

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 15 August 2018
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

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

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

Membership:

Cllr Fleur de Rhé-Philipe (Chairman)	Cllr David Jenkins
Cllr Derek Brown OBE (Vice-Chairman)	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr James Sheppard
Cllr Andrew Davis	Cllr Tony Trotman
Cllr Stewart Dobson	Cllr Fred Westmoreland
Cllr Sarah Gibson	

Substitutes:

Cllr Ian Blair-Pilling	Cllr Ruth Hopkinson
Cllr Clare Cape	Cllr Chris Hurst
Cllr Matthew Dean	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr Graham Wright
Cllr Russell Hawker	

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 18 July 2018. (Copy attached)

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 10.20am 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 **Wednesday 8 August 2018** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 10 August 2018**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

- 6 **17/01463/FUL - Bugley Barton Farm, Land South of Victoria Road, Warminster - A Comprehensive Development Comprising Demolition of the Existing Farm Buildings, Construction of 227 Residential Dwellings (Use Class C3), a New Vehicular Access, Public Open Space, Landscaping, Sustainable Urban Drainage and other Associated Infrastructure Works**
(Pages 23 - 90)

A report by the Case Officer is attached.

- 7 **17/07793/FUL - Wavin Ltd Parsonage Way Chippenham Wiltshire - Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing.** *(Pages 91 - 114)*

A report by the Case Officer is attached.

- 8 **Date of Next Meeting**

To note that the next scheduled meeting of this Committee is due to be held on Wednesday 12 September 2018, in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

- 9 **Urgent Items**

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

Part II

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

None

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STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 18 JULY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Sarah Gibson, Cllr David Jenkins, Cllr Tony Trotman, Cllr Fred Westmoreland and Cllr David Halik (Substitute)

Also Present:

Cllr Christopher Newbury, Cllr Russell Hawker, Cllr Mark Connolly, Cllr Gordon King, Cllr Richard Britton, Cllr Tom Rounds and Cllr Robert Yuill

38 Apologies

Cllr David Halik substituted for Cllr Christopher Newbury who was absent at the start of the meeting.

39 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 20 June 2018.

40 Declarations of Interest

Cllr David Jenkins declared a non-pecuniary interest in Minute Nos. 43 & 44 below as he was a member of Hills Waste Liaison Committee.

41 Chairman's Announcements

There were no Chairman's announcements.

42 Public Participation

The Chairman explained the rules governing public participation at meetings.

18/03366/WCM - Northacre Resource Recovery Centre, Northacre Industrial Estate, Westbury, BA13 4WD - Waste Management Facility and Welfare, Office and Workshop Building with ancillary development

The Case Officer informed the Committee that the Secretary of State had received a request to 'call-in' the two planning applications relating to the Northacre Industrial Estate, Westbury. The Secretary of State would be unable to commence his consideration of this request until such time as this Council had reached its decision on the planning applications. Should this Committee be minded approve the applications then the Secretary of State could begin his consideration and decide whether or not to call in the applications for his own determination.

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. The purpose of the report was to assess the merits of the proposal against the policies of the Development Plan and other material considerations and to consider the recommendation to grant planning permission subject to conditions, although now subject to the referral process set out above.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows, expressing their views regarding the planning application:-

- Mr Jim Marley, a local resident, spoke in opposition to the application.
- Ms Maggie Daniell, representing Westbury Gassification Action Group, spoke in opposition to the application.
- Ms Harriet James, a Warminster resident, spoke in opposition to the application.
- Cllr Mike Sutton, Deputy Mayor of Westbury, spoke in opposition to the application.

Members then heard the views of Cllr Russell Hawker, the local Member, who objected to the application and supported the views expressed by members of the public, particularly with regard to public health and safety and size of the proposal.

Cllr Gordon King, an adjoining Member, also expressed his opposition to the proposal, stating that he supported the views of Westbury Town Council and in particular, considered that the proposed development was too large.

During discussion, Cllr David Jenkins expressed concern especially regarding the impact such a proposal would have on the town and the likely effect it would have on the road network.

The Case Officer pointed out that for planning purposes the site and its close surroundings were designated as a Principal Employment Area and/or an Employment Allocation in the Wiltshire Core Strategy 2015. In addition, the

Northacre Industrial Estate was an allocated Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan 2013.

The Case Officer stressed that the Committee could only consider the planning aspects of the proposal and that issues regarding health and safety and emissions were matters for consideration by the Environment Agency when issuing an environmental permit.

After further discussion, on the proposal of Cllr Tony Trotman, which was seconded by Cllr Fred Westmoreland,

Resolved:

Subject to the Secretary of State calling this application in for his determination, to grant planning permission, subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - **18616-500-02 (red edged site plan) dated 03/2018**
 - **site-extent_1734-planning.dwg dated 20/04/2018**
 - **site-planning_1734-planning.dwg dated 08/04/2018**
 - **WMB_1734-planning.dwg dated 09/04/2018**
 - **OWB_1734-planning.dwg dated 09/04/2018**

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

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the local planning authority within 7 days of such commencement.**

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

- 3 The Waste Management Building element of the development hereby approved shall be used for the unloading, storage and re-loading of recyclable waste materials (mainly paper, cans, plastics, cardboard, green waste and glass) and for the storage of material from the MBT facility only, and it shall not be used for the unloading, storage and re-loading of any other form of waste.**

Un-loading, storage and re-loading of the above permitted waste shall take place inside the Waste Management Building

only, and shall not take place at, on or over any other parts of the application site.

REASON: To comply with the terms of the planning application and its justification, and to ensure the amenities of the wider environment are safeguarded.

- 4 The total tonnage of waste material imported to the Waste Management Building shall not exceed 25,000 tonnes in any twelve month period.

REASON: To ensure that the development substantially accords with the terms of the Transport Statement and Noise Assessment which accompany the planning application, and there conclusions that this scale of operation would not cause harm to highway safety and/or amenity.

- 5 A record of the quantity (in tonnes) of waste materials delivered to the Waste Management Building and all the waste and waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the local planning authority upon request. All records shall be kept for at least 36 months.

REASON: In order that the local planning authority can monitor the approved development.

- 6 The operational hours of the Waste Management Building shall be limited to the following:
Monday to Friday: 07:00 to 20:00
Saturday: 07:00 to 13:00 (extending to 20:00 after bank holidays)
Saturdays (waste from HRCs only): 13:00 to 20:00
Sundays (waste from HRCs only): 07:00 to 18:00
Bank Holidays: 07:00 to 20:00

The shall be no operation of the Waste Management Building on Christmas Day, Boxing Day or New Years Day.

REASON: To safeguard the amenities of the wider area.

- 7 Prior to first operation of the Waste Management Building a Transport Plan for the routing of HGVs to and from the site (broadly in line with the 'Existing Travel Plan' at Appendix 2 to the Transport Statement accompanying the planning application) shall be submitted to the submitted to the local planning authority for approval in writing. The Transport Plan shall include details of implementation and monitoring and shall be implemented in accordance with the approval thereafter. 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: To manage the routing of HGV traffic in the interests of protecting the amenities of the wider area.

- 8 The Waste Management Building shall not first operate until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
- location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting
 - sizes and planting densities; finished levels and contours;
 - means of enclosure;
 - all hard and soft surfacing materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before the development becomes operational 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.

- 9 All soft and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following approval of the landscaping 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.

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

- 10 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces serving that part have been completed in accordance with the details shown on the approved plans. The areas shall be

maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage 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 approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

- 12 There shall be no surface water discharge connection to the foul water network.**

REASON: To safeguard the integrity of the foul water network and prevent flooding.

- 13 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:**

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

- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routes.

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

- 14 No part of the development shall be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The 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 those results.

The Travel Plan shall include provision for car sharing and for ultra low energy vehicle infrastructure (electric vehicle charging points).

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

- 15 Within 3 months of the waste management building hereby approved becoming first operational (including operation of the odour control plant) a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the 'Noise Assessment for Planning' by iON Acoustics Ltd dated 09/04/2018. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.

REASON: To protect local amenity from the adverse effects of noise.

- 16 Prior to the waste management building hereby approved becoming first operational an odour management plan (for the management of odours, should they arise) and a pest management plan (for the management of flies, vermin, etc., should they arise) shall be submitted to the local planning

authority for approval in writing. Thereafter, the approved plans shall be implemented as approved, if/as necessary.

REASON: To safeguard amenity.

17 INFORMATIVE: This activity will require a Permit under the Environmental Permitting Regulations 2010 (as amended) to operate. Should the applicant wish to apply for a permit they are advised to visit our website at <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> to help decide what sort of permit is required. Any successfully determined environmental permit application will not consider the following, which are all considered as part of the planning permission –

- Alternative locations and sizes for this proposed facility
- Operational hours
- The transport of waste to and from the site or vehicles
- Traffic, access and road safety issues
- Visual impacts
- Construction materials used in building

44 **18/03816/WCM - Northacre Resource Recovery Centre, Northacre Industrial Estate, Westbury, BA13 4WD - Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM**

The Case Officer informed the Committee that the Secretary of State had received a request to ‘call-in’ the two planning applications relating to the Northacre Industrial Estate, Westbury. The Secretary of State would be unable to commence his consideration of this request until such time as this Council had determined the planning applications. Should this Committee approve this application then the Secretary of State could begin his consideration and decide whether or not to call in the application for his own determination.

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. The purpose of the report was to assess the merits of the proposal against the policies of the Development Plan and other material considerations and to consider the recommendation to grant planning permission subject to conditions, although now subject to the referral process set out above.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows, expressing their views regarding the planning application:-

- Mr David Levy, representing The Air That We Breathe Network, Westbury, spoke in opposition to the application.

