

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 28 September 2016
Time: 7.00 pm

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Membership:

Cllr Andrew Davis (Chairman)	Cllr Charles Howard
Cllr Tony Trotman (Vice Chairman)	Cllr David Jenkins
Cllr Glenis Ansell	Cllr Christopher Newbury
Cllr Trevor Carbin	Cllr Fred Westmoreland
Cllr Terry Chivers	Cllr Bridget Wayman
Cllr Stewart Dobson	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway QPM
Cllr Brian Dalton	Cllr James Sheppard
Cllr Bill Douglas	Cllr Ian West
Cllr Mary Douglas	Cllr Jerry Wickham
Cllr Dennis Drewett	Cllr Graham Wright
Cllr George Jeans	Cllr Magnus Macdonald

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

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 **Declarations of Interest**

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

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **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 by phone, email or in person no later than 6.50pm on the day of the meeting.

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

Questions

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

Those wishing to ask questions are required to give notice of any such

questions in writing to the officer named on the front of this agenda no later than 5pm on **21 September 2016** 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 **23 September 2016**. 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.

- 5 **N/13/00308/OUT - Land at Showell Farm, Patterdown Road, Chippenham - Outline Application for Employment Development Comprising 50,000sqm, Incorporating Class B1(b), Class B1 (c), B2 with Ancillary B1 (a), B8 and Ancillary B1 (a) Uses Including Means of Access, Car Parking, Servicing, Associated Landscaping and Works (Pages 5 - 30)**

- 6 **14/12118/OUT - Rowden Park, Patterdown Road, Chippenham, Wiltshire - Mixed Use Urban Extension Comprising Residential (Class C3), Local Centre (Classes A1-A5) and (Classes D1 and D2), Primary School, Public Open Space Including Riverside Park and Allotments, Landscaping, 4 Vehicular Accesses, Site Roads and Associated Infrastructure (Pages 31 - 88)**

- 7 **16/01123/OUT - Land South of Western Way, Bowerhill, Melksham, Wiltshire, SN12 6TJ - Outline application for residential development of up to 235 dwellings, primary school with early years nursery, open space provision and vehicular access off Pathfinder Way.(Outline application to determine access - resubmission of 14/04846/OUT) (Pages 89 - 144)**

- 8 **Urgent Items**

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

Part II

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

WILTSHIRE COUNCIL STRATEGIC PLANNING COMMITTEE

Date of Meeting	21st September 2016		
Application Number	N.13.00308.OUT		
Site Address	Land at Showell Farm, Patterdown Road, Chippenham		
Proposal	Outline Application for Employment Development Comprising 50,000sqm, Incorporating Class B1(b), Class B1 (c), B2 with Ancillary B1 (a), B8 and Ancillary B1 (a) Uses Including Means of Access, Car Parking, Servicing, Associated Landscaping and Works.		
Applicant	Crest Strategic Projects Ltd		
Town/Parish Council	Lacock/Corsham		
Electoral Division		Unitary Member	Councillor Tonge
Grid Ref	390778 171115		
Type of application	Outline		
Case Officer	Charmian Burkey	01249 706 667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

The item was previously reported to Strategic Committee on 30th July 2013 and received a resolution to grant planning permission. The requisite S106 agreement was not completed and the policy framework surrounding the site has changed so that it is necessary to report the matter back to Strategic Committee.

1. Purpose of report

1.1 To assess the merits of the proposal against the policies of the development plan and all other material considerations, and to consider the recommendation that planning permission should be granted subject to the signing of a S106 agreement within 6 months of Committee and with the conditions listed. In the event that the S106 is not completed within the 6 month timeframe allow Officers to assess progress and determine whether planning permission should be refused on the grounds of not achieving the required infrastructure commitments.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development/policy setting.
- Access & Highways.
- Effect on landscape setting of area.
- Effect on listed buildings on site and the Heritage Asset.
- Ecology
- Design, appearance and layout
- Amenity of local residents.
- Sustainability.
- Other matters.

The application has generated 14 letters of comment from local residents – 13 raising objections and 1 in support. Lacock Parish Council strongly objected to the original application. Corsham Town Council supports the application.

Lacock Parish Council has sent in revised comments maintaining their strong objection to the proposal, but in recognition that this view may not be supported, has asked that the S106 agreement is amended to include provision of a cycle/pedestrian link from the site entrance on Patterdown to the Lackham Roundabout.

3. Site Description

The application site lies south west of Chippenham about 2 miles from its centre and 6.5 miles from J17 of the M4 motorway. The site is 18ha in size and is mainly open fields and hedgerows with the A350 bounding the site to the south west, the B4528 (Patterdown Road) to the north east and the railway line to the north-west. The grade II listed complex of buildings of Showell Farm lie to the south.

To the east of the site, on the other side of Patterdown Road, is Rowden Park a proposal for mixed use development (14/12118/OUT) which is also contained on this agenda.

4. Relevant planning history

98/02692/OUT – Construction of a business park incorporating B1, B2 & B8 uses, on site facilities, park and ride and means of access – Dismissed at Appeal.

99/00450/OUT – Construction of a food processing factory with ancillary storage/staff welfare and office accommodation plus loading and car parking. – Dismissed at Appeal.

5. Proposal

The proposal for consideration is in outline and is for 50,000sqm of employment development incorporating Class B1b (ie research and development), Class B1c (ie industrial process), B2 with ancillary B1 (a ie office other than financial or professional services), B8 & ancillary B1 (a) together with associated access, servicing, landscaping and car parking.

The access arrangements are for a new roundabout onto the A350 and pedestrian/cycle access onto the Patterdown Road.

Additional planting (including a bund along the southern boundary) is proposed.

A revised parameters plan has been negotiated, which reduces the heights of the buildings from 12-15m in height down to 10-12m in height on 3 out of the four plots and 8.5m on the 4th. There is also a revised plan showing a reduction in the height of the bunding whilst maintaining sufficient height in the landscaping.

6. Planning Policy

National Planning Policy Framework (NPPF)

The NPPF was introduced in March 2012 as a principal material consideration in the determination of planning applications. It identifies the presumption in favour of sustainable development at para 14 as a 'golden thread' running through plan making and decision taking. Conceptually, the NPPF confirms the following :

- The need to plan positively to meet the development needs
- the need to support sustainable economic growth in priority areas

- the status to be afforded to the development plan,
- development management issues

Wiltshire Core Strategy

The Wiltshire Core Strategy (WCS) was adopted by the Council in January 2015. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Annex 1 of the NPPF, the WCS including those policies of the North Wiltshire Local Plan that continue to be saved in the WCS (Appendix D) constitutes the main part of the statutory development plan relevant to this case.

The WCS introduces a housing requirement for the period to 2026 presented by Housing Market Areas.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how ‘sustainable development’ is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as a Principal Settlement which acts as a strategically important employment and service centre for a number of villages in the Community Area and settlements beyond. Chippenham is to be a focus for development (Core Policy 1).

Core Policy 2 sets out the delivery strategy for Wiltshire in the period 2006-2026. This is to be delivered in a sustainable pattern, in a way that prioritises the release of employment land and previously developed land. At least 42,000 homes are to be delivered in Wiltshire, with 24,740 of those required in the North and West Housing Market Area. No strategically important employments or housing sites are identified in Core Policy 2 for Chippenham. The policy states that outside the ‘limits of development’, as defined on the Policies Map development should only be permitted where it is identified through a plan led approach or exceptional circumstances defined at paragraph 4.25, including Core Policy 34 ‘Additional Employment Land’.

Core Policy 10 (CP10) of the WCS identifies the level of housing and employment growth appropriate for Chippenham. The housing requirement is at least 4510 homes in the town itself, with the employment land at 26.5Ha. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and “at least 2625 dwellings” (once existing completions and commitments have been taken into account). The DPD will also set out a range of facilities and infrastructure necessary to support growth.

Criteria are included in CP10 to guide development, in addition to the other provisions contained within the Core Strategy. They have been included to give direction to the preparation of the Chippenham Site Allocation DPD but could also provide a useful set of benchmarks against which planning applications may be measured. The criteria relate to:

- Economic led growth
- Town centre resilience and accessibility
- Mixed use development and mix of housing
- Major infrastructure and traffic impact
- Environmental constraints

Several policies within the WCS are relevant when considering this planning application. They are referred to within the report where necessary, but include:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)

- CP10 (Spatial Strategy: Chippenham Community Area)
- CP34 (Additional Employment Land)
- CP41 (Sustainable Construction and Low-Carbon Energy)
- CP43 (Providing Affordable Homes)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP52 (Green Infrastructure)
- CP57 (Ensuring High Quality Design and Place Shaping)
- CP58 (Ensuring the Conservation of the Historic Environment)
- CP61 (Transport and new development)
- CP62 (Development impacts on transport network)
- CP63 (Transport strategies)
- CP66 (Strategic transport network)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

Several policies within the North Wiltshire Local Plan (2011) have been saved and continue to be relevant to this application.

- NE14 – Trees and the Control of New Development
- H4 – Residential Development in the Open Countryside
- CF3 – Provision of Open Space

Chippenham Site Allocation Development Plan Document

The CSAP DPD has been submitted to the Secretary of State for Examination. The CSAP identifies mixed use land opportunities necessary to deliver at least the scale of growth required by Core Policy 10 of the WCS.

The CSAP hearings were suspended by the Inspector on 11th November 2015. In responding to the Inspector's concerns over the site selection procedure, the Sustainability Assessment and deliverability of identified development sites, the Council undertook a schedule of work including public consultation. The hearing sessions recommence later this month. The Proposed Modifications arising from the schedule of work mean that only two strategic allocations are now proposed in the CSAP – South West Chippenham (including the current application) and Rawlings Green. Although the suspension of the hearings has introduced a delay to the process, the evidence prepared to support the Plan in the form of topic specific evidence papers linked to the CP10 criteria in the WCS remains relevant. Notwithstanding this, little weight can be attributed to the policies in the CSAP at this stage as it is the subject of unresolved objections and the examination into these has yet to be concluded.

Notwithstanding the progress with the DPD, the criteria included within CP10 could, however, equally be applied to the consideration of planning applications.

Employment Development at Chippenham

Planning for economic growth is central to the strategy as set out in the Wiltshire Core Strategy. The WCS is focused on delivering stronger, more resilient communities, by managing future development to ensure that communities have an appropriate balance of jobs, services and facilities, and homes. Past employment growth in Wiltshire has not kept pace with housing, resulting in high levels of out commuting. The plan strategy aims to redress this imbalance and to support a more sustainable pattern of development within Wiltshire. Strategic Objective 1 is delivering a thriving economy.

The best opportunities for sustainable development and economic growth are those places with the highest concentration of jobs, people and services, such as the Principal Settlements.

Chippenham is identified as a Principal Settlement It is also a pivotal location in both the M4/Great Western main line corridor and the A350/trans-Wilts crescent, two of the three zones identified by the Swindon and Wiltshire Local Enterprise Partnership for the focus of economic activity over the next few years.

Although the town is an attractive location for employers there continues to be significant levels of out-commuting and there is currently a shortfall of suitable land for employment growth in the town. As a result a priority is to ensure appropriate economic development takes place to prevent existing and prospective employers moving elsewhere¹ and provide more opportunities for local people to work locally. Recently, improvements have been made to the A350 which will benefit Chippenham by improving journey times. These improvements will particularly benefit employment sites near to the A350.

The strategy for Chippenham in the Wiltshire Core Strategy is based on delivering significant job growth to help improve the self-containment of the town. At Chippenham new employment provision is a priority to help redress the existing levels of net out commuting and attract new investment.

7. Summary of Consultation Responses

Corsham Town Council state that the site has good transport links and provides needed employment land.

Lacock Parish Council - Original comments - strongly objected to the proposal for the reasons set out below. The Parish Council has subsequently stated that whilst they adhere to their previous comments, they are aware that the Council may grant planning permission. They ask that if this is the case that the S106 (which already includes a link via Patterdown to Chippenham) can be extended to Lackham Roundabout to achieve the following:

The extension will also provide community benefits of:

- (a) A dedicated foot and cycle access for students from Chippenham who are studying at Lackham College.
- (b) A dedicated foot and cycle access between Chippenham and the Showell hamlet for local residents.
- (c) A dedicated foot and cycle access between Chippenham and Lacock for residents of these two communities.
- (d) An alternative cycle route for the Reading to Bath Sustrans route that it currently closed at Naish Hill.

From the Parish Council's initial observations, the extended foot and cycle path could easily be accommodated on the eastern verge of the B4528 which, for most of its length, is significantly wider than the proposed road verge from the site through Patterdown to Chippenham. The proposed route is shown on the attached plan.

Original comments – object and comment on the relevance of the planning history of the site where there are 2 called in applications. One relates to an outline planning application in 1998 for the construction of a business park, the other to the construction of a food processing factory. In refusing the applications the Secretary of State referred to a number of reasons but the ones most relevant to this application are:

- i) The site is regarded as open countryside being on the far side of the railway embankment, which defines the urban boundary of Chippenham. Development would

¹ WCS Paragraph 5.45 and 5.46 Page 57

- represent a harmful encroachment in this area which makes a significant contribution to the rural gap between Chippenham and Lacock.
- ii) The site is not well served by public transport, access by foot is ruled out and cycling is unattractive along the Melksham Rd and potentially hazardous.
 - iii) The proposals conflict with the setting of the Grade II listed buildings at Showell farm.

The contention by the applicants is that the proposal is significantly different as it is now allocated.

The parish council cannot accept that the site should be allocated and has lodged an objection. It maintains that development of Showell would lead to a harmful encroachment into the open countryside. The railway marks the south boundary of the urban edge of Chippenham and as the embankment is such a huge physical feature, nothing can change this demarcation.

Whilst the area covered by this application is slightly smaller, it will still have an adverse effect on the listed buildings.

Planning policy – the Council's plan 2011 confirms the Inspector's view that the land is in the open countryside. The Core Strategy is an emerging plan which is subject to Examination in Public. They consider it premature to determine the present planning application in advance of the Inspector's findings.

The issue of the site being poorly served by public transport and being unattractive to alternative means of transport cannot be overcome by the current application which requires other potential applications for housing to provide and/or contribute to the infrastructure. As there is no guarantee that this will be delivered, this is a further reason to justify refusing this application. The planning report makes a comment on p39 at para 5.69 that there are justified reasons to refuse the application on transportation grounds. Presumably this refers to not only their comments but that it could be regarded that the positioning of a new roundabout on the A350 so close to Lackham roundabout is unsatisfactory

The Council is concerned about deficiencies in the scope of the visual impact assessment in that there is a lack of photomontages at the time the proposed development is completed. In particular, there is no photomontage from Viewpoint 1 from the B4528.

Whilst appreciating that the application is in outline, there is concern about potentially unimaginative design for the development. There is also concern for plot 300 with the potential for development of the area having a particularly damaging effect on the visual amenity of the surrounding area.

The Council considers the application to be premature as there is no need for the employment space due to the large number of vacant premises in Chippenham.

Wiltshire Council Highways - Originally objected to the application in 2013 on sustainability grounds. However, Following a meeting out on site and topographical surveys, are now satisfied that a reasonable route for pedestrians can be provided within the controlled land (highway verge), providing for a serviced path, the majority of which could be 2m in width. There are limited lengths of road where a reduced width of circa 1m is all that can be achieved. The provision of a surfaced route that connects with the existing paved footway of Patterdown Road would be sufficient to render an objection on the grounds of sustainability indefensible, and a matter that could, in the absence of any other objection be dealt with by way of a planning obligation.

Originally, also objected to the proposal on the grounds that the proposed access off the A350 is contrary to Policy 62 of the Core Strategy. The need for the access has not been demonstrated to be overriding of the policy. There is already a superfluous number of roundabouts between Malmesbury Road and Lackham roundabout. Another roundabout would adversely affect the efficiency of the route, contrary to CP66, which seeks selective improvements.

The Emerging Chippenham Transport Strategy states “*It is considered essential that the strategic role of the A350 be protected*”. Although the A350 link between Chequers and Lackham roundabout is not the busiest, its Strategic role must be protected. He considers that protection includes strictly observing CP62 so that journey times are not increased unnecessarily, as the cumulative impact over time will be severe.

The comments on the applicant’s rationale to overcome CS policy 62 as follows:

- The economic case to override the policy is not independent, and there is no justification to support the view that the marketing advantages of a site junction on the A350 should subjugate the policy
- The argument that Showell Farm and the adjacent housing site in this section of the A350 is not accepted. The built-up reference is as much to do with the physical attributes of the road and the prevailing conditions on it eg The speed limit. The logical extension of this would extend to any development proposal involving buildings, on any non built up length of the Primary Road Network (PRN) outside of the built up area.
- The agent argues that the access off the A350 allows a gateway site which can compete in the sub-regional market (with Swindon in particular). However, without the access the site is viewed as secondary which puts it in a much larger pool for a still limited number of occupiers. These occupiers are unlikely to meet the lending criteria in this economic climate to make the development viable or to meet the funds required for a new build when there is an ample supply of second hand property. With access on the A350, deliverability is approx. 5 years. Without it, there is no time limit if it is deliverable at all. Highways comment that the report which states this is not independent and the nature of the development is that it won’t attract passing trade. It is also noted that the master plan does not show buildings with direct access off the A350, but from roads leading off the principal internal road.
- The agent comments about the proposal delivering a twin roundabout system replicating the 3 other junction arrangements along the A350, adjacent to the built up/urban area of Chippenham. Highways state that the reference to twin roundabouts is misleading as although there are junctions close together, those junctions which don’t serve the main radial routes for Chippenham were necessary to serve major development (which in a large part funded the western bypass) as there was no other reasonable alternative.
- The agent states that Patterdown Road is unsuitable for HGVs as it is a rural route with listed buildings fronting it. However, highways consider that as the road was formerly part of the PRN, its structure is sufficient to accommodate the proposed development.
- The agent writes that there will be no delays at the proposed junction and therefore there will be minimal impact on proposed journey times. However, Highways respond by saying that whilst delays for individual vehicles may be described as minimal, there will nevertheless be delays, caused by traffic having to slow down to 30mph throughout the roundabout (a design prerequisite), and by some traffic having to yield. The effect at the Lackham roundabout, should the site access from the B4528, would involve only the yield element of delay to A350 traffic.

However, on re-consultation and following the Committees’ original decision to resolve to approve the application, confirm that the works for the roundabout will be controlled by the LHA by way of a s278 agreement.

It is also pertinent to note that since the original resolution, the highways team has dropped an objection to a new residential development at Westbury where the only objection was that a new access onto the A350 was being proposed, contrary to policy CP62. It is accepted that for highways reason for refusal to be justified on the grounds of CP62, the NPPF tests of harm should be demonstrated in each case.

Highways England - They draw attention to circular 02/2013 which deals with the Strategic Road Network and sustainability. They note that J17 of the M4 is already experiencing problems of capacity at peak times with queuing occurring back on to the main line road at times. This is a

severe safety issue and further development at Chippenham will exacerbate this contrary to the advice in Para 9 of circular 02/2013.

Additional modelling work has been undertaken by Highways England to demonstrate the impact of the additional development at Chippenham. The work demonstrates that the junction cannot accommodate growth at Chippenham without mitigation work.

The TA submitted with the application was carried out in 2012 and forms the evidence base for the application. Highways England were consulted on the pre-application and requested that any increases in traffic at J17 were reported within the TA. Concerns about the west bound off slip were already evident at this time.

Highways England do not consider that this application is supported by an up to date an robust TA given that the evidence is over 3 years old and that there have been changes to national, local policy, traffic conditions and local development. It would be expected that revised TA was submitted.

However, they consider the trip generation appears reasonable with trip distribution being based on 2001 Census Journey to Work data and converted to an agreed zone system for testing in Wiltshire Council's Chippenham Transport Model (S-Paramics). Trip generation has been based on the CTM. Highways England do not approve of the use of this model for testing of the impact of this development impact at J17 M4 and no appendices supporting the TA have been made available to Highways England or to the Planning website. It is therefore not possible for Highways England to determine if the trip generation, distribution and assignment results are appropriate. However, were Highways England to assume the TA parameters were accurate, the proposed development would result in an additional 86 two-way vehicle movements at J17 M4 during the morning peak period and an additional 77 additional two-way vehicle movements in the evening peak. This is a significant increase, particularly in the light of the evidence that the junction currently operates at over capacity during network peak periods. Therefore, it is HE's opinion that the traffic flows associated with the proposed development would exacerbate peak hour mainline queuing unless mitigated.

HE have been working in partnership with Wiltshire Council to identify the transport infrastructure required to accommodate planned local growth to the 2026 Local Plan horizon and have agreed in principle hat a modest signalisation scheme for the junction off-slips provides appropriate mitigation.

HE recommends that for any additional sizeable development sites to be granted permission in Chippenham, inclusive of Showell Farm, it would be reasonable to require that developments are not occupied or brought into use until such time as the signalisation scheme described above, is in place and operational.

They recommend a Grampian style condition to achieve this. *No more than 6000sqm gross floor area of the land use class B1(b)/B1(c)/B2 industrial, 930sqm of B8 distribution and 5,100sqm of B8 warehousing (or a variation on these levels of development so as not to exceed 78 two-way vehicle movements in the AM Peak (0800-0900) and 84 two way vehicle movements in the PM peak (1700-1800) based on trip rates set out in the Peter Brett Associates Transport Assessment (December 2012) in table 6.1 (B1(b)/B1(c)/B2), table 6.2 (B8 Distribution) and Table 6.3 (B8 warehousing) shall be occupied until the M4 J17 Improvement scheme as shown on Atkins drawing numbers WHCC_OS-ATK- HGN -T07178- DR- D- 0001 Revision P01.5 dated 14/01/16 and WHCC_OS - ATK - HGN -T07178 - DR - D – 0002 Revision P01.4 dated 14/01/16 is completed and open to traffic.*

Reason: To ensure the safe and effective operation of the strategic road network.

Wiltshire Council Conservation – Originally expressed concerns about the impact on the setting of the listed farm buildings. In relation to the revised parameters plan now submitted that reduces

the heights of the proposed buildings and bund, notes that these amendments address the original objections. The harm caused by these proposals on the setting of the heritage assets would be less than substantial but the public benefits of the development may outweigh the harm caused, therefore the proposed development would be in accordance with policies outlined in the NPPF.

Wiltshire Council Landscape - Originally concluded that he did not raise an 'in principle' objection for the proposed use of the site as employment land but the scale of some of the proposed buildings, promoting B8 warehouse and distribution use, were considered to be detrimental to the identified landscape sensitivities and ultimately the capacity for the site and adjoining landscape to accommodate change sensitively. Following submission of the revised parameters plan, the Councils landscape officer has welcomed the proposed reduction of building heights, especially for the eastern plots, the introduction of building exclusion zones and the increased width of landscaping treatment along the site's eastern boundary.

Wiltshire Council Environmental Health Officer - the lighting report is thorough and aims to achieve a high standard of protection to the surrounding environment, in that it is designed to minimise sky glow, glare and light intrusion. Having said this it is acknowledged that bringing new development into an agricultural landscape will introduce new light sources. The applicant has submitted a higher standard than required in ILP E1 zoning which would be expected in AONBs and National Parks. Whilst targeting this higher standard the cumulative effect is likely to lead to an ILP E2 zoning criteria. This should be conditioned.

There is unlikely to be any contamination on site but a condition requiring a desk top investigation is required. Also conditions about what to do if contamination is found, is required.

The Noise from vehicles information is based on sound methodology and vehicle noise would not be considered to impact unacceptably on the residential properties nearby.

Wiltshire Council Ecologist - An updated ecological survey was submitted which raises no new concerns and the original recommendation for the imposition of various planning conditions remains. Comments that the site is predominantly arable fields of relatively low ecological value. However, these are bounded by a network of predominantly species-rich hedgerows, with the exception of a species poor hedgerow in the north of the site which support several mature standard trees. All hedgerows are ecologically valuable and all qualify as BAP habitat. All species rich hedgerows would be removed by the proposals and all species poor ones retained. As mitigation it is proposed to provide a buffer for retained trees and hedgerows, while the proposed landscaping would comprise mainly native species on the southern and eastern margins of the site and the management, creation and enhancement of hedgerows are proposed in order to improve their ecological value. Other recommendations for habitat creation and enhancement within the ecology report include green roofs, Sustainable Urban Drainage Systems and 'wildlife corridors'.

Protected species :-

- Great Crested Newt – A breeding population is present to the north east of the site although the breeding pond is 400m away. A pond to the north-west could not be surveyed. Proposed mitigation includes retention and enhancement of the hedgerows network and creation of wildlife corridors through the site.
- Dormice – hedgerows provide a suitable habitat but there is no evidence of use. The site will be enhanced by planting of berry bearing shrubs.
- Breeding birds- 29 species were recorded including red and amber listed birds. Mitigation includes removing species rich hedging outside the breeding season and the retention and creation and favourable management of all other hedgerows; the creation of wetland features.
- Wintering birds – 26 species were recorded including 3 amber and 4 red listed species and large flocks of field fare and redwing, predominantly using hedgerow habitats. Proposed mitigation includes the retention, creation and favourable management of hedgerows.

- Reptiles – populations of slow worm and grass snake were recorded on the site. Mitigation includes the creation of new hedgerows with a wildflower grassland margin on either side.
- Invertebrates – Potentially valuable habitats are limited to hedgerows. It is proposed that part of the hedgerow network would be retained and new hedgerow planting would be created/enhanced for invertebrates.

Surveys did not reveal any roosts for bats although some trees have the potential to support roosts as do the nearby Showell Farm and Showell Cottages (not surveyed). Activity surveys recorded 12 species of bat foraging and commuting through hedgerows including the rare Bechenstein and Greater Horseshoe Bats; this is notable given the location of the site and the habitats present and it has been assessed as being of regional significance for this species assemblage. Leisler's bat has also been recorded, which is very rare in Wiltshire.

The current proposals will involve the removal of most of the existing hedge network and this is likely to have an adverse effect upon the bats' use of the site and also make most of the site unsuitable for light sensitive species. It is proposed to mitigate this by the planting of new hedgerows/woodland belts around the southern and eastern margins of the site, which should provide alternative foraging habitats and commuting routes around the site once matured, although routes through the site would be lost for all species except pipistrelle, noctule, serotine and Leisler's bats. The bats are considered to be most likely to enter/leave the site to the east and south. The route to the east would be retained, but the route to the south would be lost as a roundabout has been located on this commuting route. The proposals would have a negative effect upon the gap and light sensitive bats.

Consideration of the Statutory tests in relation to bats concludes that although the development will have negative effects on some species of bats, the effects upon these species at a population level would not be likely to constitute a disturbance under Article 12 of the Habitats Directive and that there would be no likely significant effects upon the Bath and Bradford Bats SAC which might require appropriate assessment under Article 6.

The main impact of the development is clearly the loss of the mature species rich hedgerow network and the effects its loss would have on the species associated with it. The layout removes most of the hedgerows and it may take up to 10 years for the hedges to reach sufficient maturity to support the current assemblages of species. For some the disturbance would be experienced for several generations. It is therefore recommended that the existing mature species-rich hedgerow network be translocated to the margins of the plots. This would significantly reduce the ecological impacts of the development in the short term.

The retained and replacement hedgerows will also require a buffer in order for it to function properly as a wildlife corridor. This is shown in most areas but must be extended across the site. It is recommended that a 5m ecological buffer is established between all hedgerow/woodland areas and all hardstanding/buildings; this ecological buffer should comprise of predominantly wildflower grassland/SUDS features with scattered woody specimens. The site is easily large enough to accommodate these features which can be secured by way of a planning condition.

The success of the mitigation strategy will be reliant upon securing favourable management of the ecological features across the site at an early stage and throughout the life of the development. An ecological Monitoring and Management Plan should set out the parameters for the creation of ecological features to be addressed through reserved matters applications and landscaping schemes, and set out a mitigation and monitoring scheme to be implemented alongside the development, ensuring the effective delivery of the proposed compensation and enhancement measures.

Suggested conditions to relate to:

1. Implementation of all recommendations of the submitted ecological reports.
2. Translocation of the existing species rich hedgerow network to landscaped areas within the site.
3. A 5m ecological buffer between all hedgerow/woodland habitat and hard development.

4. A lighting scheme and lux plan.
5. An ecological monitoring and management plan.

Environment Agency - no objection in principle due to its location in Flood Zone 1. However, due to the scale of the development, failure to maintain surface water drainage schemes could result in flood risk elsewhere. They consider that the management and maintenance of surface water drainage scheme may be more appropriately addressed in a S106 agreement.

Wessex Water – no objection.

Wiltshire County Archaeologist - Recommend that a programme of archaeological works is carried out in advance of construction as investigations in 2004 uncovered the remains of a pre-historic settlement in the northern area of the site. However, not all the redline area has been subject to archaeological investigation.. Conditions are recommended. The development site is likely to contain highly significant archaeological remains. The northern part of the site has had some previous excavation, but not the whole site. A programme of archaeological work will need to be secured by a condition attached prior to the grant of planning permission. Trial trenching etc was undertaken between 1999 – 2005.

Wiltshire Fire and Rescue - Request a contribution of £24k towards their services. However, this is not supported by full policy backing and is not being pursued.

8. Publicity

The application was advertised by site notice and neighbour consultation. Because of the recommendation, the application has been advertised as a Departure.

The key consultees have also been re-consulted and any updated responses reported.

14 letters of objection have been received (including the Showell Protection Group and one from a planning consultant. All letters are available in full on the file and the web) and 1 letter of support. Summary of objectors' key relevant points raised:

- Premature.
- Unsustainable. Poor bus service. Will encourage car journeys.
- Does not comply with NPPF especially sections 2 & 4.
- Undeliverable due to access.
- Undeliverable due to lack of local demand for the unit sizes being promoted.
- Contrary to the Inspector's decision of 14 years ago.
- Coalescence with Lacock.
- Congestion already and the number of roundabouts between here and junction 17 of the M4.
- Effect on landscape quality of the area.
- The Inspector at the EiP was presented with arguments for the spatial allocations to the south west of Chippenham fundamentally undermine the Plan and are in themselves unsound. The proposed development at Showell Farm will not fulfil the strategic objectives of the Core Strategy but will frustrate them.
- The creation of a new employment only zone outside the settlement boundary will create jobs in a remote location causing more out commuting and cause inevitable decline in the town centre due to pressure to develop a new local centre.
- The spatial site allocation is based upon a wholly unsound premise that it is a mixed use site with functional land linkages between the two. The application is premature and should demonstrate genuine mixed use credentials.
- The proposal will inevitably include a B1 element and this will make the sequential assessment near impossible and will lead to a negative impact on the town centre.

- The site is allocated in the Wiltshire and Swindon Minerals Waste Development Framework Proposals Map (2009), which suggests the land is within a mineral safeguarding area.

Objection from representative of other Chippenham Site known as East Chippenham submitted by Chippenham 2020. (The application number is 15/12363/OUT and has been registered but is not yet determined).

In response to the application they have supplied a 60 page letter of objection and evidence from a “Heritage Places” a company specialising in advice for the historic environment. This is available in full on the website. In summary the overall finding is that their critical analysis demonstrates that Wiltshire Council’s strategic policy context for Chippenham, which framed its strategic area and site selection process itself were seriously flawed in terms of consideration into heritage issues. They allege that the conclusions reached by Wiltshire Council and its reasoning for selection of Area E as the first preferred strategic area for development and, with it, option E2 as the preferred site, accordingly, were and are unsound. In particular the policy formulation process and the manner in which it has been applied are in contravention of the duties imposed on the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990. By extension, determination to grant planning permission to any application for development based on the Council’s decision on selection of Area E as its first preferred strategic development area and Option E2 therein must also be unsound.

In respect of this application, the comments can be summarised as follows: The Showell Farm application was developed around a very restricted view of the nature and value of the local historic environment. Its heritage Assessment concluded that only 3 heritage assets – the listed buildings at Showell Farm – needed to be considered. Its archaeological assessment apparently found that the site was without interest, although the County Archaeologist is on record as saying that it contained a pre-historic settlement, is archaeologically sensitive and has significant potential for further discoveries. The critical analysis has shown the applicant’s heritage assessment to be badly flawed in key respects and deficient as regards the requirements of para 128 of the NPPF. The Senior Conservation Officer appears to have responded to the application with a “light touch” making limited (but still important) criticisms of its heritage content/approach and has subsequently accepted further design changes in mitigation of significant harm which leave in place design elements that she specifically identified previously as contributing to that level of harm. No evidence has been found on the Council’s online planning website to indicate that the Council has recognised, explored and/or resolved the serious difference in understanding an interpretation of the baseline archaeological conditions and potential that appears to exist between the County Archaeologist and the applicant’s archaeological assessment. While the Council has contended that it has met its duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay ‘special regard to the desirability of preserving’ the 3 listed buildings of Showell Farm and their settings and significance, the finding of this critical analysis is that this may well not be the case in the respect of other listed buildings and equally that it has failed in its duty to pay ‘special attention..to the desirability of preserving or enhancing the character or appearance’ of Rowden Conservation Area under S72 of the same act.

A further letter of objection was received which criticised the updated Heritage Statement submitted by SLR in February 2016. The criticism was that it had a number of misquotes from letters from Heritage England including the date of the EH response as 29th January 2015 instead of 26th January 2015.

9. Planning Considerations

9.1 Principle of development

In planning policy terms, the application site is located outside of the limits of development for Chippenham. Core Policy 2 states that development outside of the limits of

development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or neighbourhood plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy.

Core Policy 34 does allow for additional employment land to come forward outside the principal settlements where the development seeks to retain or expand businesses currently located within or adjacent to the settlement (criterion i) or are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the Council (criterion iv). As stated above, employment land is needed to provide for existing businesses as well as attracting additional outside investment into the town. The proposal is for a range of employment uses on a greenfield site at the town in an accessible and attractive location for businesses. It is part of a proposed allocation in the Site Allocations DPD, but currently, little weight can be attached to this. In these circumstances, the proposal could be seen as being in conflict with CP2 of the development plan, but an exception can be made where a proposal is in line with CP34.

