to visually break up development blocks and new urban massing, and contribute to greening the street scene viewed through the various gaps between 2-2.5 story housing and over single storey garages and garden areas etc.

The Officer also advised that it is poor landscape practice to propose/design new street trees (even small ones) in such narrow planting beds to break up long lines of frontage parking (as currently proposed for plots 22,25,45,47,49). This is because the trees will not survive the constant attrition from parking vehicles and pedestrians, the soil will become compacted, and the tree will likely die from drought or be deliberately damaged or removed. The number of proposed trees in these specific areas could be reduced within these linear parking areas so that remaining trees could be correspondingly widened to provide better space for these trees to grow on to maturity, and at the same time remove what will end up being a nuisance tree/s for these parking/plot users/occupiers.

The proposed 2.5m high noise attenuation fencing proposed along the sites south-western edge fronting the A350 will not present a positive street scene feature viewed from within development. Additional lower-level landscaping is requested (in the form of medium to large woody native shrubs) to help screen and break up this long linear proposed boundary treatment.

In terms of dark corridor, the Landscape Officer does not consider that a secondary breach through this internal site hedgerow to accommodate an additional residential road and footway will generate unacceptable landscape or visual effects. Important mature trees are not impacted and are demonstrated to be retained.

The identified missing footpath/cycleway link could potentially also require a small section of hedgerow removal within the dark corridor to accommodate it, unless there is an existing field gate opening through the eastern perimeter hedge line that might form a suitable option for this connecting route?



If the LPA decides to approve this application, it is recommended that conditions requiring the timely delivery / implementation and future maintenance of any finally approved hard and soft landscaping scheme would be necessary to include within the decision notice. Officer also advised that tree / hedgerow protection measures for the retained trees and hedgerows within and bordering the site would also be necessary to condition.

7.17 **Landscape Officer** (Revised proposal) Comments are made. Officer raises no further issues than previously highlighted. Additional landscaping has been incorporated along noise attenuation fencing, tree planting in narrow dividing pockets in parking rationalised/removed and additional pedestrian link provided to adjoining residential phase. Advised Conditions from previous consultation response are still necessary regarding implementation / establishment / management of landscaping proposals and protection of existing retained trees etc.

7.18 **Urban Design Officer** (Original proposal): Objection. The proposed design of the Site Layout SW064-SL-6001 D present a poor level of design:

(a) As a cul de sac based street pattern for this number of dwellings would represent a poor level of amenity –requiring reversing and turning manoeuvres for home delivery and refuse vehicles and visitors vehicles throughout, concentration of this in the turning heads particularly of the primary road forming this to the detriment of residents and pedestrians at the end of these cul de sacs from noise and proximity to manoeuvring vehicles and difficulty of turning round with potential for vehicles parked up in these heads.

(b) The Site Layout does not also show any pedestrian path /cycleway connection across the open space /hedgerow strip to link the housing area with the housing area to the south/ east of the overall development and on what would be a desire line in order to create a well-connected neighbourhood.

(c) Most of the dwellings should be served directly by a through vehicle route (to an adoptable standard), for example by connecting up the ends of the furthest two cul-de-sacs shown to form a through 'loop' 19.10.2022 road' on this Site Layout and so that any cul-de-sacs are short with their turning head visible from the junction with the through route (for example as for the first cul-de-sac shown ) or by linking the furthest cul-de-sac road (where its end as a cul-de-sac would not be not apparent on the approach) through to the new roads (current cul-de-sac) in that part of the overall housing development to the east beyond the hedgerow and under construction to create this through vehicle route. Comparison with the overall site layout for Hunters Moon shows where other phases have incorporated through vehicle 'loop' routes off the principal spine road.

7.18 **Urban Design Officer** (Revised proposal): Comments are made. The revised site layout does show that the reasons for objection in my consultation response dated 19.10.2022 have been satisfactorily addressed with the introduction of a through vehicle route serving this parcel and

pedestrian/cycle connection now shown to an earlier phase. It is unfortunate a more substantial application is not made of 'stone' faced facades.

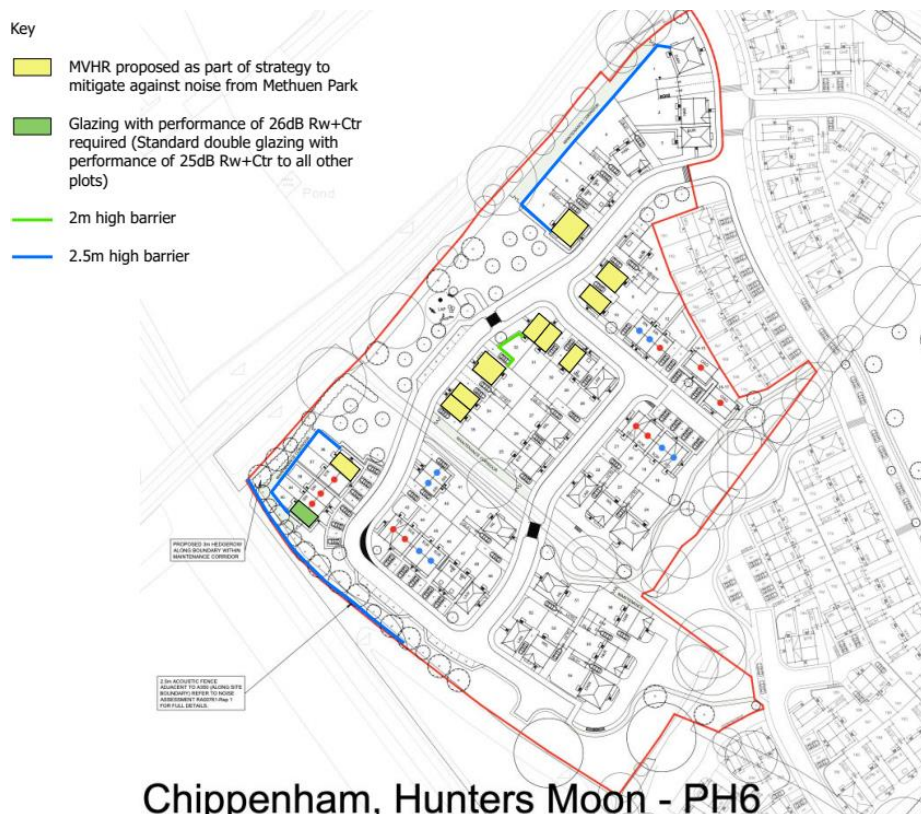
**7.20 Public Protection Team** (Original proposal): Objection. A noise assessment was submitted as part of this application, however, the assessment did not consider or assess the noise impact of the commercial development of B1, B2 and B8 approved development (planning reference 19/07944/FUL) adjacently and immediately to the north of the site. The Environmental Health Officer therefore requested a full assessment carried out in accordance with the current edition of BS4142 for the assessment of noise from these commercial units. Where planning permission has not yet been implemented or units are not yet operational, the Officer expected there to be representative predictive modelling having regard to the expected use and to include likely industrial processes associated with the commercial development.

The noise report dated 17 April 2023 concludes that "significant adverse impacts are possible at most of the receptors considered during at least one of the daytime, evening or night-time assessment periods". This confirms that amenity will be harmed at residential properties closest to the commercial units associated with nearby approved development reference PL/2021/09290. The methodology used to model this significant adverse impact is precautionary and assumes that each unit is occupied as a B2 use with internal operations having reverberant noise levels of 80dB. Vehicle movements are assumed and detailed in table 5.6 and forklift truck movements are also assumed at 20 per HGV. The report, having said that there would be a significant adverse impact from the commercial development, then advises that it's 'worst case' predictions are 'overestimated' and 'highly unlikely' and rejects its own findings of a significant adverse impact and proposes a different method of calculating the impact of the predicted commercial activity from PL/2021/09290 which excludes any commercial units operating as B2 use. The report concludes that 'significant adverse impacts are unlikely and adverse impacts are only likely at during the daytime period at a single receptor'. The report justifies this statement by stating that the level of activity at the nearby commercial site is 'highly unlikely to be as high as has been considered in this assessment and that the occupiers of the proposed units are more likely to fall into B8 or Ee and (g)(iii) use classes than B2'.

The Environment Health Team disagreed with these assumptions on the basis that the applicant has no control over how many units will be occupied as B2 or where these units will be. Furthermore, to carry out predictive modelling on the basis that none of the commercial units will be occupied as B2 use gives me concerns about the validity of this modelling. It is noted that no effort has been made to model a different use to include an even mixture of class B2, B8 and E use which seems to be much more reasonable assumption to make. Taking into account the above, the Officer advised that the applicant has failed to adequately assess the impact of commercial noise sources at the approved commercial development reference PL/2021/09290 and therefore the noise mitigation proposed is not suitable as it is not based on a sufficient degree of precautionary modelling.

It is also noted that a noise condition associated with the approved commercial development reference PL/2021/09290 is in place and it states that 'the rating level of any plant/activity associated with units must be 5dB below prevailing background levels when assessed at the nearest sensitive residential receptor (current and permitted) in accordance with BS4142:2019'. However, this condition was made based on the current and permitted use at the time and so cannot reasonably be applied to any new development approved after the determination of PL/2021/09290.

**7.21 Public Protection Team (Latest proposal):** No objection to revised proposal subject to conditions. To address the concerns, following few lengthy discussions with applicant and their acoustic consultant as well as the consideration of other options, a revised proposal was finally submitted (as below) and it shows that 4 new dwellings were omitted from the western boundary of the site. In addition, acoustic fences are proposed to the south-western edge of the site (adjacent to A350), the rear boundary of plots that back on to Easton Lane, mechanical ventilation to 10 plots, and stone wall along the north western boundary of plot 32. The Officer considers that the revised scheme is acceptable subject to conditions to secure the noise mitigation measures.