- Mr Stephen Eades, representing Wiltshire & North Wiltshire Friends of the Earth, spoke in opposition to the application.
- Mr David Davis, a local resident, spoke in opposition to the application.
- Cllr Mike Sutton, Deputy Mayor of Westbury, spoke in opposition to the application.
- Cllr Kathy Hutt, Chair, Dilton Marsh Parish Council, spoke in opposition to the application.

Members then heard the views of Cllr Russell Hawker, the local Member, who objected to the application and supported the views expressed by members of the public.

Cllr Gordon King, an adjoining Member, also expressed his opposition to the proposal, stating that he supported the views of the objectors and in particular, considered that the proposed development was too large for a town the size of Westbury. He considered that the infrastructure around Westbury was inadequate for the scale of the development and that the development would be visually intrusive and detrimental to the landscape. He also stated that assurances regarding public health were necessary.

During discussion, Cllr David Jenkins expressed concern especially regarding the impact such a proposal would have on the town and the likely effect it would have on the road network. He also expressed concern that the effect of the proposal would have on the health, particularly of children and the elderly.

The Case Officer stressed that the Committee could only consider the planning aspects of the proposal and that issues regarding health and safety and emissions were matters for consideration by the Environment Agency when issuing an environment licence. Objectors to the proposal had the opportunity of submitting their concerns regarding the possible effect on health and the danger of emissions direct to the Environment Agency when considering the issuing of a licence to the applicant, should planning permission be granted.

After further discussion, Cllr Tony Trotman proposed the following motion, which was seconded by Cllr Fred Westmoreland,

“Subject to the Secretary of State calling this application in for his determination, to grant planning permission, subject to the conditions set out in the Case Officer’s report.”

Cllr Ernie Clark requested a recorded vote, which was supported by Cllr Andrew Davis, Cllr Sarah Gibson and Cllr David Jenkins.

Thereupon the motion was put to the meeting and voting was as follows:-

For the motion

Cllr Fleur de Rhe-Philippe, Cllr Derek Brown, Cllr Tony Trotman and Cllr Fred Westmoreland.

Against the motion

Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Sarah Gibson, Cllr David Halik and Cllr David Jenkins.

The motion being lost, further discussion took place, after which on the proposal of the Chairman, which was seconded by Cllr Fred Westmoreland,

Resolved:

Subject to the Secretary of State calling this application in for his determination, to refuse planning permission for the following reason:-

The proposed development, by reason of its height, bulk and location on rising ground on the edge of the built-up area, would have an adverse impact on the appearance of the area. This would conflict with Core Policy 51 in the Wiltshire Core Strategy, which seeks to protect, conserve and enhance the visual amenity of the landscape.

45 **18/03716/FUL - Junction 20 at A338 Park Road/Pennings Road and Station Road/Lahore Road, Tidworth - Townscape and highway improvement scheme to enhance Park Road/Pennings Road and Station Road/Lahore Road including creation of traffic islands containing relocated traffic lights, the removal of the right turn lane from Station Road to Pennings Road and creation of a signalised slip lane from Park Road to Lahore Road.**

The Committee received a presentation from the Case Officer which set out the issues in respect of the application and advised the Committee of the recent observations received from the Council's Drainage Engineer.

The purpose of the report was to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission.

Members then had the opportunity to ask technical questions after which they heard a statement from Mr Christopher Tennant, WGI Planning, agent on behalf of the Secretary of State, in support of the application.

Members then heard the views of Cllr Mark Connolly, the local Member, who whilst supporting much of the scheme, objected to the removal of the right hand lane out of Station Road on to Pennings Road (Road A338) on the grounds that it would cause problems for both traffic exiting Tesco Store and in Station Road.

The Case Officer explained that the removal of this right hand lane would lead to the build up in traffic of a maximum of four vehicles which was not considered to be significant when compared with the benefits which would be made from the introduction of the scheme as a whole. It was noted that the Council's Highways Engineer had raised no objections to the scheme which would be kept under review. The Highways Development Control Officer advised that the section 278 Highways Act 1980 Agreement to secure the works could have a

requirement for a Stage 4 Road Safety Audit to ensure the junction operates in a safe and efficient manner following the implementation of the improvement works.

After discussion, on the proposal of Cllr Andrew Davis, which was seconded by Cllr Tony Trotman,

Resolved:

To grant planning permission, subject to the following conditions and informatives:-

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved document and plans:**

- Drawing No. SK20D LP01 Rev A – Location Plan, received 18.04.18;**
- Drawing No. SK20D LP02 Rev A – Existing Layout Plan, received 18.04.18;**
- Drawing No. A089116-10 – LS20-01 – Landscape Strategy, received 18.04.18;**
- Drawing No. A089116-10 – LS20-02 – Landscape Strategy: Sections, received 18.04.18;**
- Drawing No. 500 – General Arrangement, received 18.04.18;**
- Drawing No. SK541 Rev A – General Arrangement Sections, received 18.04.18;**
- Document. Junction 20 Flood Risk Assessment and Drainage Strategy (March 2018) (Report No. A089116-10/REP/005) by WYG.**

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

- 3 The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement contained within the Arboricultural Report Salisbury Plain**

Junction 20 A388 Pennings Road, Tidworth (March 2018) by DIO.

REASON: In order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 4** No development shall commence on site until all trees and other woody vegetation will be assessed for their ability to support roosting bats. Trees that have developed features suitable to support bat roosts will be subjected to a climbing survey to determine any current or recent bat use of suitable features. If any features are found to support bats, a licence, obtained from Natural England will be in place prior to any cutting, trimming or removal of trees.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to militate against the loss of existing biodiversity and nature habitats.

- 5** No development shall commence on site until a lighting plan demonstrating that a level of 1 lux or less can be achieved at the edges of sensitive ecological receptors such as trees both within and adjacent to the site has been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to militate against the loss of existing biodiversity and nature habitats.

- 6** Tree and vegetation removal will not be carried out between March and July inclusive, unless a documented search for

nesting birds has been carried out and the area has been found to be clear of any active nests.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to militate against the loss of existing biodiversity and nature habitats.

7 INFORMATIVE TO APPLICANT:

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

8 INFORMATIVE TO APPLICANT:

Please note the following guidance from the Environment Agency:

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
- wheel washing and vehicle wash-down
- 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.

In addition to any other permission(s) that you may have already obtained, e.g. planning permission, you may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) if you want to carry out work:

- in, under, over or near a main river (including where the river is in a culvert)
- on or near a flood defence on a main river
- in the flood plain of a main river
- on or near a sea defence

For further information and to check whether a permit is required please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting Officer, daniel.griffin@environment-agency.gov.uk / yvonne.wiacek@environment-agency.gov.uk

9 INFORMATIVE TO APPLICANT:

Please note the following guidance from Veolia Water:

The proposed development will impact Veolia Water public water and waste water apparatus which may / will required diversion, re-alignment or lowering. We would anticipate detailed consultation in a suitable and sufficient timescale to allow us to survey the area in question and to provide costed schemes under S185 of the Water Industry Act and in line with usual highway works practice.

10 INFORMATIVE TO APPLICANT:

The applicant is advised that the required Section 278 Highways Act 1980 Agreement to secure the works will have a requirement for a Stage 4 Road Safety Audit.

11 INFORMATIVE TO APPLICANT:

The applicant is advised that the flow rates from the surface water scheme will need to be agreed with the Lead Local Flood Authority and should not exceed existing flow rates.

46 **17/01798/FUL- Valley View, East Grimstead - Change use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes, together with the formation of hardstanding, and landscaping and erection of maximum 2.8 fence (retrospective).**

The Committee received a presentation from the Case Officer which set out the issues in respect of the application.

The purpose of the report was to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission.

Members then had the opportunity to ask technical questions after which they heard statements from the following members of the public expressing their views regarding the planning application.

- Ms Gwyneth Doran, a local resident, spoke in opposition to the proposal.
- Mr Nat Green, agent to the applicant, spoke in support of the application.
- Cllr Gill Sowerby, Chairman of Grimstead Parish Council, spoke in opposition to the proposal.

Members then heard the views of Cllr Richard Britton, the local Member, who expressed concern that the village of East Grimstead contained no shops, school or a public house and was therefore not a sustainable location for this proposal. He considered that the proposal was in conflict with Core Strategy Policy 47 which considered the needs of gypsies and travellers.

The Head of Development Management explained that there was a shortage of travellers' sites in the south of Wiltshire and an additional 37 pitches were required to bring numbers up to an acceptable level.

After discussion, on the proposal of Cllr Fred Westmoreland, which was seconded by Cllr Stewart Dobson,

Resolved:

To refuse planning permission for the following reasons:-

Notwithstanding the accepted shortfall in gypsy and traveller sites in the housing market area within which the site is located, the Council consider that the adverse impacts of granting permission on this site would significantly and demonstrably outweigh the benefits. The Council consider that these adverse impacts lie in the failure of the proposal to meet specific criteria set out for gypsy and traveller sites in Core Policy 47 of the Wiltshire Core Strategy, which is the development plan for the area, adopted in 2015. The proposal fails to meet criteria ii, in that the site is not served by a safe and convenient pedestrian access; criteria v, in that the site is not located within a reasonable distance of a range of local services and community facilities; criteria vi in that the site is located in an isolated position within a Special Landscape Area where the development will have an unacceptable impact on the character and appearance of the landscape; and criteria viii, in that when taken together with other gypsy and traveller sites in the vicinity, the cumulative impact is inappropriate to the small scale of the existing nearby settlement of East Grimstead.