The WCS identifies Chippenham as a principal settlement which is to be a focus for both housing and employment development and it is clear that most of these needs will have to be met beyond the settlement boundary. Core Policy 10 requires 26.5 hectares of employment and to be delivered at the town by 2026. This need for further employment land to provide for the sustainable growth of the principal settlement, providing jobs for those moving into the new houses in and around the town is a pressing one, as very little new employment land has been delivered since 2006 and the plan period from 2006-2026 is half way through. The town suffers from out-commuting to Swindon, Bath and Bristol, and this can only be tackled if high quality employment land can be provided closer to hand. In these circumstances, it is considered that the need for a principal settlement to provide employment land is a significant material consideration and could be determined as in compliance with Core Policy 10 and Core Policy 34 due to the current shortfall of employment land and the nature of the proposal.

9.2 **Prematurity**

PPG advice on the issue of prematurity is as follows:

“Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” (PPG 21b/14)

Given that the emerging Site Allocations DPD makes several strategic allocations of which the application site forms part of one and the granting consent on the application may pre-empt the Site Allocations Inspector’s consideration of the merits of the site. It “may pre-empt” because even if Members resolved to approve the application, it is not certain that the necessary legal agreements would be signed to enable a permission to issue in advance of receipt of the EiP Inspector’s Report.

There is, however, no rule of law that a development control decision cannot pre-empt a

decision by an Inspector charged with a Local Plan examination. The application is not in conflict with the Site Allocations DPD but rather it is consistent with it. Moreover, as is made clear in the “Planning Balance” section below, the proposals bring forward a much needed large scale employment site befitting of Chippenham as a Principal Settlement, which make the proposal acceptable in its own terms and justify approval of this application now.

9.3 **Access & Highways.**

The proposal is for access from the A350 bypass by way of a new roundabout. The roundabout can be designed to accommodate any future duelling of this road. The layout of the roundabout with the road as it is and the plans supplied are acceptable on highway grounds.

The site lies between the A350 and Patterdown Road and it was expected that access would be off Patterdown Road at a junction which also serves the new housing site. However, the applicants have shown an access from the A350, citing that this is necessary from an economic point of view to attract the “primary” users who are both required to fund the site and also to be the calibre of occupiers that Chippenham needs to compete with other centres. The roundabout will be approximately 400m from the Lackham roundabout.

Core Strategy Policy 62, which continues the tenor of policy T8 of the Wiltshire and Swindon Structure Plan 2016 (originally saved although now revoked), states that: *proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an overriding need can be demonstrated.* In the supporting text the exceptions will only be made where the type of development is such that it requires primary route location, such as a roadside service facility. The roundabout junction is therefore contrary to this policy. However, the advice in the NPPF is that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. As there is no highway safety issue identified, it is considered that reliance on CP62 as a reason for refusal in this case does not satisfy the requirements of the NPPF and cannot be sustained.

In terms of accessibility, the applicants propose to deliver a temporary path alongside Patterdown to link into existing footways and cycles paths to town. Highways agree that the path is deliverable to a satisfactory standard. On this basis they do not object on sustainability grounds subject to a legal obligation about the delivery of this temporary route

Highways England has stated that J17 of the M4 is already exceeding capacity, but have acknowledged that this can be addressed via a condition attached to any approval.

9.4 **Effect on landscape setting of area.**

The landscape officer has given a comprehensive report on the submitted Landscape and Visual Impact Assessment – available in full on the file. There is no in principle objection. The proposed reduction in building heights as shown on the revised Parameters Plan (reduced to a maximum of 12m to the north and 10m to the south) together with in principle reduction in height to the proposed bunding to the south, is welcomed by the landscape officer. The landscaping is indicative at this stage but gives an indication of the native structure planting proposed on a reduced height bund. Ordinarily bunding would not be encouraged, but if carefully contoured, it will help hide the lower sections of the building whilst the landscaping matures.

There is no escape from the fact that the built form will form a new urban edge to the new southern boundary of Chippenham, but these effects can be reduced in part by structure planting and by the use of colour and form of the buildings to help break up and filter views.

The proposed building form will be visible from some far vantage points, but in the context that Chippenham is identified as a principal settlement for growth, it is not considered that this is a significant enough reason to warrant a refusal, especially as any alternative employment site is also likely to have some impact.

The final appearance of buildings can be controlled by means of planning conditions and at the reserved matters stage.

9.5 Effect on listed buildings on site and the Heritage Assets.

Evaluation on the impact of any development on heritage assets is set out in firstly the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and secondly the advice in the National Planning Policy Framework (NPPF), in particular paragraphs 133 and 134.

Section 66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area. In this context 'preserving' means doing no harm.

The policy guidance in paragraph 133 of the NPPF is clear in relation to a development proposal which will lead to *substantial harm* or total loss of significance of a designated heritage asset. In such cases, planning permission should be refused unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the conditions set out in paragraph 133 apply.

Paragraph 134 states that where a proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Following the landmark case of Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust and SSCLG, the key principle of determining applications that have an effect on any heritage asset are more clearly set out.

Paragraph 134 NPPF should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in sections 66(1) and 72(1).

As soon as harm is identified to a listed building or its setting or the character or appearance of a conservation area or an ancient scheduled monument, an express acknowledgment must be made and since this harm attracts considerable importance and weight to the desirability of avoiding it and it gives rise to a strong presumption against the grant of planning permission.

The presumption is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. The degree of harm to the heritage asset is a matter of judgement, e.g., whether it is substantial or less than substantial. If it is the latter, the strength of the presumption is lessened but it does not follow that the 'strong presumption' against grant has been entirely removed. Even if the harm is less than substantial, it must not be overlooked, in the balancing exercise, the overarching statutory duty which 'properly

understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings ...' .

It is not enough to ask whether the benefits outweigh the harm as if the two factors were of equal importance, but whether they do so sufficiently to rebut considerable weight given to harm and the strong presumption against permission. The error made in Barnwell was to treat the less than substantial harm to the listed buildings as a less than substantial objection to the grant of planning permission.

Showell Farm and Oak Lees House are sited to the east and south of the site. Codastones and 3 & 4 are on the opposite side of the road to the east. Oak Lees is not listed but Showell Farm is grade II and within the complex there are other dwellings formed from conversions which are curtilage listed. Unlike the scheme submitted in the 1990s, the site is wholly to the North of Showell Farm. The land in closest proximity is to be developed for smaller starter units of no more than 8.5m in height and there will be significant landscaping in between.

There will be some impact on the setting of the listed buildings and those buildings which are not listed. Unlike the previous application the built form will be to the north of these buildings rather than surrounding it. The proposed mitigation and distance to the nearest buildings shown on the master plan (approx 60m to Oak Lees and 110m to Showell Farm) are considered to be sufficient to ensure that any effect is less than substantially harmful to these heritage assets. Given the reduction in height of the proposed buildings as set out on the revised parameters plan, any harm will be further lessened.

The site lies to the west of Patterdown Road and thus views from this road to Rowden Conservation Area are un-interrupted, other than by existing and proposed vegetation. Views from the A350 to Rowden Conservation area are already almost impossible due to distance and vegetation and at a distance of some 500m. Views out from the conservation area are equally compromised by vegetation and distance and the heights of the buildings have been specifically reduced to lessen their impact. When they are read in the context of the railway embankment behind, they are considered to have minimal impact on the setting of the conservation area and any harm is less than substantial.

Where less than substantial harm is identified, this has to be weighed against the public benefits of the proposal. This matter is returned to in the planning balance, Section 10.

9.6 Ecology

The application was accompanied by a full set of surveys which have been viewed by the Council's ecologist. The application site supports a diverse range of wildlife including some rare bats and the habitats and pathways through the site will be disturbed or removed by the development. Mitigation is proposed in the planting of new hedgerows and managed grassed areas together with ponds.

The impacts would be greatest in the short to medium term, reducing over time provided that the mitigation strategy is secured and implemented, in which case the outcome could be positive for some species, whilst remaining negative for others ((breeding/wintering birds/commuting bats). However, these negative effects would not trigger any statutory reasons for refusal (subject to securing the mitigation measures).

It is considered that conditions can be used to mitigate the main impacts of the development and that it would not be possible to substantiate a reason for refusal on ecological grounds.

9.7 Design, appearance and layout

The application is in outline (with only access to be approved at this stage), but a parameters plans has been submitted with the application which indicates building heights and landscaping. The original heights at 14-17m were considered to be overly large (especially given the overall scale of the buildings) and following negotiations, the applicants have reduced the parameters to 12-15m. The buildings to the south of the site (ie those nearest the open countryside) will be 12m and those nearest the railway 15m. The buildings closest to the residential properties are more akin to starter units and are to be approx 8.5-10m in height.

The design and materials of the units are reserved for later approval, but officers have stressed to the applicants the need to design the buildings to reduce their impact and use materials to soften their appearance.

The indicative masterplan for the site shows the site divided into four plots and the application is for 50,000sqm of floorspace overall. The area to the east is shown as smaller units, although this layout is not up for approval. The other 3 sections show 3 large units with associated car parking and works including indicative planting. There are a number of indicative SUDS ponds within the development.

The key design principles have been cited by the applicant to be to provide large enough plots to meet the likely needs of their target sector; to retain existing key hedgerows; to provide a new access gateway from the A350 with a main access spine; to design a central space that gives a sense of arrival and gives identity; to minimise the impact on Showell Farm; to located service areas away from the service spine road and away from the listed buildings; to ensure the design layout will integrate with the housing layout identified in the strategic allocation; to retain a southern edge through significant planting; to provide trees within the site to create a woodland canopy and to enhance wildlife corridors on the northern and southern boundaries and to retain the L-shaped hedgerow within the site.

The indicative land budget is: net developable area: 12.56 ha; existing and proposed planting/landscape areas 4.29Ha and access and highways areas 1.05ha.

The principles indicated are supported by officers and set the scene for a well designed employment site with sufficient “greening” to mitigate the impact of the large buildings to an acceptable standard. The details submitted with any reserved matters application will ensure that these design ideals will be implemented.

9.8 Amenity of local residents.

The closest units are indicated to be approximately 60m to Oak Lees and 110m to the main house at Showell Farm. A substantial band of landscaping, together with bunding is proposed between the site and these properties (in particular). The noise assessment submitted indicates that vehicle noise will not be an issue and when dealing with the reserved matters (when the actual uses in the units will become apparent) the noise to be generated by the use can be assessed and dealt with appropriately.

The outlook from the rear of these properties will be altered. That said, the finalised design is not available at this stage and the impact on these properties, as well as the wider area will be very much part of that process.

9.9 Other matters.

The Wiltshire and Swindon Minerals Core Strategy 2009 identifies a Mineral Resource Zone Policy MSC1 (Bristol Avon) at Chippenham. However the zone shown on the Key Diagram for the Core Strategy is adjacent to but does not include the Showell Farm site.

Consideration was given to the minerals zone and policy as part of the Core Strategy site selection process for Chippenham, particularly in relation to the South West Chippenham strategic site. The adopted Minerals Planning Policy (MSC6) aims to ensure that wherever practicable developers extract minerals prior to or in phase with non minerals development, in order to ensure workable resources are not needlessly sterilised by development. The developers promoting the South West Chippenham strategic site carried out an assessment and indicated that the minerals in this area are not viable as a going concern, but indicated an opportunity to extract the minerals prior to development (for example as part of flood prevention measures).

When the Core Strategy was submitted in July 2012, the advice to date indicated that the extraction of minerals is likely to be problematic due to a high water table and poor quality of minerals.

One of the objectors has raised additional issues, many of which have been addressed through the EiP process. The comment that there is no demand is refuted via the Workspace Strategy which formed part of the evidence base for the Core Strategy. The application site was identified because of its links to the M4 and lack of major constraints, which would ensure its early delivery.

The objector talks about coalescence with the village of Lacock, but this is some distance away and cannot be seen from any vantage point in the site

10 Conclusion

The site is in conflict with the provisions of the development plan in that it lies outside of the limits of development for the settlement identified in the Core Strategy. However, as described in 9.1 above, further growth is needed outside the limits of development in accordance with Core Policy 10 to accommodate planned growth at the Town. Furthermore, as a Principal Settlement which is identified in the Core Strategy as a focus for employment development, it is important that employment growth be facilitated to provide for sustainable and balanced development. The proposal will make a significant contribution to the requirement for 26.5 hectares of employment land in Chippenham and, in accordance with the NPPF (para 19) significant weight should be placed on the need to support economic growth through the planning system. Furthermore, Core Policy 34 does make provision for additional employment land outside of settlements in appropriate circumstances including where, as in this case, the proposal could be considered to be in the wider strategic interests of Wiltshire.

There are some adverse impacts, principally in relation to the fact that harm is identified to the setting of a few listed buildings. However, that harm is limited, as the listed buildings will remain and the development takes account of the need to mitigate any adverse impacts. The site is well located for employment development, and given the pressing need for such development, it is not considered that the harm to the setting of these buildings amounts to an adverse impact that significantly outweighs the benefits of providing much needed employment land. In NPPF terms, the provision of such land in a timely fashion is a public benefit that outweighs the less than substantial harm to the setting.

The prematurity argument has been addressed in section 9.2 above. The application is not in conflict with the sites allocation DPD, to which only little weight can be attached at this time anyway, but is consistent with it. The benefits of bringing forward this land for employment development now make the proposal acceptable in its own terms.

Other relevant matters have been evaluated, including landscape impact, highways, ecology and impacts on residential amenity. There are no tenable reasons for justifying refusal on these grounds and certainly no reasons that significantly and demonstrably outweigh the benefits of the proposal.

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the highway matters, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission on the grounds that the proposal fails to secure the necessary highway mitigation works required to make the development acceptable.

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

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

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

- (e) The scale of the development;
- (f) The layout of the development;
- (g) The external appearance of the development;
- (h) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 No works for the construction of the roundabout onto the A350 hereby permitted or any part thereof shall commence until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of any of plots 100, 200 or 300, the site for which planning permission consent has been granted under application reference 13/00308/OUT and any subsequent reserved matters application or such other amendment approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the highway function and economic growth.

- 4 The development shall be carried out in accordance with the parameters plan submitted on 26th August 2016 and the written addendum dated 25th February 2013 with a maximum height of 8.5m in plot 300; 12m on plot 400 and 15m on plots 100 and 200.

Reason: To protect the setting of the heritage assets nearby and the landscape character of the area

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

REASON: To enable the recording of any matters of archaeological interest.

- 6 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:
- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
 - b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
 - a) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 7 Prior to the commencement of the development hereby permitted a full lighting scheme for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the countryside and local residents.

- 8 All fixed plant and machinery shall be so sited and designed in order to achieve a rating level of -5dB below the lowest measured background noise level, determined at each of the nearest noise sensitive receptors ie Holywell Guest House, Showell Cottages and Showell Farm.

Reason: To protect residential amenity.

- 9 The parking provision for all individual units on the site shall be in accordance with the requirements of the Wiltshire local Transport plan (LTP3) Car Parking Strategy, with quantum of parking not below the minimum standard for the appropriate planning use class, and areas of parking used for no other purpose.

Reason: To ensure that adequate provision is made for car parking within the site in the interests of highway safety.

- 10 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first use of the approved access. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

- 11 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these details have been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

Reason: In the interests of highway safety and convenience.

- 12 No development shall commence on site until details of the provision for the loading, unloading and parking of goods vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until provision has been made. this space shall be maintained for such purpose at all times thereafter.

Reason: To ensure adequate provision is made for loading/unloading and lorry/van parking within the site in the interests of highway safety.

- 13 The buildings hereby permitted shall not be greater in height than the following parameters: Plot 300 8.5m; plot 400 10m and plots 100 & 200 12m as indicated on drawing DR-411-102 Rev 01.

Reason: To protect the setting of the nearby listed buildings and the open character of the surrounding landscape.

- 14 Prior to the first occupation of any of the development hereby permitted, the cycle/path along Patterdown Road as indicated on the approved plans, shall be provided in accordance with details to have first been submitted to and approved in writing by the local planning authority, unless and until the cycleway/footway linking to the town centre, through the remainder of the South West of Chippenham Strategic Allocation in the Wiltshire Core Strategy, is provided.

Reason: To ensure that sustainable routes to the town centre are provided.

- 15 Prior to submission of a reserved matters application for the site, an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by

the Local Planning Authority. The approved Ecological Monitoring and Management Plan shall include the following elements:

- A framework demonstrating how and where the 'Ecological Management and Enhancement Measures', as set out in Table 4-1 of the submitted 'Ecological Summary Report' (Ref. eg12459TP), shall be implemented across the site
- A scheme for the translocation of the existing species-rich hedgerow (where this cannot be retained) to landscaped areas within the site
- A programme for monitoring the ecological effects of the development

The approved Ecological Monitoring and Management Plan shall set a framework for all reserved matters applications, which shall only be permitted where in accordance with the approved Ecological Monitoring and Management Plan, and will include timescales for implementing the approved measures. The site shall be managed in accordance with the approved Ecological Monitoring and Management Plan in perpetuity unless agreed in writing by the Local Planning Authority, and monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring programme therein.

Reason: To maintain and enhance biodiversity and protected species in accordance with NE10, NE11, NE14 and Circular 06/2005

- 16 Any reserved matter application shall be supported by a lighting plan for that phase of development (including a lux plot). Any approved lighting plan shall demonstrate that light spill will be minimised through sensitive lighting design and timers, and that light levels shall be maintained at current lux levels or below 1 lux in the following parts of the site, as identified in the Ecological Monitoring and Management Plan or through any subsequent ecological survey reports:

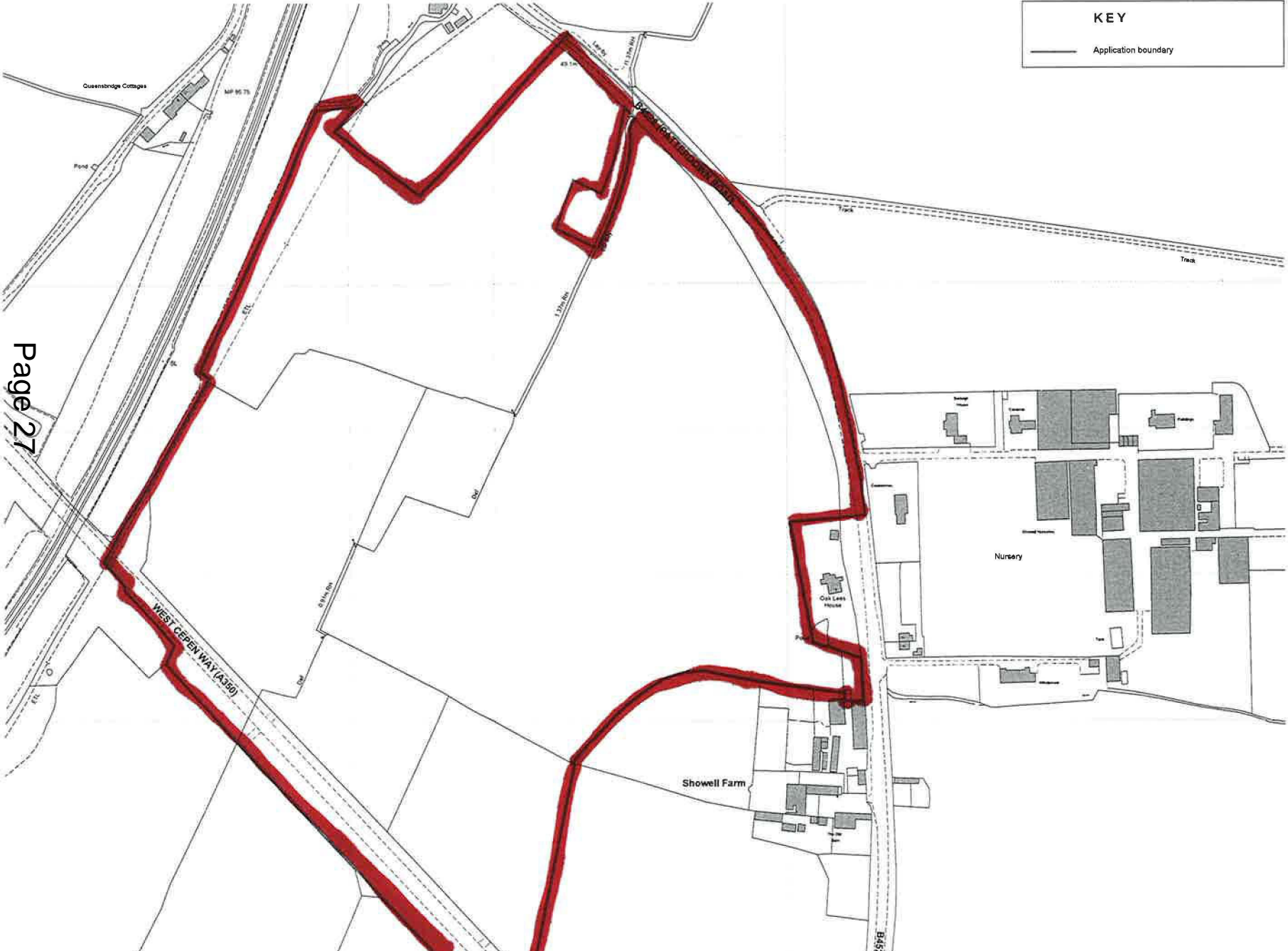
- Confirmed bat roosts / flight lines / foraging areas;
- Bat boxes; and
- Darkened corridors to be maintained through the site.

Lighting levels shall be maintained across the site in accordance with the approved lighting plan(s), unless otherwise agreed in writing with the Local Planning Authority.

Reason: Circular 06/2005 and the Habitats Regulations (2010).

17. No more than 6000sqm gross floor area of the land use class B1(b)/B1(c)/B2 industrial, 930sqm of B8 distribution and 5,100sqm of B8 warehousing (or a variation on these levels of development so as not to exceed 78 two-way vehicle movements in the AM peak (0800-0900) and 84 two way vehicle movements in the PM peak (1700-1800) based on trip rates set out in the Peter Brett Associates Transport Assessment (December 2012) in table 6.1 (B1(b)/B1(c)/B2), table 6.2 (B8 distribution) and table 6.3 (B8 warehousing) shall be occupied until the M4 J17 Improvement scheme as shown on Atkins drawing numbers WHCC_OS-ATK-HGN-T07178-DR-D-001Revision P01.5 dated 14/01/16 and WHCC_OS-ATK-HGN-T07178-DR-D-0002 Revision P01.4 dated 14/01/16 is completed and open to traffic.

Reason: To ensure the safe and effective operation of the strategic road network.



KEY

— Application boundary

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 Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.

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00	Issued for planning	PH	21Nov12	NM
Revision	Description	Date	Drawn	Checked

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Client's Name
 Crest Nicholson

Site Name
 Showell Farm Chippenham

Drawing Title
 Application boundary plan

Scale
 1 : 1250 @ A1, 1 : 2500 @ A3

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WILTSHIRE COUNCIL STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 st September 2016		
Application Number	14/12118/OUT		
Site Address	Rowden Park, Patterdown Road, Chippenham, Wiltshire		
Proposal	Mixed Use Urban Extension Comprising Residential (Class C3), Local Centre (Classes A1-A5) and (Classes D1 and D2), Primary School, Public Open Space Including Riverside Park and Allotments, Landscaping, 4 Vehicular Accesses, Site Roads and Associated Infrastructure.		
Applicant	Crest Nicholson Operations & Redcliffe Homes		
Town/Parish Council	Chippenham /Corsham and Lacock Parishes		
Electoral Division	Chippenham Lowden&Rowden/ Corsham Town/Corsham Without and Box Hill	Unitary Member	Councillor Linda Packard Councillor Whalley Councillor Tonge
Grid Ref			
Type of application	Outline		
Case Officer	Charmian Burkey	01249 706 667	Charmian.burkey @wiltshire.gov.uk

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

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 that authority be delegated to the Head of Development Management to grant planning permission subject to the signing of a S106 agreement within 6 months of Committee and with the conditions listed. In the event that the S106 is not completed within the 6 month timeframe to then delegate authority to the Head of Development Management to determine whether planning permission should be refused on the grounds of not achieving the required infrastructure commitments.

2. Report summary

The main issues in the consideration of this application are as follows:

1. Principle of development
2. Design, layout and landscaping
3. Ecology
4. Impact on landscape and heritage assets
5. Access and highway issues
6. Impact on J17 of M4
7. Flood Risk and drainage
8. Impact upon neighbour amenity

- 9. Impact of Rifle Range and Sewage Works
- 10. Management of Country Park

The application has generated 43 letters of objection and 18 further comments. Chippenham Town Council cautiously welcomes the application; Lacock Parish Council and Corsham Town Council support the application.

3. Site Description

- 3.1 The application site comprises 125 hectares of land on the gently sloping western valley side of the River Avon's meandering corridor south of the built area of Chippenham. The land consists of sloping small to medium sized pastoral fields with some grazing bounded by substantial hedgerows containing numerous trees. There are fragmented blocks of deciduous woodland along some field boundaries, along Pudding Brook and other watercourses that run west to join the River Avon.
- 3.2 Substantial riparian vegetation lines the course of the River Avon along most stretches with Mortimer's Wood's Ancient Woodland on the steeper sloping eastern bank. The heavily vegetated railway embankment and the B4528 road corridor create a strong linear feature along the western boundary of the site. A sewage works is located to the south of Mortimore's Wood east of the River Avon.
- 3.3 The built up area of Chippenham follows the main arteries, ending to the south in Patterdown just south of Rowden Lane. Along the B4528 there are small farms, scattered dwellings and extensive greenhouses at Showell Nursery. There are a number of historic farms that contain listed buildings, such as Showell Farm and Milbourne Farm that are scattered in the local landscape, with Rowden Manor and associated buildings of historic importance.
- 3.4 Chippenham is the main market town within the former North Wiltshire District, with high levels of commercial activity, employment and service provision, as well as good transport links via road and rail. It is identified as a Principal Settlement in the adopted Wiltshire Core Strategy. Chippenham functions in association with the smaller settlements that are located nearby, and is an important urban area that has a sphere of influence that extends beyond the defined boundaries of the town.
- 3.5 Within the development is a finger of land which is currently used by Chippenham Rifle and Pistol Club. The land runs north-west to south east. The Club land is accessed via existing allotments from Patterdown. There are a number of small buildings on the site which is bounded by hedging.
- 3.6 To the west of the development, on the other side of Patterdown Road is the employment site of Showell Farm (a report on which is also contained on this agenda reference number N/13/00308/OUT)

4. Relevant planning history

- 4.1 N/13/00308/OUT – Employment Site. Application reported elsewhere on this agenda.

5. Proposal

- 5.1 Submitted as an outline application, with the exception of access, all matters are reserved for later consideration. The proposal is for a mixed-use sustainable urban extension comprising up to 1,000 dwellings; 1.2ha primary school site (capable of accommodating a 1 form entry school and pre-school); a local centre comprising a retail store of up to 400sqm gross within A1; 4 shops up to 300sqm (Class A1-A5); community uses up to 700sqm (Class D1 & D2) which could include a dentists, doctors' surgery, vets and community building; public open space,

recreational facilities, allotments and Riverside Park; provision of 4 points of access onto Patterdown Road and associated infrastructure including roads, haul road, footpaths, cycleways, balancing ponds, drainage systems, sewage, street lighting and strategic landscaping.

- 5.2 An illustrative masterplan has been submitted so as to demonstrate how the 125 ha site could be developed for residential purposes with the associated buildings and a comprehensive country park. A number of parameters plans have also been submitted, which demonstrate, amongst other things, how the site will be developed in terms of densities and building heights. It will be noted that a sliver of land is omitted from the application site. This land falls outside of the control of the applicants and is land operated by Chippenham Rifle and Pistol Club. This matter is dealt with later in the report.
- 5.3 As a detailed matter for consideration as part of this application, the submission includes detailed access plans. Pedestrian access points are proposed at each section of the site where present Public Rights of Way touch the boundaries.
- 5.4 Vehicular access to the site is to take the form of a primary access roundabout onto the Patterdown Road to the south west of the site (Opposite and creating a link through the employment site N/13/00308/OUT elsewhere on this agenda). There are 3 more access points along the Patterdown Road.
- 5.5 Following further work on the CSAP and the inclusion of 3 additional areas of land immediately abutting the application site, the agents have submitted an ES Addendum to assess the cumulative impact of the larger allocation. Whilst cumulative impact was dealt with in the original ES, the recent proposed modifications to the CSAP make provision for up to 400 additional dwellings on a larger allocation at South West Chippenham
- 5.6 A Design and Access Addendum has also been submitted which notes that the masterplan identified the potential to safeguard a southern link road through the development of the site should such a route be required. The proposals make safeguard provision for a possible future southern link road east-west across the masterplan from the main roundabout access on Patterdown Road. A 10m wide (6m carriageway, 2m verge footway to the south) street will be delivered as part of the proposals. The green corridor to the north of the route allows for further widening to 13.3m (7.3m carriageway and 2 x 2m footways and 2x 0.5m landscape strip) if necessary. Accesses on this east-west route will be minimised by avoiding access to single driveways.

6. Planning Policy

National Planning Policy Framework (NPPF)

- 6.1 The NPPF was introduced in March 2012 as a principal material consideration in the determination of planning applications. It identifies the presumption in favour of sustainable development at para 14 as a 'golden thread' running through plan making and decision taking. Conceptually, the NPPF confirms the following :
 - The need to plan positively,
 - the need for a 5yr supply of housing,
 - the status to be afforded to the development plan,
 - development management issues

Para 17 identifies the core planning principles underpinning the determination of all applications

Wiltshire Core Strategy

- 6.2 The Wiltshire Core Strategy (WCS) was adopted by the Council in January 2015. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Annex 1 of the NPPF, the WCS including those policies of the North Wiltshire Local Plan that continue to be saved in the WCS (Appendix D) constitutes the main part of the statutory development plan relevant to this case.
- 6.3 The WCS introduces a housing requirement for the period to 2026 presented by Housing Market Areas.
- 6.4 Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.
- 6.5 Chippenham is identified within the WCS as a Principal Settlement which acts as a strategically important employment and service centre for a number of villages in the Community Area and settlements beyond. Chippenham is to be a focus for development (Core Policy 1). The 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.
- 6.6 Core Policy 2 sets out the delivery strategy for Wiltshire in the period 2006-2026. At least 42,000 homes are to be delivered in Wiltshire, with 24,740 of those required in the North and West Housing Market Area. This is to be delivered in a sustainable pattern in a way that prioritises the release of employment land and previously developed land. The policy states that outside the limits of development as defined on the Policies Maps development should only be permitted where it is identified through a plan-led approach or relates to circumstances identified at Paragraph 4.25.
- 6.7 Core Policy 10 (CP10) of the WCS identifies the level of housing growth appropriate for Chippenham. The housing requirement for the town is identified as at least 4510 homes supported by 26.5Ha of employment land. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and "at least 2625 dwellings" (once existing completions and commitments have been taken into account). The DPD will also set out a range of facilities and infrastructure necessary to support growth.
- 6.8 Criteria are included in CP10 to guide development, in addition to the other provisions contained in the Core Strategy. The criteria are based on the key issues identified for Chippenham in paragraphs 5.46-5.48 of the WCS. They have been included to give direction to the preparation of the Chippenham Sites DPD. However, the criteria could also provide a useful set of benchmarks against which planning applications may also be measured. The criteria relate to:
- Economic led growth
 - Town centre resilience and accessibility
 - Mixed use development and mix of housing
 - Major infrastructure and traffic impact
 - Environmental constraints
 -
- The context provided through the Core Strategy specifically for Chippenham is that the town should be a focus for growth which will be delivered through planned strategic allocations which deliver the requirements set out in Core Policy 10.
- 6.9 Policies within the WCS that are relevant when considering this planning application include:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)
- CP10 (Spatial Strategy: Chippenham Community Area)
- CP34 (Additional Employment Land)
- CP41 (Sustainable Construction and Low-Carbon Energy)
- CP43 (Providing Affordable Homes)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP52 (Green Infrastructure)
- CP57 (Ensuring High Quality Design and Place Shaping)
- CP58 (Ensuring the Conservation of the Historic Environment)
- CP61 (Transport and new development)
- CP62 (Development impacts on transport network)
- CP63 (Transport strategies)
- CP66 (Strategic transport network)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

6.10 Several policies within the North Wiltshire Local Plan (2011) have been saved and continue to be relevant to this application.

- NE14 – Trees and the Control of New Development
- H4 – Residential Development in the Open Countryside
- CF3 – Provision of Open Space

7.0 Summary of Consultation Responses

Chippenham Town Council : Cautiously welcomes this development and welcomes proactive communication with the developers prior to the submission of a full application. It is also mindful of the housing allocation for Chippenham and awaits confirmation from the Core Strategy and DPD on the final housing numbers for Chippenham.

Lacock Parish Council: No objection. The council recognises the need for new homes however recommends that the council defers making a decision pending the Chippenham Site Allocations DPD being finalised and approved.

Additional issues;

- Proposal for several hundred new homes within the Lacock Parish (Corsham Community Area) would appear to be in conflict with Core Policy 11 Spatial Strategy.
- Concern raised in relation substantial increase in surface water run-off into existing flood plain. Questioned suitability of attenuation ponds proposed.
- Disappointed that footway/cycleway along Patterdown to the Lackham roundabout is not provided.

Corsham Town Council: No objection. Wiltshire Council may like to defer their decision until the Chippenham Site Allocations DPD has been finalised as recommended by Lacock Parish Council

Spatial Plans The comments of Spatial Plans are incorporated throughout the report in terms of policy background, issues to do with prematurity etc. The site is one of the sites being considered through the CSAP/DPD process.