**7.22 Waste (Refuse and Management)** – No objection subject to financial contribution

- (i) Provision of containers for waste and recycling: The on-site infrastructure required by the original proposal is the provision of waste and recycling containers for each residential unit. The following s106 contribution is required for the provision of this essential

infrastructure to make the application acceptable in terms of the policies listed below:

Property type category	Contribution per house/per category	Quantity	Total
Individual house	£101	61	£6161.00
Bin store for block of 6-10 flats			£ 0
Bin store for block of 11-14 flats			£ 0
Bin store for block of 15-18 flats			£ 0
		<b>Total</b>	<b>£ £6161.00</b>

Update: Further comments received in August 2023 – As the total number of dwellings has been reduced from 61 to 56, the required contribution therefore would be **£5,656.**

(ii) Access to waste collection services:

Vehicle access: No issues are raised. Vehicle tracking shows that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside. The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.

Collection points: Bin collection points have been identified for houses that are on a private drive/road. Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property, as further described in section 5.2 of the waste SPD. Plans should identify these areas for each dwelling and demonstrate that they do not impact on space available on driveways and that soft landscaping won't prevent or encumber the collection crew when emptying bins.

Storage points: In accordance with the guidance in section 5.4 of the waste SPD, plans at reserved matters stage should demonstrate that each property has suitable storage space that takes account of the guidance. Showing containers to scale in situ will help to demonstrate compliance.

Routes between storage and collection points: Residents should not have to carry their waste containers more than 25m from the storage point to the collection point. Plans should demonstrate that this is achievable for each dwelling, preferably with a supplementary table listing the carry distances per dwelling, for ease of reference. Section 5.3 of the waste SPD provides further details on matters to consider when designating these routes.

7.23 **Education Team:** No objection subject to a S106 securing the financial contribution towards the provision of Early Years education

Financial contribution required from the original proposal (61 units) and the revised proposal (60 units):

Early Years: 7 places at £17,522 each = £122,654.00  
Primary School: 16 places at £18,758 each = £300,128.00  
Secondary School: 11 places at £22,940 each = £252,340.00

Financial contribution required from the latest proposal (56 units), also due to the updated assessment with the latest school forecasts and the housing data from the Housing Land Supply Statement 2023:

Early Years: 7 places at £17,522 each = **£122,654.00**  
Primary School: Not required due to sufficient places available to meet the needs of this development  
Secondary School: Not required based on the most recent data

**7.24 Housing Enabling Team** – No objection subject to S106 securing Affordable housing units

*Summarised comments on the original proposal (61 dwellings)*

Affordable Housing mix of units:

Affordable Rented (15 units):

4 x 1 bed 2 person Flats\*  
4 x 2 bed 4 person Houses  
6 x 3 bed 5 person Houses  
1 x 4 bed 6 person House

Shared Ownership (9 units):

6 x 2 bed 4 person Houses  
3 x 3 bed 5 person Houses

The proposed split and mix of affordable units is broadly in line with Affordable Housing policy requirements and would be in line with current demonstrable needs and therefore is acceptable, although some changes may be required.

*Summarised comments on the revised proposal (60 dwellings)*

Policy Requirements: The amended plans reduced the total number of units to 60. The number of proposed affordable housing units complies with Core Policy 43 of the Wiltshire Core Strategy (as amended by the NPPF) meeting the requirement for 40% on-site Affordable Housing provision.

Affordable Housing Mix: The proposed tenure mix and unit size mix currently reflects demonstrable need in accordance with Core Strategy policy.

Design and Standards: The submitted house designs, 5th June 2023, have been reviewed and it is noted that the requirement for minimum 85% of the national described space standards (NDSS) will be met. It is also noted that the two x 1 bed ground floor flats will be provided to M4(2) standards as requested.

The re-design has resulted in fewer instances where different tenures adjoin one another, which is welcomed. However, if possible, units 15 and 20 should be swapped as Registered Providers usually prefer Shared Ownership homes to be provided together in semi-detached or small terraces rather than directly connected to the Affordable Rented homes in order to aid marketing and sales. It is also noted that adequate parking bays have been provided for the affordable units.

#### *Summarised comments on the latest proposal (56 dwellings)*

The amended plans reduce the total number of units to 56. The number of proposed affordable housing units complies with Core Policy 43 of the Wiltshire Core Strategy (as amended by the NPPF) meeting the requirement for 40% on-site Affordable Housing provision, i.e. **22 Affordable Housing 'AH' units**. It is also considered that the proposed tenure mix and unit size mix, i.e. **14 no. Affordable Rents and 8 no. Shared Ownership** and the mix of AH units are acceptable as they reflect demonstratable need in accordance with Core Strategy Policy.

The submitted house designs have been reviewed and it is noted that the requirement for minimum 85% of the national described space standards (NDSS) will be met. It is also noted that the two x 1 bed ground floor flats will be provided to M4(2) standards as requested. The re-design has also resulted in fewer instances where different tenures adjoin one another, which is welcomed. It is also noted that adequate parking bays have been provided for the affordable units.

The affordable dwellings are required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis. The Local Authority will have nomination rights to the affordable dwellings, secured through a S106 Agreement.

#### **7.25 Public Open Space** – No objection subject to financial contributions toward play area, off-site sport, and a condition securing details of LEMP

Using the dwelling mix provided, the requirement for the 54 dwellings will be 3270m<sup>2</sup> of open space, or a contribution of £114,024 if not met on site, and 330m<sup>2</sup> of play or an offsite contribution of £47,520.

Although both open space and play area shown in the Site Landscaping, there is no definite indication of sizes. In fact, the plan refers to 'LAP Installation Notes'. A LAP is 100m<sup>2</sup> and this development requires a total of 330m<sup>2</sup>.

However, should a LAP be provided that does not meet the full 330m<sup>2</sup> play requirement then an off-site contribution of £144 per m<sup>2</sup> would be required for any undersupply. We would also need to see details of the proposals, and its ongoing safety inspections and maintenance would need to be detailed in the LEMP. Any discussions on design are on a case-by-case basis and any negotiations require the input of our Leisure Strategy Infrastructure Officer.

The development also generates a requirement for 2616m<sup>2</sup> of sports pitches which equates to an off-site contribution of £26,160.00.

Any on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.

To address the above, the applicant provided the following information:

*Play space:*

Overall open space quantum – the applicant confirmed that 8,689 sqm of open space on site will be provided, which would be more than double the requirement.

Play space – the submitted landscaping scheme shows **100sqm of play space**, and does include a detailed scheme for the LAP with layout on the plan and equipment specified on the legend (top right corner). With 100sqm of play, then there is a 230sqm to make up – at £144 psqm, as such, it would be **£33,120**.

Off-site sports – the applicant confirmed an agreement to the request of an offsite sports provision contribution, to be included in the S106, of **£26,160**.

Both of these elements can be included the S106 agreement.

The POS Officer has also mentioned a LEMP to cover maintenance, the applicant accepts a condition to secure this element.

The POS Officer has reviewed the applicant's additional information and agreed with the proposed play space and financial contributions towards the shortfall of play space and off-site sports.

## **8. Publicity**

Chippenham Cycle Network Development Group raised the following concerns:

- Cycle parking quantities are insufficient
- Cycle parking locations and sizes are inappropriate
- Lack of permeability to neighbouring areas and Easton Lane for people walking, wheeling and cycling

Cycle parking quantities are insufficient - The Wiltshire standard requires 3 spaces for a 4-bedroom dwelling, 4 spaces for a 5 bedroom dwelling, and

so on. The Wiltshire standard is now eight years old and best practices have moved on. LTN 1/20 table 11-1 sets out modern best practices for quantities of cycle parking at residential dwellings, and specifies one space per bedroom.

Residential cycle parking locations and sizes are inappropriate - There is not sufficient space to reasonably store a cycle (most cycles have handlebars of at least 0.4m wide), alongside a commonly owned car, e.g. a typical SUV, such as Nissan Qashqai, in these proposed garages, and still be able to access both comfortably. It is therefore not reasonable to suggest that the garages can be used for both car parking and cycle parking, since in practical terms, there is insufficient space.

Rear garden storage issue - Rear gardens are not an appropriate location for storing cycles, if the intention is that the cycles are used regularly, given the effort required to retrieve the cycle and get it to the front of the property to begin your journey, and then return it to the rear garden store afterwards. The hassle of doing this will put many people off cycling their short journeys, particularly if they also have a car sitting on the drive that's easier to access. In some of the proposed dwellings, getting a cycle from a shed to the carriageway will require it to be squeezed down a narrow side access. Furthermore, the Transport Assessment does not specify the security standard that any external cycle storage will meet.

Lack of permeability to neighbouring areas and Easton Lane for people walking, wheeling and cycling – Why there is no walking / wheeling / cycling link from the south-eastern corner of this development parcel to the development immediately to the east, and no there is no walking / wheeling / cycling link to Easton Lane to the north to enable people walking / wheeling / cycling to access this road without needing to go via Haystack Avenue.

On the revised proposal, the addition of link path in the south-eastern corner of the development to link to the development parcel immediately to the east, however, this is a 2m wide walking link only. This link path needs to be upgraded to include a segregated cycleway alongside with suitable facilities to safely rejoin the carriageway at either end. In addition, a link could be provided between plot 09 and the play area to the west. Furthermore, the side road junctions within the site need to be designed to reinforce rule H2 of the Highway Code. This should include continuous, level footways across the junctions. Dutch entrance kerbs is suggested to enable footways across driveways kept level.