47 **Date of Next Meeting**

Resolved:

To note that the next scheduled meeting of this Committee was due to be held on Wednesday 15 August 2018, in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

48 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 2.15 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	15/08/2018
Application Number	17/01463/FUL
Site Address	Bugley Barton Farm, Land South of Victoria Road, Warminster
Proposal	A Comprehensive Development Comprising Demolition of the Existing Farm Buildings, Construction of 227 Residential Dwellings (Use Class C3), a New Vehicular Access, Public Open Space, Landscaping, Sustainable Urban Drainage and other Associated Infrastructure Works
Applicant	Persimmon Homes
Town/Parish Council	WARMINSTER
Electoral Division	WARMINSTER WEST & BROADWAY – Cllr Pip Ridout / Cllr Tony Jackson
	385339 144710
Type of application	Full Planning
Case Officer	Kenny Green

Reason for the application being considered by Committee - This application has been called to the committee by Cllr Ridout as it is a large scale major development on a site extending to some 9.6 hectares and the proposed development raises significant issues of more than local importance in terms of housing delivery, economic investment, job creation and new highway infrastructure provision.

1. Purpose of Report - To assess the merits of the application against the relevant national and local development plan policies and other material considerations; and, to recommend that permission should be approved subject to the prior completion of a s106 legal agreement and planning conditions.

2. Report Summary – The key determining planning issues are considered to be:

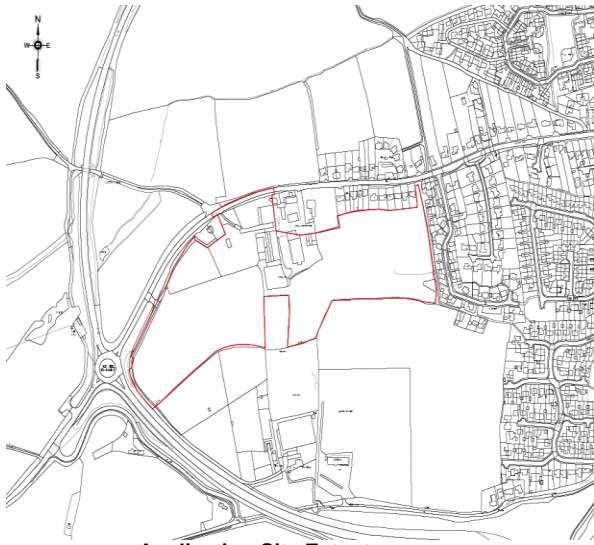
The Principle of Development, Site Planning History, Loss of Agricultural Land, Highway Impacts, Drainage Matters, Landscape Matters, Heritage Matters, Urban Design and Neighbouring Impacts, Ecological Impacts; and, Developer Contributions and Commitments.

Warminster Town Council – At its meeting on 21 May 2018, the Town Council Planning Advisory Committee resolved to support the application subject to conditions which are set out within section 7 of this report.

Neighbourhood Responses - This application has been subject to three formal public notification exercises that comprised over 100 individual neighbour notification letters being posted as well as 6 site notices being displayed on and around the application site in addition to press advertisement: 31 representations were received raising objections and comments. A summary of the representations is produced in section 8.

3. Site Description - The irregular shaped application site extends to approximately 9.68 hectares (approximately 24 acres) located to the south of Victoria Road and to the east of the A36 strategic road network and is located about 2km from Warminster’s town centre. The land is currently pasture and arable farmland comprising two large fields to the south-west and south-east of the farm steading complex and is classed as being a mix of Grade 1 and 3a agricultural land.

The following annotated insert plan illustrates the red lined extent of the application site and its immediate context. The following selection of site photographs taken by the case officer furthermore contextualises the site's relationship with the rest of the WWUE allocation and the wider surroundings.



Application Site Extent



Application site looking south from rear of Victoria Road properties



Northern site boundary with Victoria Road properties – Cley Hill circa 1.75km to North-West



Application site looking East towards Haygrove Close properties



Application site view looking North-West towards farm

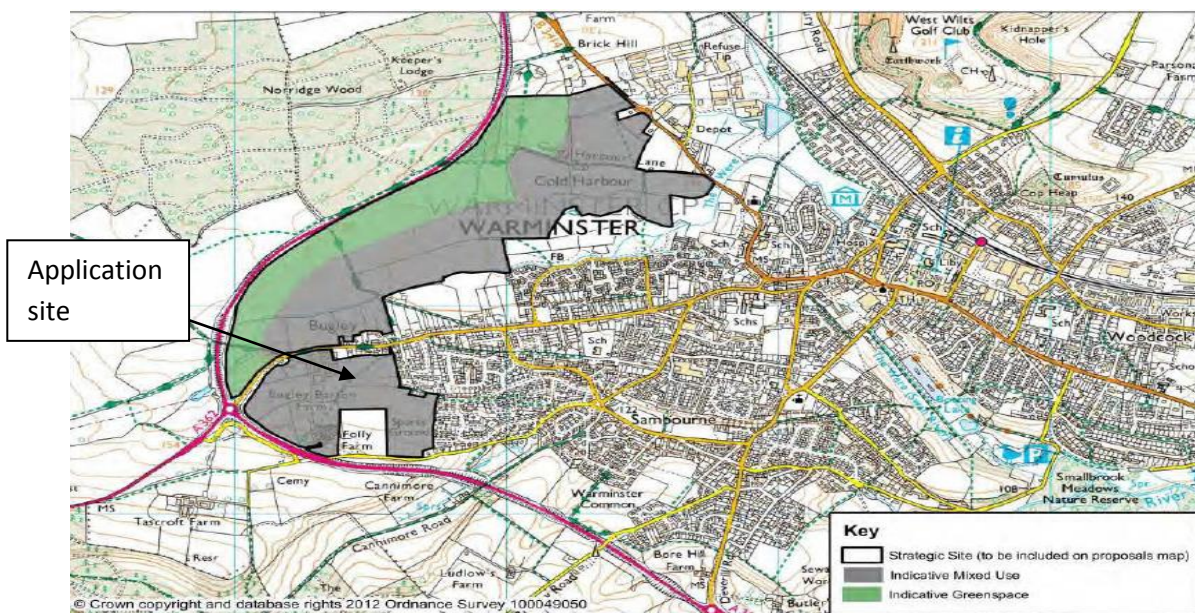


Application site looking north to farm buildings to be demolished and existing semi-detached dwellings which front onto Victoria Road



View looking North-East with boundary hedgerow and trees on extreme left and right being the site's boundary with Folly Nursery (land to the left) and Redrow's consented 14/06562/FUL development site (land to the right).

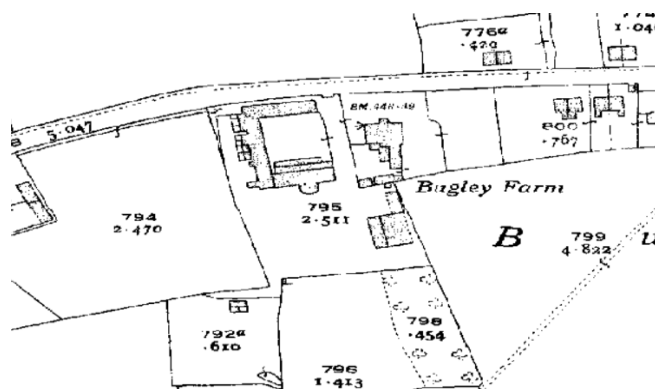
The application site forms part of the strategically allocated West Warminster Urban Extension which is identified for a residential-led mixed-use strategic development in the adopted Wiltshire Core Strategy. The following insert illustrates the indicative development template for the entire WWUE site.



Source: Appendix A 'Indicative' Development Template Plan for the WWUE site (page 356 of adopted Core Strategy)

Oak and Ash trees located along the southern site boundary (and illustrated on the site photograph on the previous page) are protected by way of a confirmed TPO (2016/00011/MIXED) dated 12 August 2016, which was established following the Council's determination of Redrow Homes' approved 14/06562/FUL application. At the Victoria Road site frontage there is a mature Ash tree located to the west of the farm steading. Elsewhere, well-established hedgerows (in some places 7m high) are found along much of the eastern, southern and western boundaries. The boundary treatment along the site's northern boundary is more mixed with sporadic hedgerow, walls and fenced boundaries, including a shared boundary with 15 residential properties fronting Victoria Road, six of which are single storey brick-built bungalows with the remainder being mainly detached two-storey brick-built dwellings, and the ashlar built Bugley Barton farmhouse which is a grade II listed (List Entry No. 1036256 which was listed 31 March 1978). The site boundary with the Victoria Road properties is illustrated by the aerial view reproduced below as well as by site photographs which are included on previous pages.

To the immediate west of the Bugley Barton farmhouse, and separated by a wall, the farmhouse and farmstead is excluded from the application site. The application site does however include several large, modern grey roofed utilitarian grain stores and general agricultural sheds (which are illustrated in the preceding site photos and are easily identifiable in the insert aerial view produced below). The agricultural buildings have no architectural or historic merit and would be demolished as part of the site enabling works prior to development.



When comparing the above right insert (which records the pre-1948 farm steading) with the modern aerial image of the site (above left) and following on site investigations, it is clear that little remains of the old 'historic' farmstead, sited to the immediate west of the listed farmhouse. The present buildings are erected on different footings and are much deeper in plan form with only a single-storey section of the steading range parallel appearing to align with the historic mapping illustrated above. The square shaped farm building (identified by a pink star in the upper left insert) is a modern concrete block and tin clad building and does not pre-date 1948. The blue lined site parameters represent the curtilage of the Bugley Barton farmhouse, garden and steading range – which are not within the site parameters of application 17/01463/FUL.