Wiltshire Council Landscape Officer The Landscape officer provided comprehensive comments on the initial submission, which are available in full and on line, but the salient points are:

Recommendation

No landscape or visual reasons highlighted as a reason to object. Support subject to use of satisfactory planning conditions and legal agreement to control detailed landscaping matters.

Summary

The Wiltshire Core Strategy – Core Policy 1: Settlement Strategy, identifies Chippenham as a ‘Principal Settlement’ in the hierarchy of Wiltshire settlements. Principal Settlements are identified to deliver a greater proportion of Wiltshire’s overall housing and employment land. It is accepted that this amount of growth can’t be delivered through re-development of large brown field sites in Chippenham, as there aren’t any. Therefore green field sites will be necessary to allocate for development in order to deliver this new strategic growth for the town.

All new development has the potential to result in landscape and visual change effects. So it should not be unexpected that this proposed large scale urban extension on green field land will result in some adverse (harmful) changes to the landscape as a resource, and also result in some adverse visual effects for people (visual receptors) viewing this proposed new development.

The landscape character assessments (Forming part of this Council’s policy evidence base) identify that large scale urban development connected with the future expansion of Chippenham is a specific issue which needs to be planned carefully in order to minimise harmful urbanising effects to landscape character and amenity. The ‘Chippenham Landscape Setting Assessment’ (TEP report) identifies that the future expansion of Chippenham needs to pay particular regard to the separate identity and character of its outlying rural settlements and built heritage assets which are important characteristic features of the wider landscape character.

A Landscape and Visual Impact Assessment (LVIA) was submitted with this application. The LVIA has identified a number of harmful landscape and visual effects, some of which have been assessed as likely to generate ‘**significant**’ and ‘**moderately significant**’ effects. The assessment identifies that the proposed development will generate a **moderately significant adverse** effect in relation to the proposed housing areas to the local landscape character of the site and its surrounding area, due to the scale of the proposals and the complete change of land use. In my opinion the resulting effects on ‘*local landscape character of the site and surrounding area*’ will represent a **significant adverse** effect resulting from the permanent change of existing rural farmland pasture with permanent new urban mixed use development.

I note that a **moderately significant beneficial** effect has been assessed for the local landscape character of the site and surrounding area in relation to the riverside park land. The reason given is that The Riverside Park landscape character will not be fundamentally changed, with existing features such as hedgerows and woodland fragments strengthened. In my opinion the future character of the Riverside Park land could **significantly** change (adversely or beneficially) if or when the existing agricultural hay cropping or grazing management is discontinued. The likely resulting change effects will be directly linked to the intended future use/s and management of this land which is currently uncertain. To this end I recommend that a Landscape Management Plan will be necessary to secure for this proposed Riverside Park land. This Management Plan should clearly define the envisaged use and function of all land, and outline management aims and objectives. My concern is that the agricultural pastoral character of this land, or large parts of it, may significantly change either through neglect or through changed management and maintenance regimes. I suggest that the management and maintenance of this park land needs some further resolution and refinement, focused on future economic viability (i.e. ongoing maintenance arrangements in perpetuity), its value and function to local landscape character and the local community before it can be considered as a sustainable future land use.

While this application must be considered on its own merit, a number of other large outline planning applications for mixed use urban development schemes have also been made to the Local Planning

Authority, all of which are located outside the towns existing defined limits of development, and all of which will result in some adverse landscape and visual change effects. All of these application sites are included as 'Strategic Site Areas' which have been assessed within the 'Chippenham Landscape Setting Assessment', prepared by TEP (2014). This report forms part of the council's wider evidence base underpinning the emerging 'Chippenham Site Allocations Plan'. 'Strategic Area E' (this site) is being promoted as one of the Council's preferred allocation sites for strategic settlement growth at Chippenham.

The application site is located within 'Strategic Area E'. Given the identified landscape sensitivities and qualities to be safeguarded, the TEP landscape assessment ascribes the area forming the setting to the listed Rowden Manor and the flood zone associated with the River Avon with a **low** development capacity, whereas the western part of 'Area E' has been ascribed a **moderate-high** development capacity. This farmland currently serves a landscape function as physical separation between Pewsham and the Rowden Hill area. The landscape is also important in defining the rural approach into the town along the B4528/B4643. The application site is not generally visually prominent from the wider landscape. Some areas of land within Area E will be visible for some receptors, such as those elevated receptors from Pewsham (Englands) and from short lengths of the A4 (Pewsham Way). The greatest visual change effects will be for those receptors using the B4528/B4643 (Patterdown Road) and from properties with slightly elevated views over the development site, and also views experienced from Public Rights of Way crossing or in close proximity to the proposed urban development areas. Properties and public vantage points along the elevated limestone ridge to the east will also experience a change effect in views, one of increased urban influence and development in the context of a small part of a much wider panoramic view of the town and as a filtered long distance view against an existing urban backdrop baseline (viewed from elevated receptors from the east) it should also be noted that the landscape baseline situation from which to assess change effects should allow for the employment allocation at Showell Farm and also the mainline railway electrification project which will introduce overhead gantries and power lines, and likely require the removal of a large amount of existing vegetation from the embankment.

There can be no doubt that the development proposal will result in the permanent loss of agricultural grazing / hay cropping farm land which results in the narrowing of the existing green wedge of countryside separating Pewsham from the Patterdown area, replacing farmland with new large scale urban development. The development will also urbanise a section of the south eastern B4258 / B4643 (Lackham College /A350 roundabout) road approach, which will be most visible as a change effect for road users travelling between Patterdown and Showell Farm Nursery and for residential properties along this same stretch of Patterdown Road.

The proposed housing development areas do not breach the Rowden Conservation Area boundary, and based on the location and scale of the new housing being promoted within this site, I don't judge that the illustrative urban /rural housing area transitions adjoining the southern and western conservation area boundary will generate severe or significant adverse landscape or visual effects or impacts likely to generate harm to the setting of Rowden Conservation Area (please note my comments in this regard are not offered or intended as commentary on heritage designations, but as landscape and visual impact observations). Advice and comment on heritage matters will be provided by my colleague Caroline Ridgwell.

I consider the application is able to demonstrate that the housing proposals will not harm the character of the River Avon corridor or tributary watercourses. That important landscape features are capable of being conserved and enhanced along these watercourses. I must highlight again, (further to my pre-application comments during early meetings) that due to the sheer size of the proposed riverside park land and its intended detachment from Milbourne Farmstead, I raise some concerns over the uncertainty of the future use and character of this land, as there is a risk that the existing pastoral farmland character may be permanently changed to something else, either through neglect or deliberate changes to existing management regimes. The resulting change effects may result in positive, neutral or beneficial landscape effects, which also have the potential to be cumulative in nature and effect, assessed in combination with Rawlings Green and East Chippenham sites, where further large areas of existing riverside pasture within this same local landscape character area are also proposed as new areas of public riverside parkland).

The development parameter plans and the illustrative masterplan demonstrate that existing hedgerows, trees and woodland are capable of retention and successful integration within illustrative development layouts. In my opinion the current illustrative material demonstrates a well considered and measured design approach to achieving sensitive transitions between new urban areas and existing countryside. The illustrative proposal also demonstrates protection and enhancement of green infrastructure routes and connections, through and adjoining the site along with sustainable drainage principles and systems.

It is considered that while the scheme might benefit from some further landscape planting in the southern housing areas, and possibly to the east of the Patterdown Valley housing character area, that these issues are relatively minor in nature, and could be satisfactorily addressed as part of detailed landscaping matters.

The LVIA identifies that resulting effects of new development can be mitigated to some extent through; the sensitive siting of residential areas, being sympathetic to the existing topography and landscape character and urban grain, by using a landscape led masterplan with strong structure planting throughout development and boundary planting along edges, through the creation of a Riverside Park, additional planting and improved pedestrian and cycle access across the site, enhancement of existing hedgerows and strengthening of field patterns, enhancement of riparian corridor with areas of wet meadow and new woodland planting linking existing fragmented blocks and historic landscape / heritage interpretation.

I note that the housing areas have been separated into phased development areas, I find no indication of when new planting or rights of way enhancement will be delivered or phased in the riverside park areas. The arrangements and trigger points for the delivery of mitigating structural landscape planting, green infrastructure enhancements and rights of way improvements within the riverside park land needs to be agreed alongside phased housing delivery, and secured by planning condition or legal agreement.

I have visited the site, including the surrounding area to assess the potential effects on landscape character and visual amenity, and to review the findings of the Landscape and Visual Chapter of the Environmental Statement (ES) submitted with this application.

The proposed application site comprises a number of small and medium sized agricultural fields which are all currently laid to grass. These fields are typically enclosed by intact mature hedgerows and a number of mature hedgerow trees along with some linear blocks of woodland. The fields to the northern end of Conservation Area and site are more open and exposed to the visual town context due to a weaker enclosing landscape structure, in combination with the elevated topography and elevated urban vantage points over this land. Adjoining elevated urban areas at Rowden and the elevated wooded Great Western Railway embankment define and provide a visual barrier to the north and west of Chippenham. Field boundaries fronting the Patterdown Road, which denote the development site's western boundary, comprise a mix of surviving lengths of native hedgerow, some tall which block onward views, and some maintained lower allowing views over the site towards the elevated limestone ridge located to the east. There are also lengths of domestic boundaries associated with dispersed residential development and conversions, and some lengths of timber highway fencing. Natural stone walls are also evident along sections of Patterdown Road. Small River Avon tributary watercourses (Pudding Brook, Milbourne Brook, Holywell Brook) cross the site in a west to east direction. The Chippenham Rifle Club outdoor shooting range and an allotment area, are located within a linear strip of land (excluded from the surrounding development site) adjoining the southern side of Pudding Brook. The eastern boundary of the application site is delineated by the meandering River Avon and its associated riparian vegetation.

The majority of the proposed (housing) development site occupies the flatter and more gently sloping pastoral land located to the south (around Milbourne Farm and to the north of Showell Farm) which falls gently east towards the river. Further north the southern slope of Rowden Hill denotes the limit of housing proposals. This south facing land is higher in elevation and overlooks the well vegetated Pudding Brook. This higher landform extends north towards the hospital and provides opportunities for

elevated views from its east facing slope (proposed park area) towards Pewsham, overlooking the River corridor, Rowden Conservation Area and the well wooded Rowden Manor site. The existing residential development and the hospital site forming the western edge of the Conservation Area are visually exposed from eastern receptors and these slopes also enable some north-eastern views of the town and the A4 relief road from the Conservation Area. This harsh urban edge would benefit from some additional tree planting as enhancement within the Conservation Area at higher elevation, to help soften this existing urban edge.

Views from the north towards the site (proposed housing areas) from Pewsham (England), Avenue La Fleche/Pewsham Way (A4), and from CHIP19 an elevated footpath running around the south western edge of Pewsham estate, and also from lower riverside receptors will be restricted to occasional glimpsed views, largely screened by existing intervening layers of filtering riparian and field pattern vegetation. Where glimpsed views of new urban development may be possible, views will be fragmented and viewed in the context of a strong wooded landscape provided by the retained and supplemented green infrastructure network and structured landscaping within and adjoining proposed housing areas. The application site is completely screened from all western medium and longer distance receptors by the topography of the well vegetated Great Western Railway embankment. The site is visually prominent for close receptors bordering the west of the site such as Patterdown Road users and from a few dispersed properties along this road. The site is also obviously more visually prominent from the existing Public Rights of Way which pass through or adjacent to the proposed development site. Elevated longer distant visual receptors located to the east and south from the elevated limestone ridge will experience some change effects, however I consider that due to their elevated nature and the presence of intervening filtering vegetation, and the nature of potential views which form a smaller part of a much wider panorama that also currently includes the wider urban backdrop of the town (from these elevated vantage points), that changes resulting from development would not give rise to particularly severe adverse visual effects. The LVIA clearly establishes that there is no potential for inter-visibility with the settlement of Lacock further to the south-east.

The existing footpath network will be affected in the following ways; CHIP5 a short Bridleway sharing the route of the vehicular access track to Rowden Manor from the end of Rowden Lane, and CHIP1 which links CHIP5 north towards the waterworks and the Avenue La Fleche are unlikely to experience any views of housing areas due to intervening topography and field boundary vegetation.

The following existing relatively short linking sections of footpath will be completely absorbed into the proposed urban development areas; CHIP6 running along the top of the slope on the north side of Pudding Brook (VP2); CORM94 which provides a short link between Patterdown Road through the rifle range and up the slope to join with CHIP6; and CORM90 which passes through Milbourne Farm providing a link from Patterdown Road to the rural PRow network further east.

Further east, offset from the meandering course of the river, footpath LAC039 extends from Puckling Grove, close to Lackham College in the south to join footpath LAC09, towards Rowden Manor and onward links to CHIP5 & CHIP1 at the far north of the site. Views from the lower flood zone footpaths (LAC09 & LAC039) are likely to experience some limited and glimpsed views of the upper edges of new housing areas, through and over existing gaps in tributary riparian, and field boundary vegetation. However most potential views will be filtered and screened by existing and proposed intervening vegetation in the longer term. A very short section of footpaths LAC09 and LAC039 (close to Lackham College) are elevated, but drop with contour quite quickly down to the lower vale floor level. From these short elevated sections of path, receptors travelling north are likely to experience medium distance views of narrow and broken horizontal bands of new urban development (roofs) to the east and north of Showell Nursery, including the south facing Pudding Brook upper Valley housing area. A short east to west footpath (LAC016) joins CORM90 at Milbourne Farm (west) to LAC09 in the east. Views from LAC016 will experience an increased urban context especially travelling west, views to the south of proposed southern most housing areas are likely to be screened by some significant green infrastructure and woodland planting.

In my opinion the southern boundary of the southern housing area could and should be strengthened further with some additional linear woodland planting. I also observe that the housing density of the southern 'Woodland character housing area' appears to be quite high as currently illustrated. This

seems to contradict the lower density vision for this area outlined in the Design and Access Statement. I suggest the proposed Bat corridors through this southern housing area could be widened by additional woodland planting, which would help break up urban mass and further add to the sense of place and strengthen green infrastructure links.

The introduction of lighting within this rural area generated by new housing, street lighting and additional highway junction lighting will result in a notable night time change effect within this existing dark area of farmland. However, the existing urban influences of the A350 / Patterdown Road junction and lighting, overhead electricity lines suspended from large pylons, the elevated railway embankment (soon to be electrified by overhead electricity lines suspended from gantries) contribute urbanising influences on the local character and viewpoints further south and east of the site.

Conclusion

This site, Area E, is one of the Council's preferred site Allocations within the emerging Chippenham Site Allocations Plan - Development Plan Document.

I highlight the obvious and significantly adverse landscape effects likely to result from this development as the loss of a large area of greenfield farmland (the proposed housing areas) as a landscape resource, to be permanently replaced by new urban development. The adjoining section of Patterdown Road will also become permanently urban in character.

Major and moderate Adverse visual change effects resulting from this development will include the change of existing rural views across the site towards the limestone ridge, to views through and over urban development in the foreground for the short sections of existing rural footpaths incorporated into or adjacent to the proposed new urban housing areas, and also for Patterdown Road users and the few residents, along the length of Patterdown Road sharing a boundary with the application site.

The current outline illustrative proposal demonstrates that sensitive design, landscape mitigation and enhancement of green infrastructure and landscape character could be appropriately incorporated into a development at this site. I find the illustrative proposal to demonstrate that urban development will not compromise the existing character or landscape value of the conservation area. There is an opportunity to soften an existing harsh urban edge to the north of the Conservation Area through the introduction of tree planting in groups at the higher contour elevation to break up the existing urban edge.

Within the riverside park areas there is potential for a change of character to result from the existing pastoral farmland character to something else if or when the existing grazing and hay cropping of land associated with Milbourne Farm ceases or changes. If the LPA is minded to grant outline planning consent for this development, I highlight that until a Management Plan is submitted to the LPA for the proposed 'Riverside Park' land, the resulting landscape effects of taking this large area of land out of agricultural use remains uncertain. I suggest there is also a degree of uncertainty about the long-term economic viability of maintaining such a large area of open space in perpetuity. The use of a suitably worded planning condition, or inclusion within a s.106 legal agreement may be considered to be an appropriate way to address these issues.

Suggested Conditions

1. Standard pre-commencement condition requiring the submission of detailed hard and soft landscaping scheme for the written approval of the LPA.
2. Standard condition requiring the implementation of the approved hard and soft landscaping, within an agreed programme, or phased programme of delivery. Include standard annual plant replacement clause for dead, dying or missing plants to cover the first 5 years following implementation of planting. (Advanced structure planting within the Riverside Park land would be welcomed alongside the first phase of housing delivery).
3. Condition requiring the submission of a 'Riverside Park Management Plan' for the written approval of the LPA. The Management Plan shall set out a clear vision for how the Riverside

Park land holding will be used by people and community groups, and how the land (individual fields / land parcels) will be managed in perpetuity by the designated management body. The Management Plan shall clearly define and prescribe how management objectives and maintenance operations will protect and enhance the existing heritage, ecology and landscape value and character of the site, within the context of wider green infrastructure links and functions of this land.

An ES Addendum was submitted in July 2016, which includes (in Section 4 Landscape and Visual Issues) further consideration of the potential for 'cumulative landscape and visual impacts' to arise from the proposed development in combination with the 3 additional adjacent smaller sites, which have been allocated in the Council's 'draft Chippenham Site Allocations Plan' (updated 10th May 2016). No particular landscape or visual concerns are raised in relation to the potential for harmful cumulative effects to arise from this (14/12118/OUT) development, in combination with these 3 additional sites.

He considers that the ES landscape tables 'L3-Landscape Baseline and Sensitivity' & 'L4-Landscape Change and Magnitude and Significance', also included within Section 4 to satisfactorily address the issues he has previously raised in his landscape consultation response relating to the potential uncertainty of change effects to local landscape character, specifically farmland pasture, likely to result from the proposed change from farmland pasture to Riverside/Country Park land as part of the application. These updated LVIA 'Landscape Tables' now provide a direct link to envisaged future uses and overall management objectives and regimes for this land which include direct references to the 'Landscape and Ecology Management Strategy- Revision B (Plan M1) December 2014 and direct references to appropriate paragraphs within the Landscape and Ecological Management Plan (LEMP). He raises no further concerns in this regard and believes that the revised ES information demonstrates that the proposed development could retain and enhance the local landscape character with identified mitigation measures implemented. For clarification, this mitigation principally consists of the requirement for the appropriate future management of park land to retain hay meadows and other characteristic grassland pasture, within strengthened framework of biodiversity and habitat enhancement.

Wiltshire Council Urban Design The application is supported overall in relation to Wiltshire Core Strategy Core Policy 57 'Ensuring high quality design and place shaping' (CP57), Building for Life 12 (Third Edition) (BfL12). The design content conveyed by the illustrative masterplan, together with the Design and Access Statement (Version 1.5 Nov14) and Parameter Plan Fig 1.3 to 1.8 inclusive supporting and explaining this masterplan would in principle accord with the requirements of the Core Policy 57. It should be a condition for this masterplan layout, the design intent and design principles conveyed in the above supporting information shall be carried through with any subsequent reserved matters application. Full comments are available on line, which also deal with some important matters of detail for consideration at any subsequent reserved matters application stage.

Wiltshire Council Conservation Initial concerns were raised with aspects of the original plans in relation to the impact to the conservation area. Amendments have been made to address these concerns and no objection is raised.

Original Comments –

- Care should be taken to maintain the agricultural/pastoral character within the conservation area itself. Detailed design and materials, pathways etc should maintain a more rustic/rural feel.
- Development abutting the conservation area on its western edge should allow for green space/planting between the buildings and the conservation area edge to a greater extent. The impact of a row of buildings with little or no screening, as shown in the top diagram on page 47, would I think have an adverse effect on the character and appearance of the conservation area.
- Particular concern with regard to the impact on the conservation area is the development in Great Coppice, which is the northern-most section on the western edge. The eastern-most section of this land rises up not just from the Pudding Brook to the south, (as shown on

p.45) but also from the east (p.25). It is considered that the houses on the eastern-most section of Great Coppice, (shown as part three and part two-storey) should be two-storey only and should follow the contour lines around the curve of the slope (P.25) rather than introducing artificial terracing on a north-east to south-west line as shown. This would soften the junction with the conservation area and, with the aid of planting, look more natural in the wider landscape.

Further comments following revised plans -

- Amendments accord with discussions of meetings and address former objections. The harm caused by these proposals on the setting of the heritage assets would be less than substantial but the public benefits of the development may outweigh the harm caused, therefore the proposed development would be in accordance with policies outlined in the NPPF.

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Further comments were received on 4th March 2016.

These further comments are in addition to those previously supplied on Jan 21st 2015.

Rowden Park area is located to the south of Chippenham between the hospital (formerly the workhouse) and the road leading towards Showell Farm, Lackham and Lacock (A350). The land slopes down from the hospital and levels off to give a series of open fields bounded by hedgerows. There are a number of farms and buildings located in the area, some are listed, one is scheduled, some are undesignated heritage assets and others are modern. Currently, the central area between Chippenham, Showell Farm and Lackham is a conservation area and the only buildings in that area are Rowden Farmhouse (grade II*), the grade II listed stable and barns at Rowden Farm, and the Scheduled moated site with fishponds at Rowden Farmhouse. Chippenham town more or less ended at the hospital until after WW2. Prior to that, the Rowden to Patterdown area and along to Showell Farm and Lackham was largely undeveloped with just a few detached buildings dotted across the landscape.

The Rowden Conservation Area was originally designated in 1989 and included the land immediately around Rowden Manor. In 1996 the conservation area was enlarged to include a wider area around the manor, as this better reflected the historical ownership of land by the manor and controlled the topographical and visual enclosure of manor lands around the house and to the river valley.

The outline proposals are to build up to 1000 houses infilling the area between the A350 and edge of the conservation area, starting from just next to the current development at Rowden Lane and extending as far as the nursery opposite Showell Farm. In addition, paths will be created in the conservation area on the land currently used for pasture and haymaking. The proposal is to create a Country Park, although it is not entirely clear what the use of the land will be. The scale and density of this development would considerably alter the character of the area and setting of the heritage assets. As the small quantity of buildings in this area currently are mainly farms and cottages and mostly two to two and a half storeys high, enveloping them in urban development will harm their setting by removing the land that they were built to be associated with. The proposals would also affect views to and from the heritage assets, which are currently across fields and hedgerows but will be obscured by new buildings or at best seen in a sea of masonry rather than vegetation. The proposals would harm the setting of the heritage assets, albeit less than substantial harm. The addition of such a large quantity of housing may have a public benefit in the form of providing additional opportunities for house ownership. Whether the loss of the green space and rapid bloating of Chippenham town is a public benefit will be a decision for the planning officer.

To that end, the officer's attention should be drawn to paragraphs 17(10), 131, 132, 134 and 137 of the NPPF. The emphasis is on new development affecting the setting of heritage assets to enhance or better reveal their significance (para 137). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural

or historic interest which it possesses. Furthermore, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The indicative layout of the proposed development appears not to comply with the NPPF or the Act on this point and it is suggested that the layouts and densities are reviewed in order to create more views to and from the heritage assets and soften the approach to any new development.

On the ES Addendum, the conservation officer writes that she welcomes the reduction in density near the conservation edge, as well as the attempt to open up views through the development to and from the parkland. My concern with the suggested maximum building heights of between 10m and 11.7m remains. I realise that this is an outline application and the submitted images are illustrative only, but I feel that part of a garden village design is not just space between buildings but also that the new buildings provide a positive additional dimension to the area. By using pastiche designs that could be anywhere in the country, the pitched roofs, often with gable dormers in them, necessitate greater overall heights without pin-pointing vernacular details specific to North Wiltshire. It may be worth considering more contemporary building design that uses colours and materials found in the area but incorporates a flat/grass roof or roof garden to keep the heights down.

In summary the density is supported, but it is requested that the building heights are reduced in order to lessen the harm caused to the setting of the heritage assets.

English Heritage/ Historic England - were initially concerned that the current scheme did not fully comply with the NPPF and would wish to see more work undertaken to ensure that the whole development is successfully integrated into the landscape in order to protect the setting of the Rowden Park Conservation Area at this strategically important entrance way into Chippenham.

Commented that more efforts should be made to protect the setting of the CA by introducing more planting where appropriate and where this is not suitable allowing a larger buffer of land between the development and the CA. This should be addressed and the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Subsequently, further information has been supplied by the applicants and Historic England has commented again as follows:

- In addition to their previous comments they note that in order that these works adhere to the requirements of The Act, section 72 they suggest that alterations to the scheme are required, as in its current form the current scheme fails to preserve or enhance the conservation area.
- The NPPF para 137 requires *LPA's should look at opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significance.* Due to the irreplaceable nature of the rural backdrop to the Conservation Area *'any harm or loss should require clear and convincing justification'* as specified in para 132. In addition para 138 states that *"Loss of a building (or other element) which makes apposite contribution to the significance of the Conservation Area...should be treated either as substantial harm under para 133 or less than substantial harm under para 134.* " Para 134 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal , including securing its optimum viable use.*
- They are pleased the assessment they requested has been undertaken focussing on Chippenham and its attributes. However, they cannot concur with the report's findings. In particular they believe that the area of open rural fields is a significant characteristic of the southern aspect of the conservation area, which also extends around the south western and part of the western side of the conservation area boundary. This rural quality is important and positive element of the conservation area's character and contributes towards the way it is experienced in this location. Furthermore, the report recognises that the construction of

housing along the western and south-western margin of the Conservation Area will have a “*significant indirect effect*” on it. However, we disagree with the concluding remark that the development along the western margin will result in a ‘*neutral significance of effect*’. In their view, the proposal will have a marked impact on this aspect of the conservation area’s character and immediate setting and the application should therefore be judged against para 134 of the NPPF.

- It is also disappointing that the applicants do not consider it necessary to revisit their original masterplan despite the point raised in para 2.6.5 of the report that the construction of residential housing ‘*would change the existing predominantly rural character*’. As they have already stated they consider this to be a fundamental component of the Conservation Area’s context and would have expected more consideration of the mitigation measures and landscaping to be reviewed. The tranquillity and sense of spatial distance from the development that is currently experienced within the conservation area will be harmed by the presence of this development in close proximity to its boundary. As a result they suggest that the layouts, densities and landscaping are reviewed in order to reduce the impact of this development on the conservation area and its immediate environment.
- They have been copied into the report by Stephen Bond and are mindful of the concerns raised, but consider that the determination of the application ensuring S66 and S72 of The Act are met, is a matter for the Local Planning Authority to determine.

Following the submission of the ES Addendum, Historic England maintains their concerns as set out above.

Wiltshire Council Drainage: Support subject to Condition relating to:

- Relevant infiltration tests carried out in accordance with BRE Digest 365
- Justification or further measures to support results flood risk calculations in given in FRA
- Further consultation with Wessex Water and the Environment Agency relating to foul and surface water discharges
- Separate application for land drainage consent if necessary

Wiltshire Council Leisure and Sports Provision: Requested a contribution of £823,304 based on 1000 dwellings.

Halls	£437,043
Indoor Bowls	£45,343
Artificial Turf Pitches	£50,818
Total	£533,204

It is proposed that the contribution is used on the following projects:

- The provision of a new/upgraded multipurpose hall and changing to lessen the demand on the existing sports hall.
- Upgrading of the existing MUGA to Artificial Turf Pitch standard.

In line with the Open Spaces and Playing Pitch contributions requested from colleagues in the s106 Team, Wiltshire Council has accepted the playing pitch in the development however as the playing pitch does not have changing accommodation linked to it (which is the requirement), it will not be able to be used in a formal sense by sports clubs and therefore is of limited sports value. In light of this Wiltshire Council requires a contribution equal to the level of the changing room building cost. Wiltshire Council calculates this contribution by referring to Facility Costs provided by Sport England (latest 2014) which indicates the following:

2 Team Changing Room plus Officials (75m2 Traditional construction)	£260,100
We further expect a 20 bay car park and estimate that to be	£30,000

Sports England: Objects to current proposal on the basis that the proposed on-site provision does not bring any benefit to any formal sport. It is not marked out with pitches and is not served by adequate facilities. The on-site provision proposed at this stage is not fit for purpose. Additional comments were provided from the National Governing Bodies for Sport to be used to inform the off-site contribution and on-site provision.

Wiltshire Council Education: Based on 910 qualifying properties generating a need for 282 primary and 200 secondary school places.

- The primary pupil product of this application is sufficient to require a new 1.5% FE size primary school – both site and appropriate financial contributions.
- In addition to this, we also require a full financial contribution towards the cost of the 282 places needed. The current (2054/16) capital cost multiplier is £16,979 per place.
- Secondary - the three Chippenham secondaries operate a shared town catchment area. Hardenhuish and Sheldon are both consistently full and over-subscribed, whilst Abbeyfield does have 176 spare places at current peak forecast, against an 11 -16 capacity in permanent accommodation of 900 places. However, all these available places are taken up by the combined pupil product of other developments already applied for/approved in this area, and so a shortfall already exists e.g. the Birds Marsh Wood and Hunters Moon applications registered ahead of Rowden Park, are being required to contribute towards the funding of the deficit in places which has already been created, and create a need for a total of 233. So Abbeyfield School is also effectively full, and any developments coming forward in the Chippenham secondary area are required to contribute towards an expansion of provision proportionate to the number of places that they require.
- The current (2014/15) capital cost multiplier for secondary places is £19,084 per place.
- Our S106 Methodology also contains a requirement for developers to make contributions towards the provision of Early Years places where appropriate.

This assessment is specific to the site location, housing number and mix supplied, and any changes to any of these would necessitate a new assessment. For example, this will be relevant if a figure other than 30% affordable housing is eventually approved. Assessments use the pupil data, forecasts, capacities and details of other known housing in a designated area as at the time they are made, so were an application to be revised/replaced, this could affect the outcome of our assessment at the later time. The date of registration of a planning application establishes its priority or otherwise for any spare places available at a school, which are allocated on a “first come, first served” basis.

Wiltshire County Archaeology: Support subject to Condition

Agree with the conclusions of the Environmental Statement that mitigation is required across the site in the form of excavation. No archaeological features were found in fields 4, 6, 7 and 8 and so no further work is required in these areas. Excavation is still required in Fields 1-11 and in all of the proposed pond basins and flood compensation areas. A detailed archaeological mitigation strategy is now required for these areas.

Wiltshire County Ecologist –no objections subject to conditions. See section on ecology for full details. Following the submission of the ES Addendum in July 2016, no further comments are submitted.

Wiltshire Council Environment Services - Public Open Space: No Objection subject to the following:

In order to make it acceptable in planning terms, the proposed development has a Public Open Space requirement of 42,300m², of which 7050m² should be play provision.

- 14.5Ha of Open Space will be provided on site. In accordance with the current Local Plan there would be sufficient Open Space provided as part of this development.
- In accordance with the Local Plan, 7050m² of Play provision should be provided. The locations of the play areas are not clear on the master plan; a clearer plan showing the play area locations is requested.

The developer must ensure the Open Space land is secured as Open Space in perpetuity. The Councils preferred approach would be for the Open Space to be transferred to a management company, or for the Parish Council to adopt the land (if they so wish). ADM...Please see section 17 of report.

Wiltshire Council Public Art: Requested public art contribution figure of £300 per dwelling and £3 per square metre of commercial development we would expect that no more than 10% of this figure to be spent upon the production of a public art plan.

Wiltshire Council Housing: 40% Affordable housing (split 70% affordable rent and 30% shared ownership) this requirement there is a requirement for:

- 10% of these units to be built to Lifetime Homes Standards to meet the adapted needs of older people or those with disabilities
- Some of the 1 bed flats (in blocks of 6-8 units) will be required to meet the needs of people with learning disabilities.
- There is an identified need for 60+ Extra Care units (to meet required design specification- details to be advised by the Council).

The affordable homes are required to be pepper-potted throughout the site in clusters of 10-12 units and the completed affordable homes to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis and secured via a S106 Agreement.

Highways England: Have recently removed their Holding Objection on this application, subject to a condition. This has been the subject of numerous discussions, which are discussed in section 13 of the report.

Based on the current housing delivery trajectories set out in the plan and the modelling undertaken by Highways England, further development at Chippenham would exacerbate mainline queuing resulting in severe road safety impact by 2017, contrary to Circular 02/2013 Para 9. There is, therefore, a demonstrable need for the M4 J17 improvement works to accommodate the above development proposal, in that a planning condition preventing the development being occupied until the M4 J17 improvement works are completed is necessary.

To that end Highways England has already agreed a scheme with Wiltshire Council and the applicant which consists of the signalisation of the junction off-slips. This scheme has been designed to provide the mitigation necessary to accommodate planned growth to 2026, including Rowden Park. Wiltshire Council have committed to design, fund and deliver the scheme and have an indicative programme assuming delivery in Autumn 2017. On this basis it is likely that the J17 improvements will be complete early in the delivery programme for this site and the Plan period. The risks remain however, and Highways England would not be content with indefinite growth in the absence of the delivery of the agreed scheme.

It is therefore Highways England's updated view that permission can be granted such that no more than 140 dwellings can be built and occupied prior to the M4 J17 scheme being in place. Beyond this dwelling quantum, timescales and growth are likely to result in unacceptable and severe road safety impacts.

Highways England considers that this approach would not compromise the deliverability or viability of the development while managing the potential road safety risk.

They suggest the following condition:

No more than 140 dwellings shall be occupied unless, and until the M4 J17 improvement scheme as shown on Atkins drawing numbers WHCC_OS_ATK- HGN-T07178-DR-D-0001 revision P01.5 dated 14/01/16 and WHCC_OS-ATK-HGN-T07178-DR-D-0002 revision P01.4 dated 14/01/16 are completed and open to traffic.