North Wiltshire Swifts: We welcome the recommendations in para 4.16 of the Ecological Appraisal which states: 'To enhance breeding opportunities on the Application Site for the local breeding bird assemblage, it is recommended that bird boxes (including swift bricks) are installed upon suitable, semi-mature trees retained along the peripheries of the Application Site and installed within residential buildings. Proposed locations for these bird boxes are shown in Plan EDP 3.' However, the Plan EDP3 shows 3 swift bricks for a development of 61 dwellings which is nowhere near the current guidelines of 1 integrated brick per dwelling.



The swift was added to Wiltshire's Biodiversity Action Plan as a Priority Species in 2008 and therefore the inclusion of nesting provision should be considered for all appropriate development. Should Wiltshire Council approve this application we recommend the Council follows the 1:1 nest brick per dwelling guidance (see the 2nd Edition of Design for Biodiversity from RIBA Publications) and conditions the installation of 61 integrated swift nest bricks in this development preferably in clusters of 2-3 in the north, east and west gable ends or close under the eaves away from windows and doors at a height of 4m+, with clear flight access and no protruding ground floor roofs such as garages. It is extremely important that the bricks are clearly marked on the planning drawings to ensure they are not overlooked during the construction stage. Photographic evidence of installation should be provided to fulfil the condition.

Comments for further details submitted September 2022 - 3 bird nesting provisions is woefully inadequate for a development of 60+ houses and it completely out of line with current government thinking and British Standards Institute BS42021 and NHBC NF89, both recommend a ratio of 1 bird nesting provision per dwelling across a development - see comment submitted in Sept 22 for full detail. In order to protect the wildlife and biodiversity of local residents, recognised as important for their health and well-being, Local Authorities must push back on developers and insist on more ecological enhancements from developers.

#### Residents comments

23 letters of objection / comments, including 4 no. videos, have been received and their concerns are summarised as follows (The detailed comments can be viewed via the Council's website):

#### *Flooding issues:*

- Strongly object, this application will add to the surface water run-off on the estate
- Existing flooding issues in the area, including Hilltop Park and the adjacent phases
- In the last two years the roads have been flooded twice
- Further housing will contribute to flooding in the area , concern the flooding will become worse
- Insufficient pipes throughout the estate, this has slowed the flow of water. During the periods of heavy rain and in the upper part of the stream, water is held within the stream/brook.
- I am unsure if the brook/stream is connected to the attenuation pond on the bottom of the site. The brook/stream beyond Ferguson Close has never filled to capacity, not even during the flooding. It is because there are only 2 pipes feeding the stream under the roads
- the drainage on site needs radical improvements including the throughput of the brook/stream water under our roads.
- The brook was prone to flooding and what has been agreed and put in place to date is inadequate.
- The sewerage infrastructure currently seems insufficient for the new development and adding 61 homes will only increase the problem.

- The stream that runs through our development is not the Pudding Brook waterway but an un-named water course that feeds into Pudding Brook further downstream
- why are the transit pipes introduced by the developer, on each of the 3 development locations, Arable Road, Ferguson Close, and the pedestrian walkway, failing to replicate the Diameter (500mm) and number (3) of the surface water / brook transit pipes, on the south side of the A350?
- All current phases should be completed with residents able to live in their homes without fear of flooding before any further development is granted.
- If Bloor don't think there is a problem why send a water tanker onto the estate 08/02/24
- Discharge to watercourse or another surface water body was not achievable in phase 6 of the Hunter Moon development, due to there being no watercourses present in the Phase 6 area of the Hunters Moon development.
- The 'nearby drainage ditch' referred to within this document, and all associated Engineering Drawings, submitted in connection with this planning proposal is the 'live 'water course that originates and rises at Easton Farm, allows surface water runoff from the fields South side of the A350, then Enters the Hunters moon Development under the A350 via 3x 500mm dia culverts.
- It is important to recognise that this undesignated water course is NOT a ditch, there are constant water flows that fluctuate in intensity with weather conditions
- how can the applicant demonstrate that they are appropriately maintaining the culverts & watercourse to satisfy residents' concerns', when they are unable to achieve said maintenance by virtue of the fact that they are unable to gain access.
- how is the applicant able to provide the maintenance plan for all onsite culverting, when they are unable to implement maintenance within the 2 culvert areas defined above?

### *Highway*

- Consideration should be taken to effectively manage, monitor and enforce Heavy Goods vehicle movements, especially during 'Muck Shift Operations'.
- Consideration should also be given to pedestrians, especially those who use mobility equipment to safely navigate the crossing over the site entrance / Easton Lane.
- The proposed visitor parking spaces can be changed to be suitable for adoption, to remove the unjustifiable costs from management company.

### *Amenity*

NOISE ASSESSMENT dated date 11th August 2022.

- (i) That the noise assessment level (i) was probably observed during a 40mph -30mph speed restriction along A350 between the Easton Lane overpass and the Lacock Roundabout.

- (ii) That the noise assessment level was probably observed in Summer Months when 'leaf cover' is at its most dense, and road noise not affected by adverse winter weather conditions.
- (iii) That the noise assessment level may not take into account the duelling of the existing A350 single carriage way, between Chequers Roundabout and Lacock Roundabout currently under preliminary construction. It is considered that noise generated by the additional two carriageways would inevitably increase
- (iv) Consideration should be given to extend the proposed acoustic barrier along the entire boundary of the proposed development, and also the wider Huntersmoon development (phase 3 & 4) adjacent to the A350.

#### *Other matters*

- If a change of use for this land is permitted the consideration should be primarily toward providing facilities that achieve a sustainable development that promote healthy and safe living for the Hunters Moon residents, such as ; community, leisure or cultural facilities, Doctor and Dentist surgery, early Learning, and primary schools. Existing residents of the wider Hunters Moon development currently have to travel in excess of 1 mile which is considered impractical for those with young children or who have mobility issues.
- Most if not all Engineering Drawings, and Site Layouts submitted in this proposal.(typical examples include SW064 EN 6200 Rev A, SW064 EN6390 RevA) refer to the adjoining Trunk Road on the Proposed Developments' Southern Boundary as 'A4 - West Cepen Way, whereas this should read 'A350 - West Cepen Way'.
- Where an alleged breach of the 'Legal Document' occurs pertaining to the planning reference 16/12493/Ful and all associated permissions, including the lack of named persons, the absence of any public meeting held, the inclusion of the following contradictory terms within the Memorandum and articles of association of Hilltop Park (Chippenham) Management Company Limited, submitted to companies House by the Developer.
- Existing conditions have not been met, including the works on public open space, trees and shrub planting, highway S38 works

## **9. Planning Considerations**

9.1 This is a full planning application for the erection of 56 dwellings, associated parking, public open space, landscaping, access, drainage works and associated infrastructure on Phase 6, Land at Hunters Moon, Chippenham. During the course of the application, revised proposals were submitted to address the concerns in relation to the site layout and amenity of future occupiers along the western boundary of the site due to the proximity to the employment units along the northern side of Easton Lane.

9.2 Principle of Development for the proposed residential development

The revised NPPF (December 2023)

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). Relevant to this application, relating to housing supply and delivery, the revised NPPF contains two important amended/new paragraphs, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
- a) *their adopted plan is less than five years old; and*
  - b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*
77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing

need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

### 9.3 Current housing land supply position and consequences for the 'planning balance'

In terms of the number of years supply, the Council's most recent Housing Land Supply Statement (published June 2024; base date April 2023) (Appendix D of the Council's Statement) sets out the number of years supply against local housing need as 4.2 years.

The circumstances under which a buffer should be applied to the five-year housing requirement has been altered in the revised NPPF. Where the Housing Delivery Test result exceeds 85% Councils are no longer required to add a buffer to their five-year housing requirement. The Council's latest Housing Delivery Test result is 106%, so a buffer is no longer required.

Based on this change in the revised NPPF, the HLS arithmetic indicates:

- The five-year housing requirement (9,760 without the buffer - based on Wiltshire's delivery in the latest 2023 Housing Delivery Test results)
- The deliverable supply (8,193).
- This equates to a 4.2 years supply (to the nearest hundredth of a year). This figure exceeds the 4-year threshold now required by Wiltshire.

Accordingly, this application is significantly affected by the changes set out in paragraphs 76, 77 and 226 to the revised NPPF. The Council can demonstrate a more than 4-year supply of housing land supply and is at Regulation 19 stage of its local plan review. The tilted balance set out in paragraph 11(d) of the NPPF is no longer engaged due to the shortage of a sufficient housing land supply.

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Chippenham is defined as a Principal Settlement, which has defined limits of development. Beyond these limits is countryside.

#### Loss of previously approved employment land

9.4 The site is situated on a parcel of land which was previously approved for employment use in outline form as part of the hybrid planning permission, 16/12493/FUL. The permission was granted in December 2017, subject to a condition for a reserved matters application to be submitted within five years of the permission. However, no application for reserved matters was submitted for the employment use since the grant of the planning permission.