As far as the landform is concerned, the application site has a 14 metre variance from east to west with the land in the south west corner measured at 146.4m AOD (above Ordnance datum) and 132.5m AOD on the strip of land adjoining No.89 Victoria Rd and the WARM5/6 connection, in the site's north-eastern corner.

The Environment Agency flood mapping database and the Council's Strategic Flood Risk Assessment (SFRA) records that the site is located entirely within Flood Zone 1 (i.e. land having the lowest risk of fluvial flooding of less than 1 in 1000 annual probability (<1%) in any given year). There are no watercourses within the site, but there is a pond located in the south-eastern corner of the site, close to the WARM6 footpath and the housing under construction on land west of St. Andrews Road following the approval of application 14/06562/FUL. The pond provides positive drainage for the agricultural fields at Bugley Barton which has an outfall to the culverted public drainage system. A second pond, with no culverted outfall is located in the centre of the site which was previously a slurry pit.

The land holding is located on the western periphery of Warminster's current settlement boundary; and, the site's relationship with the remainder of the WWUE allocation and the existing built development can be appreciated from the following illustrations:



Site Location Parameters Plan



Adopted WCS Appendix - Development Template Plan for WWUE site

The land to the south-east of the site (i.e. the land accessed off St Andrews Road) also forms part of the WWUE strategic allocation and benefits from detailed planning permission for 203 dwellings and associated works under application 14/06562/FUL in early February 2017. Following this decision, a variation was approved under application 17/11145/VAR to delete one dwelling from the scheme. Further to the south, and located to the west of the Redrow development site, is the Warminster Rugby Club, which is excluded from the strategic allocation. Further to the west is Folly Farm Nursery and land to the east of the A36 (which is included within the WWUE site allocation) and abuts the Rugby club and the Bugley Barton site – which the above left aerial insert illustrates.

The site is currently accessible by farm vehicles via three vehicular accesses served off of Victoria Road, although only two appear to be regularly used (i.e. the access serving the Bugley Barton steading and the gated entrance near to No's 127/129 Victoria Road).

One PRoW (WARM5) dissects the site's top eastern sector and routes diagonally on a north-eastern – south-western axis which connects with Victoria Road and the WARM6 footpath to the north and the WARM91 footpath to the south (located beyond the A36).

To the north-east of the application site, three brick-built bungalows front onto the WARM6 PRoW footpath – with three additional bungalows forming part of the late 1990s consented Haygrove Close estate, which is otherwise characterised by two-storey brick-built detached dwellings with tiled roofs.

The application site is not the subject of any statutory land designations, although the following important constraints/designations are found within the local vicinity:

- Cley Hill Scheduled Ancient Monument (comprising a hill fort, two bowl barrows, medieval strip lynchets and a cross dyke) is located circa 1km to the west (as measured at its closest point to the site);
- Longleat Grade I Registered Park and Garden are located just over 1km to the south-west.
- Warminster Town Centre Conservation Area is located c700m to the east;
- Grade II Listed Bugley Barton farmhouse boundary forms part of the site's northern boundary;
- Grade II listed buildings are found at No's 64/66 Victoria Rd, No's 54/54a Victoria Rd and No.40 South Street located some 0.5 - 0.75km from the site;
- Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty comes within 80m of the application site (separated by the A36 with its well-established treed embankments);
- Salisbury Plain Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSi) is circa 4km to the north-east;

- The River Avon Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSi) is located c2km to the south-east;
- Further afield but within 5km of the site, 7 nationally designated sites are found at: Brimsdown Hill (SSSi), Upton Cow Down (SSSi), River Avon (SSSi); Salisbury Plain (SSSi); Cley Hill (SSSi); River Wylfe LNR (Local Nature Reserve) and Smallbrook Meadows LNR. The closest of which is the Cley Hill SSSI at c1.2km north-west of the site;
- Three non-statutory nature conservation designations lie within 2km of the site the closest being Cannimore Farm Meadows Wildlife Site which is c500m to the south, beyond the A36.

The insert below illustrates the green shaded land to the west of the A36 which defines the beginning of the AONB. However, due to the intervening landform and woodland, the site is only partially visible from the elevated part of Cley Hill about 1km away.



4. Planning History

W/96/01149/OUT - Redevelopment of existing farm yard for residential purposes – **Refused at Committee 09.01.1997 Appeal dismissed 09.12.1997**

W/97/00422/OUT - Residential redevelopment of existing farm complex – **Refused at committee 06.11.1997**

16/01323/MAS - Draft masterplan modelled on delivering 1550 dwellings and 6 hectares of employment land for the strategic development of the West Warminster Urban Extension (WWUE) – **Endorsed at Strategic Planning Committee meeting 15 June 2016**

16/06723/SCR - EIA Screening Opinion for residential development at Bugley Barton – **Adopted EIA Screening Opinion 28 July 2016**

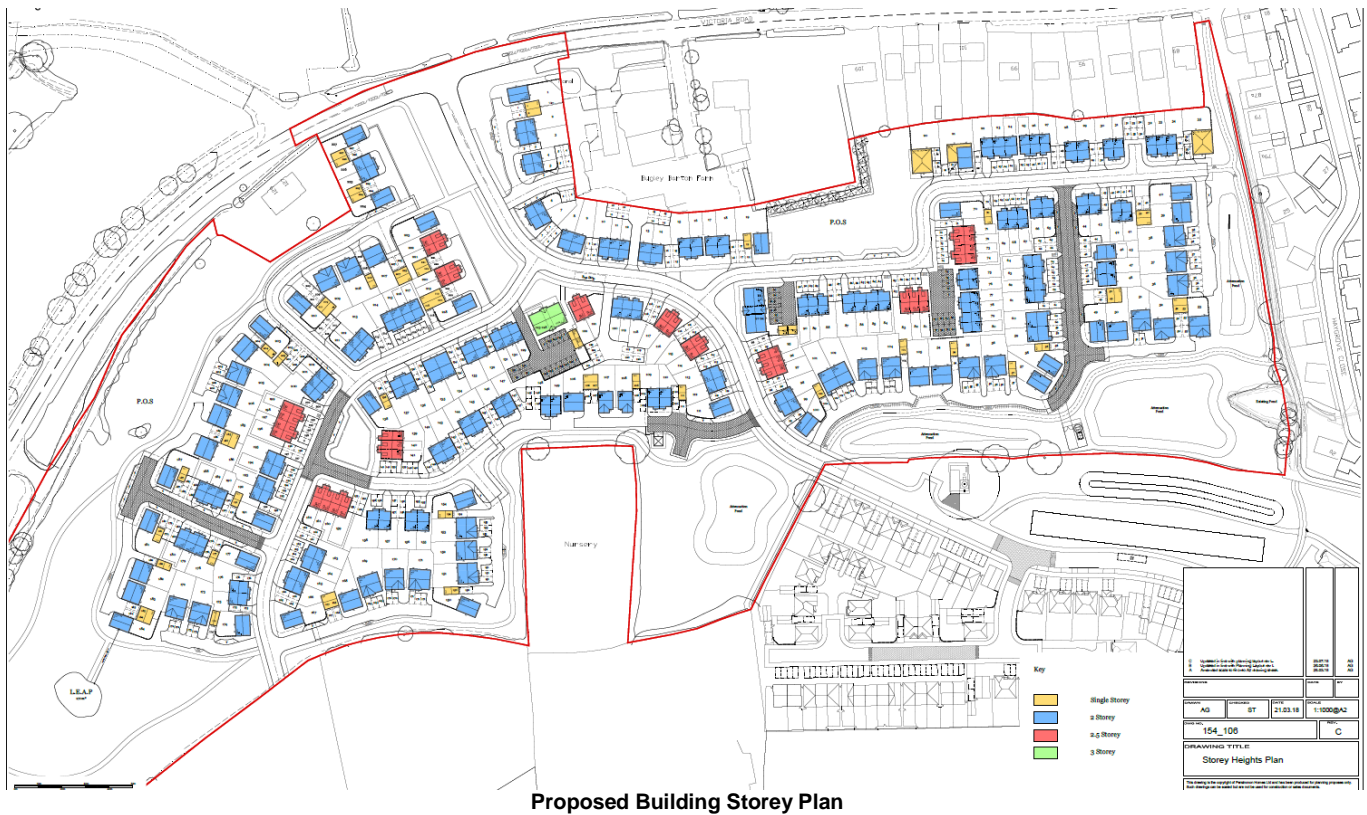
16/07395/SCO - Scoping Opinion for proposed demolition of farm buildings and erection of approximately 200 dwellings with associated road infrastructure, drainage, landscaping and public open space – **Adopted EIA Scoping Opinion 26 August 2016**

The following applications are also considered worthy of note since they form part of the WWUE strategic allocation:

14/06562/FUL - Development of 203 residential dwellings, open space, landscaping, sustainable urban drainage, vehicular and pedestrian accesses, and associated infrastructure and engineering works to include the provision of a foul drainage pumping station – **Approved on 10 February 2017 following s106 completion.**

15/01800/OUT - Demolition of a series of agricultural sheds and one residential dwelling and the delivery of up to 1,000 dwellings (Class C3); a local centre of 0.56ha (to accommodate commercial development falling under Use Classes A1-A5, C2, C3 and D1); an employment area of 5.6 hectares (to accommodate various businesses falling under Use Classes B1, B2 and B8); a new primary school on a 1.8 hectare site (Use Class D1) and safeguarding a further 1.8 hectares for additional/secondary school provision; formal and informal recreational open space including sports pitches with changing facilities, children’s play areas and allotments; car parking; strategic and amenity landscaping including the provision of a noise bund along part of the northern and western site boundary; new land drainage and storm water attenuation ponds; foul and surface water drainage infrastructure; and provision of new highway infrastructure to include two roundabout accesses off Bath Road and Victoria Road and provision of a strategic road through the site – **Approved by the strategic planning committee on 20 June 2018 subject to completion of a Section 106 agreement.**

5. The Proposal – This detailed planning application seeks permission to erect 227 dwellings of which 30% (68 units) would be dedicated affordable homes to be split as rental units and shared ownership units; and comprise a mix of 1 and 2-bed apartments, 2 bed bungalows (which would be wheelchair accessible) and 2, 3 and 4 bedroom houses at a gross density of less than 24dph. 2-storey units would constitute as the main house type as illustrated in blue below. The 2 1/2 storey dwellings are illustrated in red; the bungalows and garaging are colour coded yellow; and the 6 flats would be provided within one 3-storey apartment block is illustrated in green.