Reason: To ensure the safe and effective operation of the strategic road network

Wiltshire Highways: - comments from Highways following the submission of the ES addendum:

The TA Technical Note provides a new sensitivity test to understand the effects of the cumulative impact of N Chippenham; Rawlings Green, Hunters moon, Showell Farm, 400 additional units to the SW of Chippenham and the proposed development. There are 2 scenarios tested: 2026 base situation but including some of the planned A350 improvements and 2026 base situation +Rowden Park + proposed mitigation.

On average across the Chippenham network mean journey times change between the above 2 scenarios by : AM peak +15 secs from a base average of 192 secs and PM peak -6 secs from base average of 195 secs.

The results show that changes are small provided the mitigation measures in the Chippenham transport Strategy being implemented. The development will contribute to this via CIL.

The introduction of MOVA software at the Bridge Centre traffic signals will lead to a reduction in delay for that junction of around 20% with an increase in capacity at peak times of 4-6%. This cannot be modelled by the PARAMICS model and therefore these improvements are not included in the results discussed above.

Stagecoach has put forward a half hourly bus service through the development and would directly connect to the train station, town centre and onwards to Calne and Swindon. A S106 contribution is required to secure the service and this has been agreed. The service into the development would commence on the occupation of the 150th dwelling

Planning obligations and conditions

- Provision of;
 - primary site access roundabout including street lighting,
 - central southern junction including a right turning lane including street lighting,
 - central northern junction including right turning lane including street lighting
- Securing ability to achieve in the future direct and unfettered link from the primary access roundabout to serve the land to the east at a standard of 7.3m carriageway width plus 2m footways to either side segregated from the carriageway by grass strips of 1m in width.
- Financial contributions to the A350 mitigation
- Public transport contribution to be agreed and index linked to secure extension of service 55 to serve the development for 5 years
- Transport contribution of £385,000 (breakdown included in full response, although the applicants have not yet agreed to the £105k to improve the route between the development and town centre at figure 3.3 in the TA including surfacing and lighting where achievable)
- Travel plan vouchers for households
- Extension of 40mph speed limit along Patterdown Road over the frontage of the development
- Funding for cycle track and footpath diversion and conversion orders
- No more than 800 homes to be completed before the Cocklebury Link Road is open for use.

Planning conditions

- Construction Management Plan providing details of the management of heavy goods vehicle construction traffic, including their routes approaching and leaving the site.
- Prior to the occupation of any dwelling served by the access to Coppice Close, the access to Coppice Close shall be provided with visibility splays with nothing in excess of 600mm in height above carriageway level between the carriageway edge, and a line drawn from a point 2.4m back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 36m to the west.
- No development shall commence until a Residential Travel Plan has been submitted to and approved in writing by the LPA. No part of the development shall be occupied prior to the implementation of the residential Travel Plan etc.
- Provision of a School Travel Plan to be submitted and implemented.
- Provision of 3m wide shared use cycleway before the occupation of any of the development south of the rifle range
- Additional footpath connections and markings as set out on approved plans.
- Provision of a spur from "Rowden Mile" in a form to be useable in all weathers.
- Provision of access to Coppice Close
- Provision of bus stops
- Upgrading of CHIP4 footpath.
- Footway connection from the development to the eastern side of Queens Bridge
- The Rowden Mile to be 3m wide, bounded surface and street lit.
- Provision of cycleway from central northern access to connect to existing footway on the east side of Patterdown
- Provision of footway along Patterdown Road to Lackham College entrance.

Southern Link Road

The revised D and A Statement section regarding the provision of land for a future Southern Link Road is generally satisfactory in principle. There is an error in the calculation of the land required: the correct amount of land required is as stated - 13.3m but made up of 7.3m carriageway, 2 x 2m footways and 2 x 1m grass strips between the footways and the carriageway (This has been pointed out to the developer and amended details are expected).

There must be a planning obligation to require the first 30 metres connecting to the primary access roundabout to be designed as a 7.3m approach with 2m footways and 1m grass strips as above, and the remainder of the route as far as the eastern boundary of the developed area to be constructed as a 6m carriageway and 2m footway separated from the carriageway by the 1m grass strip on the south side, and land dedicated to the HA for future link road construction as above on the north side, giving a total available width of 13.3m. Across the country park the obligation must secure to the HA the necessary corridor for the SLR as far as the eastern boundary of the red lined area at a suitable point for onward extension (north of the sewage works).

There is no policy requirement that requires the developers to construct the SLR within their site – only to safeguard the provision

Wessex Water: Holding Objection on the grounds of odour nuisance. Further odour survey and modelling work should be carried out by the developer to provide representative and aggregate predictions of odour emissions from the works. *(However, see below for comments from the Council's Environmental Health Officer on this aspect)*

- Odour Nuisance- Parts of the site are within the development restraint zone around Chippenham Sewage Treatment Works. Residential property in these areas is regarded as high risk with odour emissions affecting resident's amenity. The results of the odour impact assessment indicate that a wide range of land will be affected by odour levels above the threshold that gives rise to complaint.
- Existing Sewers - The developer is advised to contact Wessex Water to discuss detailed layouts before the submission of reserved matters application in order to assess how existing trunk sewers crossing the site may be affected.

- Water Supply – Confirmed the predicted demand.
- Foul & Surface Water – Developer is advised to contact Wessex Water to discuss adoption requirements for foul and surface water systems.

Wiltshire Council Environmental Health: No Objection subject to further details being agreed;

Chippenham Rifle and Pistol Club - Initial concern was raised over the possible impact of the club activities on amenity of residential properties

Following detailed discussions the officer now accepts the SNL target of 55dB however still expresses concern that it is likely to generate noise complaints. Acknowledges that the expectations of future occupants should take this into account. The initial objection is now withdrawn if the applicant accepts the SNL target of 55Db and submits a 'Noise Mitigation Scheme' to demonstrate compliance.

On the ES Addendum submitted in July 2016, following a number of meetings the Environmental Health Officer still raises some concerns. He withdrew his original objection on the basis that the applicants had stated that they could achieve an SNL of 55dB across the whole application site and not just the back gardens as per the maps in the original ES and Figures 3.6 to 3.9 of the March Addendum.

The submitted built layout approach does not convince him that future occupants will not experience a loss of amenity and possible nuisance from the rifle range and he is not sure why they have not approached the gun club to erect the 3m barriers originally proposed to protect not only the residents but also the gun club's existence.

The noise consultants have stated that when building heights were entered in the model as presented in the latest parameter plans DWG No.3787_807 Rev A. no height has been specified

Potential for adverse odour impact from Wessex Water treatment plant

Acknowledges the concerns raised by Wessex Water, however is of the belief that modelling has over-predicted the impact which is reflected by a limited history of complaint in area. It is accepted that dwellings may experience a slight odour impact from time to time but there is no evidence to suggest this would be at levels sufficient enough to raise concern or objection.

Comments are awaited on the contamination report, an issue that has been raised by local residents

Environment Agency: No objection subject to conditions relating to:

- Finished floor levels
- Flood Plain compensation
- Surface Water management
- Pollution prevention
- Water Efficiency and Climate Change

Further comments have been received following the submission of the ES Addendum, which state that they have reviewed the ecological appraisal and are pleased to see that hedgerows, mature trees, brooks, ponds and woodland are being retained. It is very important to keep these ecosystems connected for the protected species on site and other wildlife sites nearby. Any loss of habitat on site would need mitigation elsewhere in order to avoid any detriment to the environment and accord with NPPF para 109. They were unable to find an Environmental Management Plan which is mentioned in the plans and recommend that this is conditioned.

Wiltshire Council Tree Officer states:-

I have no objections in principle to this proposed development with regard to trees. There are 253 trees and 178 groups on this site which is recorded within the Tree Schedule provided by Treework Environmental Practice. There are 10 key 'A' category trees with veteran features which should be retained and designed into any design layout. All retained trees should be allowed sufficient space to avoid direct and indirect damage to proposed dwellings. In some cases where this is not achievable root barriers should be considered. Future growth of these trees should also play an important part when deciding on final layout.

The following information should accompany any reserved matters application:-

- Tree retention/removal plan (finalised);
- Retained trees and RPAs shown on proposed layout
- Strategic hard and soft landscape design, including species and location of new tree planting;
- Arboricultural Impact Assessment;
- Arboricultural Method Statement - detailed
- Details for all special engineering within the RPA and other relevant construction details;
- Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method;
- Dimensioned tree protection plan;
- Schedule of works to retained trees, e.g. access facilitation pruning Detailed hard and soft landscape design.

Natural England: No Objection, summary of comments below

- Suggested a condition requiring a Conservation Management Strategy is provided to cover both residential and park areas.
- Recommendations made regarding park management in order to preserve rural character and improve biodiversity, climate change & food security outcomes as well as public amenity benefits.
- Recommended locally native trees (predominantly Oak) are used as planting amongst the built form. Trees should be planted and managed such that they can attain sizes comparable to the existing large trees on the site.
- Landscape treatment to south-western edge of the valley should be given careful consideration due to its prominent elevation
- Additional comments relating to connections with existing PROW network
- Standing advice provided in relation to protected species
- LPA should also consider;
other sites (biodiversity & geodiversity)
local landscape character
local or national biodiversity priority habitats and species.

Wiltshire Wildlife Trust:

Confirm they have been in discussions with the developer about green infrastructure and the provision of an eco school.

Wiltshire Police: Unable to assess details of any proposal by the applicant to mitigate a potential increase in crime and/or disorder resulting from the proposed development at this time. Welcomes further consultation on this matter.

Wiltshire Fire and Rescue: Provided details in relation to:

- Requirements identified under B5 of approved Document B of the Building Regulations
- Recommendation to improve safety and to reduce property loss in the event of a fire

Showell Protection Group: Several objections to the proposal which are summarised below:

- Proposal contravenes agreed Core Strategy in relation to 'Jobs First' strategic approach
- Premature in light of work to Chippenham DPD
- Traffic modelling is inadequate does not take into account proposed employment land at Showell Farm
- Proposal does not contain adequate flood risk assessment that incorporates proposal for the large scale employment land development at Showell Farm
- Riverside Park is unfeasible if council will not fund manage and develop the park

Since the publication of the ES Addendum the following comments have been received from the group:

1. The application is premature ahead of the CSAP hearings. Granting permission would negate the CSAP hearings as no further allocations are required in Chippenham.
2. The proposal makes no provision for safeguarding the SLR route, which is clearly shown on The Supplementary transport & Accessibility Evidence submitted in April 2016.
3. In the light of other sites coming forward (Langley Park (400homes) and Gate Farm (140 homes) means that far less development is required in South West Chippenham and the 800 originally proposed is sufficient.
4. The development does not provide an accurate transport impact analysis for the surrounding area. The application shows the primary access via a new roundabout on the B4528. However, the application makes no reference to the fact that there is also a major application for employment which also connects to the roundabout. The employment site provides a major connection across to the A350, which is also shown in the Council's own mixed strategy proposal. Crest has not provided a traffic impact report.
5. The proposals make no provision for access to the site from the south by foot or cycle.

Stagecoach West (Transport operator): Support, comments that they have been fully consulted on public transport options to serve the development. In an email of 9th August 2016, they re-affirm their strong interest in serving the site and believe that they can sustain a commercial service at a core daytime frequency of at least every 30 minutes 0700-1900h Monday to Saturday. The deletion of the comprehensive bus lane on Bath Rd does, however, represent greater operational challenges at peak times.

The costs to the developer would be (for 5 years) £438k.

National Trust: Raised several concerns;

- Proposed development area extends well into Lacock parish, wrapping around the Showell Nurseries site. A better option would be to keep housing to the north of the nurseries site, which could be wholly retained for employment use going forward.
- Development may cause increased traffic using village roads as short cuts (Lacock and Bowden Hill)
- Development may result in flooding and water pollution affecting the village
- Support provision of open space, allotments and wildlife areas, and opportunities for walking and cycling.

8. Publicity

8.1 The application was advertised by site notice, press advert and neighbour consultation. Following the submission of the ES Addendum further sites notices were put up on 27/7/2016 and re-consultations were issued. The consultation period expired on 10th September 2016.

8.2 44 letters of objection have been received raising the following points:

Coppice Close

- Concern about volume of traffic required to pass through Rowden area. The area cannot absorb additional traffic.
- Coppice Close residents have insufficient parking, and many park on the road. This road is not wide enough to accommodate both parked cars and a large volume of additional traffic. The road will not be suitable for use by heavy goods vehicles and emergency vehicles.
- There is a caravan park situated on Rowden Lane. Under the current proposals, caravans will be required to use Coppice Close and it is unclear how they will negotiate the chicanes in this location.

Road network

- Previous traffic reports that indicate that the area will become grid-locked if development goes ahead are being ignored.
- Traffic congestion survey data taken from 2008 and is out of date.
- Forecast of flow of traffic only considers the 145 homes in north of development, not the homes already under construction in the area.
- Developers have under-estimated the impact of additional homes on A4 junctions. The development would increase the bottleneck around the A4 which could not be alleviated by the addition of traffic lights in this location.
- There are existing traffic problems in the area and the development will exacerbate these issues at peak times.
- Residents of Rowden Hill already experience difficulty in exiting their driveways and entering the A4. A higher volume of traffic on this road caused by the development will exacerbate this issue.
- Will increase traffic on B4528 which is already a busy stretch of road.
- Roads in the area are already in a poor state of repair and the development does nothing to address this.
- The Core Strategy's plans to redevelop Chippenham Town Centre will add traffic on Patterdown Road and the A4 Rowden Hill.
- Development will increase vehicular movements and therefore carbon emissions.

Sustainable transport

- Cycle paths, footpaths and proposed bus lane will not alleviate traffic problems as the application is overly optimistic about the journeys that will be 'saved' through use of the cycle track.
- Development does not comply with Core Policy 10, criteria 3 and 4 which requires developments to offer transport benefits for the existing community and improve accessibility by alternatives to the private car.
- There is an existing problem with vehicles speeding along Melksham Road. As there is no safe place to cross in this location, the development will increase hazards for pedestrians.
- The Rowden Mile is not wide enough for a shared cyclist/pedestrian route. It is unclear how it will cross Avenue La Fleche and how it will enter the town centre.
- The tunnel under the railway line leading to Saltersford Lane does not deal adequately with connections to the Hunters Moon development and the west side of Chippenham. There are no clear plans as to how cyclists and pedestrians will negotiate this busy road (B4528).
- The proposal doesn't include clear cycling and walking links between the proposed development and Pewsham. A cycle/footbridge across the river Avon is shown in the Transport Scoping Report (fig 4.2) but it is not shown in the Riverside Park Green Infrastructure Strategy drawing (drawing no. 2513-090).
- Because the proposal contains no serious plans that would significantly increase levels of walking and cycling in Chippenham, the proposed development is not sustainable.
- The bus lane on Rowden Hill is likely to make the pavement/crossing more dangerous for pedestrians as the pavement will be narrowed.
- No consideration is made for local requests of a cycle lane/footpath south along the B4528 to the Lackham roundabout to link Showell and Lackham College to the north.

Listed Buildings/character of area

- Development would have an unacceptable impact on listed buildings in the vicinity (of which there are 19) and the adjacent conservation area. The associated documents do not recognise that harm to the conservation area or listed buildings should be given considerable importance and weight in line with legislation. A failure by the planning authority to recognise this could provide grounds for judicial review.
- The development will harm the character of Chippenham.

Ecology

- The development will disturb the existing natural wildlife between the proposed housing and the river.

Impact on Showell and surrounding area

- Development is too close to Showell and Lacock and will harm their rural setting and creating an urban sprawl.
- Without footpath/cycle path, new facilities in development will not be accessible by sustainable means for residents of Showell.

Contamination

- Land is unsuitable for development due to contaminants which are harmful to health.
- Wind-blown dust from the contamination will put residents at risk.
Concern that contaminants could enter water supply.

Drainage/flooding

- Development would be on the flood plain. There has been frequent flooding in the area which has previously involved the escape of raw sewage.
- Development could cause flood water to back up, affecting homes on the Rowden farm settlement.
- Development is around an existing sewage bed which is already overloaded.
- Development will result in vast hard surfaced areas which will result in run off into the flood plain. Attenuation ponds will not be able to counteract this run off and the risk of flooding downstream will be increased.

Green space/boundary treatment

- No planned footpath between Brooklands and the development. Concern that a pathway could be inserted into the designated green space at the top of Coppice Close, which it is argued would harm the character and appearance this green space.
- Development will involve loss of agricultural land.
- The developer has not provided appropriate boundaries and borders to those in Rowden Park who will be affected by the development.

Rowden Lane and Rowden Hamlet:

- Part of Rowden Lane (to the east of the first cattle grid) is private property with maintenance costs shared between the owner of the agricultural land and the residents of the hamlet. With increased people using the lane, it is unclear how will maintenance costs will be addressed.
- It is unclear who will maintain the new hedges planned on the south side of Rowden hamlet.
- Light pollution would be increased if the two cycle paths crossing Rowden Lane were lit.
- There should be increased physical and visible protection for the properties in this location if the land here is converted to public recreational land e.g. through protective hedging.
- Rowden Lane provides the only access to the Hamlet and concern was expressed regarding the intersection between the lane and the proposed cycle and footpaths that will cross it and the impact that this will have on road safety.

Doctor Surgeries:

- Environmental Survey Document does not take account of the full-time/part-time status of doctors and therefore overestimates the number of patients it could serve.
- Lodge Surgery is highlighted as a surgery that could take on further patients. However, the development is outside the catchment area for this surgery.

Schools:

- There are few school spaces in the area so children will need to travel to school, increasing congestion.
- One primary school is inadequate, given the planned housing numbers.
- Secondary schools in the area would not be able to cope with an influx of new students.

Employment:

- The proposal does not comply with Core Strategy for Chippenham which states that new jobs must come before housing. There is no mention of employment land in the development.

Misc:

- Concern that 'interpretation strategy' and related signage to highlight the historic monuments in the area will encourage members of the public to stray onto private land.
- Chippenham is a commuter town and does not have the industry and commerce to support its current population.
- Application should be delayed until Chippenham DPD is in place.
- Ariel photographs application is based on are out of date and do not show existing development on north western boundary of the site (Coppice Close/Brooklands) or work ongoing by Redcliffe. This information should be updated as it is not possible to present an adequate cumulative assessment of the development in the area without this information.
- Referring to para 5.11 of the plans - Rowden Park Environmental Survey Non-Technical summary, no viewpoint is shown at the Rowden Hamlet and so it is not possible to assess the visual impact of the development from this location.

Support:

Support was expressed for the intention to create a country park which will preserve green space around the conservation area.

Following the publication of the ES Addendum the following comments have been received from 10 local residents:

- Queries regarding the timing of site notices and their positioning.
- Significant amount of new uploaded documents which are not clear as to what has been revised.
- The road system is unable to cope with the increased traffic and the data used from 2008 is out of date.
- Prematurity with regard to the CSAP hearings.
- The scale is too large.
- The development should be employment led.
- The access is the same as that proposed for 14/08985/OUT...An extension was refused in 1995 because of unacceptable impact...why is the situation now different?
- The site is bigger than original and extends into Corsham Area when it serves Chippenham.
- The development would have a massive impact on the community of Showell and is contrary to CP10.
- Contrary to CP51 which seeks to protect, conserve and enhance Wiltshire's distinctive Landscape character. The entire landscape south of the town will be swamped by buildings.
- The setting of Grade II Lackham House has been totally ignored. It has an important setting with set piece landscape views running up to Chippenham. The setting will be filled with houses and artificial landscape.

- The land has a significant amount of Grade 1 agricultural land, which will be destroyed. There is brownfield land available which should be considered first.
- Access appears to be reliant on access across Showell Employment site, but if that is not developed then massive traffic problems will occur on Patterdown.
- No regard has been paid to request for a cyclepath from Lackham roundabout. There are promised surgeries and schools etc but what assurances are there?
- Flooding is a concern.
- The documents are very confusing.
- Rowden Manor' setting is not preserved or enhanced. Views to and from will be compromised.
- Light pollution...the mention of 6m high lighting columns is unacceptable. Will the Rowden Mile be lit?
- Lack of detail on planting proposals
- Views to and from the Heritage Assets and a more detailed analysis by specialists is required.
- Proximity of urbanising effect of footways and cycleways.
- More time is needed for further information on traffic generation and impact.
- Effect of increase on number and types of paths crossing the conservation area will have an impact and do not necessarily follow existing routes.
- Playing fields must not be all-weather surfaces.
- Some housing is in Flood Zone 3. More work is required to satisfy Env Agency requirements.
- Non-compliance with Energy Strategy requirements and response from Energy Policy officer.
- Light pollution and noise pollution into the conservation area.
- Air pollution The CSAP states that there will be adverse effect on air quality in the area. This should be fully assessed.
- Natural England has not carried out an assessment on Protected Species and there is no report on this to Wiltshire Council.
- Concern that the riverside park will become suburban and manicured; concerns that examples of Tadpole Farm in Swindon bear no resemblance to the rural areas of Chippenham.
- The proposed wildlife corridors appear as empty promises.
- Conditioning a land management plan is leaving it too late.
- Possible flooding...there should be legally enforceable assurances.

Objection from representative of other Chippenham Site known as East Chippenham submitted by Chippenham 2020. (The application number is 15/12363/OUT and has been registered but is not yet determined).

The objector states that the proposal contravenes both local and national policy being unsustainable due to its location and the nature of development planned and more critically in conflict with local and national policy concerning cultural heritage.

The policy framework is set out in the letter and the objector does not consider that the proposal complies with the policy. Moreover they state that it contravenes National Planning policy and it is inappropriate for it to benefit from planning permission. The conclusion holds despite the Council's intention to allocate the land within the Chippenham Site Allocation Plan.

The objector then moves onto stating that it is well established that the duty under S66 of the Listed Buildings Act requires "*considerable importance and weight*" to be accorded to any finding of failure to preserve a listed building or its setting (See east Northamptonshire DC vs SSCLG (2015) 1 WLR.45. The same principle applies to any finding of a failure to preserve or enhance the character or appearance of a conservation area. In either situation, a finding of harm cannot be treated as a normal material consideration.

They note that within the vicinity of the proposal are 19 listed buildings. Of these Rowden Complex comprises a Grade II* farmhouse; a grade II listed stable block and a grade II listed barn 125m away from the proposed development. They are listed in the ES as being adversely affected by the development. Other listed buildings are listed as being potentially affected. Moreover, Rowden Park Conservation Area, which is adjacent the site, is anticipated to have “both direct and indirect impacts, including impacts on the Conservation Area Character Area identifies as significant views. In paras 6.8.14 and 6.8.16 of the ES it is concluded that the development would have direct effects, causing a “high adverse impact” on heritage assets and indirect effects causing “low adverse impacts”.

They state that nowhere is there any recognition that any harm to a listed building or to the character and appearance of a conservation area should be given “considerable importance and weight”. If the Council were to repeat that omission, it would be falling into the same error of law into which the SoS fell in the Barnwell Manor case. The ES goes on to state that the overall effects on the heritage asset will be one of moderate-substantial enhancement because of purported ‘mitigation measures’- recording and reporting of archaeological records and information panels within the conservation area – which would increase public awareness and understanding of the archaeological and cultural heritage of the Conservation Area. This appears to amount to a suggestion that the overall effect of the development, taking into account the purported ‘mitigation measures’ would in fact be no harm to the statutory objectives in s66 and s72 of the Listed Buildings Act and the Barnwell Manor principle is not engaged...insofar as that is legally untenable. The focus in s66 is the ‘building and its setting’ and the focus of s72 is on the ‘character and appearance’ of the conservation area. These provisions are not concerned with the provision of information through for example record keeping panels. They are concerned with the heritage assets themselves. Accordingly a conclusion that there would be no overall conflict with these provisions because any harm to the listed buildings and character and appearance of the conservation area would be off-set by a greater public awareness and understanding of heritage assets is legally untenable. The only lawful conclusion open to the Council based on the applicants’ own material is that there would be a conflict with the statutory objectives in both s66 and s72 and that ‘considerable importance and weight’ should be ascribed to this conflict. A failure of the Council to acknowledge this is clear grounds for judicial review.

In summary the application should be refused for the following reasons:

- The spatial allocation under draft policy CH1 of the CSAP is unsound as the process of site selection failed to give ‘considerable importance and weight’ to cultural heritage matters.
- The mitigation proposed does not satisfy the legal tests of s66 nor s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The proposal fails to meet the objectives and requirements of Development Plan Strategic Objective 5 and Core Policy 58.

A further document was submitted which is also available in full on line and which criticises the site selection process that the Council has undertaken for the DPD. Additionally their comments on the current application are summarised by them as follows:

The Rowden Park application seriously under-represents the nature and value of the local historic environment. The methodology used in preparing the assessment had the potential to reduce artificially the identification of the range of heritage assets that might be affected by the development. That is exactly what has occurred. As a result, the cultural heritage chapter of the Environmental Statement, which constitutes the application’s heritage assessment, does not comply with the requirements of paragraph 128 of the NPPF. The heritage impact assessment is very partial in its coverage and demonstrably under-represents many issues and impacts, rendering it significantly flawed and unreliable and its conclusions lacking in credibility. If Wiltshire Council were to positively determine the application on the basis of the application’s heritage case, as it is currently presented, it is clear that the Council would fail to comply with its legal duties imposed under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.1 Principle of development

- 9.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 9.2 In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Chippenham area.
- 9.3 Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Chippenham and recent appeal decisions within Wiltshire.

a) Wiltshire Core Strategy: Core Policies CP1, CP2 and CP10

The relevant policies relating to the principle of development in Chippenham are:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Chippenham Area Strategy

- 9.4 Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.
- 9.5 Chippenham is identified within the WCS as one of three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and settlements beyond. Chippenham is to be a focus for development (Core Policy 1). The 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.
- 9.6 Core Policy 2 sets out the delivery strategy for Wiltshire in the period 2006-2026. This is to be delivered in a sustainable pattern, in a way that prioritises the release of employment land and previously developed land. At least 42,000 homes are to be delivered in Wiltshire, with 24,740 required in the North and West Housing Market Area.
- 9.7 Core Policy 2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Chippenham.
- 9.8 Core Policy 10 (CP10) of the WCS identifies the level of housing growth appropriate for Chippenham. The housing requirement for the town is identified as at least 4510 homes supported by 26.5 ha of employment. CP10 also sets out the intention to prepare a Chippenham Site Allocations Development Plan Document (DPD), which seeks to identify land for employment and "at least 2625 dwellings" (once existing completions and commitments have been taken into account). The DPD will also set out a range of facilities and infrastructure necessary to support growth. The status of the emerging DPD is discussed further below.
- 9.9 Criteria are included in CP10 to guide development, in addition to the other provisions contained within the Core Strategy. The criteria are based on the key issues identified for Chippenham in

paragraphs 5.46 – 5.48 of the WCS. They have been included to give direction to the preparation of the Chippenham Site Allocation DPD the criteria relate to:

- Economic led growth
- Town centre resilience and accessibility
- Mixed use development and mix of housing
- Major infrastructure and traffic impact
- Environmental constraints

9.10 The context provided through the core strategy specifically for Chippenham is that the town should be a focus for growth which will be delivered through planned strategic allocations which deliver the requirements set out in Core Policy 10.

b) Chippenham Site Allocations Plan (CSAP)

The CSAP has been submitted to the Secretary of State for Examination. The CSAP identifies mixed use land proposals necessary to deliver at least the scale of growth required by Core Policy 10 of the WCS.

9.11 The CSAP hearings were suspended by the Inspector on 11th November 2015. In responding to the Inspector's concerns over the site selection procedure, the Sustainability Assessment and deliverability of identified site proposals the Council undertook a schedule work including public consultation. The hearing sessions recommence later this month. The Proposed Modifications arising from the schedule of work mean that only two strategic allocations are now proposed in the CSAP: - South West Chippenham (including the current application site) and Rawlings Green. Although the suspension of the hearings has introduced a delay to the process the evidence prepared to support the Plan in the form of topic specific evidence papers linked to the CP10 criteria in the WCS remains relevant. However, for the present purposes little weight can be attached to the CSAP itself given the fact that it is the subject of unresolved objections and the examination into these has yet to be concluded.

9.12 Notwithstanding the progress with the DPD, CP10 retains its clear vision that sites on the edge of the town should come forward through a plan led process. The criteria included within CP10 could, however, usefully be applied to the consideration of planning applications.

c) Material Considerations relevant to the principle of development

9.13 Housing land supply has to be regularly assessed. The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. This figure does not include the proposed site allocations in the Chippenham Site Allocations DPD. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It can be seen therefore that CP1, CP2, CP10 and Saved Policy H4 are all relevant for the supply of housing and are to be considered out-of-date. This does not mean, however, that these policies carry no weight or even only limited weight. It is clear Development Plan policy that Chippenham is to be a main focus for development and that this should carry significant weight. It is moreover clear that Chippenham is not performing in line with Development Plan expectations. Of the minimum level of 4,510 houses to be provided in Chippenham over the Plan period, 1,780 are still required as of April 2015.

In summary, it is concluded that while limited weight only can apply to the fact of breach of settlement boundaries given the shortfall in the housing land supply and the clear need to meet a significant amount of future housing and employment need beyond existing

settlement boundaries, the fact that Chippenham is to be a focus for development should carry significant weight in the decision-making process.

Housing Delivery

- 9.15 Chippenham is a town which has seen limited levels of housing delivery in recent years as compared to historic levels of delivery. In part this is due to a downturn in the economy, which, of course, is now on an upward trajectory. Annual monitoring also suggests that at present the needs of Chippenham are being met at other locations within the North and West Wiltshire Housing Market Area, particularly Calne and Corsham. While Chippenham is identified as a Principal Settlement in the Core Strategy, the neighbouring settlements of Calne and Corsham are identified as market towns. In contrast to Chippenham annual monitoring shows rates of housing at these two towns are exceeding anticipated rates, indicating that growth has probably been deflected to them and away from Chippenham as a result of a lack of allocated land for development. (All of Calne and Corsham's indicative requirement for housing has been granted permission with 11 years of the Plan remaining, (Housing Land Supply Statement, April 2015 updated with appeal decisions at Corsham).
- 9.16 To deliver the indicative housing requirement set for Chippenham Town within the plan period an average build rate for Chippenham of about 225 homes is needed. This has not been achieved for the period since 2006 with 1015 homes built in 9 years.
- 9.17 As mentioned above the suspension of the CSAP has introduced doubt into the deliverability of the proposed allocations which has led to a shortfall in relation to the 5 year housing land supply position in the North and West Wiltshire HMA. Delivering housing now could be seen as a benefit to help address any shortfall in housing land supply. It should be noted that North Chippenham Housing site has recently been approved for 750 houses (N/12/00560/OUT 15th Feb 2016). However, although this is a significant number of houses, compared to the number that needs to be provided in Chippenham (4510), it is a relatively small proportion and certainly does not take away from the argument that a 5 year housing land supply cannot be demonstrated and that Chippenham has not been fulfilling its role as a Principal Settlement in housing terms.

Prematurity

- 9.18 PPG advice on the issue of prematurity is as follows:

Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the planmaking process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area." (PPG 21b/14)

Given that the emerging Site Allocations DPD makes two strategic allocations of which the application site is one, i.e. Policy CH1, and further given the fact of objection to CH1, then it is clear that granting consent on the application may pre-empt the Site Allocations Inspector's consideration of the merits of the site. It "may pre-empt" because even if Members resolved to approve the application, it is not certain that the necessary legal agreements would be

signed to enable a permission to issue in advance of receipt of the EiP Inspector's Report.

There is, however, no rule of law that a development control decision cannot pre-empt a decision by an Inspector charged with a Local Plan examination. The application is not in conflict with the Site Allocations DPD but rather it is consistent with it. Moreover, as is made clear in the "Planning Balance" section below, the proposals bring forward a series of planning benefits which make the proposal acceptable in its own terms and justify approval of this application now.

10. Design, layout and landscaping

Principles

- 10.1 This planning application is submitted in outline only. With the exception of access, all matters are reserved for later consideration. In order to assist in consideration, an Indicative Masterplan" embedded within a Design and Access Statement document setting out the principles of development has been provided so as to provide an indication of how the site could be developed in the quantum applied for. The application is in outline, where all matters relating to layout, landscaping, appearance and scale are reserved for later consideration under separate Reserved Matters applications, but with this application the authority has comfort of a well set out scheme by way of conditioning submission and approval of a masterplan. This is also a requirement of policy CP10 of the Wiltshire Core Strategy.
- 10.2 The ethos behind the Masterplan is that of a Garden Village. The Garden Village will set the overarching identity and character of Rowden Park. This will be characterised by predominantly lower density family housing with front and rear gardens, on plot parking and generous streets and public open spaces. Within this common theme there will be local variations in character to reflect site characteristics. For example the southern area of the site will extend and draw on the existing strands of woodland in this part of the site to help development integrate into the existing landscape.
- 10.3 The majority of existing trees, hedges and watercourses will be retained and used to define a spacious and green character to the development. Rowden Park will embrace some of the original principles of Garden Cities such as the use of hedges to define front gardens and buildings and landscape to frame and terminate key views, spacious streets with grass verges and large street trees, clear building alignment, which is set back within plots overlooking streets and a limited number of urban block typologies which allows a clear distinction between public and open space.
- 10.4 A clear street hierarchy will provide a structure to Rowden Park, which is easy to understand and navigate as well as allowing the design of each street to be appropriate for its intended traffic role. Where parking is to be provided on street it will be integrated into the street scene, which means only providing it where there is sufficient width and placing it in dedicated bays rather than informally at the side of the road.
- 10.5 The D&AS lays out the key thing that will be delivered: Upto 1,000 new homes (at a residential density of approx. 32 per hectare); 1.2ha primary school site (capable of accommodating a 1 form entry school and pre-school); a local centre comprising a retail store of upto 400sqm gross within A1; 4 shops up to 300sqm (Class A1-A5); community uses upto 700sqm (Class D1 & D2) which could include a dentists, doctors' surgery, vets and community building; public open space, recreational facilities, allotments and Riverside Park (including the provision of the Rowden Mile: A new pedestrian and cycle route linking Rowden Park with Chippenham Town Centre, which will allow people to get to the centre in under 20 minutes); provision of 4 points of access onto Patterdown Road and associated infrastructure including roads, haul road, footpaths, cycleways, balancing ponds, drainage systems, sewage, street lighting and strategic landscaping.