9.5 Although the site is NOT allocated for employment use, the applicant noted the planning history of this site and provided additional information regarding site marketing update and recommendations covering the

marketing activities of the site. The submitted details are summarised as follows:

- i. The site was marketed by Whitmarsh Lockhart LLP for commercial developments since February 2018, via a variety of marketing activities via corporate website and other properties marketing websites, such as EG Property Link, Zoopla, also mailings to suitable applicants, agency board displayed near the site, etc.
  - ii. During the market campaign, a number of enquiries were received both from employment users and leisure users. The type and nature of these larger employment enquiries would that there were either be B2 general industrial or large scale B8 warehousing. Due to the proximity to the new dwellings that have been developed has meant that these would be unsuitable occupiers because of their [potential] impact on the adjoining properties. In particular, B2 users would be providing an unacceptable level of noise and other activities, while B8 users would need to have 24 hours access for large commercial vehicles.
  - iii. No consent for leisure uses
  - iv. The developer market has fallen away over the last 6 months with the difficulties that the economy is now experiencing.
  - v. With regard to the smaller plot, which has planning consent for a small unit scheme.
  - vi. We have had enquiries from occupiers that would be interested in these units if they were constructed and completed. Unfortunately with smaller companies of this nature it is unlikely they would wait for this to be developed and the product really has to be built out and presented to the market for us to be successful.
- 9.6 Officers noted that the site has been subject to lengthy marketing campaign, and also considered that certain types of employment uses, such as B2 or B8, due to its proximity to the neighbouring residential area, would likely cause some issues to the amenity of the neighbouring dwellings. Furthermore, since the grant of outline planning permission over 6 years ago, no application for reserved matters has come forward for employment use. In this instance, given that the land is not allocated for employment use, i.e. it is NOT principal employment land, therefore the proposed residential development at this location would not conflict with Core Policy 35 (Existing Employment Area) of the adopted Core Strategy.

#### Visual Amenity and Landscape

- 9.7 Paragraph 131 of the NPPF (December 2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF states that planning decisions

should ensure that development will function well over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create safe, inclusive and accessible places which promote health and well-being, with a high standard of amenity for existing and future users.

- 9.8 Policy CP51, 57 & 58 of the WCS are of relevance to the design of the scheme, and its impact on the wider landscape of the area as are the relevant sections and paragraphs of the NPPF related to design, heritage assets, and landscape impact.

*Layout*

- 9.9 The site is bounded by W Cepen Way A350 and Easton Lane. A group of new built residential properties lying adjacent to the northeastern and southeastern boundary and of the site. A number of commercial units are located (and some of them are still being built) on the northern side of Easton Lane. The existing trees along the boundary provide important landscape features to separate the application site and the adjoining land. In addition, a row of hedgerow (approximately 70 metres measuring from A350) subdividing the site and it forms an important wildlife habitat for this site.



9.10 Urban Design Officer raised concerns about the originally proposed cul-de-sac based street pattern, which would represent a poor level of amenity – requiring reversing and turning manoeuvres for vehicles and the lack of pedestrian path / cycleway connection to link the site with the housing area to the south / east of the site. To address these concerns, a revised proposal was submitted, and it showed the second vehicular access pass the hedgerow in order to create ‘loop’ routes. As discussed above, the hedgerow is an important feature of the site, therefore the additional vehicular access has been carefully designed in order to minimise any adverse impact upon this hedgerow. This revised scheme has been consulted with the Highway Officer and the Ecology Officer, who have no objection to this layout. Furthermore, to address other concerns in terms of the promotion of sustainable transport mode, a pedestrian link is proposed to link the south-eastern part of the site to the adjacent residential area, Acre Rise, and additional path to the northern part of the site to Haystack Avenue.

*Landscape*

9.11 In terms of landscape, the proposed site layout shows that the existing mature trees along the boundary would be largely retained. The originally proposed open space along Easton Lane is also enlarged (due to the



amenity issues relating to the proximity of the adjacent commercial uses) and it would provide larger amenity buffer between the site and the adjacent employment use. A detailed landscaping scheme is also submitted as part of this application. The Arboricultural Officer has no objection to the proposal from arboricultural perspective.

### *Scale and Design*

9.12 In terms of scale, all new dwellings would be two-storey in height with the provision of detached garages or off-street parking spaces. Among the proposed open market dwellings, the development would be predominantly detached or semi-detached dwellings. In terms of the materials, a mix of Mulberry red brick and Golden buff tumbled stone, with small numbers of properties would be finished with Monocouche rough cast render chalk, under slate grey or peat brown tiles. The Urban Design Officer felt that more dwellings should have 'stone' faced facades and your case officer agreed with this comment. However, given that a reasonable number of units would be finished with stonework, (the ratio of the use of brick, stone and render is: 23: 28: 5), your case officer considers that the proposed ratio shows an acceptable balance, which would not be out of keeping with the character of the wider area of the Hunters Moon residential estate.

9.13 In summary, it is considered that the proposal, would create a good quality place in this location, and therefore it would comply with the provisions of the NPPF (December 2023) and the design policies in the adopted Core Strategy.

### Heritage Assets including archaeology

9.14 Paragraph 195 of the NPPF (December 2023) states Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generation. Paragraph 203 states that in determining applications, local planning authorities should take account of:

- A) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- B) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

9.15 Core Policy 58 aims to protect, conserve and where possible enhance the historic environment. Designated heritage assets and their setting are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

- 9.16 A heritage assessment was submitted with this application. In terms of heritage assets, the site is not located within a conservation area and there is no listed building nearby. In terms of archaeological matters, the Council's Archaeology Officer confirmed that the archaeological mitigation for this site has been completed. Therefore, there is no objection from the heritage perspective.

#### Highway safety

- 9.17 Paragraph 114 of the NPPF (December 2023) states in assessing sites that may be allocated for development in plan, or specific applications for development it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 115 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. Core Policy 60 – 65 of the adopted Core Strategy set out how development proposals to be assessed in greater details, in terms of highway safety, requirements for cycle and vehicles parking provision, and electric vehicles charging points.
- 9.18 During the course of the application, the Highway Officer raised a number of concerns to the scheme, in terms of the site layout, pedestrian and cycle links to the adjacent land, parking provisions. The latest revised proposal further reduced the number of proposed new dwellings to 56.

#### *Site layout*

- 9.19 The site access junction onto Haystack Avenue was amended to provide a rumble strip feature. Your case officer noted the Highway Officer advised that the junction surface treatment should replicate the arrangement on the junction to the north, whereby block paving is used to define the areas of Haystack Avenue and into the side roads. Your case officer considers that this element could be secured via planning condition.
- 9.20 A footpath link is proposed to Haystack Avenue and the eastern side of the site. The Highway Officer considered that the link to the eastern side of the site would not be on the desire line and will result in users cutting across in as straight a line as possible. Nevertheless, officers consider that the proposed links (including the link to Haystack Avenue) would still provide facilities to promote the use of sustainable mode of transport. In this instance, it is considered that a condition can be imposed to ensure that these links to be provided and managed by a management company thereafter.

#### *Swept path analysis*

- 9.20 The details for the swept path analysis for a Fire Tender and Refuse Vehicle are considered acceptable. However, the Highway Officer still have some concerns over the extent of vehicle overhang in the turning head in the vicinity of plot 54 which falls outside of the adoptable area. To address this

issue, a planning condition to seek further technical details of this part of the site.

### *Visibility*

- 9.21 Junction and forward visibility splays are considered to be acceptable.

### *Parking*

- 9.22 The quantum of parking spaces and their corresponding locations in relation to the plots is considered acceptable. The Highway Officer has some observations regarding the proposed visitors parking bays orientated perpendicular to the carriageway by Plot 8. This arrangement would not clearly indicate to visitors that these are visitor spaces, rather than private ones, and is not in a form that would be acceptable for adoption (or indeed indicated as such), and therefore would need to be maintained by a management company. The remaining 10 visitor spaces are laid out in layby form, however their locations do not make any provision for the eastern side of the site.
- 9.23 With regard to cycle parking, there are still no specific details of the proposed level of cycle parking, or the means of storage, although the Travel Plan had advised cycle parking will accord with the Wiltshire Cycling Strategy and provided either within garages or in external storage facilities in the garden. A condition on any permission regarding the submission of details will be recommended.

### *Transport Statement and Travel Plan*

- 9.24 The revised submission has not addressed the comments made previously by Highway Officer, in respect of valuable and direct pedestrian and cycle links from this phase of development, particularly through to Easton Lane in the vicinity of Plot 7. Your case officer agreed that a direct pedestrian / cycle link to Easton Lane would be beneficial, however, given the topography of the site, a creation of such access (for pedestrians and cyclists) would potentially result in a loss of a group of mature trees, which forms part of buffer, in terms of landscape and amenity perspective, between this site and the adjacent employment land. As such, your case officer, in this stance, would not insist a formal direct link from the site to Easton Lane.
- 9.25 A financial contribution towards the provision and implementation of a Travel Plan is required and secured by a S106.
- 9.26 In summary, subject to conditions to securing the following details, it is considered that there are no highway safety objections to the proposal.
- the junction surface treatment should replicate the arrangement on the junction to the north, whereby block paving is used to define the areas of Haystack Avenue and into the side roads.
  - A management company to maintain the proposed footpath links including the link to the eastern side of the site, the link to Haystack Avenue, visitor parking bays adjacent to plot 8.

- Specific details of the proposed level of cycle parking, or the means of storage
- A revised swept path analysis in the vicinity of plot 54.

### Ecology and Biodiversity

9.27 Paragraph 180 of the NPPF (December 2023) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soil, as well as minimising impacts on and providing net gains for biodiversity.

9.28 This is a full planning application for a residential development on an area of land that was previously intended to be employment provision. A comprehensive suite of surveys undertaken in 2016 accompanied the original application. This application is supported by updates of those original surveys, which have provided a clear justification for the scope of survey, which essentially examined the site to note any major changes in habitat or management of habitat, or any other significant physical changes at the site. The change in the proposal from employment to residential use was also assessed for its potential impacts on wildlife species known to be present within the site and the surrounding area. The Ecology Officer has reviewed the survey report and confirmed that no additional ecological constraints have been identified during the update surveys in 2022 and that the subsequent layout of residential use will fit the ecological parameters plan that was agreed at the outline stage for the wider site and essentially for this phase of the wider site.