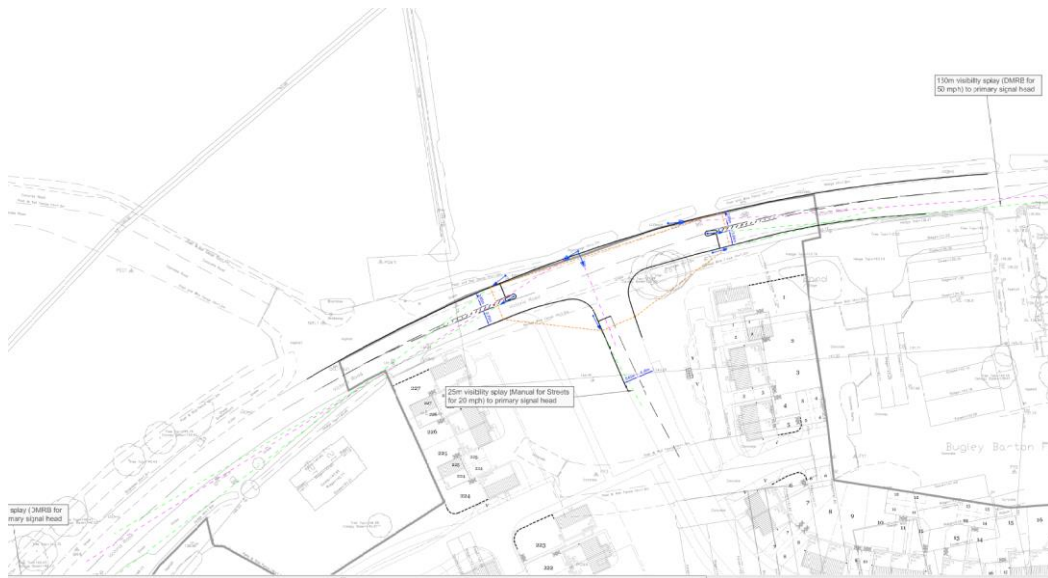
The proposed materials palette would result in a mix of housing constructed from red, brindle and buff bricks – with buff brick properties being proposed to assimilate with the wall treatment found on the properties at Haygrove Close and the consented Redrow scheme to the south-west. Stone walls are proposed to be used in the remaining part of the scheme, with limited use of white wall render selectively

used for properties not in view of Cley Hill to keep material colouring muted and recessive. Roofs would be tiled of varying recessive colours, including brown, dull red and slate grey.



Proposed Affordable Housing Plan

The boundary treatment plan for the site comprises a wide range of finishes ranging from 2m high close boarded fencing (with 0.3m high trellis), 1.8m high reconstituted stone walls, 1.8m high close boarded fencing (some with 0.3m trellis), 1.8m larch lap panel fencing, 1.6m high palisade fencing, 1.2m high estate railing, 1.2m high post and rail fencing and 0.4m high knee rail fencing.



The applicants propose to construct a new signalised T-junction vehicular access off Victoria Road until the roundabout design which forms part of the 15/01800/OUT application has been built to create a fourth arm. To satisfy the Council's adopted car parking standards 504 allocated car parking spaces which would include 45no visitor spaces.

Under the proposals, the existing WARM5 route which dissects the easternmost field would be subject to a separate application to extinguish the existing Order and create a new 3m wide cycle/pedestrian PRoW route around the eastern and southern reaches of the site. The application would also deliver part of the strategic road link to connect with the consented route included within application 14/06562/FUL (the Redrow Homes development) and Victoria Road to establish a key new road hierarchy serving the south-western part of the town to satisfy a key objective of the Core Strategy. The submitted phasing plan indicates that it would be delivered as part of the first phase of works/development and this commitment is enshrined within the applicant's March 2018 updated Planning Statement.

The applicant's proposed landscape strategy seeks to protect, retain and enhance the existing field boundary pattern of hedgerows and trees. Strategic native tree and shrub planting is proposed along the main route through the site, in the northern part of the site at its connection with Victoria Road as well as within large swathes of public open space to create a robust landscape buffer along the site's boundaries and to break up the urban mass within the scheme. The landscape proposals have evolved alongside the negotiated changes officers secured for the application to the north of Victoria Road, securing green wedges to break up the proposed new housing development and to retain an area free from residential development to the south-east of Bugley Barton to prevent enclosing the listed building on its sensitive south-eastern flank. Whilst officers acknowledge the presence of a high hedge to the rear of Bugley Barton, it is nevertheless considered appropriate to keep new housing set back from the farmhouse boundary. The extra amenity public open space with tree planting would serve the scheme well in terms of filtering views. The insert plan below illustrates the extent of the site to be dedicated to tree planting, public open space and areas of play.



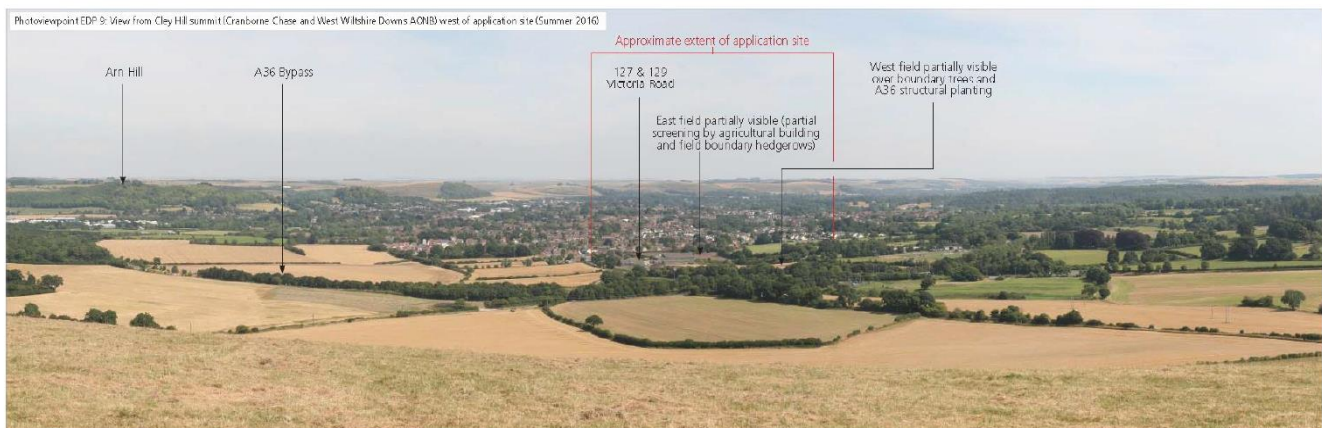
The plan also illustrates the proposed locations of four attenuation ponds which form a key part of the applicant's drainage strategy which would be used to manage and restrict the site's surface water discharge rate at 20% less than the existing median annual greenfield rate, thereby delivering betterment.

A foul pumping station is incorporated into the layout (in the south-eastern part of the site) which would connect with the consented off-site rising main foul sewer which forms a part of the 14/06562/FUL and 17/11145/VAR permissions. The position of the structure and compound has been revised following officer negotiation.

An archaeological geophysical survey and trial trenching work has been carried out in accordance with a Written Scheme of Investigation (WSI) which followed the guidance provided by the Council's archaeologist.

Detailed ecological assessments have appraised the sites environs and features. Licensed ecologists were commissioned to complete bat roost building inspections, bat activity surveys as well as reptile, dormouse and badger surveys. The ecology reports consider the potential effects of the proposed development on the Important Ecological Features (IEFs) identified through the Ecology Baseline Report; as well as reporting on the necessary avoidance, mitigation and compensatory measures as part of a holistic ecology strategy for the development site to address any potential significant impacts that may arise. As part of the ecology surveying, a badger sett was found along the site's southern boundary; and, bat, reptile and dormouse surveys have been undertaken to inform the mitigation measures required throughout the scheme.

A Landscape and Visual Impact Appraisal supports the application. The primary mitigation comprises the provision of strategic open space designed in accordance with the WWUE masterplan and to deliver a strong landscape buffer through significant tree planting to supplement the existing mature vegetated boundaries of the site. The applicant's strategy includes a comprehensive tree and landscape planting scheme on circa 1.7ha of land in the south-western part of the site that would be dedicated for public open space and the provision of a LEAP (a locally equipped area of play). A further 1.4ha of land would be given to public open and tree planting around the site's southern boundary, which in part, would bolster the tree planted open space being delivered by Redrow Homes to create a central green swathe throughout the two schemes. An addition 0.7ha of communal open space would be provided along the eastern and northern site limits as well as creating a tree lined main entry into the site from Victoria Road.