- 10.6 Homes are suggested to be a mixture of detached; semi-detached; terraces; apartments and mixed use buildings. It is indicated that the majority of the dwellings will be two storey, but areas of 3 storey are shown to allow flexibility to enhance the village centre character around the local centre and allow an urban design solution which seeks to frame key gateways and spaces. These are set out in parameters plans, which will form part of the decision plans. The area of the site to the north of Pudding Brook slopes steeply with a south facing aspect. IT may be possible to design buildings with a storey lower on the north elevation and thus 3 storey dwellings have been indicated. In accordance with good practice, affordable homes will be in small groups, pepper-potted throughout the development, and, in terms of appearance, will be designed to be indistinguishable from market homes. The urban structure will be divided into 4 clear styles which are: Green Corridors (following natural drainage and vegetation lines); Village Centre (A mixture of community facilities located at the natural gathering point); Access loop (A clear and direct street hierarchy); Character Areas (Shaped by existing landscape features allowing Rowden Park to have a distinct identity which is rooted in place). Developing an appropriate interface between the development area and the Rowden Conservation Area has driven all decisions at all stages of design development. The aspiration has been to ensure pedestrian and cycle access between the two and that development does not simply turn its back on the conservation area, but equally is not overly imposing on its character.
- 10.7 The Riverside Park forms an important and intrinsic part of the proposal and will ensure pedestrian and cycle links to the town remain strong and accessible, whilst also providing informal recreation space, interpretation boards and ecological enhancement together with additional enhancements to surface water drainage. The management of this park will fall to a management company and officers have been in discussions with the applicants as to how that might best be achieved, together with negotiations taking place about links over into Englands. The park will contain a hierarchy of paths, some more formally surface than others.
- 10.8 Affordable Housing

The Housing team has requested that, in line with the core Strategy Policy, 40% Affordable housing (split 70% affordable rent and 30% shared ownership) is required. Their request can be summarised as:

- 10% of these units to be built to Lifetime Homes Standards to meet the adapted needs of older people or those with disabilities
- Some of the 1 bed flats (in blocks of 6-8 units) will be required to meet the needs of people with learning disabilities.
- There is an identified need for 60+ Extra Care units (to meet required design specification- details to be advised by the Council).

The affordable homes are required to be pepper-potted throughout the site in clusters of 10-12 units and the completed affordable homes to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis and secured via a SI06 Agreement. Work is underway to confirm viability and the developer is committed to providing affordable housing based on the outcome of that assessment

The developer is aware of these requirements and has already stated that viability will not allow them to reach the 40% target. The exact level of provision is not yet determined or agreed and will depend on the developer providing full viability information for assessment. However, the applicants have committed to a minimum level of 30%. This clearly is not in compliance with Core Policy CP43, which requires 40% provision within Chippenham. The supporting text of the policy states that the level of affordable housing must be realistic with regard to economic viability. The full viability of the scheme has not been presented to the Council, but a commitment to a minimum of 30% has been established. It should be noted that this a minimum requirement and when the full open book viability study is submitted, negotiations can take place to raise that %.

The question is therefore, should the application be refused given the lower level of Affordable Housing offered. This has to be weighed against the overall benefits of the scheme, which will deliver a high level of housing and even at 30%, this will provide 300 Affordable units, which make a significant contribution of Chippenham's requirements.

On balance, given all the other benefits that the scheme produces, with the main one being the provision of much needed housing in Chippenham, it is considered that this potential shortfall can be accepted, given the actual quantity of affordable homes that are likely to be provided. It should also be emphasised that this number can be raised, but will not go lower. The final figure will be based on a full viability assessment being made available to the Council.

10.9 Footpath Links/Cycleways

The walking and cycling improvements with the application include the delivery of on-site connections/improvements and a financial contribution to improve off-site routes. There is proposed to be a direct route to the town centre achieved by lighting improvements (and a small section of resurfacing) to existing footways through residential areas. This route provides the shortest route to the town centre and connection to the shared walk/cycle improvements due to be delivered by Hunters Moon development.

10.10 The Rowden Mile is to provide an alternative route to the Town Centre that passes through the proposed riverside park, providing connections to the network of Public Rights of Way and leisure walks. New foot and cycle connections will be provided to connect the proposals at Showell farm to encourage walking and cycling from both existing areas of Chippenham and Rowden Park to the new employment area.

10.11 The Hunter's Moon development is required to deliver a footway connection from their site to the east side of Queens Bridge. A new footway connection is proposed from Rowden Park towards the Queens Bridge signal junction, thus providing a connection between the two developments. Improvements are also to be done to the Public Rights of Way from Rowden Park leading to Lackham College.

10.12 Alternative access to the town centre and the open countryside will be provided via the development for all existing residents of Chippenham to the north and west of the development. This can only be seen as enhancing their enjoyment of the town and providing an off road alternative to access the wider benefits that Chippenham has to offer.

Reserved Matters

10.13 Despite its brevity, the NPPF in Para 17 and Section 7 continues to attach great importance to the design of the built environment. The importance is reinforced in the more recently issued NPPG. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The guidance also states that permission should be refused for development of poor quality that fails to take into account the opportunities available for improving the character and quality of an area and the way it functions. All subsequent reserved matters applications submitted in respect of this site will be considered in this context and final agreement of the detail for; detailed plot and building layout; design quality including materials and finishes; hard and soft landscaping including boundary treatments; landscape structure, buffer and amenity planting; design and appearance of SUD's areas; tree and hedgerow protection etc. will all be assessed in detail at that stage. Notwithstanding the ability to control the detailed design at the reserved matters stage, the application is accompanied by a comprehensive design and access statement and Environmental Statement, which includes a number of parameters plans which, together with the illustrative masterplan demonstrate that design has very much been considered at the outline stage. The masterplan and parameters plan can be conditioned with any approval to ensure that the design ethos portrayed throughout the application is delivered in reality.

11. Ecology

11.1 The development would potentially impact upon a number of ecological receptors including:

- Neutral / marshy grassland
- Hedgerows
- Mature / veteran trees
- Watercourses
- Woodlands
- Bats
- Great crested newt
- Reptiles
- Breeding / wintering birds

11.2 The submitted green infrastructure strategy demonstrates how many of the more significant habitat features would be incorporated into the fabric of the development, and this is explained in more detail within the ES and would be secured through the subsequent reserved matters applications. Impacts could be further reduced through sensitive construction methods, landscaping, sensitive lighting and favourable long-term management, which could be secured through planning conditions. Nonetheless, the development would inevitably have some residual effects upon the above receptors within the development area and nearby as a result of habitat fragmentation and general effects of urbanisation. However, there are substantial opportunities to improve the ecological value of habitats within the riverside park which should be considered alongside the negative effects of the development itself. If the proposals for the riverside park were to be implemented, this would secure significant benefits for local residents and local biodiversity within the river corridor which would weigh significantly in favour of the application. However, the committee should be aware that securing long-term, sustainable management of such a huge land asset will be challenging and a solution has not yet been found or agreed, and this will need to form part of ongoing S106 negotiations.

11.3 The County Ecologist is satisfied that the proposals submitted are in accordance with paragraph 118 of the NPPF and CP50 of the Wiltshire Core Strategy, and meet all statutory requirements in accordance with Circular 05/2006, subject to a number of conditions (suggested below) and a S106 agreement.

11.4 **Matters Considered:**

Statutory sites

The site is located approximately 7km from the Bath and Bradford Bats SAC. Although two of the qualifying features for this designation were recorded on the site (greater and lesser horseshoe bats), these were recorded in relatively low numbers and the site is located well outside of core areas / roosts identified in the council's guidance document. It is therefore concluded that the development would not have any likely significant effects upon the SAC, and no appropriate assessment is required.

County Wildlife Sites

The Bristol Avon River runs adjacent to the site and the proposed riverside park covers a large area of its floodplain. The river itself is a strategically important wildlife corridor through the north of the county, supporting a diverse range of aquatic habitats and species, and connecting a large number of other important wildlife sites. The development would not directly impact upon the CWS itself, however there are likely to be potential indirect effects including:

Pollution incidents during construction phase – this risk could be reduced through safe working measures as part of a Construction Environmental Management Plan.

Pollution from urban run-off during the operational phase – this would be reduced by ensuring a surface water management scheme to ensure that surface water is discharged via a SUDS system.

Damage of riparian / floodplain habitats during the construction phase – this could be avoided by fencing off sensitive areas from construction activities .Neglect / lack of appropriate management of riparian habitats – management of the riparian habitats could form part of a Landscape and Ecological Management and Monitoring Plan (LEAMMP) for the site.

11.5 Habitats

The site is dominated by improved pasture fields of relatively limited ecological value due to current management practices. The fields north of Pudding Brook exhibit a neutral character with greater diversity; these fields do not qualify as BAP habitat, but are of local value. Small areas of marshy grassland are also present within areas of floodplain and are of local ecological value, but do not qualify as BAP habitat. Part of this neutral grassland would be lost to 'The Valley' however there is potential to improve the ecological value of the remaining neutral grassland through favourable management, as part of a LEMMP for the site. Marshy grassland would be largely retained within areas open space and the green infrastructure strategy indicates an area of 'wet meadow' which would suggest the potential for creating further areas of this habitat type within the riverside park.

11.6 The fields are bounded by a strong network of well established hedgerows, several of which are species-rich BAP quality habitat. The hedgerow network also supports a large number of mature standard oak and ash trees including veteran specimens. There would be some inevitable loss and fragmentation of the hedgerow network, while retained sectioned would be degraded over time where they form part of rear gardens and by the general urban context resulting in a significant negative impact on the hedgerow network. While the impacts upon the hedgerow network will ultimately depend on the detailed layout, the majority of the species-rich elements of the hedgerow network would be located within the riverside park, and the green infrastructure strategy indicates that some of the species-rich elements within the development area would be retained within public open spaces. It is also proposed to plant new stretches of hedgerow and strengthen the network within the riverside park, helping to offset the negative effects of the development.

11.7 Small areas of woodland are present within the site which include willow dominated wet woodland in areas of floodplain and oak dominated woodland in drier areas of the site; these habitats qualify as BAP quality habitats. These woodland blocks would be retained within the development with the exception of an area required for highway access through the site. Up to ten mature trees will be removed, however it is understood that no veterans would be removed. The retained woodlands would also experience some negative effects from urbanisation in close proximity to them. Nonetheless, the indicative masterplan suggests that these would be buffered from development as part of the green infrastructure network and proposed planting within the riverside park would also increase the overall extent of woodland habitat over time.

11.8 In addition to the River Avon CWS which flows along the eastern boundary of the site, two small tributaries cross the site in a broadly east-west direction; Pudding Brook and Hollywell Brook. Although these watercourses are not designated, they would meet the criteria for CWS and should be considered as being of County value. These watercourses would be largely retained within the green infrastructure network within the site, although there would be some unavoidable fragmentation caused by the highway network and indirect effects of urbanisation. As with the River Avon CWS, the use of pollution prevention techniques and SUDS should protect water quality within these watercourses.

11.9 A network of shallow ditches also cross the site, however these are generally damp/dry and are likely to only hold water ephemerally, therefore they do not support any valuable aquatic plant communities. A number of small ponds are present within the site, however these are generally not in good condition. The ditch network would be fragmented however it is understood that the ponds would be retained. The green infrastructure strategy and indicative masterplan indicate that wetland scrapes would be created in the riverside park and the SUDS system for the development will also create opportunities to create further wetland habitats.

11.10 Species

Several of the mature trees within the site have potential to support roosting bats, one of which was found to support a single common pipistrelle bat. The buildings at Millbourne Farm were also confirmed to support small roosts of common and soprano pipistrelle bats. It is understood that these buildings would be retained within the proposals and therefore there would be no impact upon these roosts. An assemblage of 11 species was found to forage and commute across the site; the majority of this activity was concentrated along the hedgerow network (particularly around mature trees), watercourses and woodland edges, although some of the larger species were also recorded foraging over open pastures. This assemblage included the rarer greater and lesser horseshoe bats, recorded particularly along watercourses and woodland edges. The green infrastructure strategy and indicative masterplan indicate that the main commuting routes through the site would be retained, however some fragmentation will be inevitable as a result of the highways network, which will have impacts upon 'gap sensitive' species. Lighting across the site is also likely to disrupt commuting / foraging bats and exclude some species from large areas of the site, however the lighting strategy indicates how dark corridors could be retained within the development. The development will result in the unavoidable loss of relatively large areas of foraging habitat for species associated with open habitats (serotine, noctule and greater horseshoe). Ecological enhancement of habitats within the riverside park could help to offset these losses overtime as they could gradually support increased densities of invertebrate prey items, however this will be dependent upon the long-term management of this area, which is yet to be decided. The best approach for foraging bats would be to continue cattle grassing (many of their invertebrate prey species are associated with cow dung), as suggested by Natural England, however if this is not feasible in practice then increasing other types of prey item associated with wetland, species-rich grassland and woodland may provide alternative forms of foraging habitat; this will need to be agreed through ongoing S106 negotiations and the LEAMMP. It is therefore expected that the development would not affect the favourable conservation status of the species concerned.

11.11 A great crested newt breeding pond is present within the site, which supports a small population, and a further small population is also known to breed offsite, close to the western site boundary. A habitat corridor between these populations will be retained, and although the overall area of terrestrial habitat available to the populations will be significantly reduced, retained habitats will be improved and new ponds will be created, therefore the favourable conservation status of these populations will be retained. A small population of grass snakes is known to be present on the site. This species has similar habitat requirements to those of terrestrial great crested newt, therefore it is expected that this population will utilise habitats created and maintained for newts.

- 11.12 An assemblage of 40 breeding bird species was recorded on the site, which included nine BAP species; this is a fairly typical farmland bird assemblage, with no particularly rare species understood to be breeding on the site. Breeding birds were largely confirmed to the hedgerow network and woodlands, with the exception of skylark using open pasture, and starlings and house sparrows using the buildings at Millbourne Farm. Moderate numbers of relatively widespread species were recorded overwintering on the site which included reasonable numbers of redwing, fieldfare and meadow pipit, and individual snipe. The development will exclude the breeding and wintering farmland bird assemblage from the development area, although some common urban/sub-urban species may benefit from this change in land use. Increased levels of recreational disturbance (particularly dog walking) is likely to discourage some of the more sensitive species from using habitats in the riverside park and nearby open countryside, although habitat enhancements may benefit more tolerant species. Cat predation will impact upon population levels, however this is likely to be greatest close to residential areas.
- 11.13 Signs of otter and water vole were recorded on the River Avon, and it is likely that these species also use Pudding Brook and Hollywell Brook. The buffering of all watercourses should protect these species, although water vole may become vulnerable to cat predation. A main badger sett is present in the north east of the site but would not be affected by the proposals.

Commitment will be made to the delivery and management of the Riverside Park through a S106 legal agreement, which will form part of the planning permission. The legal responsibility for the management of the park will ultimately rest with the developers. Crest Nicholson and Redcliffe Homes have set out a clear commitment in the application material to a Garden Village vision for the site and identify long term management as a key strand of that vision. This is promoted through the National Planning Policy Framework and set out further in the Town and Country Planning Association literature.

Surveys indicate that dormice and white clawed crayfish are absent from the site.

11.14 Long-term management of the riverside park

The ES makes it clear that the ecological mitigation for the development is heavily reliant upon the provision and long-term management of a riverside park. The Riverside Park will deliver a major benefit for local residents and biodiversity which should weight significantly in favour of the development. However, long-term sustainable funding and responsibility for such a large land asset will be challenging, and a number of options have been explored. The Council's aspiration is to have this managed as part of a single riverside park for the entire town in accordance with policy CH4 of the emerging Chippenham DPD. The developer has suggested that management could be funded through a management fee paid by the residents of the new development.

Natural England has recently carried out a feasibility study looking at different models of governance, funding and management of a Chippenham Riverside Park. One of the models proposed is that which matches the developer's aspirations too.

Commitment will be made to the delivery and management of the Riverside Park through a S106 legal agreement, which will form part of the planning permission. The legal responsibility for the management of the park will ultimately rest with the developers. Crest Nicholson and Redcliffe Homes have set out a clear commitment in the application material to a Garden Village vision for the site and identify long term management as a key strand of that vision. This is promoted through the National Planning Policy Framework and set out further in the Town and Country Planning Association literature.

The Garden Village vision seeks to try and embed long-term community involvement, ownership and responsibility to engender a genuine sense of community. This is a change from more traditional models for house builders and local authorities who are facing increasing budgetary constraints. Crest Nicholson are implementing community ownership models at Tadpole Garden Village in Swindon and Monksmoor Farm in Daventry, Redcliffe Homes are also

committed to this approach. Tadpole Garden Village received the Community Initiative of the year award for 2015 at the housebuilder awards.

A Community Interest Company is the preferred option for Rowden Park, funded by the developer initially and in the longer term through a management charge. The land and assets would be owned by the Community Interest Company, which is regulated by government, and any revenues recycled for the benefit of the community. There are alternative community ownership models, which could also be explored and the developers have indicated that they have had discussions with the Wiltshire Wildlife Trust, who are involved with Tadpole Garden Village. There may be opportunities to involve Borough Lands, Chippenham Town Council and Wiltshire Council if they wish to sit on the Community Interest Company in what could be a flagship community initiative of regional and national profile. Finally if the community model does not prove suitable then responsibility could be transferred to a management company. Transfer to the Council has been suggested as an option in the future, as an alternative to a management company, but the Council do not favour this at present.

In summary the legal commitment to the management of the park will be secured through a S106 agreement and the final details will be agreed with the planning authority following the grant of planning permission, prior to the delivery of the park.

12. Impact on landscape and heritage assets

Landscape

- 12.1 According to para. 109 of the NPPF the planning system should contribute to and enhance the natural and local environment by “protecting and enhancing valued landscapes”. Wiltshire Core Strategy policy CP51 “seeks to protect, conserve and enhance Wiltshire’s distinctive landscape character”.
- 12.2 The Landscape Character Assessment report, submitted as part of the application, notes that the landscape is sensitive and provides a green finger linking into the town centre to the rural area to the south and provides a physical separation between Pewsham and Rowden Hill. The report points out that despite this sensitivity, the site does not extend a large distance beyond the overall footprint of Chippenham and is not visually prominent. The submitted report’s conclusion is that the development is acceptable as long as the setting of Rowden Manor is maintained and the key features of the River Avon are preserved. It is proposed that the land within the Conservation Area will form part of a country park gaining enhanced public access.
- 12.3 The applicants argue that for the most part the built development part of the application is visually well contained: Views to the west are limited by the vegetated railway track. Views of the site from the east are gained from Pewsham Way on the eastern valley side, over the river Avon, but are filtered through substantial riparian vegetation and scattered woodland blocks. There are some glimpsed distant views from the higher land to the south. They go on to say that the landscape-led masterplan retains and strengthens the surrounding woodland and tree structure that filters views of the development from the Rowden Conservation Area and surrounding landscape.
- 12.4 There will be visual impacts in the short and long term from some viewpoints, but the majority will only incur short term impact during construction.
- 12.5 The Council’s Landscape officer has provided extensive comments on the proposal (available in full on the file and on line and summarised above). In summary it is acknowledged that significantly adverse landscape effects are likely to result from the development, as a loss of a large area of Greenfield farmland (the proposed housing area) as a landscape resource, to be permanently replaced by built form. The adjoining section to Patterdown Road will also become permanently urban in character. Major and moderate adverse visual change effects resulting from this development will include the changing rural views across the site towards the

limestone ridge, to views through and over urban development in the foreground for the short sections of existing rural footpaths incorporated into or adjacent to the proposed new urban housing areas, and also for Patterdown Road users and those local residents.

- 12.6 The Landscape Officer concludes that the current outline illustrative proposal shows that by sensitive design, landscape mitigation and enhancement of green infrastructure demonstrates that the urban development will not compromise the existing character or landscape value of the conservation area. There is an opportunity to soften an existing harsh edge of the conservation area by sensitive planting.
- 12.7 Within the riverside park area, the management of the area is key to maintain the existing “feel” of pastoral farmland with hay cropping. It is key that a Management Plan is submitted to the LPA with provisions for the long term maintenance of the land and this is suitably controlled.
- 12.8 Overall it is considered that, with appropriate conditions and S106 agreement the proposal complies with para. 109 of the NPPF and Wiltshire Core Strategy policy CP51 which “seeks to protect, conserve and enhance Wiltshire’s distinctive landscape character”.
- 12.9 Impact on Heritage Assets.
- 12.10 Evaluation on the impact of any development on heritage assets is governed by:

The Town and Country Planning (Listed Buildings and conservation Areas) Act 1990 (The Act); The development Plan which in this case is the Wiltshire Core Strategy and the advice in the National Planning Policy Framework (NPPF), in particular paragraphs 133 and 134.

Section 66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of building or other land in a conservation area. In this context ‘preserving’ means doing no harm.

WCS policy CP58 requires that development should protect, conserve and where possible enhance the historic environment.

National Planning Policy: The National Planning Policy Framework (NPPF) in particular paragraphs 132, 133 and 134.

The Guidance in para 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The policy guidance in paragraph 133 of the NPPF is clear in relation to a development proposal which will lead to *substantial harm* or total loss of significance of a designated heritage asset. In such cases, planning permission should be refused unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the conditions set out in paragraph 133 apply.

Paragraph 134 states that where a proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Planning Practice Guidance defines the 'setting' of a heritage asset as: *"The surroundings in which (it) is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."* The Guidance says: *"The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part ... buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each."*

The Guidance says: *"heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. In most cases the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice..."*

- 12.11 Case Law: Following the landmark case of *Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust and SSCLG*, the key principle of determining applications that have an effect on any heritage asset are more clearly set out.

The Court of Appeal held that in enacting S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration but "considerable importance and weight" when carrying out the balancing exercise. This gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the setting of listed buildings. Even where the harm would be "less than substantial", the balancing exercise cannot ignore the overarching statutory duty imposed of giving considerable importance to section 66(1). The Court of Appeal found that the Inspector did not give considerable importance and weight to the section 66(1) duty when carrying out his balancing exercise.

Paragraph 134 NPPF should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in sections 66(1) and 72(1).

The degree of harm to the heritage asset is a matter of judgement, e.g., whether it is substantial or less than substantial. If it is the latter, the strength of the presumption is lessened but it does not follow that the 'strong presumption' against grant has been entirely removed. Even if the harm is less than substantial, it must not be overlooked, in the balancing exercise, the overarching statutory duty which 'requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings and the character and appearance of conservation areas'.

It is not be enough to ask whether the benefits outweigh the harm as if the two factors were of equal importance, but whether they do so sufficiently to rebut considerable weight given to harm and the strong presumption against permission. The error made in *Barnwell* was to treat the less than substantial harm to the listed buildings as a less than substantial objection to the grant of planning permission.

- 12.12 The Listed Buildings:

The listed buildings closest to the proposed development are those of Rowden Manor and Showell Farm. Rowden Manor consists of a Grade II* farmhouse with barn outbuildings and attached 18th century gate piers; several grade II listed barns; a scheduled ancient monument of a moated site and fishponds and civil war entrenchments. Showell Farm is a grade II listed farmhouse with grade II listed barns in close proximity. Other listed buildings in the vicinity are Patterdown Farmhouse, which is Grade II listed.

- 12.13 The distance of the proposed development from the actual listed buildings means that there is no actual harm to the buildings themselves. The assessment therefore needs to be made about the impact on their setting.
- 12.14 The conservation officer has provided more detailed comments and identifies that views to and from the heritage assets will be affected by the building of new buildings and even with hedge filtration, the views will be, at best, be solid built form. She also notes that as the small quantity of buildings in the area currently are mainly farms and cottages and mostly 2 and 2.5 storeys high, enveloping them in urban development will harm their setting by removing the land that they were associated with. In her view the proposals would harm the setting of the heritage assets, albeit she has qualified this as less than substantial harm. Paragraphs 17 (10), 131, 132, 134 and 137 of the NPPF. The emphasis is on new development affecting the setting of heritage assets to enhance or better reveal their significance (Para 137). In visual terms the Heritage Assets of the Listed Buildings will not be further revealed, except, perhaps to bring people formally closer to them through the country park. However, together with the information and interpretation boards that are proposed, the history connected to the Heritage Assets (Rowden Manor and Rowden Conservation Area) will be better revealed and understood and this will not only be for residents of Chippenham, but for visitors as well.
- 12.15 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that when deciding to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interests it possesses. The Conservation Officer considers that the *indicative* layout of the proposed development appears not to comply with the paras 132, 133 and 134 of the NPPF or 66(10) of The Act in this respect and has suggested that the layouts and densities are reviewed in order to create more and better views to and from the heritage assets. The application is in outline only, with an indicative masterplan. The density of the layout was discussed at several meetings and has been amended to show lower densities along the boundaries with the conservation area. The overall density for the whole scheme is 32 dwellings per hectare, which is considered to be relatively low. The density is relatively set although the proposal is submitted as “up to 1000 houses”, giving some minor flexibility on the density. However, the layout is not yet determined and the Reserved Matters application will be expected to pay heed to the enhancement of views to and from the heritage assets. This will be a matter to be dealt with at that stage. The parameters plan has also been updated to show lower height houses (specified as up to 10m for the 2-2.5 storey houses adjacent to the conservation areas). However, following meetings the applicants are well aware that such height buildings will not be acceptable on the boundary with the conservation area. They are aware of the need to “grade” heights of built form as distance increases from the conservation area boundary. The dwellings which are on the south facing slopes of the development have also been amended so that those closest to the conservation area boundary will be split level with the northern facades being 1 storey (upto 7.5m) and the rear at 2 storeys (10m). This grades into a split level of 2 storeys at the front and 3 storey at the rear further away from the conservation area boundary. The conservation officer still expresses concerns about these heights. This is acknowledged, but must be taken in the context of the heights being given as maximums. The reserved matters application will deal with the specifics.

Comments on the pastiche vernacular are a personal opinion and it is not the planning officer's role to prescribe design. It is not considered that a modern approach on such a large scale would be a good fit in this location, and the applicant is best placed to understand the market. The planning officer's role is to promote good design and create a sense of place and it is considered that the Garden Village ethos with large green areas and good spacing, will achieve this. It is considered that use of a variety of materials will help connect the development to Chippenham and the openness and greenery will connect the development to the attached riverside park.

- 12.16 It should be noted that at this stage the masterplan is indicative, but does give an overall view of the garden village design ethos that is being proposed. It is acknowledged that the

conservation officer has concerns about the impact of the proposal on the heritage assets and their setting and these have been qualified by her as less than substantial harm. This application therefore falls within paras 132, 134 of the NPPF, thereby necessitating considerable weight to be given to the less than substantial harm and special desirability to the protection of the setting of the heritage assets, and where there are any public benefits that may otherwise outweigh the identified harmful impacts.

- 12.17 The Listed Buildings of Showell Farm are already compromised by their setting next to the Patterdown Road and close proximity to the A350. They are surrounded by roads and these roads cut across their original land ownership and setting, meaning that the views of them from a wider area are also already compromised by existing vegetation. It is acknowledged that what views there are, will be compromised by the proposed built form, which will lessen views to them from areas of public access within the site. The views of them from existing roads will remain unaffected. The impact on the listed buildings of the development has already been stated as less than substantial by the conservation officer and although there are no perceived benefits of the scheme to the actual heritage assets to outweigh the harm, the overall public benefit is considered to outweigh it.
- 12.18 The listed buildings at Patterdown are again compromised by 2 roads and the railway embankment immediately behind. The most significant views of these listed buildings are from the public highway and railway and these will not be affected by the development. Views away from the buildings will change in that they are currently open fields and this will become built development, just on the other side of the Patterdown Road. This harm has been agreed as less than substantial by the conservation officer. Given the compromised setting of these listed buildings already, and the less than substantial harm that has been attributed to it by the conservation officer, the public benefits of the scheme which have been stated throughout this report mean that the balancing exercise that must be undertaken in accordance with para 134, falls in favour of granting planning permission.

The fact that there would be some harm to the setting of listed buildings has to be given significant weight, but it does not outweigh the significant benefits that arise from providing much needed housing, education and open space on this site at a town identified as a principal settlement.

12.19 Rowden Conservation Area

It is acknowledged that the development will not directly affect the heritage assets, but will have an impact on their setting. This section deals primarily with the conservation area. The buildings of Rowden Manor were built with a setting of open fields, which reflected their farming and historic status and part of that setting will be built on and views away from the heritage asset will be interrupted by new buildings. The Rowden Conservation Area was partially designated to preserve that function and it is key that it will not be built on directly. The new development abuts it, so views to and from the conservation area will be interrupted. However, it is considered the function of the conservation area as the setting to the Rowden Manor complex will remain.

- 12.20 The area of land that forms this application is recognised for its landscape quality and in particular its strong historical association with Rowden Manor. A significant part of the site lies within Rowden Conservation Area, which includes Rowden Manor itself is a Grade II* listed farmhouse with barn, outbuildings and gate piers, as well as the surrounding agricultural land, which is characterised by the topography and visual enclosure from the river valley around the manor, which appears as a green finger of countryside that follows the line of the river Avon. The conservation area is unusual in that it is a landscape designation conservation area, first designated in 1989, but reviewed to take into account the raised hillsides of the river valley and then adopted in January 1997 with a view to preserve the historical character of an area of agricultural land with a strong association with Rowden Manor.

- 12.21 At present, much of the land currently has public access by the goodwill of the landowner and this has resulted in numerous informal paths and littering (there has been a burnt out car on site for several years).
- 12.22 The Environmental Statement accompanying the application considers that significant weight has been put on the preservation and enhancement of the conservation area and the listed buildings within the Rowden Manor complex. This has been achieved through the proposed retention, repair and preservation of historic field boundaries and screening of the proposed development through sympathetic planting (outlined in section 6.92). This is considered to be a benefit of the scheme which would not be achieved otherwise.
- 12.23 After the original submission Historic England requested some further work to be taken on the impact of the development on the setting of the Rowden Conservation Area. This was received and Historic England's response is within the consultation response. Historic England have identified Harm to the Setting of the Rowden Conservation Area and when asked to clarify whether this fell within "substantial" or "less than substantial" stated that it was moderate, but that the application should be determined in accordance with para 134 of the NPPF and in accordance with the Council's own conservation officer's advice.
- 12.24 They do, however, suggest alterations to the scheme as they currently consider that the proposal fails to preserve or enhance the character of the conservation area as required by S72(1) of The Act. They are however, pleased that an assessment has been submitted by the applicants focussing on the Conservation Area and its attributes, but do not agree with the findings. The application is in outline with an indicative masterplan and there is therefore an opportunity when the Reserved Matters application is submitted to incorporate features to address the concerns of Historic England. Historic England will be consulted on any such application.
- 12.25 The Council's Landscape Officer has stated that he does not judge that the illustrative urban/rural housing area transitions adjoining the southern and western conservation area boundary will generate severe or significant adverse landscape or visual effects or impacts likely to harm the setting of Rowden Conservation Area. He does, however, note that these comments are only landscape and visual impact observations.
- 12.26 It is a matter of opinion as to whether the provision of more formal paths and interpretation boards will enhance the conservation area, but this has to be weighed against the effects of the informal use now and the littering that has taken place. This is a finally balanced exercise, which has been given special regard and consideration in assessing this application. The impact of the built form on the preservation or enhancement of the conservation area has also been given special attention and assessment by the Council's Conservation officer; Historic England and with a commentary from the Council's Landscape Officer. Views to and from the Rowden Conservation Area will be altered, although the existing and proposed vegetation will filter those views, so that the impact is less than substantial. Both the Council's Conservation Officer and Historic England agree with this. The proposed development ethos is that of a garden village with lower than average housing densities and considerable planting so that although there is a substantial amount of houses proposed, they are built in a more village style layout with significant space around the houses and enhanced greenery. It is considered that this is better related to landscape designated conservation area. It is considered that these will be improvements to the character of the conservation area that can be added in favour of the development being granted planning permission in the balancing exercise.
- 12.27 According to the guidance in section 72(1) of the Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990 special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area. The Conservation Officer has assessed the impact of the proposed development on the Rowden Conservation Area and notes that although the proposal is to create park within the conservation area, the detail is not entirely clear. The conservation officer concludes that the density of the development would considerably alter the character of the area and the setting of the heritage assets. The built

development is not within the conservation area, but abuts it. The proposals would therefore affect views to and from the heritage assets, which are currently across fields and hedgerows but will be obscured by housing or at least masonry rather than vegetation. The conclusion of the conservation officer is that the harm will be quantified as less than substantial. This view is concurrent with that of Historic England. This application therefore falls within paras 132 and 134 of the NPPF, thereby necessitating weight to be given to the less than substantial harm identified and whether there are any public benefits that may otherwise outweigh the identified less than substantial harm.

Built form will inevitably alter the character of an area and given the significant amount of new homes that are required to be built in and around Chippenham, much of the character of the green space around the town will alter. In this case the alteration of landscape character is most significant in its impact on the Landscape designation of Rowden Conservation Area. Given the Conservation Officer's and Historic England's assessment of the proposal having less than a substantial harm impact on the heritage asset of Rowden Conservation Area, the public benefits of permitting the scheme must be significant to outweigh this harm. The benefits of providing much needed housing (including no less than 300 Affordable Homes) in such a sustainable location together with the provision of a school, ecological enhancements and improved accessibility and comprehension of the heritage assets are considered, on balance, to outweigh this less than substantial harm.

Core Policy CP58 states that development should protect, conserve and where possible enhance the historic environment. There is no balancing exercise implicit within this policy, but it does have to be balanced against the objectives of other relevant policies within the core Strategy, including those seeking the provision of much needed housing and affordable housing.