9.29 In terms of the additional break in the hedgerow, the Ecology Officer considers that it will not result in any significant additional impact to wildlife species present within the site. The Officer also highlights that the integrity of trees must be maintained by suitable root protection and keeping development at a sensible distance, so that removal of mature trees that have become problematic for residents, is not likely to be necessary in the future. In this instance, subject to planning conditions securing the works around the retaining trees to be carried out in accordance with the submitted Arboricultural Impact Assessment, there is no objection in this regard.

### Flood risk and Drainage

9.30 Residents raise significant concern about the existing flood issues within the wider development of Hunters Moon. The Council's Drainage Engineer has reviewed the submitted proposal, including other phases within Hunters Moon development, and advised that the proposal can be supported subject to conditions. The LLFA also provided further comments for the applicant to review and provide the information & evidence when they submit applications to discharge planning conditions (and to rebut residents' concerns). The majority of this information has been completed and only needs to be provided, although in other instances, some additional work will be required.

Applications considered as part of this response:

- Initial application: 16/12493/FUL
- Phase 2: 18/00401/REM
- Phase 3: 18/12062/REM
- Phase 4: 20/04398/REM
- Phase 1 & Phase 4: PL/2023/03882
- Phase 6: PL/2022/06908

**1. Betterment policy/agreed discharge rate (from i) phase 2, and ii) Phase 6 into Phase 2):**

Document: Response to Drainage Objection (B05865-CLK-XX-XX-TN-FH-1001) – Issued 31<sup>st</sup> Oct 2022.

- Phase 2 discharge rate = 6l/s/ha – approved within application 18/00401/REM on 6<sup>th</sup> July 2018.
- Phase 2 discharge rate accounts for Phase 6 discharge rate of 10l/s.
- Relevant microdrainage calculations found in Appendix A of B05865-CLK-XX-XX-TN-FH-1001 – originally produced in 2017.

Document: Hunters Moon Phase 2 WB04665-TN01 Technical Note and Drainage Calculations – Issued 13<sup>th</sup> Dec 2017 (Appendix A of B05865-CLK-XX-XX-TN-FH-1001)

- 6l/s/ha agreed with Wiltshire drainage, 8.67ha area draining into this network = restricted discharge rate of 52.02l/s.
- Attenuation basin has capacity for 1 in 100 +30% (2869m<sup>3</sup>).

Document: B06367-CLK-XX-XX-BN-C-0002-P02 (Hunters 6 Flood Impact) – Issued 25<sup>th</sup> June 2024:

- Revised since outline strategy in 2016, now providing storage for 45% uplift in climate, rather than 30% (increased attenuation benefit). Discharge restricted to 10l/s as per previous agreement with Wiltshire.

**Conclusion:** There are no actions for the applicant – the discharge rate has been agreed and all necessary documents provided.

**Recommendations:** This requires no new documents to be produced. The LLFA would recommend the applicant gathers all previously submitted information relevant to the discharge rate agreement, and all evidential calculation documents to provide a concise but detailed document to demonstrate to the residents that the discharge rate & attenuation is approved.

**2. Culverted unnamed watercourse – pipe capacity & flooding:**

**Site Entrance:**

Document: B06367-CLK-XX-XX-BN-C-0002-P02 (Hunters 6 Flood Impact)  
– Issued 25<sup>th</sup> June 2024:

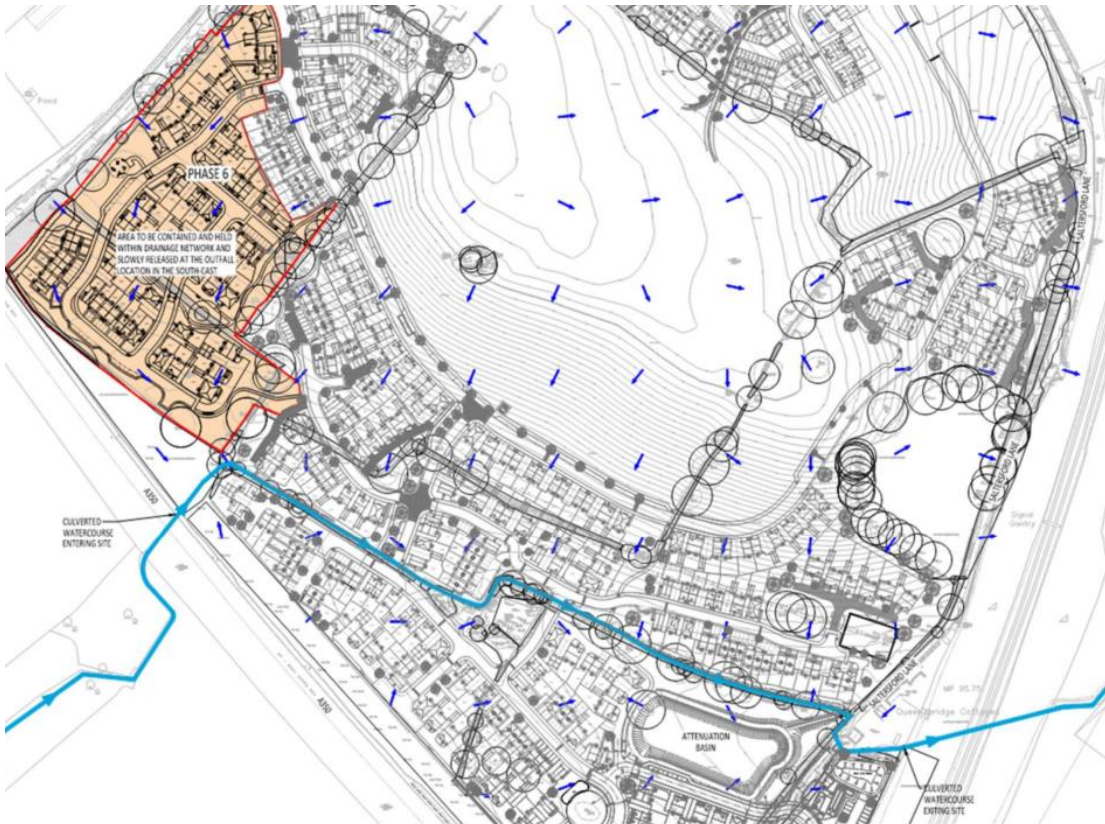


Image above from Page 1 demonstrates routing of watercourse, notes 2 areas of culverting:

- at the entrance below A350
- at the site exit via the Network Rail culvert below the railway.

**Issue 1: site entrance culvert capacity (residential concern of ‘bottlenecking’):**

*Action:* The applicant should outline that the culvert onsite has sufficient capacity to manage the flow.

*Reason:* potentially there is excess capacity provided by 3x pipes upstream from the culverted site entrance. The volume flowing into site may be safely managed using fewer pipes onsite however the applicant should provide detailed modelled evidence of this to satisfy residents’ concerns.

***Recommendations:*** This requires no new documents. The LLFA would recommend the applicant gathers all information relevant to the culvert modelling as requested.

**Through Site:**

Document: Drainage Layout Sheet 2 from 18/12062/REM:

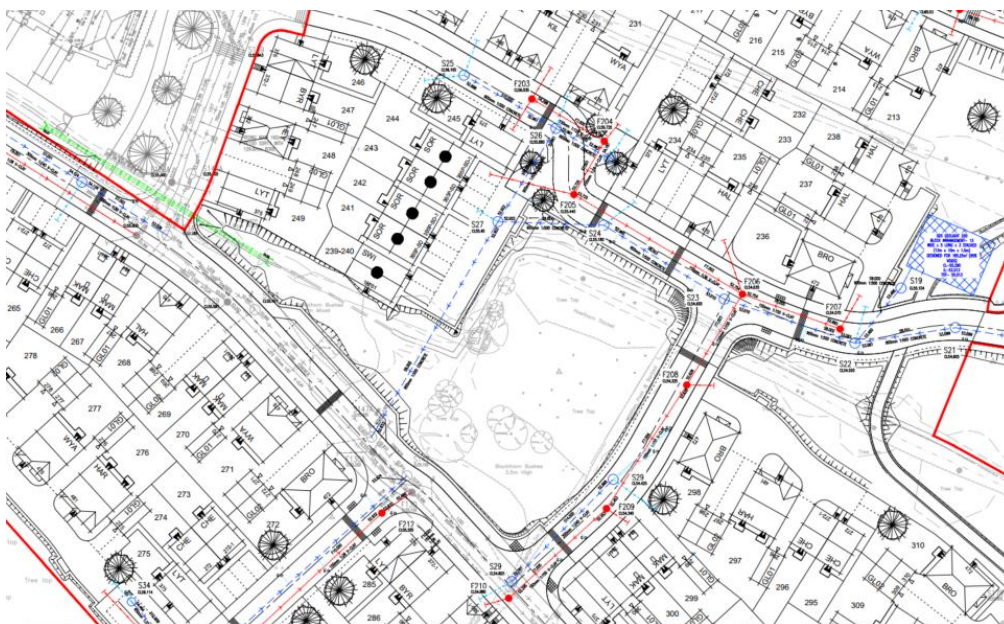


Image above from Phase 3 Drainage Layout displays onsite watercourse routing, notably between Arable Close and Ferguson Road. It is unclear from publicly available site plans where the watercourse has been culverted, and where the watercourse is unculverted.

The Drainage Engineer noted in Section 4.9.3 Ordinary Watercourse Flooding, Page 22 of the Flood Risk Assessment (16/12493/FUL) the applicant stated in the 2016 FRA “an easement of 5m from the ordinary watercourse is proposed whereby no building is permitted”.

**Issue 2: culvert/watercourse capacity onsite & details (Arable Road & Ferguson Close):**

*Action A:* The applicant should provide as-built detailed drawings to demonstrate the watercourse routing, and where the watercourse has been culverted.

*Reason:* To provide clarity of the watercourse routing/culverting and demonstrate 5m easement from all property.