The applicant's photo viewpoint EDP9 from LVIA Clay Hill Summit

6. Planning Policy – The Adopted Wiltshire Core Strategy (WCS - which was adopted in January 2015) - Core Policy 1 Settlement Strategy; Core Policy 2 Delivery Strategy; Core Policy 3 Infrastructure; Core Policy 31 Warminster Community Area; Core Policy 41 Sustainable Construction and Low Carbon Energy; Core Policy 43 Providing Affordable Homes; Core Policy 45 Meeting Wiltshire's Housing Needs; Core Policy 50 Biodiversity and Geodiversity; Core Policy 51 Landscape; Core Policy 52 - Green Infrastructure; Core Policy 57 - Ensuring High Quality Design and Place Shaping; Core Policy 58 Ensuring the Conservation of the Historic Environment; Core Policy 60 - Sustainable Transport; Core Policy 61 Transport and Development; Core Policy 62 - Development Impacts on the Transport Network; Core Policy 63 Transport Strategies; Core Policy 64 Demand Management; Core Policy 67 Flood Risk; Core Policy 68 Water Resources; and, The Design Template for the strategic West Warminster Urban Extension Site found within Appendix A.

Core Policy 31 (supported by the development template contained within Appendix 1 of the WCS) specifically allocates land at West of Warminster for a mixed-use development to include 6ha of employment land and 900 dwellings. The development template outlines that the WWUE should be limited

to 900 houses and 6 hectares of employment land. The policy indicates that the strategic allocation should be brought forward through a master planning process agreed between the community, local planning authority and the developer and should be in accordance with the development template set out in Appendix A. The development template for the West Warminster urban extension strategic site requires any new development proposal to:-

1. Integrate with the existing town and town centre; 2. Protect the setting of and views to the Cranborne Chase and West Wiltshire Downs AONB; 3. Conserve and enhance the environment within and around the strategic site; 4. Provide a link road connecting Bath Road, Victoria Road and Thornhill/ St Andrews Road and new bus service to the town centre; 5. Deliver improvements to the Rights of Way identified in the IDP (which includes WARM6); 6. Provide areas of multi-functional accessible natural green space along sections of the River Were floodplain; 7. Provide for children's play, accessible natural green space, sports and allotments; 8. Retain, buffer and restore habitat corridors across the site with sensitive lighting close to hedgerows, mature trees and the riparian corridor; 9. Include sensitively designed SUDS; 10. Provide a substantial landscape buffer to screen visually intrusive urban edges; 11. Should have regard to the setting to Cley Hill SAM; and, 12. Ensure the Master plan accords with the specific recommendations for the Site in the Historic Landscape Assessment.

In addition to the above, the following saved policies of the West Wiltshire District Plan – 1st Alteration (WWDP) remain relevant which have been carried across into the Core Strategy and are listed within Appendix D: C40 – Tree Planting; U1a - Foul Water Disposal; and I2 – The Arts.

Wiltshire Waste Core Strategy (adopted 2009) is also relevant especially Policy WCS6 – Waste Reduction and Auditing.

Leisure and Recreation DPD (which was adopted in February 2009) is a material consideration with particular reference to the following saved policies: LP1 Protection and Enhancement of Existing Open Space or Sport and Recreation Provision; LP4 Providing Recreation Facilities in New Developments; LP5 New Sport and Recreation Facilities; CR1 Footpaths and Rights of Way; CR3 Green Space Network; GM2 Management and Maintenance of New or Enhanced Open Space; GM3 Future Management Partnerships; and, YP1 Children's Play Areas.

Warminster Neighbourhood Plan (WNP) which was 'made' on 10 Nov 2016 following a successful local referendum, forms part of the statutory development plan.

In addition, the Council's 16 March 2018 published Housing land Supply Statement with a baseline date of 1 April 2017 merits due consideration. The Council's Emerging Housing Sites DPD is still being progressed and is yet to be examined by an independent planning inspector, and as such, it can only be afforded limited weight.

The following also merits due consideration: Wiltshire Council's adopted Statement of Community Involvement, Wiltshire Council's Community Infrastructure Levy (CiL) Charging Schedule: Draft Revised Regulation 123 List and Revised Planning Obligations Supplementary Planning Document (SPD); Wiltshire Council's 2017 adopted Waste Collection Guidance for New Development; The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy; The Affordable Housing SPG; Open Space Provision in New Housing Development SPG (Adopted August 2004); and Wiltshire Council's Groundwater Management Strategy (2016).

At the national level, the National Planning Policy Framework (otherwise known as the Framework or the NPPF) was recently revised on 24 July 2018 and it is a material consideration in the determination of all planning applications; and specific to this application, the overarching aim running through the recently revised NPPF is still the delivery of sustainable development. The following chapters of the July 2018 Framework applicable to this case are: promoting sustainable development (Chapter 2); delivering a

sufficient supply of homes (Chapter 5); promoting healthy and safe communities (Chapter 8); promoting sustainable transport (Chapter 9); making effective use of land (Chapter 11); achieving well-designed places (Chapter 12); meeting the challenge of climate change and flood risk (Chapter 14); conserving and enhancing the natural environment (Chapter 15); and, doing likewise for the Historic Environment (Chapter 16).

The following also merits due weight and consideration:

Planning Practice Guidance (PPG); The Cranborne Chase and West Wiltshire Downs AONB 2014-2019 Management Plan; and The Noise Policy Statement for England (NPSE) (2010).

7. Summary of Consultation Responses

Warminster Town Council – Supportive: subject to the following conditions:-

- A different solution should be found for expanding the school capacity at Kingdown Academy;
- The new link road connecting Victoria Road and the Redrow estate should be conditioned to be delivered as part of the first phase;
- PRoWs and cycle paths need to be clearly signed and should logically connect across the estate with no gaps. Where would the footpath at the north-west of the site lead to?
- Some concern about the proposed 3-storey apartment block and echoed the comments expressed by the AONB officer;
- The development should comply with Policy L1 of the made Warminster Neighbourhood Plan. There is no substantive evidence that the scheme deviates away from stock Persimmon house design with an over-reliance of parking in front of the houses and inadequate bin storage.
- There appears to be a shortfall in the no. of visitor car parking provision
- The new housing should be constructed with due regard to energy efficiencies.
- Roofs should be dark recessive colours.
- All roads should be constructed to adoptable standards even if they are not to be adopted by the LHA.
- The carriageway link to the Folly Farm land to the south-west of the site must be the same level as the main road;
- No house should be occupied until the primary school is built

Highways England – No objection: The application is supported by a Transport Assessment (TA) which sets out the projected trip rates and trip generation. The trip rates have been reviewed and are found to be acceptable for a combined open market/affordable housing scheme. Based on the residential trip rates of 0.485 (AM) and 0.514 (PM), the proposed development is predicted to generate 114no. (AM) and 121no (PM) two-way directional vehicular trips during the peak hours of any given weekday. Development trip distribution has been established from 2011 'journey to work' census data. This is consistent with the methodology adopted for the consented St Andrews Road residential development, and Highways England accept the results. Some 60% of all development trips are assumed to travel via the A36 (T) Cley Hill Roundabout, comprising 63 two-way trips (AM) and 73 two-way trips (PM). This traffic is predicted to then split 22% via the A36 Bath Road roundabout to the north, 27% via the A36 Cockerton Roundabout to the east, and 11% via the A362. The TA refers to a series of committed and allocated developments which have been identified and included in the A36 capacity assessments. These have been discussed with the Local Planning Authority and include sites either with planning permission and those which are envisaged to occur within a 3 year period.

The applicants have submitted a Travel Plan which identifies measures aimed at reducing single occupancy car trips generated by the proposed development and to promote sustainable transport alternatives. The Travel Plan identifies a list of measures that would be implemented and managed by the Travel Plan Coordinator. The measures largely include the dissemination of travel information to residents, provided through newsletters, notice boards and as part of a resident 'welcome pack'. Information would also be provided on walking/cycling options and bus routes.

Modal shifts would be monitored annually for a period of 5 years, with an initial travel survey undertaken within 12 months of site being occupied at 60% level. Modal shifts and the general success of the Travel Plan would after the 5 year period, be reported biannually to the Local authority. This commitment to encourage sustainable travel is welcomed by Highways England, although it is acknowledged that the measures would largely enhance sustainable journeys between the site and Warminster, with potentially only limited benefits for the SRN. In terms of the SRN, the additional traffic impacts generated by this development on the individual A36 approaches to the Cley Hill roundabout would constitute as being no greater than 20 vehicles per hour (or 1 vehicle every three minutes) which does not trigger cause for concern. It is noted that the local highways authority are seeking developer contributions to secure improvements to the local highway network, which Highways England support.

Wiltshire Council Highway Officer – No objections: subject to s106 obligations and conditions.

The revised TA is supported which demonstrates that there should be no severe consequences in relation to the site access junction. The modelling which supported and informed the WWUE Masterplan remains relevant since it holistically appraised the impacts of the WWUE allocation being developed and it rigorously tested the impacts through the S-Paramics model and identified where material severe impacts required mitigation – to which this development should financially contribute towards.