- 12.28 The application is in outline and although accompanied by a Masterplan, the design is still open to negotiation with the submission of reserved matters. This will ensure that the applicants in conjunction with the Local Planning Authority can work to optimise views to and from the noted heritage assets, including the conservation area. However, the applicants have worked with officers to ensure that the masterplan and parameters plans that accompany the submission ensure that the development is compatible with its proximity to the heritage assets in the locality. For example, the heights and densities of the layout are lowest where the site bounds the conservation area. Whilst the conservation officer has raised concerns over the heights of the houses in the south east of the development, the heights (of up to 10m in height) are maximums and the applicants are well aware of the need to have lower houses on the boundary to create a gradation of heights into the site. This level of detail can be controlled at the Reserved Matters stage. It is the masterplan and parameters plans which are to be conditioned at this stage.
- 12.29 The public benefits of the development have already been expressed throughout this report (The provision of much needed housing together with affordable homes; enhanced ecology; public access to the country side; a school and local centre together with employment in construction and increased spend). However, these also need to be added to the interpretive enhancements proposed and the fact that enhancements to the land within the country park are proposed. The formalised access arrangement will be of benefit to both the new residents and to all the residents of Chippenham town together with visitors.
- 12.30 Taking the public benefit into account and apportioning the great weight that needs to be given to the desirability of preserving or enhancing the character or appearance of the conservation area, it is considered that the public benefits would outweigh the identified less than substantial harm that may occur to the Rowden Conservation Area. The fact that there would be some harm has to be given significant weight, but it does not outweigh the significant benefits that arise from providing much needed housing, education and open space on this site at a town identified as a principal settlement.
- 12.31 Scheduled Ancient Monument

There is an ancient medieval pond within the grounds of Rowden Manor. This will not be directly affected by the proposal. A scheduled ancient monument is a designated asset. The harm to this Scheduled Ancient Monument is considered by the conservation officer to be less than substantial. There are currently very limited views to or from the Scheduled Ancient Monument due to the high hedging etc that surrounds it. The rural setting of this heritage asset will remain and it is considered that the provision of much needed housing together with the other benefits of enhanced ecology, affordable homes, a school, shops and increased sustainable access to the town centre etc outweigh the less than substantial harm that is caused. The proposal also includes provision for interpretation boards etc which will quite possibly give the general public their only opportunity to understand the purpose and significance of this Scheduled Ancient Monument.

12.32 Non-Designated Heritage Assets

Para 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining any application. There is a need to make a balanced judgement having regard to the scale of any harm or loss and the significance of the asset.

12.33 The conservation officer has identified several non-designated heritage assets in the form of Holywell Farm, Milbourne Farm and Showell Cottages. Showell Cottages and Holywell Farm are similarly affected to Showell Farm and Patterdown Farm listed buildings. All but Milbourne House are not directly affected by the development, being outside the site a short distance away. The balancing exercise already undertaken in relation to the actual heritage assets falls in favour of permitting the proposal.

12.34 Milbourne Farm itself falls within the development site and will effectively be surrounded on all sides by development. Whilst this is not ideal, the land associated with the farm is to be maintained as the country park and the design of the layout means that there is a greener backdrop to the farm than otherwise may have been possible. On balance it is considered that the setting of this non-designated heritage asset is sufficiently preserved to allow permission to be granted.

12.35 The 3 sites added in the CSAP document have been assessed by the applicants in an ES Addendum. This is in addition to the assessment of the cumulative impact of the other developments in the locality including Hunters Moon at Easton Lane (which has a resolution for permission). The developments around Rowden introduce a significant urbanizing effect to the area south west of Chippenham town centre. In conclusion they consider that there would be minimal cumulative impact on the setting of the Heritage Assets and hitherto unknown archaeological remains, and if well designed would be assessed as negligible. The Council's Conservation Officer agrees with this view.

13. Access and highway issues including impact on junction 17 of M4

13.1 Highways England have removed their holding objection and have provided an updated response which states that they are working with Wiltshire Council to identify and understand the impact at M4 Junction 17 associated with planned Core Strategy growth in Chippenham (4510 houses by 2026) and the measures necessary to accommodate this growth on the strategic road Network, to ensure that a severe detrimental impact to road safety does not arise.

The work undertaken by Highways England demonstrates that with the growth set out in the WCS, the absence of necessary improvement to J17, vehicle queuing would occur at J17 to the extent that there would be stationary traffic on the M4 mainline waiting to exit the motorway. This represents a severe safety risk. The work undertaken also demonstrates that this circumstance would arise early in the plan and would worsen over time. Evidence from the police; traffic officer and Highways England's Area 2 Managing Agent (Skanska) suggests that this situation already occurs at times.

13.2 To that end Highways England has already agreed a scheme with Wiltshire Council and the applicant which consists of the signalisation of the junction off-slips. This scheme has been designed to provide the mitigation necessary to accommodate planned growth to 2026, including Rowden Park. Wiltshire Council have committed to design, fund and deliver the scheme and have an indicative programme assuming delivery in Autumn 2017. On this basis it is likely that the J17 improvements will be complete early in the delivery programme for this site and the Plan period. The risks remain however, and Highways England would not be content with indefinite growth in the absence of the delivery of the agreed scheme.

13.3 It is therefore Highways England's updated view that permission can be granted such that no more than 140 dwellings can be built and occupied prior to the M4 J17 scheme being in place. Beyond this dwelling quantum, timescales and growth are likely to result in unacceptable and severe road safety impacts. Highways England considers that this approach would not compromise the deliverability or viability of the development while managing the potential road safety risk.

They suggest the following condition:

No more than 140 dwellings shall be occupied unless, and until the M4 J17 improvement scheme as shown on Atkins drawing numbers WHCC_OS_ATK- HGN-T07178-DR-D-0001 revision P01.5 dated 14/01/16 and WHCC_OS-ATK-HGN-T07178-DR-D-0002 revision P01.4 dated 14/01/16 are completed and open to traffic.

13.4 Overall the council's Highway Officer is content with the proposal subject to mitigation measures and some further information regarding, for example, access to the secondary schools. He has specified clear requirements for the S106 agreement and planning conditions. There has been an area of discussion over lighting of the Rowden Mile. If the Country Park were to be adopted by the Council (not currently planned) then the highways authority would require it to be lit. However, it is considered by officers that, given that it is effectively open countryside and within the Rowden Conservation Area, this is undesirable. The developers have shown an alternative route, which Highways have criticized for being too narrow in places and not particularly direct. The narrowness relates mainly to small sections where it would be difficult to use a buggy and it is acknowledged that it is not the most direct route (that is being created by the "Rowden Mile ") However, it is considered that lighting of the Rowden Mile would be so injurious to the character of the conservation area, and that, provided that there is an alternative, the path should remain unlit. This therefore puts onus on the alternative route, which exists and provides viable alternative. There are, of course, other alternatives, which would accommodate a buggy and given that they are public rights of way and footpaths already, it will be individuals' choice as to which route they will take. It is considered that there are sufficient alternative routes available to not insist that the Rowden Mile is lit.

14. Flood Risk and drainage

14.1 The residential site lies mainly within Flood Zone 1 (less than 1 in 1000 annual probability of fluvial or sea flooding). A small proportion of the site, along the Pudding Brook, lies within flood zone 3 (high probability land with a greater than 1 in 100 annual probability of flooding from rivers or the sea. A flood risk assessment has been prepared in accordance with the NPPF which demonstrates that future occupants will be safe from flooding and the proposed development will not increase flooding elsewhere.

14.2 The development includes a limited amount of ground rising within the floodplain of the Pudding Brook to facilitate an access road. A flood compensation scheme is proposed to ensure that there is no detrimental impact on floodplain storage. The proposed mitigation ensures that there is actually a net gain in storage.

14.3 The location of all residential units within Flood Zone 1, combined with appropriate freeboard above existing ground levels, will ensure that these are not impacted upon by fluvial flooding.

- 14.4 The ground floor levels of new residential development will include a suitable freeboard above surrounding ground levels to prevent egress of surface water during extreme rainfall. The redevelopment of the site will also include appropriate landscaping to redirect overland flow routes away from properties during extreme rainfall.
- 14.5 The Surface Water Drainage strategy has been prepared in accordance with the principles set out in the WCC SUDS Guide and circa C697. These provide facilities for the storage of surface water on site and restricted discharge to local watercourses. A Construction Environmental Management Plan (CEMP) will be prepared for the site, which will serve to mitigate against potential minor adverse effects to surface water through the construction activity on site.
- 14.6 The submission has been reviewed and assessed by the Council's drainage engineers, Wessex Water and the Environment Agency and they have raised no objections subject to conditions. It is therefore considered that, subject to those conditions, that drainage and flooding are not an issue.

15. Impact upon neighbour amenity

- 15.1 There are a few existing residential properties that will be affected by the residential development of this site. The new houses on Rowden Lane itself are higher than those properties to be built nearest and have a good hedge boundary between the two development areas. Access is taken from Coppice Close to access the most northern part of the development, but although construction traffic will cause a short term disturbance, deliveries and work can be conditioned to only take place at suitable hours.
- 15.2 The proposal makes provision to retain the working farm at the centre of the site (Milbourne Farm), and the school and local centre are the buildings closest to this to minimise impact. The farm will continue for the foreseeable future to be a working farm and these non-habitable buildings are those best suited to being sited near to the farm. Access will be maintained for the farmer to be able to access his land, which is largely that within the conservation area.
- 15.3 The properties with Showell Nursery will be screened from the development by hedging and some distance. It is not considered that the masterplan shows any conflict with neighbouring amenity that cannot be addressed at the Reserved Matters stage and/or by way of planning condition.

16 Impact of Rifle & Pistol Club, Sewage Works, Air Quality and Contamination

- 16.1 There is a Wessex Water Sewage Treatment Plant approximately 350m to the East of the southern part of the development. Correspondence has been exchanged between the Council's Environmental Health Officer (EHO) and Wessex Water about the matter and any potential impact that may occur to the proposed new residents. Wessex Water has issued a Holding Objection (although this does not prevent planning permission being granted). The predictive modelling submitted as part of the Environmental Statement has demonstrated that proposed residential receptors should receive the same level of odour risk that occurs for an existing residential property in the area. Further information from Wessex Water and Peter Brett Associates has concluded on further modelling, that some receptors may be exposed to 'substantial odour risk'. However, the Council's EHO has stated that he is very sceptical about these findings and that the model has over predicted the impact. The Council has no record of odour complaints. He acknowledges that it may be possible that from time to time the proposed dwellings would experience a slight odour impact, but in his professional opinion, it would not be sufficient to raise a concern or objection, due to lack of actual evidence. The nearest properties are 350m to the east and the prevailing wind is South Westerly. It is considered that the Holding Objection cannot be substantiated.
- 16.2 The most northern part of the site is truncated from the southern part of the site by a sliver of land which contains Chippenham Rifle and Pistol Club, which is an established club on land

leased from Wiltshire Council. The gun club is active with shooting throughout the year, all of which is outdoors. Main club nights are on Tuesday, with Sunday Morning shooting also. There are no planning restrictions on the days and times that shooting can occur.

- 16.3 The EHO has been in discussion about the methodology and results. In conclusion he is content with the recommendations of the Environmental Statement with regard to dealing with road traffic and fixed plant noise. The applicant will, however, need to submit a Noise Mitigation Scheme (prior to commencement of development) via a condition that demonstrates that their design targets will be met. This should include prescribed acoustic treatments to the building envelopes of all affected facades, based on detailed calculations once the design details are known as well as the layout of gardens etc with regard to the meeting the 'outdoor living areas' criterion.
- 16.4 The scheme should also prescribe the source noise level, position and distance/screening attenuation effects of any selected fixed plant installed at the local centre and school. So as to demonstrate that the "rating level of -10dB below measured background noise level (BS4142:2014)" target can be met.
- 16.5 The resultant scheme relies wholly on built form to provide the noise attenuation. No barriers are now proposed. The Council's EHO has remained very concerned about potential for significant adverse noise impact as a consequence of building residential receptors immediately adjacent to the Chippenham Rifle and Pistol Club. The applicants have been able to demonstrate that they can comply with an SNL of 55dBa in the rear private amenity space, but that noise levels will exceed this to the front facade and areas of road and POS nearby.
- 16.6 The EHO still maintains that there may well be noise complaints on the basis that noise levels will still be at 17dBA above background noise levels (background accepted at 38dB). Some shots are quieter than others. Details of layout and design, plus any mitigation measures at source (the gun club) are required but it is considered that this could be controlled by way of planning condition.
- 16.7 The key issue to consider is whether it is acceptable to subject residents to above 55dBa noise levels to the front of their properties and the immediate outside spaces. The noise levels in their private garden spaces would be below this level, which the EHO has said is acceptable. The higher noise levels to the front of the property would not be constant (and currently one evening a week in the summer together with Sundays all year around). There are, however, no planning restrictions on the number of days although the current operators have been there for some considerable time and the timings have not altered.
- 16.8 National Policy (specifically in Planning practice Guidance (department for Communities and Local Government, 2014 – Paragraph 009)) provides further advice with regards to considerations relating to mitigating the impact of noise in residential developments. It states that noise impacts maybe partially off-set if the residents of those dwellings have access to:
- A relatively quiet facade (containing windows to habitable rooms) as part of their dwelling, and/or
 - A relatively quiet external amenity space for their sole use (eg garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced with increasing noise exposure and could be such that significant adverse effects occur and/or
 - A relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their own dwelling, and/or
 - A relatively quiet, protected, nearby external amenity space (eg public park or a local green space designated because of its tranquillity) that is nearby (eg within 5 minutes walking distance).

The design of the houses can be made to fit criterion 1 and criterion 2 is also achievable. It is

considered that the new country park will be within 5 minutes walking distance and so the criteria set out in the guidance are met to an acceptable level.

- 16.9 On balance, although it is desirable to have quiet space around a house at all times, the design of the houses to guarantee quiet private space in the rear garden, is considered to be the key criterion. Although the frequency of shooting could increase, given the operator and the fact that The Council owns the land, this is considered to be a less likely scenario than in many cases.
- 16.10 It is thus considered that neither the presence of the Sewage Treatment works nor the Gun club cause issues that would prevent the development coming forward and can be appropriately controlled by way of planning condition. Furthermore, the advice in the NPPF is that planning permission should only be refused on noise grounds where there are 'significant adverse impacts'. That is not the case here.
- 16.11 There are no records of contamination on the site, but there are areas of unknown filled ground and the LPA would need to be satisfied that those parcels of land were suitable for their intended use. A suitably worded condition can secure this.

Records show that the proposed site is not within an air quality management area or within an air quality planning zone and with this in mind no air quality assessment and associated transport studies is required automatically.

17. Sport England Comments

- 17.1 The comments of Sport England and the contributions they ask for are noted. However, Wiltshire Open Space Standards are in place and are based on an amalgamation of former saved district policies. The Wiltshire Open Space Standards outline standards to which development must adhere to. An updated Wiltshire Open Space Study was published in March 2015 (as part of the Wiltshire Core Strategy partial review consultation) and includes the results of an audit of existing open space assets as well as information on setting and applying local standards. This concludes that Chippenham does not have a shortage of outdoor sports provision (i.e. Outdoor Sports Pitches; Fixed Sports Pitches; Private Sports Pitches).
- 17.2 The Council approached various groups in the Chippenham area as part of the open space study and that informed the conclusions of the study. The requirements of Sport England are therefore not considered to be justified.

18. CIL and S106 Requirements

- 18.1 The site falls to be considered under the Major Sites CIL requirements, but there are some matters (site specific) to be controlled by way of S106.

19. Other Matters Raised

- 19.1 Local residents have raised a number of concerns, many of which have been dealt with in this report and many are also matters for detailed consideration of the Reserved Matters application. There appears to be a high level of concern about traffic and the impact on traffic movement within Chippenham. The applicants have satisfied the Council's Highway Officer that the works and mitigation they propose mean that the impact of the increase in vehicular movements can be absorbed. The provision of the Rowden Mile, increased bus services and improved footpath links ensure that this development can be considered to be sustainable. The comment that the development does not comply with CP10 in that it does not offer transport benefits for the existing community and improve accessibility by alternatives to the private car are considered unsubstantiated given the provision of the Rowden Mile (and an alternative in the darker months) together with enhanced bus services. These facilities will link in with existing residents and provide an attractive alternative means of travelling into Chippenham where all services and connections out (eg the train station) can be accessed.

- 19.2 The impact on the listed buildings and conservation area has been assessed and found to be acceptable (see section 12). The comments of the Doctor's surgery are noted, but the masterplan makes provision for the possibility of a further surgery on site and it is therefore not considered to be a concern at this stage.
- 19.3 The comments raised about the ecology of the area between the proposed housing and the river have been covered in the section entitled Ecology (section 11). The submitted green infrastructure strategy demonstrates how many of the more significant habitat features would be incorporated into the fabric of the development. It is acknowledged that the development would inevitably cause some fragmentation of habitats etc, but the proposal also gives substantial opportunities to improve the ecological values of the habitats and if the proposals for the riverside park were to be implemented, this would secure significant benefits for local residents and local bio diversity.
- 19.4 Comments about urban sprawl are noted, but it is not considered that these concerns are well founded given the level of containment that the site has and the distances to other areas of significant housing.
- 19.5 Residents have raised contamination as an issue, but the Council's Environmental Health Officer is content with the submissions and raises no concerns.
- 19.6 The land to be developed is in Flood Zone 1, with the majority of the Country Park in Flood Zone 2/3. The development makes provision for dealing with excessive rainfall by using swales and attenuation ponds so that flooding is not considered to be a concern.
- 19.7 The exact line of the footpaths has not yet been determined (although shown indicatively on the Masterplan) and the layout of the country park will be designed to enhance the space which is within Rowden Conservation Area.
- 19.8 The Core Strategy does make provision for employment to come before housing and this application is accompanied by the application for Showell Farm (N/13/00308/OUT), which provides the employment element.

20. Conclusion

- 20.1 The proposal is not in accordance with the Wiltshire Core Strategy (as the development plan), in that it lies outside of the limits of development and although it is being brought forward through the plan led process outlined in Core Policy CP2 and CP10 of the Core Strategy this is not complete. However, this has to be set against other material considerations. The Council cannot currently demonstrate a 5 year housing land supply in the north and west housing market area. In these circumstances, NPPF paragraph 49 advises that policies relevant for the supply of housing should not be considered up to date. As a result, the presumption in favour of sustainable development as set out in paragraph 14 of the framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 20.2 As this report demonstrates, there are no longer any outstanding site specific objections to the development of this site in terms of the scale of development (CP1), ecology (CP50), landscape (CP51), flood risk (CP61), Public Protection (CP55 and CP57) and highways (CP62) that would significantly and demonstrably outweigh the benefits of this particular development in this location on the edge of a sustainable settlement. The application is not wholly compliant with CP43 (Affordable Homes) in that the policy requires 40% Affordable Homes and what is proposed is to be no less than 30%. This shortfall has been balanced against the benefits of providing new homes, which are much needed in Chippenham throughout this and this shortfall has not been considered to be worthy of refusing the planning application, especially since the figure may be negotiated above the 30% minimum.

20.3 The report has highlighted that the development will have a less than substantial adverse impact on the setting of some heritage assets. The balancing exercise required by and the guidance in para 132 and 134 of the NPPF has been fully undertaken and considerable importance and weight has been attached to preserving the setting of the heritage assets. However, the benefits of the proposal including, amongst many, the fact that the proposal will boost housing supply at a scale of development appropriate to the principal settlement status of Chippenham, where a current lack of a five year supply of housing is acknowledged. The proposal has been planned alongside the employment site at Showell Farm to ensure connectivity between the proposals to support the delivery of balanced growth at south west Chippenham. There would be an additional supply of affordable housing and there would be economic benefits through construction and occupation of the houses together with other public benefits that include enhanced ecological areas, and an increased understanding of the heritage assets by way of information boards. The scheme brings beneficial links for residents to access the town centre by means other than the private car and access for existing town residents into the open countryside as well as access to information about Chippenham's history. The proposal will give more formal access to an area of land that is currently informally used, but without the benefit of marked paths.

20.6 It is considered on this occasion that the adverse impacts do not outweigh the benefits of scheme. It is therefore considered that the proposal is sustainable development in the context of the NPPF paragraphs 14 and 49 which will benefit the town as a whole and should be permitted.

RECOMMENDATION

That Authority to be delegated to the Area Development Manager to grant planning permission subject to the signing of a S106 agreement within 6 months of Committee and with the conditions listed.

In the event that the S106 is not completed within the 6 month timeframe allow Officers to assess progress and determine whether planning permission should be refused on the grounds of not achieving the required infrastructure commitments.

The Section 106 will need to cover matters including the provision of affordable housing; educational requirements; highway matters; and open space. More details on this will be reported at the meeting.

Recommended conditions are set out below:

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

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

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

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

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

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, relevant infiltration tests carried out in accordance with BRE365 and full justification to support results of flood risk calculations given in the FRA, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

4. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

5. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved. Prior to the commencement of the non-residential development hereby permitted details of how the developer will achieve BREEAM Very Good shall be submitted to and approved in writing by, the Local Planning authority. The development shall be carried out in the agreed methodology.

REASON: To ensure the proposals comply with relevant guidance and CP41 of the Wiltshire Core Strategy.

7. No development shall commence within the all areas except fields 4, 6, 7 and 8 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

8. No more than 140 dwellings shall be occupied unless, and until the M4 J17 improvement scheme as shown on Atkins drawing numbers WHCC_OS_ATK- HGN-T07178-DR-D-0001 revision P01.5 dated 14/01/16 and WHCC_OS-ATK-HGN-T07178-DR-D-0002 revision P01.4 dated 14/01/16 are completed and open to traffic.

REASON:

To ensure the safe and effective operation of the strategic road network.

9. No development shall commence until a scheme to demonstrate that all finished floor levels are set at least 300mm above the typical adjacent modelled 1 in 100 annual probability flood level to take into account a 30% allowance for climate change, has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried in accordance with the approved scheme.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

10. No development shall commence until a scheme to ensure adequate floodplain compensation provision has been submitted to and agreed in writing by the local planning authority. The construction of the part of the northern access road which encroaches into flood zone 3 must not commence until the floodplain compensation scheme has been completed. The development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

REASON: To minimise the impact of the development on the floodplain.

11. No development shall commence until a surface water management scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete.

REASON:

To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

12. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan, incorporating pollution prevention measures has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed

timetable.

REASON: To prevent pollution of the water environment.

13. Prior to the commencement of the development hereby permitted a scheme for water efficiency shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented concurrently with the occupation of the development and permanently maintained thereafter.

REASON:

In the interests of sustainable development and climate change adaptation.

INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency on 22nd January 2015..

14. Prior to the commencement of the development hereby permitted details of the following shall be submitted to and approved in writing by the local planning authority:

1. Tree retention and removal plan.
2. A plan showing the retained trees and Root Protection Areas (RPAs) on the proposed layout.
3. A plan showing strategic hard and soft landscape design, including species and location of new tree planting.
4. An arboricultural Impact Assessment.
5. A detailed Arboricultural Method Statement.
6. Details of all engineering within the RPAs and other relevant construction details.
7. Alignment of all utility apparatus.
8. A dimensioned tree protection plan.
9. Schedule of works to retained trees eg Access facilitation for pruning.

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

REASON: To protect the trees on site and ensure their health and vitality.

15. 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.

16. No dwelling shall be occupied, until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the screen walls and/or fences in respect of each dwelling have been erected in accordance approved details. The approved screen walls and/or fences shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

17. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their

design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use.

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

18. All plans submitted for approval as part of the reserved matters (as set out in Condition 1), shall be in accordance with the ecological mitigation measures set out in:

- 1) Chapter 5 of the Environmental Statement and relevant appendices (specifically 5.1 - 5.3)
- 2) Green Infrastructure Strategy (DRG No. 2513-090)
- 3) Lighting Strategy (Peter Brett, Project Ref: 20399/3003 | Rev: Final | Date: December 2014)

All development shall be carried out in strict accordance with the approved plans.

REASON: To ensure that ecological impacts are avoided and mitigated as far as possible through detailed design, in accordance with CP50

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the ecological mitigation measures set out in Chapter 5 of the Environmental Statement (and associated appendices), including the following detailed information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also demonstrably have regard to the principles and approach set out in the submitted 'Providing Net Biodiversity Gain' document (Engain, December 2015), and that it should demonstrate a net gain in the overall biodiversity of the site.

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

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

Upon commencement of development the LEMP shall be implemented in full in accordance with the approved details.

REASON: The application contained insufficient information to be fully implemented by landscaping management and maintenance staff or enforced by the Local Planning Authority in order to ensure that that the development is undertaken in an acceptable manner, to ensure adequate ongoing protection, mitigation and compensation for protected species, priority species and priority habitats throughout the lifetime of the development.

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

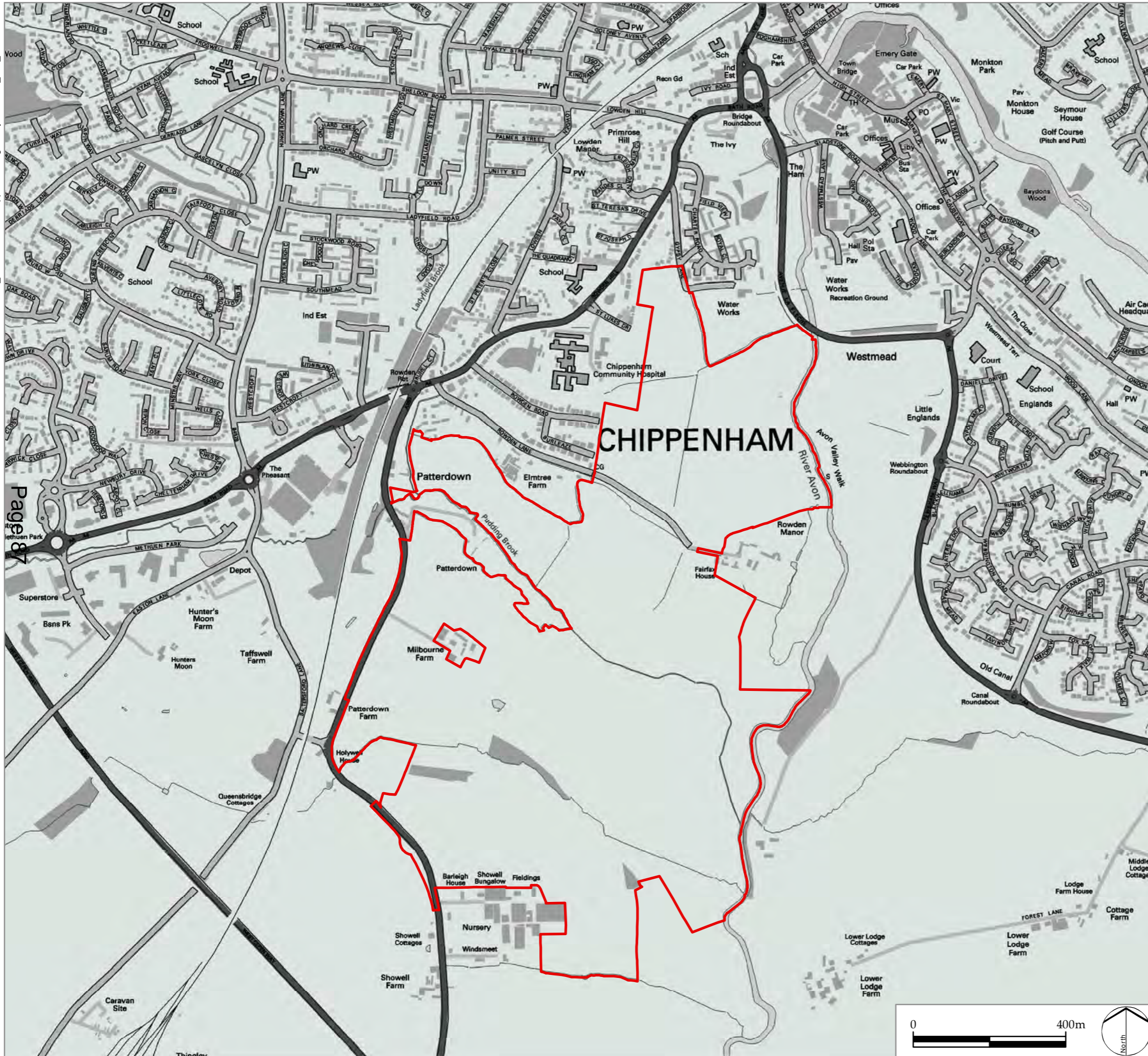
- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and

- 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;
 - h) detailed measures for the protection of semi-natural habitats and sensitive species (as broadly set out in Chapter 5 of the Environmental Statement and associated appendices); and
 - 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 implemented by construction staff or enforced by the Local Planning Authority in order to ensure that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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LEGEND

LDĀDESIGN

PROJECT TITLE
Rowden Park, Chippenham

DRAWING TITLE
Site Context Plan
Figure 1.1

ISSUED BY	Exeter	T: 01392 260 430
DATE	03 Dec 2014	DRAWN DWe
SCALE @A3	1:10,000	CHECKED BF
STATUS	Planning	APPROVED BF

DWG. NO. 3787_801

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

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Sources: Ordnance Survey...

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 September 2016
Application Number	16/01123/OUT
Site Address	Land South of Western Way, Bowerhill, Melksham, Wiltshire SN12 6TJ
Proposal	Outline application for residential development of up to 235 dwellings, primary school with early years nursery, open space provision and vehicular access off Pathfinder Way.(Outline application to determine access - resubmission of 14/04846/OUT)
Applicant	Mactaggart & Mickel & Mr and Mrs Doel
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH – (Cllr Roy White)
Grid Ref	390797 162608
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

Councillor White has requested that the application be considered by the Planning Committee in light of the concerns of residents and Melksham Without Parish Council; namely their concern that this is an inappropriate site for development, particularly the area to the west abutting the industrial estate, proposed junctions off Pathfinder Way, and the local need for affordable housing and medical facilities.

This is a large-scale major proposal for the erection of over 200 dwellings (and a primary school) which has wider strategic implications on housing delivery and therefore raises issues of more than local importance.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and all other material considerations; and to consider the recommendation that planning permission should be granted.

2. Report Summary

The main issues to consider are:

- Principle and planning history;
- Highway matters;
- Landscape and visual impact;

- Heritage impacts;
- Residential amenity and noise;
- Ecology;
- Flooding and drainage;
- Infrastructure impacts and planning obligations; and
- Any other material planning matters.

3. Site Description

The development site is situated in an area immediately to the south of Melksham and to the north of Bowerhill (a village and employment site). The site is severed by Pathfinder Way – one of the main routes into Bowerhill from the A365 and is separated from the built-up area of Melksham by the busy A365 (Western Way).



LAND SOUTH OF WESTERN WAY, BOWERHILL - SITE LOCATION PLAN P4
Ur

Existing housing in Bowerhill village adjoins the site along the southern boundary of the field to the east of Pathfinder Way; and existing employment and leisure uses adjoin the site along the southern boundary of the field to the west of Pathfinder Way. Adjacent to the northern and north eastern boundaries of the site is the A365 Western Way, beyond which is the housing of Melksham town. The site, being outside of any settlement boundaries is

considered to be open countryside and is in agricultural use. The land is designated as grade 3b, and therefore not the 'best and most versatile' as defined in the NPPF.

The site slopes from the south towards Western Way. There are a number of trees located to the peripheries of the two areas and there is a saved local plan policy (C40) to seek tree planting on the peripheries. No special landscape, archaeological, fluvial flood risk, cultural or heritage designations exist relevant to this site.

4. Planning History

A previous (14/04846/OUT) was withdrawn in December 2014. That withdrawn 2014 application involved the same site, but with 20 more dwellings, retail provision but no on-site education provision.

A planning application was not encouraged at the time as the Wiltshire Core Strategy (WCS) was in the process of being adopted (finally adopted January 2015) and it was suggested that the most appropriate route for pursuing development in a plan-led system would be via the Council's site allocation work or neighbourhood planning rather than a planning application at a time when the Core Strategy Planning Inspector had confirmed the existence of a 5 year land supply.

5. The Proposal

This is an outline planning application for the residential development of up to 235 dwellings (circa 70 affordable based on 30% provision, in line with the WCS), and a new 1 form entry (1FE) primary school with early years nursery, open space provision and new access points off Pathfinder Way. Following discussion and negotiation, all matters are reserved at this stage.

The scheme incorporates a degree of flexibility for further expansion to provide a 2FE primary school with early year provision. This would be in lieu of circa 22 houses based on the overall site density of 36 dwellings per hectare. This would include a proportionately reduced affordable housing offer (approximately 7 units). The area set aside is 0.6 hectares which is sufficient to provide a further form entry expansion to the proposed school. This would be secured through a legal agreement but it would be time restricted and relate to demonstrable educational need within such restricted timeframe. The detail of this would need to be negotiated and secured through a s106 legal agreement.

The residential element of the proposal has been submitted on the basis of a 30% affordable housing provision ranging from 1 bedroom flats to 4 bedroom houses. Market housing would range from 2- to 4-bedroom properties. It has been indicated that development would include single storey, 1.5 storeys, 2-storey, 2.5-storey and 3 storey housing at circa 36 dwellings per hectare. The design and access statement indicates a predominance of 2-storey buildings accentuated by occasional higher buildings within the middle of the development site and lower development to the eastern margins. Four general character areas would be created:

- i) The '*neighbourhood edge*' area adjacent to the open space and eastern margins would have a low density to reflect the transition into the buffer area alongside the A365 at this point and the sensitivity of the historic environment.
- ii) Semi-detached and detached, lower height housing would adjoin the existing '*Bowerhill edge*' area with a garden to garden layout.
- iii) Then higher density housing in the '*neighbourhood core*' area of the development would include apartments, terraced housing and semi-detached housing of between 2 and 3 storeys in height.
- iv) A similar approach would be expected in the '*principal frontages*' areas.