*Action B:* The applicant should provide the detailed calculations which demonstrate there is sufficient capacity in each culvert for the volume & flow.

*Reason:* To provide evidence that the culverts have sufficient capacity to manage flow & demonstrate there are no bottlenecks to satisfy residents’ concerns.

*Action C:* The applicant must provide the maintenance plan for all onsite culverting, and confirm maintenance has been carried out to prevent blockages.

*Reason:* to demonstrate the applicant is appropriately maintaining the culverts & watercourse to satisfy residents' concerns.

***Recommendations:*** B & C require no new evidence from the applicant. The LLFA would recommend the applicant gathers all information relevant as requested and provides to residents & the LLFA.

### **Site Exit:**

#### **Issue 3: Network Rail culvert adjacent to Saltersford Lane.**

It should be noted Network Rail & Bloor Homes have been in communication regarding the Network Rail culvert. Network Rail most recently inspected the asset on 21<sup>st</sup> November 2023, noting the culvert was ~30% sedimented, describing performance as "adequate (although not ideal)".

Network Rail are riparian owners of the asset and responsible for maintenance so that the culvert does not increase flood risk upstream.

Document: B06367-CLK-0001-XX-RP- C-0001-V1-Include Appendices – Issued 1<sup>st</sup> April 2024:

The Drainage Engineer noted in the applicant has provided a detailed analysis of the Network Rail culvert and provided recommendations to improve flow through the culvert (including relaying & upsizing the culvert).

This has been suggested without modelling downstream flood risk. This solution would have to tie in with Network Rail funding cycles & would need significant drainage assessments.

Document: Flood Risk Assessment (16/12493/FUL) – Appendix G – Outline Drainage Strategy:

The Drainage Engineer noted in the applicant proposed an offline detention basin that fills by backing up the Hydrobrake.

*Action A:* The applicant should provide confirmation of the feature's performance on site, notably is it functioning, or is flow surcharging to the piped drainage system. The applicant should provide as-built surveys and use these to update their hydraulic model.

*Reason:* to confirm the onsite hydraulic performance of the offline detention basin.

Document: Drainage Layout 2 of 20/04398/REM:



The Drainage Engineer noted node S417 has a hydrobrake that connects in the existing Network Rail culvert, with a design flow of 2.4l/s.

**Action B:** The applicant must confirm flow is restricted to 2.4l/s, and that this rate is no greater than the pre-development greenfield rate, or a previously agreed discharge rate.

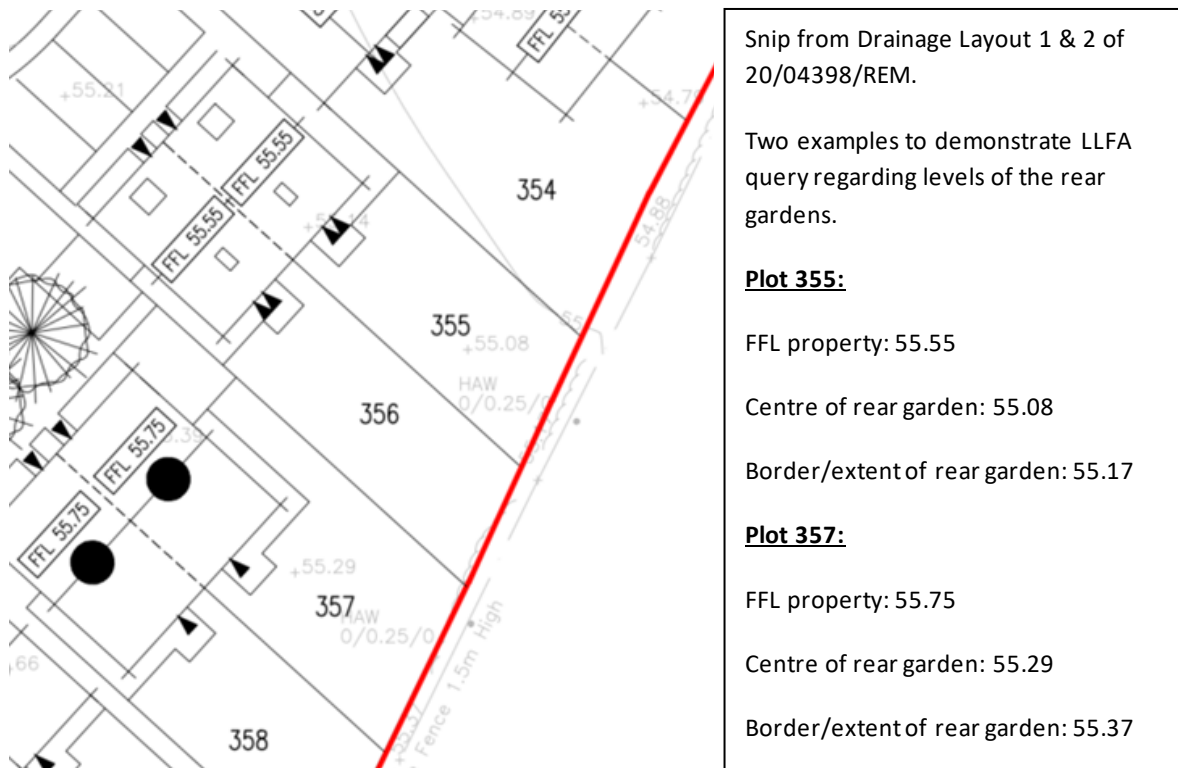
**Reason:** to confirm the discharge rate is in adherence with agreed rate.

**Recommendations:** This requires little new evidence from the applicant, mainly confirmation of adherence to plans. The LLFA would recommend the applicant gathers all information relevant as requested and provides to residents & the LLFA.

### **3. Flooding in rear gardens of plots 339-361:**

Document: Drainage Layout 1 & 2 of 20/04398/REM:

The Drainage Engineer noted it appears the finished floor level of each property and generally the site boundary at the extent of each garden adjacent to the railway is at a higher level than the garden itself, therefore it is feasible pooling could occur in the rear garden.



**Action:** The applicant must provide detailed overland exceedance flows including the rear of the properties.

*Reason:* to demonstrate that overland exceedance flows are safely managed.

**4. Attenuation basin capacity and impact of Phase 6 connection:**

Document: Drainage Layout 2 of 18/12062/REM:

- Wiltshire Council commonly request 300mm freeboard on top of the 1 in 100 year + climate change storm water level.
- The watercourse does not connect into the attenuation basin.
- The basin is modelled to account for Phase 6 connection & flow.
- The 1 in 100 year + 30% climate change top water level is 53.320mAOD.
- 53.8mAOD is the top level of basin = approx. 480mm freeboard.

Documents: Site Section Sheet 4 of 18/12062/REM & Drainage Layout 2 of 20/04398/REM:

- The lowest finished floor levels of adjacent properties in Drainage Layout 2 of 20/04398/REM are 54.05mAOD.
- The lowest finished floor levels of adjacent properties in Site Section Sheet 4 of 18/12062/REM are 54.0mAOD.
  - See Section 3-3 for visual representation of FFL & attenuation basin levels.

**Conclusion:** the attenuation basin has excess capacity remaining when managing 1 in 100m year + climate change events, and the adjacent property FFL's are raised sufficiently to mitigate against flooding even if the water level rose beyond the attenuation basin. No action for applicant.

In terms of flooding / drainage related queries raised by the residents, the Drainage Engineer has provided summarised responses:

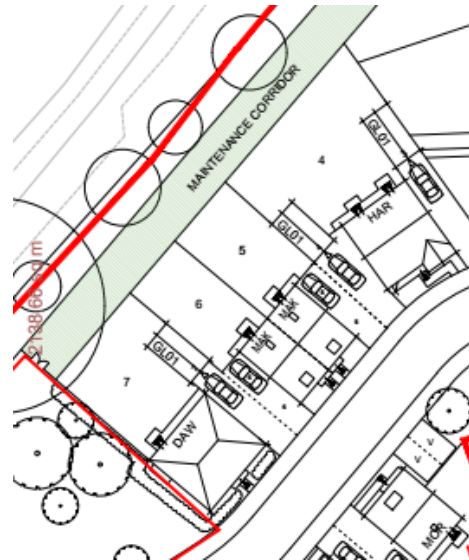
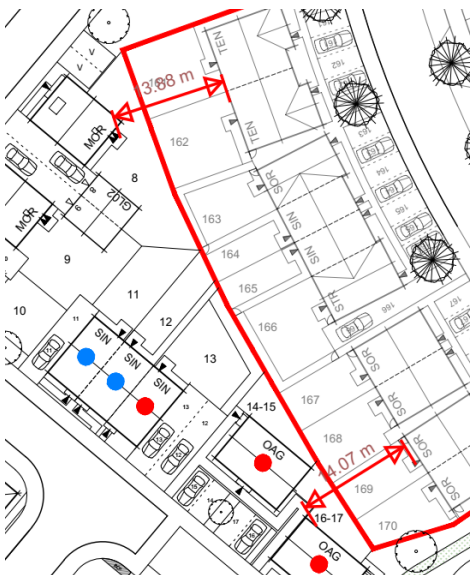
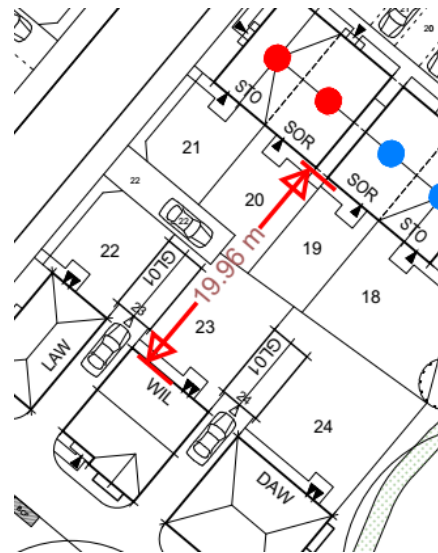
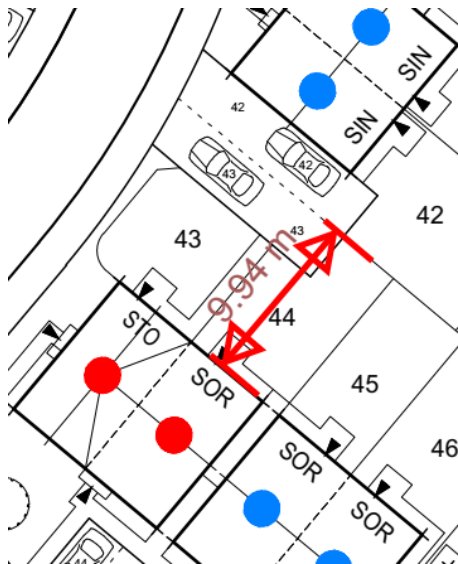
Comment Summary	LLFA Response
Concern regarding the culverted watercourse, sizing of culvert under newly constructed roads within development. Two occasions where water pooling onto Ferguson Close (later tankered away by Bloor Homes). Queried if brook connected into attenuation pond (residents believe it is not), & if SW runoff from Phase 6 will feed into watercourse culvert.	<ul style="list-style-type: none"> <li>• See point 1 for discharge rate queries (both site to exiting culvert and Phase 6 into Phase 2)</li> <li>• See point 2 for culvert sizing queries</li> <li>• See point 4 for attenuation basin queries.</li> </ul>
(Labelled Cond 1). Concern regarding culverted watercourse capacity, overland exceedance flow routing towards phase 3, silt retention bags,	<ul style="list-style-type: none"> <li>• See point 1 for discharge rate queries (both site to exiting culvert and Phase 6 into Phase 2)</li> </ul>