The development would have off-site highway implications at pressure points along the local road network and mitigation measures are required to make the development acceptable in planning and highway terms. The WWUE is supported by extensive highway modelling work and the application is supported by its own Transport Assessment and s106 obligations and proportionate contributions are required to fund the outstanding costs of delivering a controlled Toucan Crossing on Victoria Road which would link well with the proposed on-site shared cycle/pedestrian track as well as WARM5 and WARM6 that would direct non-motorised site users to connect with Victoria Road where a new pavement would be delivered on the north side of Victoria Road as part of the necessary highway works that would support application 15/01800/OUT; as well as connecting well with the remainder of the WWUE.

Developer contributions are also essential to part fund the identified upgrade at the Portway Road junction and contribute towards the Infrastructure Delivery Plan PRoW upgrades set out within reference WARWEST 16 and WARWEST 17 to fund improvements to WARM10, WARM70, WARM74, WARM4 and CORY20 to create a new circular route in the open countryside; and, similarly to deliver upgrades to the PRoW routes connecting Cannimore Road, CORY48, CORY49, WARM66, WARM41 and WARM91.

Elsewhere within the IDP for the Warminster Community Area, PRoW improvement works near Cley Hill are identified under IDP ref WAR007, however these would be best secured via CiL receipts - which would be consistent with the determination of approved application 14/06562/FUL for 203 dwellings and the recent committee endorsement of 15/01800/OUT for up to 1000 dwellings. That would also ensure there is no 'double dipping' – which is prohibited.

The revised proposal includes the creation of a traffic signal controlled junction off Victoria Road which overcomes the highway concerns, and would previously highlighted provide a safe access arrangement for the site until the roundabout on Victoria Road which forms a key part of (committee endorsed) application 15/01800/OUT is delivered. Technical engineering drawings would be required to sign off the new junction to satisfy s278 approval as well as being subject to a suspensive planning condition.

Revisions were sought with regard to the footway leading to the traffic signal controlled junction and near plot 223 to widen the track to cater for cyclists as well as pedestrians and to secure a better alignment. The proposed footways around the site within the public open space would not be taken over by the authority. The developer would need to secure management of these links in perpetuity.

Further revisions were secured with respect to increasing the manoeuvring space for residential parking i.e. plots 100 and 103. Forward visibilities from private accesses have been appraised and are found to

be acceptable. A planning condition is recommended to safeguard access visibility to prevent obstructions within visibility splays.

The negotiated revisions to secure a shared cycle/pedestrian track connection and link with WARM6 and to the Redrow site are supported.

The revised Travel Plan is supported in terms of its commitment to encourage future residents to use sustainable transport modes, and it is imperative that the Travel Plan commitments in this regard are secured by condition including the commitment to provide travel vouchers to all first time occupants.

Wiltshire Council PRoW Team – No objections: this revised negotiated scheme will deliver a new connection to WARM6 that would make use s106 funding for important upgrades. Persimmon should deliver the new shared use cycle/footpath within their scheme to connect with WARM6 just north of the existing pond. Any residual s106 money secured from the consented Redrow scheme to deliver upgrades to WARM6 could be used for new signage to steer cyclists along the new enhanced route and upgrade other surfacing along WARM6 for pedestrians.

WARM5 runs through the application site and it is noted that the developer proposes to divert this route and extinguish the existing Order to accommodate the development scheme as proposed. This is a completely separate process to planning which requires a legal Order. In accordance with published guidance, in cases whereby developers seek to divert and extinguish an existing legal public rights of way, developers are encouraged to apply separately under section 257 of the Town and Country Planning Act 1990 for a legal order concurrently with any lodged planning application to avoid a scenario whereby part or all of a proposed development delivery could be delayed. It is understood that the developer intends to seek the diversion/extinguishment of WARM5 following the endorsement of this application and for the process to run concurrent with the s106 timeframe.

It should be noted that where an Order is made and no objections are received the Order may be confirmed by the Council which would come into effect when the alternative path is constructed and certified to the Council's satisfaction. If the process goes smoothly, an application to divert or extinguish a lawful route may take approximately 6 months from receipt through to completion. Where an Order is made and objections are received (that are not withdrawn), the matter would be reported to committee with a recommendation from the PRoW team. With lodged objections, an Order may only be confirmed by the Planning Inspectorate following a public inquiry which can take 12 to 18 months before such an Order is finally confirmed and the route is certified.

The developer should therefore be prepared for a legal process which could take up to at least 18 months to complete and there is no guarantee that the proposed PRoW alteration would be successful. Until the legal Order for the proposed alteration is confirmed and any new route is certified, the current legal PRoW must remain available for public access.

Through discussions held with the case officer, it was agreed that this development should contribute £12,500 for the identified cost of delivering the upgrades set out within WARWEST 17 of the Warminster IDP to deliver an enhanced circular route formed by Cannimore Road, CORY48, CORY49, WARM66, WARM1 and WARM91 that are located close to the application site. Further afield, but in still close proximity to the WWUE site allocation, consistent with the handling of 15/01800/OUT a pro rata contribution of £2,500 should be secured to provide new gates/stiles for the collective PRoWs identified under IDP ref WARWEST16.

The PRoW team also concur with the approach to be taken with regard to securing money through CiL receipts to fund additional PRoW upgrades such as those listed under IDP ref WAR007.

Environment Agency – No objection: subject to conditions.

Wessex Water – No objection: subject to a planning condition to establish the foul water drainage details with Wessex Water. For surface water drainage, there are no local public surface water sewers with the capacity to drain the site. An agreed point of connection includes a scheme of works to pump flows through a long off-site connecting sewer to the public foul sewer south east of Bradley Close, Warminster. These arrangements would provide capacity to serve the site. Wessex Water would work with developers to agree appropriate arrangements under the Water Industry Act 1991 to service the strategic allocation landholding. A requisition scheme would be required to proceed ahead of any development commencing to secure satisfactory arrangements for foul water disposal. This should secure a suitable outfall for the site south of Victoria Road with a pumping capacity to serve the planned development. Wessex Water request that any permission granted fully acknowledges the need for a foul water drainage strategy to be submitted and agreed.

Wiltshire Council Drainage Officer – No objections: subject to conditions and informatives.

Wiltshire Council Landscape Officer – No objections: The application is supported by an Environmental Statement (ES) which includes a chapter on landscape and visual effects. A Landscape Visual Impact Assessment (LVIA) has been prepared in accordance with current best practice published by the Landscape Institute (GLIVA 3rd Edition) and the content, extent and proportion of the assessment is accepted.

The LVIA acknowledges that the site forms part of the setting of the CC&WWD AONB and highlights key policies and objectives dedicated to the protection and enhancement of the character and setting of the AONB around Warminster. The LVIA has considered the effects on the special qualities of the AONB, and they are not considered to be significant in EIA terms. The landscape design concept for the WWUE site to the north of Victoria Road was developed to lessen the impact of a hard urban edge in views from Cley Hill and that development shall provide significant communal open space and tree planting, including advanced tree planting within the landscape which would be visible from Cley Hill. The design response of developing a 'garden city' plan approach with low density housing within green wedges of woodland planting that serves as a foil to break up the rooflines and urban mass of the WWUE in key views, especially from Cley Hill, is fully supported.

The application at Bugley Barton has also been the subject of considerable officer negotiation and plan amendments have been made in terms of significantly enhancing the amount of strategic tree planting throughout the scheme. A revised site landscape masterplan reveals the developer commitment to deliver avenues of trees in the northern part of the site to filter views of the scheme from elevated views from Cley Hill and far more attention has been given to the site's sensitives and proximity to the AONB and the listed building.

The LVIA (within ES para 10.4) the landscape benefits of securing strategic open space in the western, and southern reaches of the site as well as a linear stretch and pockets of open space to the east and northern part of the scheme are clearly understood - which would bolster the existing planting substantially and would provide an effective landscape screen and deliver significant mitigation required for the predicted Landscape & Visual effects. The LVIA states within paragraph 10.4.3 that "*The strategic landscape scheme will reduce effects of the proposed development on the sensitive landscape setting of the AONB, by softening the appearance of the development and integrating the development into the wooded character of the surrounding landscape to the south and west*". LVIA ES para 10.4.4 moves on to state that "*Tree planting within the open spaces and streets within the development will break up the built mass, softening the appearance of the proposed development and integrating it into the existing established and urban area of Warminster*".

Natural England – No objection: The revised plan submission removed the areas of concern that Natural England identified under their previous consultation. The revised scheme no longer appears to have a significant impact on the natural environment. The Council's ecologist should however appraise the application to ascertain whether there would be a likely significant effects on the river Avon SAC pursuant

to increased phosphate discharges from the sewage treatment works [Note: this is covered by the Council's ecologist].

The local Landscape Character Assessment can be a helpful guide to appreciate the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The proposed development site is of high visual prominence being outside of, but within the setting of the Cranborne Chase and West Wiltshire Downs AONB. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty, and the Council should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (set by s85 of the Countryside and Rights of Way Act, 2000). Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but where development impacts on its natural beauty.

The planning authority should use national and local policies, together with local landscape expertise and information to determine the proposal. The decision should be guided by paragraph 115¹ of the NPPF. The relevant AONB Partnership should be consulted to appreciate their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan.

Cranbourne Chase & West Wiltshire Downs (CC&WWD) AONB Board – Objects. The site is located within the south-western sector of the West of Warminster Extension, extending along the southern side of Victoria Road from Cley Hill roundabout on the Warminster bypass. The AONB boundary is on the western side of that roundabout and the site is not only in the setting of this AONB but is overlooked by the iconic Cley Hill. It is noted that the Environmental Statement includes a detailed landscape section which sets out, and takes cognisance of the AONB Management Plan and its supporting documentation.