No details of parking have been provided but it has been indicated that a mix of garages, driveways and parking courts will be detailed at reserved matters stage and would be in line with the Council's adopted minimum standards where possible. Secure and covered cycle parking would be provided.

The proposal includes the provision of a 1FE primary school with early year's nursery facility and associated outside space, parking and circulation. The school requires an area of circa 1.4 hectares and the early years provision a further 0.2 hectares. This provides schooling capacity for up to 210 pupils.

A general landscape strategy has been included within the design and access statement indicating a multi-faceted approach to providing green infrastructure that offers a buffer to the north of the site, drainage, mixed play, ecological opportunity and seasonal interests as well as providing accessibility and ease of movement. The indicative details show multi-functional open space provision that will be for formal and informal recreation and surface water attenuation and landscaping. Indicative cross sections of this area indicate a soft edge to the northern limits of the application site.

Access details are now merely indicative, but illustrate the permanent closure of existing agricultural access points and the provision of access to both parcels of land from Pathfinder Way.

Off-site pedestrian and cycle links and routes have also been indicated. 5 toucan crossing points are indicated. This includes one over Pathfinder Way to link the two parcels of land. The remainder are intended for the A350 Western Way, including two to upgrade the existing island crossing at the end of Pathfinder Way. A bus stop to Pathfinder Way is proposed. There would also be off-site pedestrian improvements to the western side of Spa Road creating a pedestrian link from the existing residential areas of Melksham to the new school.

6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this application.

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP15 (Melksham Area Strategy), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP44 (Rural Exception Sites), CP45 (Meeting Wiltshire's housing needs), CP46 (Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring the conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

Wiltshire & Swindon Minerals Core Strategy 2009 - MCS1

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment), I2 (Arts), I3 (Access for everyone)

Other relevant documents (Local)

- Wiltshire Housing Land Supply Statement 2015

- Wiltshire’s Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire’s Community Infrastructure Levy - Regulation 123 List (123 List)
- Wiltshire Infrastructure Delivery Plan
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Wiltshire Local Transport Plan - Car Parking Strategy
- Leisure and Recreation Development Plan Document 2009
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Wiltshire Council Waste Collection Guidance for New Development

National Policy

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation

7. Summary of consultation responses

Melksham Without Parish Council: Object

“The Parish Council reiterates its objections to this planning application and cites the fact that, in the light of recent decisions on other applications for large developments, the Melksham Area has now exceeded its housing allocation target for up to 2026 as an additional reason to refuse permission for this application.”

“a) RURAL BUFFER - This is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements. This RURAL BUFFER has been safeguarded in successive local planning policies for 40 years and MUST BE RETAINED. The previous West Wiltshire District Plan 1st Alteration 2004, shows half of the proposed development site as R5 New Recreation Space (see page 41 item 3. See also page 55 H1d –Proposals for Housing Development within Towns will be permitted providing they do not result in the loss of an open space, visual gap, important for recreation and amenity reasons. Further housing development outside of the urban area as defined by Town Policy limits will not be permitted during the Plan period. The same condition applies to the Village Policy limit- See page 82 H17d – will not result in the loss of and important open space or visual gap). Building on these sites will mean Bowerhill and Melksham joining up

which the Bowerhill residents do not want. Bowerhill is a village with its own community. The Core Strategy paragraph 5.83 (page 130) states “Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of this strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. The identity of these separate communities will need to be preserved through the planning process. It is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable”.

There are other far more suitable sites for future housing provision at Melksham, particularly on the NE side to the north of A3102, where it could help facilitate further sections of an eastern bypass for the town and Beanacre which is a long-standing aspiration of the highway authority, and other SHLAA sites which could be more appropriate for this size of development.

b) AGRICULTURAL LAND - Both pieces of land are productive, agricultural land where the farmers grow crops.

c) INDUSTRIAL ESTATE - Some of the houses on the plan will back onto the Bowerhill Industrial Estate onto a garage, a container storage facility, a brewery and Boomerang which is a play area for children and is also used by adults in the evening. It stays open late with flashing lights and loud music. There are concerns that in the future residents of the new housing will not be happy with the neighbouring businesses. Residents of Bowerhill already have noise issues from the Industrial site, especially in Halifax Road. The area is also not suitable for housing as it will not be linked to the village of Bowerhill nor of Melksham town as it is separated by the A365, and will be isolated from both these communities.

d) PATHFINDER WAY - The creation of any new junctions on Pathfinder Way must not be allowed to create additional hazards, or impede pedestrians and cyclists. With the existing roundabouts at each end, a left-in, left-out arrangement would be the safest option. Pathfinder Way is very busy at all times as it is the principle access to the Industrial Estate, with some vehicles travelling at night.

e) SCHOOLS - The proposed site of the new school is unsuitable due to the proximity to the A365. Additionally vehicular access to the school will cause extreme traffic difficulties. If this school is also to serve children from the 450 houses on the site to the east of Spa Road (planning application 14/10461/OUT), a good school route either via the Campion Drive

Estate or via Pathfinder Way to the Spa would be required with provision of footways along the A365 to ensure that children do not take unsafe short cuts.

f) PEDESTRIAN AND CYCLE CROSSING - The plans show 4 sets of light controlled crossings. Whilst the Council welcomes the addition of crossings, it believes that the one to the north of the plan on the A365 Bath Road is too close to the roundabout. The Council previously felt that the Transport Survey conducted on 24th October 2014 was not sufficient and did not reflect the volume of traffic that regularly uses the A365. It commented previously that it wished to see a Metrocount survey to be carried out at varying times of the day and to be supplied by a full report of the entire data from these counts. No such data has been submitted with this current application. The Council are also concerned about a proposed weight limit that may be imposed on the A361 at Seend; this could have the potential to increase the flow of HGVs on the A365 via Bowerhill.

g) HOUSING TYPE - Bowerhill has a satisfactory mix of housing types, but Melksham needs additional affordable family housing for local people. The Melksham area generally DOES NOT require any more housing which is likely to encourage people who will commute out of the area.

h) SETTING OF THE SPA - The open aspect across the rural buffer land is an essential part of the setting of the historic Melksham Spa and must be protected from development. The Core Strategy paragraph 5.83 (page 130) states that “development at Melksham should protect the historic environment and in particular should protect the historic setting of the Spa”. The Council re-iterates its previous request that English Heritage are consulted on this application, as they were not consulted on application 14/04846/OUT.

i) FOUL SEWAGE DRAINAGE - The council has serious concerns about the ability of the current sewerage system to cope with a large new housing development. Wessex Water commented on 21st May, 2014 that “There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development (as proposed in the outline planning application W14/04846/OUT)”. Should this current application (16/01123/OUT) be successful the Council wishes to endorse the foul water planning condition as requested by Wessex Water. Residents have also expressed concerns about the low water pressure they have and feel that additional housing drawing from the system would exacerbate this.

j) MEDICAL FACILITIES - The Council has serious concerns, and supports residents' views, over the impact that 235 houses will have on the already overstretched GP surgeries in Melksham. NHS England have stated that one of the three surgeries has capacity issues. Since making this comment application 14/10461/OUT for another 450 houses has been approved, but the s106 funding attached to this application seems to only be allocated to increasing the car park at the Spa Medical Centre and not to increasing the GP capacity in Melksham.

k) TRANSPORT - The Council reinforce the comments submitted by Graham Ellis, TransWilts, in that the existing public transport facilities are overstated in the Transport Plan, with some inaccuracies. Additionally the Transport Plan does not take into account any loss of future public transport provision that may arise following Wiltshire Council's Bus Consultation.

l) CONCLUSION - Only the southern half of the area east of Pathfinder Way should be considered at all suitable for possible development, in order to retain a meaningful separation from the urban area of Melksham town. It would also allow better integration with the existing village community and only need a single access from Pathfinder Way, with a footpath link into Birch Grove. The area to the west of Pathfinder Way should be for economic/employment development and is not a suitable site for the provision of a school."

Environment Agency: No objection subject to conditions.

Highways Agency: No comments received.

NHS England: No objection subject to obligation of £119,119.

"The application is for 235 houses which would potentially generate an additional 541 patients which would have a direct impact on primary care services in the locality. All 3 surgeries in Melksham have capacity issues of one sort or another. One practice is considering extending the area it uses for primary care, another practice was considering re organising its space to provide additional consulting space and the third practice has plans to move to a completely new surgery development. On this basis NHS England and Wiltshire CCG request that, should this development be given consent, Wilts Council secures £119,119 under S106 as a capital contribution to improve surgeries in the locality at NHSE's and the CCGs discretion."

Wessex Water: No objection subject to condition.

“There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development. Initial options to mitigate against the impact of additional foul flows are outlined in Section 3.5 of the submitted Flood Risk Assessment HLEF29813/001R January 2016. As a strategy has yet to be agreed we request the implementation of a planning condition, should planning be approved.”

Wiltshire Council Archaeology: No objection subject to conditions.

“In line with previous comments on the proposed development of this site, I recommend that a condition is attached to any planning consent to allow for a full programme of archaeological investigation/mitigation to ensure the preservation by record of archaeological features identified from the previous evaluation at the site, specifically relating to the identified medieval activity in the northwest corner of the site.”

Wiltshire Council Art Officer: No objection subject to obligation and condition.

“An indicative public art contribution figure (based on £300 per dwelling) for this site would be £70,500 for 235 dwellings and we would expect that no more than 10% of this figure to be spent upon the production of a public art plan. We would welcome discussions on how best to integrate public art and design in the public realm for this development.”

Wiltshire Council Conservation: Subject to appropriate details to be controlled by condition then less than substantial harm is likely to result to relevant heritage assets.

Wiltshire Council Childcare: No objection.

Wiltshire Council Drainage: No objection subject to conditions.

Wiltshire Council Ecology: No objection subject to conditions.

Wiltshire Council Education: No objection subject to obligations and suitable site provision for 1FE.

Primary 39 places at £16,979 = £662,181

1FE primary school (1.2 hectares and suitability of site to be agreed)

Secondary 47 places at £21,747= £1,022,109.

Wiltshire Council Environmental Health: No objection subject to conditions and planning obligation of some £1,330.10 to air quality monitoring. Conditions in relation to noise mitigation, hours of operation, dust suppression, and street lighting.

“I note the conclusions in the Noise assessment report completed by RPS under reference JAE 8822. The document makes several recommendations in respect of abatement measures necessary to meet relevant guidance for exposure to noise sources – the local roads and the Bowerhill Industrial Estate. I would like to request a condition be attached to any planning permission to be granted to ensure that specific measures are set out and incorporated in the final site design with the proposals to be approved by this authority prior to the commencement of development.”

Wiltshire Council Highways: No objection subject to conditions and obligations. *I note that the application has been revised to withdraw details of the access arrangements, and that a revised masterplan has been submitted. Access can be achieved in principle from Pathfinder Way to serve the development proposed, and therefore I have no objection to the proposal subject to the points listed at the end of this e mail.*

The Masterplan indicates a useable pedestrian / cycle link on an appropriate alignment through the development, crossing Pathfinder Way at a Toucan crossing and connecting to the school. The required pedestrian crossings around the development and the footway on the western side of Spa road have all been satisfactorily noted. A northern pedestrian refuge and also a bus stop position are correctly indicated. Depending on bus routeing it is likely that a bus stop facility will also be required on the western side of Pathfinder Way.

You are aware of my reservations regarding the hook turning right turn lane layout indicated. The capacity of the right turning lanes can be examined at detailed access application stage, - and it will be essential for there to be sufficient capacity to cater for peak numbers of right turners without any likelihood of vehicles being unable to enter a right turning lane and thus blocking through flow. Regarding the provision of future access to the Option 2 site to the west, you should be aware that a hook turning layout may sterilise this land in access terms, as access would not be accepted from the primary A350 and is very unlikely to be accepted from the section of the A365 to the north. It is unlikely that a hook turning right turning lane on Pathfinder Way will have sufficient capacity to cater for significant residential development on the Option 2 land. This can be examined by a future Transport Assessment and junction capacity analysis of the Pathfinder Way junction.”

Wiltshire Council Housing: No objection subject to obligation.

Seek 30% affordable housing; circa 71 affordable units (43 affordable rent and 28 shared ownership).

Wiltshire Council Public Open Space Officer: No objection subject to obligation.

“The POS requirement for 235 dwellings is 8624m², to include 415m² of equipped play provision. The level of requirement appears to have been satisfied under current proposals.

Wiltshire Council no longer adopts these areas, but the Parish Council have expressed an interest in other sites. Failing that a management company would need to be set up.”

Wiltshire Council Rights of Way: No objection subject to delivery of “*toucan crossings and physical upgrades to MELK40*”.

Wiltshire Council Spatial Plans: Contrary to policy, but as there is no demonstrable 5 year land supply; such policy cannot be afforded full weight. Therefore a balancing exercise of the sustainability of the proposal has to be had having regard to issues such as delivery of housing, infrastructure and preserving the distinctive characteristics of Bowerhill and Melksham.

Wiltshire Council Urban Design: No objection.

Wiltshire Council Waste and Recycling: No objection subject to obligation. £21,385 for bins.

Wiltshire Fire & Rescue Service: No objections – recommends use of sprinkler systems including at the school.

8. Publicity

The application was advertised by site notices, neighbour notification letters and a Wiltshire Times advert. Circa 22 parties (02/09/2016) have made representations on the proposals raising the following comments (summarised):

Principle

- Housing need in Melksham has been met and still further housing is being erected such as at George Ward site;
- Development here is inevitable and effort should go into making sure it is done properly;
- Village policy limit boundaries need to be imposed properly / registered rural buffer;;
- Previous issues with the application in 2014 remain;
- Designated housing sites need to be developed first, otherwise what is the point of a plan;

Highways

- Add to congestion at key highway junctions;
- Pedestrian crossings required for safety will cause further congestion;
- Mixing residential traffic and industrial estate traffic dangerous;
- Accident records do not reflect the unrecorded accidents that happen frequently;
- Congestion occurs on Pathfinder Way from heavy use and stationary vehicles;
- Transport assessment inadequate;
- Public transport services overstated, inadequate and show a reducing trend;
- Cumulative impact with 450 houses recently approved will be significant;
- Footpath and cycling links impractical and/or dangerous;

Impact on Character and Appearance of the Area

- Loss of countryside;
- Loss of separation and distinctiveness between Melksham and Bowerhill;
- Impact on heritage assets (grade II listed buildings and curtilage buildings at Bowerhill Farmhouse) and their settings;
- Height and style of building a concern;
- Bungalows should be next to the existing bungalows;
- Should create a country park instead;

Impact on Neighbouring Amenity

- Loss of daylight and privacy;
- Concerns with amenity impact through flooding;
- Noise and air pollution;
- Impact from high density houses;
- Future residents will be impacted by the commercial development to the south;
- Through any new cycle/pedestrian link past property;

Drainage

- Loss of permeable land;
- Fields have standing water throughout the winter months;
- Impact on roads from drainage;
- Wish the Council to guarantee their property in the event of flooding from any development;
- Flood risk assessment inadequate;

Infrastructure

- Strain on NHS facilities;
- Strain on secondary education facilities;

- Lack of leisure and entertainment offer in the town;

Other

- Loss of farm land;
- Impact on wildlife;
- Pollution, air quality and litter
- Construction phase impacts;
- Housing market in Melksham stagnant in Melksham due to excess of property

9. Planning Considerations

9.1 Principle

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.

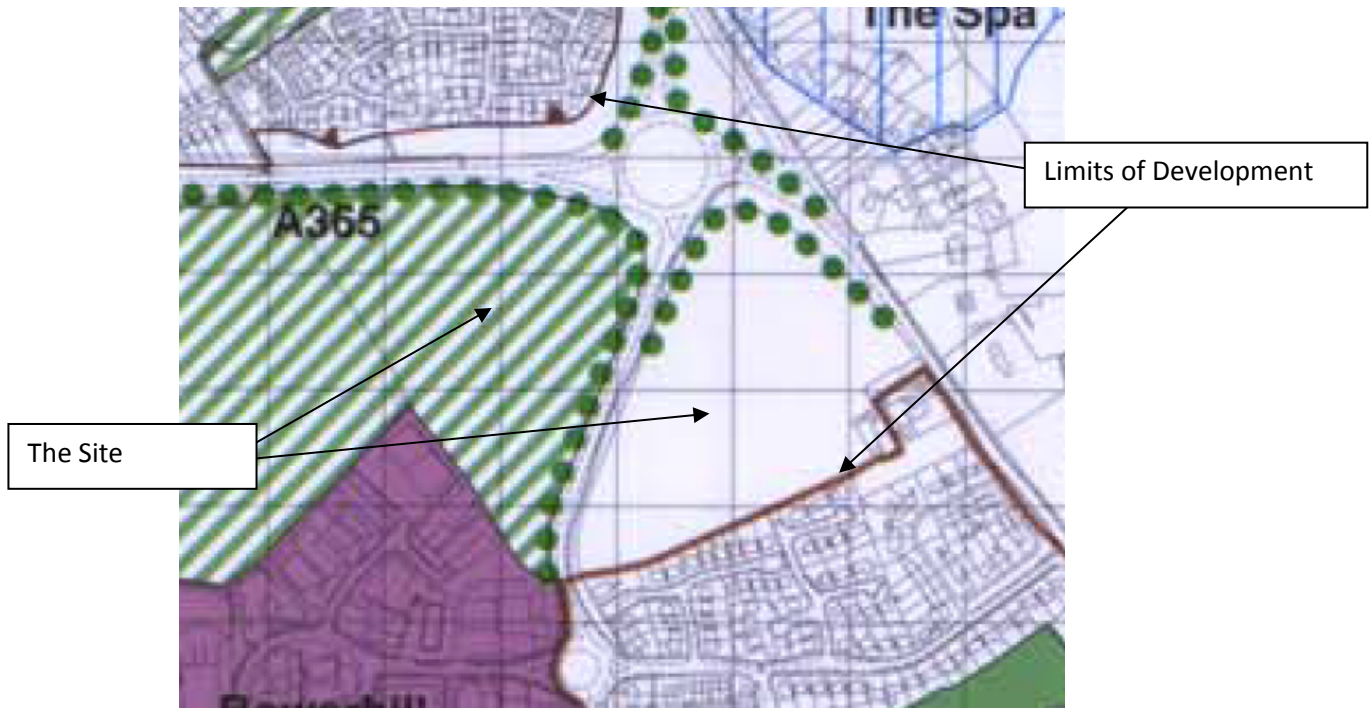
In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Melksham area. The Wiltshire Housing Sites Allocation Plan and the Melksham Neighbourhood Plan are emerging plans but can only be afforded little weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Melksham.

Wiltshire Core Strategy – Core Policy 1 (CP1) identifies Melksham as a market town with the potential for significant development for jobs and homes. Market Towns are defined as settlements that have: *“the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.”*

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at Market Towns. It supports a plan-led approach to development outside of

the limits of development of existing settlements, stating that such development will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Melksham and has yet to be identified for development through either the Wiltshire Housing Sites Allocation Plan or a Neighbourhood Plan. The proposal does not meet any of the exceptional circumstances in paragraph 4.25. The proposal is therefore in conflict with this aspect of the development plan.



Core Policy 15 (CP15) sets out the strategy for Melksham and its community area and identifies an indicative requirement of approximately 2370 new dwellings for the Melksham community area of which “about 2,240” should occur at Melksham. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most recent published Housing Land Supply Statement 2015 identifies a residual requirement for 664 dwellings in the Melksham Community Area over the plan period at 1 April 2015. Since then, the Strategic Planning Committee (February 2016) resolved to grant planning permission (14/10461/OUT) for up to 450 dwellings at Land East of Spa Road, and in May 2016 resolved to grant permission (16/00496/OUT) for up to 150 dwellings at land east of Semington Road. Further the Western Area Planning Committee (April 2016) resolved to grant permission (15/12454/OUT) for up to 100 dwellings at land north of Sandridge Common. These would count towards the 664 total.

Core Policy 15 (CP15) makes explicit reference to paragraph 5.83 which acknowledges a number of issues and considerations for Melksham that are relevant to this application. These include the opportunity for new growth to contribute towards regeneration of the town centre and the importance of any new development having strong walking and cycling linkages to the town centre.

Further it sets out that Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of the development strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. The identity of these separate communities will need to be preserved through the planning process. It details that development at Melksham should protect the historic environment and in particular should protect the historic setting of the Spa.

The emerging Wiltshire Housing Site Allocations Plan is considering a number of site options around the town. In this context, the proposal site is considered to be relatively well related to the town.

Material Considerations relevant to the principle of development - The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This was the position of the Planning Inspector who considered an appeal for up to 28 homes at Arms Farm, Sutton Benger.

Housing Land Supply has to be regularly assessed. The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. This figure does not include the proposed site allocations in the Chippenham Site Allocations DPD. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted

unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It is noted that the Council's spatial planning officers acknowledge this context and advise that a balancing exercise is required in the assessment of applications having regard to the economic, social and environmental dimensions of sustainable development. Even when there is not a five year land supply and policies relevant to the supply of housing are out of date this does not mean that no or limited weight should be attached to policies.

It is acknowledged that recent planning approvals and commitments in the Melksham Community area mean that the indicative housing requirements for Melksham (up to 2026) have been met. However it is important to consider that housing supply, consistent with the NPPF, is assessed at the housing market area – where, as set out previously, the Council cannot currently demonstrate an adequate supply of housing. The Core Strategy seeks to distribute the delivery of housing within the housing market area to each community area. However the levels of housing growth within each community area are indicative requirements. They are not a cap. In this context and given the scale of development proposed, it is not considered that the existing permissions and commitments to housing delivery within the Melksham Community Area can itself be a reasonable reason to object to the proposals in the context of the Council currently being unable to demonstrate a 5 year supply of land for housing in the north and west Wiltshire housing market area.

This proposal also sets out the provision of a 1FE primary school. There is currently an acknowledged lack of capacity within the existing primary schools in Melksham and feasibility studies of the school sites has identified no further capacity for expansion at these sites. The new Sandridge primary school at land east of Melksham, due to other development proposals is predicted to be at capacity shortly and the site has capacity for only a 0.5FE expansion which is being provided by the 450 dwelling scheme at land east of The Spa and which will itself fill an expanded school. Therefore this proposal to include a primary school offer is a positive addition to the mix of this scheme as it would help to address primary school infrastructure issues at Melksham.

In the context of currently proposed mix of development to include land for an education facility in a sustainable location where new housing is being provided and a lack of demonstrable housing land supply within the housing market area, the conclusion that can be drawn from this analysis is that the principle of the development of this site for up to 235 dwellings must be considered against the environmental, economic and social dimensions of

sustainable development. In such an assessment the scheme should be deemed acceptable unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, (such as have been identified in the refusal of the application for 263 houses on land opposite Shurnhold, a decision that has gone to appeal and the Inspector's findings remain pending). Whilst this site would deliver housing over and above the identified housing requirement for Melksham; it would also deliver land for primary and nursery, and proportionate contributions towards a 1FE primary school expansion with the potential for a further full form entry expansion in the future (subject to time restrictions and demonstrable need). These are two principle factors in any balanced judgement. The remainder of the report addresses the relevant issues relating to this proposal that contribute to any balanced judgement.

9.2 Highway matters

Access is a reserved matter in this application. The proposal indicates the creation of vehicular accesses to the western and eastern parcels of the site from Pathfinder Way, both with right hand turn lanes. The proposal would permanently block up the existing agricultural access points onto Pathfinder Way and the A365. It would be necessary to secure any associated off-site highway works through a legal agreement. Such works are relatively limited and include capacity improvements to the Pathfinder Way and Spa Road arms of the two arms of the A365/Pathfinder Way/Spa Road roundabout.

The proposal would provide enhanced crossing facilities to Pathfinder Way and the A365 with 5 toucan crossings. The proposals would provide a contribution of circa £120,000 to pedestrian and cycle link improvements between Western Way and Windsor Avenue / Burnett Close. The proposals would provide a pedestrian route between the existing crossing on Spa Road and the proposed crossing on Western Way. These obligations upon the developer would help to improve links between the development and Melksham to enhance sustainable travel choices.

The proposal would also provide a bus stop facility to Pathfinder Way, a continuous footway on the western side of Pathfinder Way and a pedestrian refuge on Pathfinder Way. Additionally the proposals require traffic regulation orders to reduce the speed limit on Pathfinder Way to 30mph and extend the existing 40mph speed limit on Western Way to a short distance beyond the proposed toucan crossing. It would be necessary to secure all these highway obligations through a legal agreement and all of these obligations have been agreed in principle by the developer.

The amount of parking would be assessed in any detailed reserved matters application(s).

The Council's highway officer raises no objection to the proposals subject to conditions and the above summarised planning obligations. They note the submitted Transport Assessment and Residential Travel Plan within their expert advice prior to concluding that the proposals are acceptable in principle and would not result in any significant adverse impact in terms of safety and/or congestion given existing and projected junction capacities.

The application site is considered to be within reasonable walking and cycling distance of a number of community facilities, including education, employment and leisure facilities. The improvements set out above in these regards would help achieve an accessible development. In acknowledgement of the severance that is currently created by the A365 and Pathfinder Way significant pedestrian and cycling enhancements have been offered and negotiated as part of the proposals, including 5 toucan crossings. This would reduce the severance created by the existing highway network without any significant impact on the reasonable flow of traffic on these routes and allow the proximity of such services to be accessed in a safe and convenient manner.

It is noted that the site is served by public transport and is within walking and cycling distance of alternative public transport provision from Melksham Town Centre. It is likely though that despite the relatively accessible location and opportunities, both existing and planned, that there will be a degree of reliance on the private car. It is therefore important within any reserved matters application that any scheme complies with the minimum residential parking standards. This can be secured through any reserved matters application(s). With this in mind the highway officer's conclusion that the proposals are of a scale and nature so as to not cause any capacity issues to the existing junctions now or based on future projections is considered to be of some significance in the assessment of this application.

It is therefore concluded that there are no overriding objections on highway grounds, assuming the necessary obligations were forthcoming in any legal agreement and the details adequately secured through conditions.

9.3 Landscape and visual impact

The key elements of this have already been examined in the section on the principle of development in 9.1 above. The application site is located on the remaining agricultural land that separates the settlements of Melksham and Bowerhill. The Core Strategy states that

“The identity of these separate communities (i.e. Melksham and Bowerhill) will need to be preserved through the planning process” and whilst Bowerhill has “strong functional links to Melksham”, “important individual characteristics....should be protected, where practicable”.

The loss of the agricultural land to development proposed here is therefore an area of significant concern as the proposal would jeopardise the individual identity of the two settlements. Melksham Without Parish Council have raised this as a significant issue stating *“this is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements.”*

In effect the agricultural land use between the two settlements has been preserved by the local plan policy of having defined settlement policy limits and a policy of no housing development outside of such limits except in exceptional circumstances. Further the previous local plan allocated part of the land for future recreation use, although this was never realised and the policy was not saved within the current iteration of the development plan. Given the significant recreation offer to the east of the town and the north of The Spa there is no requirement for any strategic level of recreation space at the application site beyond that created by the development. The development generates a need for some 0.86 hectares (8624sqm) of public open space. This proposal has indicatively set out all of its public open space provision and drainage provision within the northern areas of the two parcels of land. This can be taken as a strategic approach in order to try and address the policy requirement to retain the separate identities of Melksham and Bowerhill, separate the development from the noise of Western Way and to address the current juxtaposition at the edge of Bowerhill where the rear elevations of buildings addresses the agricultural land which is the current approach to Bowerhill on Pathfinder Way.

The agricultural use of the land is not one that is sacrosanct given the planning policy history. Indeed the land is Grade 3b agricultural land and so not the best and most versatile agricultural land that is given higher protection by the NPPF. It is within this context that the visual impact needs to be considered. It is therefore asserted that the loss of any remaining agricultural land by itself is not therefore necessarily the issue; rather it is the relationship between Melksham and Bowerhill.

The Council's landscape officer has provided no objection to the proposals stating:

“There will be a change in landscape character from rural fields to urban development resulting in a perceived coalescence with Melksham. The LVIA acknowledges the loss of

openness and any likely landscape and visual effects described in the report are not significantly adverse to warrant a landscape objection.

The masterplan has included indicative woodland planting which will reduce the existing harsh urban edge and provide GI (green infrastructure) connectivity around the site. Due to the nature of the topography of the clay vale and proximity to existing urban centres the proposal will not have much influence on the surrounding landscape once the mitigation is in place.”

The landscape officer constructively suggests that, possibly part of any landscaping, public art or design strategy should include a ‘gateway feature’ to reinforce the separate identity of Bowerhill and that the northern green buffer should be entirely contained within areas of public open space to ensure longevity. It is considered that this can be achieved through the necessary legal agreements, planning conditions and any reserved matters application(s).

In summary, there would clearly be a change to the landscape (which includes the town and country at this point) as a consequence of the development proposals. However it is considered that whilst bringing the built form of Bowerhill towards Melksham, as indicatively detailed within the masterplan, would erode the sense of openness and physical separation; this also presents an urban design opportunity to enhance the character and appearance at this point and in doing so retain the separate identities of the two settlements and enhance the identity of Bowerhill in particular. This is clearly a challenge, but in principle it is considered that it may be achieved. The northern edge of Bowerhill currently turns its back to the agricultural land, Western Way and Melksham beyond and offers very little by way of character and may be perceived negatively. Any development proposal would need to establish, through details of landscaping, scale and layout how the identity of Bowerhill can be enhanced and the separate identities of the settlements retained. The masterplan and design and access statement illustrate a potential starting point for further negotiation that can only reasonably be considered within any reserved matters application(s).

At this stage, based on the information available it is assessed that, in principle, the proposal would preserve *“the identity of these separate communities (i.e. Melksham and Bowerhill)”* and *“important individual characteristics....should be protected, where practicable”*. Indeed there is opportunity to enhance the individual characteristics of Bowerhill.

Core Policy 51 of the development plan sets out the Council’s approach to considering development impacts on the landscape. It sets out that *“development should protect,*

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

The landscape at this point is not subject to any special designations. It is not designated as an AONB of national significance, or indeed the lower designation of a special landscape area of county-wide significance. The site is agricultural land on the periphery of two settlements. In the case of the eastern parcel it is surrounded by the built form and highways. In the case of the western parcel it only adjoins other open land on approximately half its western boundary. The land is open with no features save for the landscape features on its peripheries and Pathfinder Way. Whilst landscaping remains a reserved matter, the indicative details illustrate that the existing landscape features would be retained as far as practically possible and enhanced by additional planting as appropriate. As such, save for the loss of openness it is assessed that the landscape character would be preserved and enhanced and additional strategic planting may mitigate any landscape impact as far as possible.

For the reasons set out above it is considered that the locally distinctive character and separate identities of Melksham and Bowerhill and their landscape settings can be maintained and enhanced through a sensitive approach to design and landscaping. Further important views of the Spa Buildings and the visual amenity of the area can be maintained and the submitted design and access statements outlines a strategy to achieve this by limiting the height of development in proximity to such heritage assets.

In summary this is an outline application and so the full details of the proposal are not yet known. However in principle it is considered that the proposal would be in accordance with CP51 of the development plan and reserved matters may adequately control the final details to ensure that any negative impact is minimised and opportunities for enhancement in terms of landscaping and urban design are realised.

9.4 Heritage assets

To the north east of the application site are a number of important historic buildings located at The Spa. These are Grade II listed buildings. The Parish Council has stated that *“the open aspect across the rural buffer land is an essential part of the setting of the historic Melksham Spa and must be protected from development.”* They have requested that Historic England therefore be consulted on the proposals. However it is important to understand that the listed

buildings are Grade II listed and therefore below the status where it is a statutory requirement to consult with Historic England on the potential impact to their setting. Furthermore Historic England does not have the resource capacity to comment on applications that affect the setting of lower grade buildings (there are over 330,000 grade II listed buildings).

The Core Strategy sets out as a specific objective within the plan period that *“development at Melksham should protect the historic environment and in particular should protect the historic setting of the Spa”*. The buildings on the Spa are severed from the application site by the A365, a landscape buffer and then the access road to The Spa itself. The buildings are also set well back from the front of their residential curtilages and are some distance from the application site. Whilst the application site remains in agricultural use and as such is reflective of the land use that would have been occurring when the Spa buildings were constructed, it is not considered that the erosion of this rural scene as a result of the development proposals would significantly affect the setting of the listed buildings given the distances involved, the presence of roads and landscaping, which significantly sever any relationship between the buildings on The Spa and the application site. Any impact could be mitigated through the detailed design and landscaping of the development site.

Moreover the significance of the buildings' setting to the significance of the heritage assets needs to be considered. The applicant's heritage statement succinctly sets this out and concludes reasonably that there would be a *“slight loss in the significance”* of the 4-storey Spa buildings but within the meaning of the NPPF this would be *“less than substantial harm”*.

To the south is the Grade II listed Bowerhill farmhouse which would originally have been surrounded by open farmland; however as the applicant's heritage statement details it is now on the periphery of Bowerhill village and enclosed by residential housing, albeit some of it is converted or rebuilt rural style housing. This proposal would obviate the last remaining connection of the listed building to farmland and this is regrettable. However given the existing context, that the listed building is surrounded by residential development already and its connection to farm land is no longer evident then it is not assessed that any significant harm would occur. Any harm would be at the lower end of less than substantial harm. The applicant's heritage statement also picks up on the curtilage listed outbuilding and reasonably concludes that this would not be significantly harmed as a buffer area will be retained adjacent to this which will *“retain a sense of openness”* for what has to be acknowledged as a curtilage listed asset only and therefore of less significance.

Core Policy CP58 states that development should protect, conserve and where possible enhance the historic environment. There is no balancing exercise implicit within this policy, but it does have to be balanced against the objectives of other relevant policies within the Core Strategy, including the need to provide for housing in sustainable locations.