<p>brook flooding onto highway, 3x inlet pipes &amp; 2 onsite – drawing SW064-EN-3550G.</p> <p>(Labelled Cond 2). Subject to the mathematical confirmation in the form of a hydraulic model, which endorse the actual numbers and diameters of surface water outfalls into the downstream connection to the Brook, where the flows are constricted at the point that the brook passes underneath the phase 3 highways, and over main sewerage and SW drainage systems.</p>	<ul style="list-style-type: none"> <li>• See point 2 for culvert sizing queries</li> <li>• Within our existing response to Phase 6, PL/2022/06908, we have requested detailed overland exceedance flows – this information will be reviewed once provided.</li> <li>• Silt retention bags prevent silt accumulation in sewer system, silt accumulation is costly to maintain, causes blockages and reduces the flow rate. With appropriate maintenance, silt retention bags are beneficial.</li> </ul>
<p>Concern regarding flood risk resulting from additional development. Query whether any flood assessment has been provided to an appropriate standard.</p>	<ul style="list-style-type: none"> <li>• See point 1 for discharge rate queries (both site to exiting culvert and Phase 6 into Phase 2)</li> <li>• Current support subject to condition response, therefore more details will be provided.</li> <li>• LLFA not objecting as we believe there is sufficient information provided to demonstrate the site's drainage strategy is credible.</li> </ul>
<p>Flooding concern, drainage system cannot manage volume of runoff, toilets cannot flush &amp; heating not operational as water cannot circulate. Attenuation basin fills up completely.</p>	<ul style="list-style-type: none"> <li>• See point 1 for discharge rate queries (both site to exiting culvert and Phase 6 into Phase 2)</li> <li>• See point 4 for attenuation basin queries.</li> <li>• Toilet issue: this is not the responsibility of the council's drainage team. Foul system will either a performance issue with foul network, or misconnection into surface water sewer. Wessex Water / Bloor Homes should be contacted.</li> <li>• Heating: this is not the responsibility of the council's drainage team, credible evidence will be required to demonstrate this claim.</li> </ul>
<p>Various complaints regarding flood risk &amp; existing watercourse onsite. Concern regarding phase 6 increasing flood risk downstream &amp; Clarkebond technical note April 2024 (B06442-CLK-0001-XX-RP-C-0001?)</p>	<ul style="list-style-type: none"> <li>• See point 1 for discharge rate queries (both site to exiting culvert and Phase 6 into Phase 2)</li> <li>• See point 2 for culvert sizing queries, particularly Issue 3 related to downstream flood risk.</li> <li>• See point 4 for attenuation basin queries.</li> </ul>

In this instance, given that the Drainage Engineer has reviewed all the submitted documents and raised no objections, it is considered that the proposal, subject to conditions seeking the required information, the proposal can be supported from the drainage perspective.

## Residential Amenity and Public Protection

- 9.31 Core Policy 57 of the adopted Core Strategy seeks a high standard of design in all new development. New development needs to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on 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.
- 9.32 In terms of the relationship between the proposed residential development and the existing employment uses, there were some lengthy discussions between the applicant, the applicant's acoustic consultant, the Environmental Health Officer and the case officer due to the noise nuisance potentially generated by the adjacent employment use. As a result, the revised scheme shows the number of units adjacent to Easton Lane has been reduced, installation of acoustic fence along Easton Lane and part of A350, a stone wall for plot 32, and the installation of mechanical ventilation. It is considered that the combination of all these proposed mitigation measures would reasonably mitigate the potential adverse effect upon the amenity of the future residents.
- 9.33 In terms of other amenity matters, except 4 no. flats (no. 14-17), all dwellings would have a private outdoor amenity space. Although some properties may have smaller garden area or have an irregular shape which may restrict the function of the area, their sizes are relatively reasonable to the scale of the dwellings. Furthermore, there is also a play area within the site would also benefit an equipped play space, therefore it is considered that the provision of amenity is acceptable.
- 9.34 In terms of overlooking and overbearing issues, there are some similarities between the application site and the adjacent development in terms of their density, distance and the orientation of the dwellings. Given that it is situated within a built-up area, some degree of overlooking would be expected. The site layout shows those properties directly facing each other, the direct separation distance between primary windows would be approximately 18-21 metres (picture right). Some properties would sit at an angle to the neighbouring properties (picture left and picture bottom left), and the remaining properties rear gardens would back onto Easton Lane (picture bottom right). Officers consider that amenity of the future residents are adequately safeguarded.



Other matters

9.35 Officers noted that residents raised concerns about other matters. In terms of the potential breach of planning conditions, the Council Enforcement Team will investigate further. With regards to the legal agreements between the developer and the property owners, it would be private civil matters.

Conclusion – Planning Balance

9.36 Section 38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

9.37 The proposal is to erect 56 no. dwellings on a parcel land, which is NOT allocated for employment use, in Chippenham. The NPPF is an important material consideration and one of the objectives of the NPPF is to significantly boost the supply of homes and it carries a presumption in

favour of sustainable development. In addition, it should be noted that the Inspector's decision in the recent planning appeal decision dated 30th August 2024 relating to land off Storridge Road, Westbury, PL/2022/09842, APP Ref.: APP/Y3940/W/24/3340811.

### Public Benefits

- 9.38 The NPPG identifies that Public Benefits can be anything that deliver economic, social or environmental progress and be of a nature or scale to benefit the public at large.
- 9.39 This proposal provides an opportunity for the Council to increase its current housing supply position. The proposed scheme would make a material contribution to the supply of a total of 56 no. new dwellings and (40% of them will be affordable housing units, i.e. 22 no. affordable housing units).
- 9.40 In addition, it is the opinion of the Officer, the site is located in a sustainable location, where it is adjacent to a business park and approximately 4 mins walking distance from retail park.
- 9.41 In terms of the planning obligations sought, 22 no. affordable housing and on-site play area would be secured, financial contribution would also be secured towards the original Transport Assessment / Travel Plan, Waste (refuse and management), education (Early Years), additional play area, off-site sport provision, to mitigate the development and there would be improvements to the existing services and facilities which would result in some benefits to the wider community.
- 9.42 There would also be some economic benefits through the direct formation of construction (temporary). Furthermore, the development would enable greater economic spending in the area through additional population growth close to nearby services and facilities.
- 9.43 The development would also generate a financial contribution through CIL receipts which again, whilst forming mitigation for the development, could result in benefits to the wider community through increased spending on infrastructure.
- 9.44 When considered together these benefits are considered to hold significant weight in favour of the proposal.

### *Overall Balance*

- 9.45 Overall, having considered carefully the weight attached to public benefits, it is Officers judgement that in this particular case, it is considered that the benefits of the scheme would outweigh the harm identified, including the lack of adoptable pedestrian and cycle paths.

### **Summary**

9.46 It is considered that this full planning application would provide 56 dwellings including 22 no. affordable housing on a parcel of land within the area of Hunters Moon. It is considered that the public benefits of the additional market and affordable housing, other public benefits and the planning obligations agreed would outweigh all the harms that have been identified.

## **10. CONCLUSION**

10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

10.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Local Plan: Core Strategy (Adopted January 2015) set out above, and to all the relevant material considerations set out in the report.

## **11. RECOMMENDATION**

It is recommended that the application be approved subject to the first completion of a S106 agreement requiring the following –

- Affordable housing – 40% Affordable housing ‘AH’ units on site including 22 AHs with tenure split of 14 no. Affordable Rent and 8 no. Shared Ownership with the submitted mix of AH.
- Education – financial contributions towards local education provision. Early Years: £122,654.00.
- Highways – £7,200 financial contribution towards the original Transport Assessment / the provision and implementation of a Travel Plan. This amount would be indexed up from 2017 to 2023.
- Waste Collection Facilities - £5,656
- Public Open Space - LAP will be 100 sqm and the off-site contribution of £33,120 to cover the shortfall. In addition, a requirement for 2,616m<sup>2</sup> of sports pitches which equates to an off-site contribution of £26,160.
- A monitoring fee for the S106

And subject to the following planning conditions:

### **Conditions:**

#### **1. Time Limit**

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. List of Approved Plans and Documents**

The development hereby permitted shall be carried out in accordance with the list of approved plans and documents set out at Annex A to this decision notice.

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

## **3. Noise Mitigation Measures**

Prior to the first occupation of the development hereby approved, the following noise mitigation measures shall be implemented in accordance with the 'summary of mitigation measures' plan (ref RA00761 - Fig 1 - v2). These shall include:

Noise mitigation measures shall be implemented in accordance with the 'summary of mitigation measures' plan (ref RA00761 - Fig 1 - v2). These shall include:

- A 2.5 metre high acoustic fence along part of the A350 boundary prior to occupation of plots 43-49
- A 2.5 metre high acoustic fence along part of the Easton Lane boundary prior to occupation of plots 1-7 and 36-40
- A 2 metre high recon stone along the north-western boundary of plot 32 prior to occupation of such plot
- Mechanical ventilation (Zehnder ComfoAir 185 WM wholehouse ventilation system, or equal and approved) prior to occupation of plots 7, 9-10 and 30-36)
- Plot 40 will be finished with glazing with performance of 26dB Rw+Ctr required

Prior to the first occupation of the relevant each dwellings hereby approved, a written report confirming the technical specification and site schematics of the proposed mechanical ventilation system to protect future occupiers from A350 road traffic noise at Plots: 39,44,50,51,54,57,59, and to protect future occupiers from potential commercial/industrial noise at Plots: 7, 11, 12, 32, 33, 34, 35, 36, 37 and 40, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to future occupation and maintained for the lifetime of the development.

REASON: To protect the amenity of future residents, in accordance with Core Policy 57.



#### **4. Arboricultural Works**

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 tree protection measures have been put in place in full accordance with the details set out in the 'Arboricultural Impact Assessment' (the Assessment) by Treework Environmental Practice dated 22th March 2024.

The protective fencing shall be erected in accordance with the approved details in the Assessment. 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 specified in the Assessment shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved Assessment, plans and particulars. Any agreed topping or lopping 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 practice.

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 Assessment, 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.

#### **5. Implementation of Landscaping Scheme**

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and

shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

## **6 Construction Method Statement**

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

dangers to highway safety, during the construction phase.

## **7 Construction Environment Management Plan**

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

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

## **8 Details of secure covered cycle parking**

No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

## **9 Construction of roads, footpaths, turning and parking spaces**

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. For the avoidance of doubt, the surface of the site access onto Haystack Avenue shall be finished with block paving to define the areas of Haystack Avenue and into the side road. The proposed footpath links to Haystack Avenue and the eastern side of the site and any unadopted visitors parking spaces shall be maintained by a management company and maintained as such thereafter.

REASON: To ensure that the development is served by an adequate means of access.

## **10 Completion of access, turning area and parking spaces**

No individual dwelling hereby permitted shall be first occupied until the access, turning area and parking spaces serving that dwelling 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.

## **11 Details of highway works adjacent to plot 54**

Prior to the commencement of plot 54, a revised swept path analysis in the vicinity of plot 54 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the plot 54.

REASON: In the interests of highway safety.

## 12 Drainage details

Prior to the commencement of proposed development hereby approved, following drainage details shall be submitted to and approved in writing by the Local Planning Authority:

- (i) calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse.
- (ii) a construction management plan which demonstrates how pollution to groundwater and local watercourses will be mitigated, and how flood risk to people and property will be mitigated.
- (iii) Clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features).
- (iv) Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.
- (v) Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
- (vi) Calculations include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.
- (vii) Hydraulic Models set the MADD factor / additional storage volume factor to 0m<sup>3</sup> / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.
- (viii) As a result of the discharge to the surface water sewer, the applicant shall confirm the above hydraulic parameters are met when considering a surcharged outfall.
- (ix) provide additional blue-green SuDS features in accordance with national and local development requirements. It is expected this shall predominantly include additional filter strips around the site

- (x) Notwithstanding the submitted a flood routing plan entitled “Phase 6 Flood Exceedance”, the applicant shall provide a plan displaying detailed overland exceedance routes, including individual plots, to demonstrate flood risk to people and property is mitigated across the extent of the Phase 6 area, not just along highways

REASON: To ensure satisfactory drainage of the site.

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

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

### **14 Waste Management**

No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. No individual unit within the development shall not be first occupied. until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

### **15 Permitted Development Rights Removed (Means of Enclosure)**

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 forward of any wall of the dwelling(s) (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

REASON: In the interests of visual amenity.

**16 Permitted Development Rights removed (No garage conversion into habitable accommodation)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

**17 Detailed elevation of plot 14 and 15**

Notwithstanding submitted drawing, BSP670-1.PL-01 Oagstone Brick, the first-floor window on the side north elevation of plot 14 and 15 shall be obscure glazed to level 3 with restricted opening, and it shall be retained as such thereafter.

REASON: To safeguard the amenity of the neighbouring properties.

Appendix A – List of Approved Plans

DOCUMENT TITLE	Ref.	Rev No. / Date
<b>PLANS AND DRAWINGS</b>		
Planning Layout	SW064-SL-6001	RevR
Location plan	SW064-PD-6000	
Site Sections Overview	SW064-EN-6390	Rev F
Site Sections Sheet 1	SW064-EN-6391	Rev E
Site Sections Sheet 2	SW064-EN-6392	Rev D
House Types and Plots		
Lawrence (Brick) 28, 52	301.PL-01	
Lawrence (Stone) 22	301.PL-03	
Lawrence (Brick) 49	301-1.PL-01	
Lawrence (Stone) 10	301-1.PL-03	
Byron (Render) 34-35	372_372-1.PL-02	
Byron (Stone) 25-26	372_372-1.PL-03	
Makenzie (Brick) 05-06, 47-48	384_384-1.PL-01	
Makenzie (Stone) 29-30	384_384-1.PL-03	
Makenzie (Floor Plans) 05-06, 29-30, 47-48	384_384-1.PL-04	
Wilton (Brick) 23	394.PL-01	
Wilton (Floor Plans) 23	394.PL-05	
Wilton (Brick) 27	394-1.PL-01	
Wilton (Stone) 33, 53	394-1.PL-04	
Wilton (Floor Plans) 27,33, 53	394-1.PL-05	
Hillcott (Stone) 50	400.PL-04	
Hillcott (Stone) 51	400-1.PL-04	
Morris (Brick) 08-09	477-1.PL-01	
Harwood (Stone) 04, 56	481.PL-04	
Harwood (Floor Plans) 04, 56	481.PL-05	
Harwood (Brick) 55	481-1.PL-01	
Harwood (Stone) 02	481-1.PL-04	
Harwood (Floor Plans) 02, 55	481-1.PL-05	
Burns (Stone) 03	493.PL-03	
Burns (Floor Plans) 03	493.PL-05	
Dawlish (Render) 01	496.PL-02	
Dawlish (Stone) 24	496.PL-03	
Dawlish (Floor Plans) 01, 24	496.PL-05	
Dawlish (Stone) 07, 54	496-1.PL-03	
Dawlish (Floor Plans) 07, 54	496-1.PL-04	
Lyttelton Byron (Render) 31-32	807-1.PL-02	
Lyttelton Byron (Floor Plans) 31-32	807-1.PL-04	
Sinclair (Brick) 41-42	2B4P.PL-01	
Sorley (Brick) 44-45	3B5P.PL-01	



Sinclair (Brick) 11-13	860.PL-01	
Sinclair (Floor Plans) 11-13	860.PL-03	
Storer Sorley (Stone) 18-19, 43-44	868.PL-02	
Storer Sorley (Floor Plans) 18-19, 43-44	868.PL-03	
Storer Sorley (Brick) 20-21	868-1.PL-01	
Storer Sorley (Floor Plans) 20-21	868-1.PL-03	
Storer Strand (Stone) 36-37	BLO-118.PL-02	
Storer Strand (Floor Plans) 36-37	BLO-118.PL-03	
Oagstone (Stone) 16-17	BSP670.PL-02	
Sinclair (Stone) 38-39	860.1.PL02	
Sinclair (Floorplans) 38-39	860-1.PL-03	
<b>Garages</b>		
Single Garage (Brick)	GL01.PL-01	
Double Garage (Brick)(Shared)	GL02.PL-01	
Sales Garage (Brick)(Shared)	SG02.PL-01	
<b>Soft Landscape</b>		
Site Landscaping Ph6	SW064-LS	027H
Site Landscaping Spec and Schedule Ph6	SW064-LS	028G
<b>PLANNING DOCUMENTS</b>		
Arboricultural Impact Assessment	220614-1.1-LHMC-AIA-MW rev2.0	Mar-24
Ecological Appraisal	edp2197_r025 revD	Apr-23
Flood Risk and Drainage	B05865-CLK-XX-XX-RP-FH-1001 P2	May-23
Noise Assessment	RA00761 rev0	May-23
Residential Travel Plan	B05865 rev02	May-23
Transport Assessment	B05865 rev02	May-23
<b>ADDITIONAL / SUPPORTING DOCUMENTS</b>		
Acoustics Technical Note (Resound Acoustics)	RA00761 – TN4 – Rev 5	Mar-24
Summary of Acoustic mitigation measures (Figure 1 - Resound Acoustics)	RA00761 - Fig 1 - v2	27 March 2024
BNG Technical Note (EDP) and Biodiversity Impact Assessment Calculations (EDP)		Apr-24

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