Finally it is noted that there is a Grade II* listed building (Woolmore Manor) further along Bath Road to the south, but it is not assessed to relate well to the application site and its setting would clearly not be affected.

In terms of the impact on the setting of the Grade II listed buildings at The Spa and Bowerhill Farm it is noted that the proposals detail the use of lower profile dwellings within the environs of them. This area has been dubbed as the *'neighbourhood edge'* within the submitted design and access statement and indicatively been detailed as suitable for up to 1.5 storey development. Lower profile and lower density development at these points would help mitigate any impacts and can be secured through any reserved matters application(s).

The NPPF sets out at paragraph 134 that:

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

In this instance it is considered that there would be less than substantial harm to the settings of the grade II listed buildings and curtilage listed buildings at The Spa and Bowerhill Farm through the loss of agricultural activity and associated openness. However the degree of harm to the significance of the heritage assets is considered to be at the lower end of less than substantial and entirely limited to impact on the settings. The public benefits of the proposal relate to the provision of further housing to meet the identified housing requirements of the settlement within the plan period and beyond in a sustainable manner; and to help address the current lack of demonstrable housing land supply within the north and west Wiltshire housing market area. Further towards this overall objective the proposals would provide land and contribution towards at least a 1FE primary school with nursery facility which would provide pre-school and primary education capacity in the area and infrastructure and flexibility for further housing supply elsewhere as necessary. These public benefits are considered to clearly outweigh any limited harm to the settings of the identified heritage assets.

The Council's Conservation Officer has been consulted on this application. The above assessment on the heritage impacts is consistent with his conclusions that the proposals would lead to less than substantial harm to the setting of Grade II listed heritage assets. In light of their expert advice and having had the benefit of on-site inspection and consideration of the proposals it is assessed that there would be no impact or harm on the setting of any Grade II* listed assets.

Archaeological investigations have been carried out and found evidence of medieval activity in the north west of the site. Further investigations are required; however the Council archaeology officer has advised that this can be controlled by condition. This is a proportionate approach in line with the NPPF.

The fact that there would be some limited harm to the setting of listed buildings has to be given weight, in terms of the statutory protection afforded to the setting of listed buildings, and this is addressed in the planning balance in section 10.

9.5 Residential amenity and Noise

Melksham Without Parish Council raises concern in regards to amenity issues and the proximity of new residential development to the existing employment allocations. They set out that some of the houses would back onto the Bowerhill Industrial Estate including a garage, a container storage facility, a brewery and a soft play and trampoline centre which is known to operate in the evening with amplified music. This poses some concern in that this could impact on the reasonable amenities of any future residents of the new housing.

At this stage the layout of the site is merely indicative but in order to achieve the general housing numbers of up to 235 homes and to retain the northern landscape buffer then it is inevitable that residential development would occur on the field to the west of Pathfinder Way and in relatively close proximity to the employment and leisure land uses that are well established.

Furthermore there is the potential impact to the entire development site of noise from the local highway network which includes the busy A365 and Pathfinder Way roads.

The application has therefore been submitted with an acoustic survey which details mitigation is required in order to mitigate the potential impact for future occupiers from these noise generating activities. Based on the indicative layout and their noise survey work, a 3.5

metre high acoustic boundary such as bunding and/or fencing would be required along the site boundary with the established employment area. This would be circa 135 metres in length. This is clearly symptomatic of the difficulties of siting noise sensitive uses (such as residential property) adjacent to many noise generating uses typical of an industrial estate. Further a 4 metre high acoustic boundary such as bunding and/or fencing would be required along the northern boundary of the western section of the site to attenuate noise impacts to the school's external education/play spaces.

Whilst it may be possible to produce a detailed layout at reserved matters stage that addresses this issue, the fact that it has to be addressed at all raises concerns as to whether this is an appropriate site for meeting the housing and education needs, or whether other sites may be capable of coming forward that would not have this constraint and are more sustainable overall. In this context, and where the Council is unable to demonstrate a adequate supply of housing within the market area; and where the developer is able to demonstrate mitigation to address any harm then, subject to appropriate conditions to secure satisfactory mitigation, it can only be reasonably concluded that the concern in terms of noise is not reasonable grounds for refusal.

Due to the application being in outline, the detailed impact of the proposed development upon existing neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of dwellings including heights and location of windows are yet to be determined. However, it is clear that the development of this site can in principle take place without any unacceptable impacts upon the amenity of existing neighbouring properties. The detailed layout and elevation treatment of buildings to ensure amenity is adequately protected is a matter properly subject to approval at reserved matters stage. At that stage there would be full public engagement in the interests of fairness. Those views would then be considered as part of any full assessment of such matters.

9.6 Ecology

The main ecological issues have been identified as being habitat connectivity; landscaping and habitat creation; hedgerow and tree protection; lighting; habitat management; reptiles; great crested newts, breeding birds, badgers and ecological enhancements.

The Council's ecologist has been consulted on the application. They initially raised a holding objection to the proposals subject to updated survey work being carried out. This has been done and in light of the additional submissions they raise no objection to the application.

The proposals illustrate that habitat connectivity would be retained around the periphery of the site, particularly across the northern edge of the development with a large area of public open space, and the south-western and north-eastern boundaries. The south-eastern hedgerow / tree line would also be retained (and enhanced). Avenues of street trees are also indicated on the masterplan, which would provide permeability through the site for wildlife and additional habitat.

The Council's ecologist highlights that *"a significant amount of new landscaping and habitat creation would take place as part of the proposed development, particularly along the northern boundary on either side of Pathfinder Way, the southwestern boundary and the north-eastern boundary. This is mainly in the form of "woodland buffer planting" (as referred to on the indicative masterplan) and attenuation features within the northern area of Public Open Space."*

The construction of the new school and the landscaping of the school grounds offer an opportunity for biodiversity enhancement that would provide a stimulating and attractive environment for the pupils.

Conditions to secure Landscape and Ecological Management Plans and Construction and Ecological Management Plans can be utilised in order to secure habitat connectivity, creation and landscaping. Further conditions can secure the protection of existing important landscape features and trees as far as practically possible and also help to protect reptiles, newts, nesting birds and badgers during the construction phase and also in the long term post development. Any LEMP may also secure details of enhancement provision for nesting birds and roosting bats integral to the built form.

Principally in the interests of ecology, but also in the interests of the amenity of the area and avoiding light pollution a detailed light mitigation strategy ought to be conditioned as this would in amongst other things ensure continued suitability for foraging/commuting bats and badgers through the site.

The updated survey for great crested newts found evidence to suggest that great crested newts may be present in the pond to the south of the application site but not in the ponds to the west of the site near the A350. On balance the expert ecology advice was that no further information is required. This is because there would be no direct impact to the ponds or surrounding suitable terrestrial habitat within 250m of the ponds, nor would there be the loss of suitable terrestrial habitat within 500m of the pond, as hedgerows are being retained. In

this instance an informative on great crested newts regarding the protection afforded to them and what to do if they are found during site clearance/construction should be utilised only.

In light of the ecological submissions and the expert advice received from the Council's ecologist then this is not an area for significant planning concern and can be adequately addressed by conditions and informatives.

9.7 Flooding and drainage

The application site is located in flood zone 1 in regards to fluvial flooding, the lowest level of flood risk. It is known that the site does have areas of surface water flooding though and as the site is over 1 hectare a flood risk assessment has been submitted. The Environment Agency have been consulted on the application and considered the flood risk assessment provided. They have raised no objection subject to a number of conditions including a suitable sustainable surface water drainage strategy being provided prior to commencement of works.

It has been confirmed by Wessex Water that there is limited capacity in the foul sewers in the locality and whilst a provisional strategy has been set out within the submitted flood risk assessment this has not been formally agreed and so a condition is required to control issues of foul drainage.

In terms of surface water drainage it is considered to be a Council issue as the Council is the Lead Local Flood Authority and the Council's drainage officer's view is therefore of significance. The Council's drainage officer initially raised a holding objection as the attenuation areas did not appear to be adequately sized to accommodate existing surface water flooding and the surface water flows from the development based on the indicative masterplan. In light of this revised drainage and masterplan submissions have been made and the drainage officer has in light of this information removed his objection.

The submitted June 2016 drainage strategy indicates two attenuation areas to the northern sections of each parcel of land. This sets out that the eastern parcel of land would have a 1.2 metre deep pond that would in a 1:100 year plus climate change event be 874mm deep. The outfall would need to be agreed with Wessex Water. This area was also proposed for an equipped play area; however that has been altered through further negotiation and would form an area of informal play only as typical on any area of green and blue infrastructure. This sets out that the eastern parcel of land would have a 1.3 metre deep pond that would in

a 1:100 year plus climate change event be 1043mm deep. The outfall would also need to be agreed with Wessex Water.

The indicative masterplan illustrates that these areas can be achieved, and the indicative cross sections show that this can be provided without a harsh urban form and have the potential to be designed with a multi-functional role for the benefit of drainage principally, but also ecological enhancement and recreation at low return period storm events. Furthermore this strategy is only indicative and other solutions can be explored in liaison with the council and other stakeholders as the detailed design is formulated through any reserved matters process.

In summary there are no longer any objections from the relevant expert consultees subject to conditions. Wessex water raises no objection subject to a condition and is the statutory undertaker for foul waste flows. The indicative information has been sufficient to demonstrate that a solution may be found for surface water issues and indicates that there may be a number of alternative design approaches which merit further exploration as the detailed design is formulated. As such there is no significant concern in regards to drainage matters.

9.8 Infrastructure and planning obligations

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'*. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework.

The affordable housing and the infrastructure items listed below are those that are relevant to the application site, are directly related to and are required in order to mitigate the impact of the proposed scheme. At the time of writing the applicant has agreed to provide all the following requests.

Affordable housing: CP43 requires on sites of 5 or more dwellings, affordable housing of at least 30% will be provided and requires them to be subject to an appropriate legal agreement. The national picture is that schemes over 10 dwellings should contribute to identified local affordable housing needs.

Melksham Without Parish Council acknowledges that Melksham “*needs additional affordable family housing for local people*”. This proposal has been submitted with a developer offering a fully policy compliant 30% affordable housing in their submission. Based on the scheme delivering 235 dwellings this would equate to 71 affordable housing units being provided to serve the local need. This and the type of tenure and mix of housing can be reasonably secured through a legal agreement. Housing colleagues raise no objection in principle, setting out a demonstrable need, seeking a split of affordable rent (60%) and intermediate housing (40%). Ideally the intermediate housing would be shared ownership. The affordable housing would be a mix of 1, 2, 3, and 4-bedroom property.

Pre-school education: The proposal has been submitted with an agreement that the developer would provide 1.4 hectares of land for the provision of a 1FE primary school with a nursery facility. In light of the commitment to a nursery facility on site pre-school/childcare colleagues raise no objection to the proposals. Indeed they set out that integrated Early Learning services to schools is considered to be the best means of providing such educational needs.

Primary education: As set out previously the proposal includes the provision of 1.4 hectares of land for a 1FE primary school facility (i.e. 210 places) with a nursery facility; and a further 0.6 hectares for an additional form entry expansion. The additional 0.6 hectares of land would be subject to detailed triggers which would have to be negotiated and detailed within any legal agreement so that if after a set period there is no demonstrable need for an expansion the land is returned to the developer for further housing (i.e. taking them up to potentially the full housing quantum set out in the application description of 235 dwellings. If the school expansion occurs then based on the average development density the development would result in circa 213 dwellings (64 affordable) only).

In addition to this land provision which would all be secured through a legal agreement, the developer has agreed to a commensurate planning obligation, which based on the provision of 235 dwellings across the site which generates a need for some 66 primary school places. The allocated primary school for this development is Bowerhill Primary School. This is full but there is some very limited capacity elsewhere within the vicinity. Therefore education colleagues seek contributions towards the places for which there is no known capacity. This equates to a requirement of some £662,181. The developer has agreed to this sum. It would be necessary to pool this sum with other developments in order to provide the school and nursery facility as this proposal alone does not generate a requirement for the whole 210 school places provided by a 1FE primary school.

Secondary education: The allocated secondary school for this development is Melksham Oak Senior School. Education colleagues have advised that, again based on a housing development of 235 dwellings that the proposals would result in a requirement for 47 school places. The developer has agreed to this.

Public open space: Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106.

The proposal requires a public open space requirement of 3670m² of which 177m² is to be equipped play provision all of which should be secured in perpetuity. The Council's public open space officer raises no concern regarding the equipped space; but the wider space raises some concern to them as it appears to be largely orientated to drainage provision. The provision can be secured through a legal agreement and the detail of the open space (which will inevitably be multi-functional to a greater or lesser degree) needs to be agreed through the reserved matters application.

It is now policy for the public open space and play areas to either be adopted by town/parish Councils or by private management companies, rather than the Council. Thus, it is only necessary for the spaces to be secured as such in perpetuity and transfers to the Council with associated commuted sums are no longer relevant or necessary. The developer has agreed to provide the space in perpetuity and to have a legal agreement to secure this. They have agreed to allow for a flexible wording so as to allow the Parish Council to adopt the areas, which include the green infrastructure of drainage and ecology, if so desired.

Highways: As set out in section 9.2 above there are a number of off-site highway works and improvements to pedestrian and cycling facilities required in order to make the development acceptable in planning terms by providing reasonable links and making the site safe and conveniently accessible by a range of different modes of travel other than the private car. These need to be secured through a legal agreement and the measures have been agreed with the developer.

Waste provision: The Council are preparing a supplementary planning document in relation to waste provision within development and it is at a stage where it may be afforded some weight. This sets out that developers need to contribute as appropriate to the provision of bins to serve future occupiers of the development. Whilst the exact need cannot be anticipated until the detailed housing number and mix is established at reserved matters, based on 235 dwellings – all with their own provision at a cost of £91 per unit – the proposal generates a requirement for a commuted sum of £21,385. The developer has agreed to this sum.

In addition the development would be liable for CiL contributions (although affordable housing could expect to be exempted) and further financial benefit to the Council would result from the New Homes Bonus.

The planning obligations listed below are those that are, based on all available information, not relevant to the application site; and/or are not directly related to; and/or are not required in order to mitigate the impact of the proposed scheme:

GP Surgeries: Melksham Without Parish Council has stated that they have “*serious concerns, and supports residents’ views, over the impact that 235 houses will have on the already overstretched GP surgeries in Melksham.*” It is noted that NHS England have set out that this proposals could generate an addition 541 patients and all 3 existing surgeries within the area have capacity issues of “*one sort or another*”. They set out that one surgery is *considering* an extension, another is *considering* rationalising its facilities and the third has *plans* for a new surgery. There are no known firm projects. NHS seeks a commuted sum of £119,119 as a “*contribution to improve surgeries in the locality at NHSE’s and the CCGs discretion*”, based on a development of 235 dwellings.

It is noted, having regard to the Planning Obligations SPD that the patient generation from the development of 541 is likely to be equivalent to circa 0.3 of a f/t GP (One GP to 1750 patients) and far below the 7000 patient threshold that is required to require a new surgery.

Based on the information received and adopted planning policy, whilst it appears that there is anecdotal evidence of capacity issues and this proposal would result in further patients, there is no known specific project to which any commuted sum may contribute and the need generated is relatively modest. On this basis the commuted sum requested cannot be reasonably pursued.

Public art: The Council's arts officer has requested a commuted sum of some £70,500. Whilst the West Wiltshire District Plan 'saved' policy I2 does detail that public art should form part of development schemes it does not expressly require planning obligations and details a flexible manner in which art can be incorporated into a scheme including through landscaping and buildings features. It is considered that an artist objective could reasonably be achieved and incorporated into the development in a multitude of ways and any future reserved matters e.g. external appearance or landscaping could incorporate a form of public art. As such this does not form a significant area of planning concern and a commuted sum is not being pursued.

Air quality: The application site is not within an air quality management area; however it is acknowledged that the development is likely to result in additional vehicular movements and consequent impacts on local air quality. In light of this air quality officers seek a proportionate commuted sum of £1,330.10 towards "*air quality work*". Given that this is not an area where air quality is an acknowledged significant issue; the use of the private car can be minimised and mitigated to a degree through the highway measures previously set out, travel plans and additional planting; and that there is no specific project for the monies then it is not considered that such a sum may be reasonably pursued.

9.9 Other material considerations

Waste: The application has been submitted with a waste audit in accordance with the adopted Wiltshire and Swindon Waste Core Strategy requirements at policy WCS6. The information provided is sufficient in terms of the requirements of policy WCS6 of the Waste Core Strategy and on this basis, waste does not form an area for significant planning concern.

Loss of agricultural land: Melksham Without Parish Council has stated that both pieces of land are productive, agricultural land where the farmers grow crops. There should be no house building on agricultural land." Whilst the site is agricultural land, based on information from Natural England it is Grade 3b and therefore not considered to be the best and most versatile agricultural land. As such the loss of the land from agriculture is not a significant concern in NPPF terms.

Sustainable construction: CP41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities

(for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure all new homes to reach an equivalent energy performance level the same as Code Level 4 (in full) of the Code for Sustainable Homes.

Public art: - The Public Art Officer has stated that they would expect the applicant to integrate public art into the site which would be in line with Policy I2 of the WWDLP and is also referenced in CP3 and CP57. A condition requiring the applicant to submit a public art plan as part of the reserved matters application would be appropriate.

Public consultation: The objections and concerns of local residents and the Parish Council have been given careful consideration. However it is not considered that any planning matters have been raised to alter the above assessment given on the key planning considerations at this outline stage.

10. Conclusion (The Planning Balance)

The proposal is not in accordance with the development plan, in that it lies outside of the limits of development of Melksham and Bowerhill, and has not been brought forward through the plan led process outlined in policy CP2. However, this has to be set against other material considerations that are relevant at this point in time. In this regard, Melksham is a market town identified for sustainable growth in the Core Strategy (Core Policy 1) and the Council is currently unable to demonstrate a 5 year supply of land within the north and west housing market area. Whilst the location for such a level of development would normally be identified through a plan-led process, the Wiltshire Sites Allocation Plan and the Melksham Neighbourhood Plan are under preparation and have not yet reached an advanced stage where significant weight can be afforded to them.

More pertinently, the Inspector decisions in December on the Arms Farm appeal and in March at Bradford on Avon concluded that for the reasons set out above, CP2 could not be relied upon by itself as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Melksham. As this report demonstrates, unlike Arms Farm and the Shurnhold applications, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this

particular development can offer in this location, which forms a logical extension to the town and offers land for the provision of a primary school facility with nursery facility.

Melksham is regarded as a sustainable settlement in the Wiltshire Core Strategy and is identified for sustainable growth – including affordable housing, providing increased housing supply, infrastructure improvements, land for pre-school and primary education needs and the financial benefits of the Community Infrastructure Levy.

As set out in detail above it is considered that the accessibility of the site, subject to a significant raft of highway improvements to be secured through legal agreements and conditions and focusing largely on improvements to pedestrian and cycling facilities, is good.

The perceived issues of coalescence and landscaped impacts from development between Bowerhill and Melksham has to be set in the context of this being an isolated piece of agricultural land that is not the best and most versatile and is not designated for its landscape character. It is acknowledged that the proposals would result in a loss of openness and to this end its character would be affected. It is also acknowledged that this would have an impact on the setting of a number of Grade II listed heritage assets. However the harm is considered to be low in landscape terms and less than substantial in heritage terms. Furthermore the impact can be mitigated to some degree through careful detailed design and landscape work which has been set out in principle terms within the submitted design and access statement. In terms of the heritage impacts it is considered that there are public benefits, through the provision of education and housing growth, to outweigh any identified harm. Furthermore in terms of settlement character it is considered that the indicative northern buffer of Green Infrastructure would allow the two settlements to retain their separate identity and also provide a clear opportunity for enhancement to this gateway to Bowerhill. This can be secured through any reserved matters application(s).

There is some concern in terms of drainage impact and ecology impacts however as set out above it is concluded by the relevant stakeholders that any concerns may be addressed through conditions and the submissions made indicate that issues are not insurmountable and any development need not result in any planning harm.

In terms of residential amenity it is considered that the assessment of the impact on existing residents is a matter for any reserved matters application(s). In terms of future occupiers/users to the development the submitted information sets out mitigation that would be likely to be necessary based on the indicative submissions. Such mitigation may be

reasonably provided as part of a detailed landscaping scheme and poses no significant concern, although the detail again is a matter for any future reserved matters application(s).

In terms of highway impacts it is considered that the proposals may be fully mitigated with a raft of measures to be secured through planning obligations and conditions so as to result in no planning harm.

In short it is assessed that the proposals do not accord with CP2 of the development plan in that the development is located outside of the defined development areas for Melksham and Bowerhill. However the weight that may be attached to this is reduced in light of the Council's lack of demonstrable 5 year housing land supply. It is considered that the proposals would result in some limited harm to the landscape and less than substantial harm to heritage assets. Any other potential impacts can reasonably be controlled through planning conditions to avoid any adverse impacts.

The acknowledged conflict with policy needs to be set in context that this proposal would delivery required housing growth and land for a required education facility and that this contributes significantly to sustainable development objectives. The proposals would provide the potential for improvements to the public realm and ecology. The proposals would result in economic benefits through the New Homes Bonus, CIL and the various planning obligations, as well as through the construction process.

On balance it is considered that the proposals, having regard to the economic, social and environmental dimensions of sustainability would result in a sustainable development as any acknowledged conflict with policy, in the context of no demonstrable 5 year supply of housing would not significantly or demonstrably outweigh the benefits of granting planning permission.

RECOMMENDATION

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the areas outlined below in the Heads of Terms, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable

Housing; waste; highway works ; education provision and open space and is therefore contrary to the policies of the Wiltshire Core Strategy adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

Heads of Terms for Section 106 legal agreement to secure the following:

- 30% affordable housing;
- Provision of 1.4 hectares of land for a 1FE primary school and nursery facility;
- Conditional provision of a further 0.6 hectares of land for a 1FE expansion to the above;
- Commuted sum of towards construction of 1FE primary school;
- Commuted sum of towards expansion project at Melksham Oak Secondary School;
- Commuted sum of £120,000 towards pedestrian and cycle improvements;
- Payments for legal orders related to cycleways, and 2 traffic regulation orders regarding speed restrictions;
- Off site highways works to include 5 toucan crossings, capacity improvements to north and south arms of The Spa roundabout, and provision of a footway linking Spa Road and Western Way;
- Provision of at least 8624sqm of public open space of which 415sqm to be equipped play to and the setting up of a management company to maintain the space or transfer to Melksham Without Parish Council; and
- Commuted sum of £21,385 towards bin provision.

Conditions

1.

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

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

2.

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

- (a) The scale of the development;
- (b) The layout of the development;

- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

3.

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

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

4.

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

drwg: M.0347_03A - Site Location Plan received on 4 February 2016

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

5.

No more than 213 dwellings shall be erected on the site, unless the 0.6 hectares of land allocated for a single form entry expansion to the hereby approved 1 form entry primary school and nursery facility is also developed for housing; in which case no more than 235 dwellings shall be erected on the site.

REASON: To define the terms of the permission.

6.

There shall be no development of 3-storeys or greater. To the southern boundary on the eastern parcel of land adjoining existing housing, development shall be garden to garden.

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

7.

There must be no new buildings, structures (including gates, walls, fences or other means of enclosure) or raised ground levels within 5 metres of the top of any bank (or edge of culvert) of the watercourse(s) fronting or crossing the site.

REASON: To maintain an appropriate access to the watercourse for maintenance and/or possible future improvements.

8.

No development shall commence on site until a programme of phasing for the development (including off-site highway improvement works) in the context of an up to date masterplan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission.

9.

No development (above ground level) shall commence on each phase until the details of the materials to be used for the external walls and roofs (including samples) for that phase of the development has 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.

10.

No development shall commence on the residential phase(s) until a scheme of hard and soft landscaping for the application site (except the school) have been submitted to and approved in writing by the Local Planning Authority, the details of which shall include

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;

- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * means of enclosure and boundary treatments;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- * arboricultural 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11.

No development shall commence on the school and nursery phase(s) until a scheme of hard and soft landscaping for that phase of the development has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include

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

* arboricultural 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12.

All soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with a detailed phasing scheme. 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.

13.

No development shall commence until a foul water drainage strategy and scheme, including details of phasing, is submitted to and approved in writing by the Local Planning Authority. The submission shall include appropriate arrangements for the agreed points of connection and the capacity improvements (including any works which may lie in third party land) required to serve the proposed development. The development shall be carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

14.

No development shall commence until a storm water drainage strategy and scheme, including details of phasing, is submitted to and approved in writing by the Local Planning

Authority. The submission shall include appropriate arrangements for the agreed points of connection and any capacity improvements (including any offsite works) to the downstream system (including any works which may lie in third party land). The development shall be carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that proper provision is made for storm drainage of the site and that the development does not increase the risk of flooding to downstream property/catchment.

15.

No development shall commence on the residential and education developments respectively until schemes for water efficiency for each element have been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the agreed details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

16.

The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

17.

No development shall commence on the school and nursery phase(s) until evidence that that phase of the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the "very good" BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme). No phase of the development shall be occupied until a final Certificate has been

issued certifying that the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved for that phase of the development.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

18.

The construction of dwellings hereby permitted shall not 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. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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

19.

No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

20.

No development shall commence until a final noise mitigation strategy, including full scaled plans of any necessary features and any associated phasing plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use or occupied until the relevant mitigation has been provided to serve each

phase of the development. The approved mitigation shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

21.

No external lighting shall be installed on site until plans, showing the type of light appliance, the height direction and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" have been submitted to and approved in writing by the Local Planning Authority. The submission shall:

- a) Identify those areas/features on the whole site that are particularly sensitive for foraging/commuting bats;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

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, to minimise unnecessary light spillage above and outside the development site and to protect wildlife interests.

22.

No development shall commence on each phase (including demolition, ground works, vegetation clearance) until a Construction Method Statement (CMP) for that phase has been submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, 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;
- h) measures for the protection of the natural environment including from pollution; and
- i) hours of construction, including deliveries.

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

23.

No development shall commence on each phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones' (where required);
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including detailed mitigation measures for badgers, breeding birds and reptiles (precautionary site clearance), and the protection of trees and hedgerows;
- d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);

- e) The times during construction when specialists ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

A report prepared by a professional ecologist or the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

24.

No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species - this shall include a detailed specification for the attenuation features, ponds (permanent water features), hibernacula for amphibians, woodland planting, hedgerow reinforcement planting, bird boxes and bat boxes within dwellings and the new school, and the creation of a wildlife garden, forest school and/or orchard within the school grounds;

- b) Description and evaluation of features to be managed; including locations shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management, including access for hedgehogs into gardens;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan; and
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

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

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

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

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

25.

No residential unit shall be occupied until those parts of the Residential Travel Plan (by Peter Evans Partnership and dated January 2016) capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period of at least 2 years following occupation of the last residential unit.

REASON: In the interests of reducing the amount of private car movements to and from the development.

26.

The primary school shall not be brought into use until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from these results.

REASON: In the interests of road safety and in the interests of reducing the amount of private car movements to and from the development.

27.

Prior to occupation of the 20th dwelling two bus stops including shelters, perch seating and high access kerbs shall have been provided on Pathfinder Way in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of encouraging sustainable travel to and from the development.

28.

Prior to first occupation a pedestrian refuge shall have been provided on Pathfinder Way in association with the required toucan crossing of Pathfinder Way, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of encouraging sustainable travel to and from the development and highway safety.

29.

Prior to first occupation a 2 metre wide footway shall have been provided along the western side of Pathfinder Way over the entire frontage of the site.

REASON: In the interests of encouraging sustainable travel to and from the development and providing safe and convenient pedestrian access to the development.

30.

Prior to first occupation a lowered kerb informal pedestrian crossing of Pathfinder Way, including tactile paving shall have been provided at the A365 / Pathfinder Way roundabout splitter island, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of encouraging sustainable travel to and from the development and providing safe and convenient pedestrian access to the development.

31.

Prior to any development on the western side of Pathfinder Way part of the development, the existing field gate access to A365 Western Way shall have been properly and permanently closed to vehicles with the existing lowered kerbs replaced by high kerbs, and the grass verge reinstated.

REASON: In the interests of preventing inappropriate points of access to the development.

32.

Notwithstanding the details submitted, no development shall commence on each phase of the site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.

REASON: In the interests of highway safety.

33.

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.

REASON: In the interests of highway safety.

34.

No dwelling hereby approved shall be occupied until a public art scheme for the site and a timetable for installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

INFORMATIVE: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

INFORMATIVE: The applicant is advised that the reserved matters application should include low-rise development to reflect the adjacent development to the south east, and be sympathetic to the heritage and fringe of urban context.

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

INFORMATIVE: The developer is advised, in accordance with the Dorset and Wiltshire Fire and Rescue Service advise to consider the use of sprinkler protection in all domestic properties and in particular any public buildings such as the hereby approved school and nursery facilities. Furthermore consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of the Dorset and Wiltshire Fire and Rescue Service on the location of fire hydrants.

INFORMATIVE: The developer is advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency and/or the Lead Local Flood Authority may be required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Bowerhill Watercourse, designated a 'main' river. The EA advise that a minimum 5 metre clear strip be provided to allow the riparian owner(s) responsible for the maintenance of the watercourse appropriate access to carry out routine maintenance and/or possible future improvement works. The need for any consent is over and above the need for planning consent. The applicant is advised to contact the Environment Agency on 01258 483421 for further information.

INFORMATIVE: The developer is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

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

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: The developer is advised that the council will only operate its refuse and recycling services on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

INFORMATIVE: The developer is advised that any archaeological work required by condition should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

INFORMATIVE: The developer is advised that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please visit the following websites for more information:

- <http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>
- <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE: The developer is advised that the Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

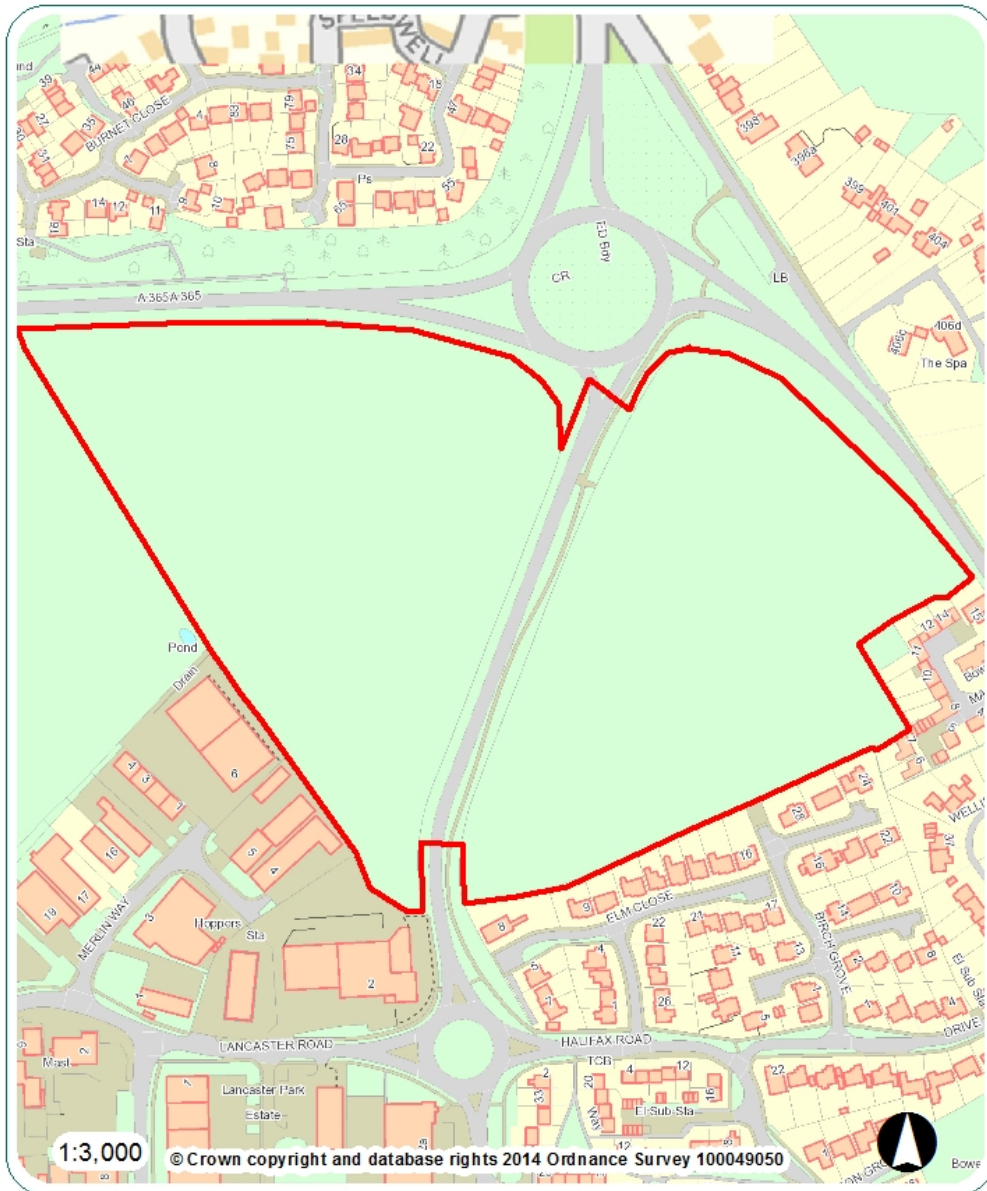
INFORMATIVE: The developer is advised that the Great crested newt is protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if great crested newts are

discovered, all works should stop immediately and a professional ecologist should be contacted for advice on any special precautions before continuing, as a derogation licence may be required from Natural England.

INFORMATIVE: The developer is advised that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution.

INFORMATIVE: The developer is advised that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or to destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Hedgerows, trees and woodland are present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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