The AONB Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent Councils. It sets out the Local Authorities' objectives and policies for this nationally important area. The National Planning Practice Guidance [Natural Environment paragraph 004] confirms that the AONB and its Management Plan are material planning considerations.

NPPF paragraph 109² furthermore states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes which include AONBs. It should also be recognised that the '*presumption in favour of sustainable development*' does not automatically apply within AONBs, as confirmed by paragraph 14 footnote 9³, due to other policies relating to AONBs elsewhere within the Framework. It also states (within paragraph 115⁴) that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. In addition, the conservation of wildlife and cultural heritage are important considerations in these areas.

The site is adjacent to the Penselwood – Longleat landscape character area of the Greensand Hills landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found within the Landscape Character Assessment 2003. The West Wiltshire LCA 2007 shows the site within the Longleat and Cley Hills landscape character area of the Greensand Hills landscape character type.

CC&WWD AONB is concerned about light pollution and also the visual intrusion of lighting columns and fittings. In the interest of controlling light pollution (which is covered by paragraph 125⁵ of the NPPF), and

¹ The reference made by Natural England predates the issuing of the July 2018 NPPF. Paragraph 115 no longer applies and is replaced by paragraph 172 of the Framework.

² Now replaced by paragraph 170 of the Framework.

³ Now replaced by paragraph 11 and footnote 6 of the Framework.

⁴ See footnote 1

⁵ Now replaced by paragraph 180 of the Framework

to avoid prejudicing the AONB's application for International Dark Sky Reserve status, any external lighting should be explicitly authorised by the Local Planning Authority in accordance with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings.

The CC&WWD AONB Landscape and Planning advisor reviewed the revised and additional plan submission in early May 2018 and noted that positive attempts had been made to reduce the development's visual and landscape impacts. However, the AONB seeks to secure additional strategic tree planting in the western part of the site to blur and screen the development from Cley Hill, especially in terms of the central block of housing comprising units 106-149, which includes the 2.5 and 3-storey buildings. The AONB officer also sought more tree planting along the north-south axis within the block of housing.

The applicant has followed the AONB guidance in terms of revising the site frontage with a block of tree planting to the western side of the access off Victoria Road. This would not only provide character to the entrance, but it should make a realistic contribution towards screening buildings on its eastern side.

There remains some concern about the time it will take for trees to mature to deliver effective screening and blurring. The illustration on page 31 of the D&A statement seeks to show the scene in 25 years, after completion of the development. This is too long a timeframe to wait for effective screening. It should be achieved at the earliest opportunity. It is recommended that all the trees identified on the tree height plan as 'large' or 'medium' should be planted as semi-mature specimens and should be planted prior to the occupation of any dwelling.

There is a requirement for a landscape establishment and management plan which should set out how the various landscape elements are to be installed, looked after whilst they become established and how they shall be managed in the long term, and by whom.

Control of light pollution and achieving international recognition of the dark night skies is an adopted AONB Partnership policy. Any lighting associated with this proposed development should, therefore, comply with the AONB Position Statement and Good Practice note, meet the appropriate environmental light zone E1 standards as set out by the Institution of Lighting Professionals [2011], and be explicitly approved by the LPA. Access to the wider countryside and PRow network is restricted by the bypass. The development should make a substantial and meaningful contribution to enhancing walker and rider access across the bypass to the countryside and the wider PRow network.

National Trust – Objects for the following reasons: The Trust owns Cley Hill, which is a locally important landscape feature with commanding views over the Wiltshire and Somerset countryside, and forms part of the Cranborne Chase and West Wiltshire Downs AONB. Cley Hill, along with Little Cley Hill beside it, comprises 27 ha of open access land that is popular with local walkers and visitors, some of whom use the small car park adjacent to the A362, whilst others use the local public rights of way. Cley Hill is a designated heritage asset (Scheduled Monument) and a designated nature conservation site (SSSI).

The Council should carefully consider the impacts of the proposed development on the views and setting of Cley Hill, from a landscape and heritage perspective, as well as the potential ecological and archaeological implications, and the effectiveness of the proposed mitigation. Whilst the reduction in number of the proposed three storey dwellings is noted and welcomed, concerns are raised about the quantum of housing proposed on the south side of Victoria Road.

The comments and concerns already set out by the AONB Partnership are supported by the Trust. The Trust agrees with the recommendation to have additional tree planting within the housing area to soften the impacts of the proposed development. In respect of external facing and roofing materials, subdued tones should be used to avoid the new development drawing the eye from the perspective of Cley Hill. In respect of building sizes, the application proposes several two-and-a-half and three storey buildings, in contrast to the Redrow scheme (which had no three storey buildings) and the local context (where there

are single and two storey dwellings). The appropriateness of the proposed building sizes and heights is questioned in terms of appreciating local character and wider views.

With respect to ecological and archaeological implications of the proposed development for Cley Hill, the Trust continues to be concerned about the potential impacts of a circa. 20% increase in the population of Warminster (from the entire WWUE when complete) on the sensitive ecology and archaeology of Cley Hill. The chalk rich grassland and its rare and endemic plants species are highly susceptible to trampling and compaction, as well as enrichment of the ground from dog faeces, and the scheduled earthworks are susceptible to erosion due to increased footfall. In the Trust's response to the WWUE masterplan (16/01323/MAS) it was advocated that an area of land between the A36 and Cley Hill be set aside for countryside recreation and nature conservation to act as a 'buffer area' in advance of the hill itself, as well as improved provision of local public footpaths and a financial contribution towards the management of Cley Hill.

In addition, the Trust reports that adverse impacts on SSSIs should be considered individually and in combination with other developments (as directed by NPPF para. 118⁶). Should this application propose a quantum of development that exceeds that set out in the Core Strategy and the endorsed masterplan, these concerns would be even more relevant.

Historic England – No objections.

Wiltshire Council Conservation Officer – As required by paragraph 128⁷ of the NPPF the applicant has undertaken an analysis of the heritage assets that could be impacted upon by the proposed development. In terms of the historic environment, the primary consideration is the duty placed on the Council under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to 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. The site is also near the Warminster Conservation Area and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.

The NPPF sets out the government policy towards the historic environment. Section 12 "Conserving and Enhancing the Historic Environment" establishes the overall aspiration for conserving heritage assets. In particular paragraph 132⁸ states that: "*when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** (emphasis added) 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*".

Wiltshire Core Strategy Policy C58 also seeks to ensure the conservation of designated heritage assets and their settings.

The Council's conservation officer accepts that the only heritage asset (excluding archaeology) that is likely to be affected by this proposed development is the Grade II listed Bugley Barton Farmhouse. The grade I registered Historic Park and Garden of Longleat would not be affected and nor would the Conservation Area. Historic England has separately appraised the impact and effect on Cley Hill SAM and reported no concerns.

Bugley Barton is an early-mid 19th Century grade II listed farmhouse and whilst the development would have no direct impact on the heritage asset, careful consideration must be given to the impact the development would have on its setting significance. The separation of the farmhouse from the farm buildings by a wall and steading arrangement is not unusual and nor is the creation of a domestic garden

⁶ Now replaced by paragraph 175 of the Framework.

⁷ Now replaced by paragraph 189 of the Framework.

⁸ Now replaced by paragraph 193 of the Framework.

around the farmhouse; and it is appreciated that across Wiltshire, there are a number of 19th century farmhouses with 'villa style' forms of architecture.

In this particular case, it is accepted that the intervisibility between the farmhouse and the agricultural land where development is proposed, is limited. However, the historic functional relationship between the farmhouse and the fields form part of its wider setting which contributes towards the significance of the farmhouse.

The Bugley Barton farmhouse is in residential use and sits at the side of the main road and as such, part of its character setting is derived from the land surrounding it. Although most of the farmland to the rear of the farmhouse cannot be seen from the farmhouse and the vast majority of the listed building cannot be seen from the application site due to the listed building's orientation, fenestration arrangement and well-established boundary planting, the farm land has a long-standing functional and historic association with the house. The fields provide the farmhouse with an agricultural setting and contribute towards our understanding and appreciation of the significance of the farmhouse as a heritage asset.

The site is located on the edge of the town. The existing farm access leads to the agricultural land at the rear accessed via the old steading (which is not part of the application site). The proposed new development behind the listed building on agricultural land would result in some harm to the functional setting which can be levelled as being 'less than substantial'.

As directed by the NPPF, in cases where a development would result in '*less than substantial harm*' to the heritage asset, paragraph 134⁹ stresses that "*this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*". In this case, and recognising the strategic allocation site designation, the Council must therefore determine whether the 'less than substantial' level of harm would be offset by public benefit(s), such as delivering additional housing including the projected number of affordable homes and deliver the strategic road connection from Victoria Road to St Andrews Road – which is Core Strategy objective.

Wiltshire Council Archaeologist – No objection: subject to a condition. An archaeological trial trench evaluation has been carried out which followed the results of a geophysical survey. The combined results indicate that there is a low potential for significant archaeological remains to be impacted by the proposals within the majority of the site. It is however recommended that the development should proceed in accordance with an archaeology watching brief which can be secured by planning condition.

Wiltshire Council Ecologist – Supportive: subject to conditions. The Council has recently secured a common approach in terms of assessing the effects of development on the River Avon Special Area of Conservation (SAC) catchment as well as having a consistent approach to achieving the Nutrient Management Plan (NMP) ambition targets and identifying appropriate and proportionate mitigation measures. A Memorandum of Understanding (MoU) has been recently agreed with Natural England, Wessex Water, the Environment Agency, Wiltshire Council and our neighbouring authorities of New Forest District Council and Christchurch and East Dorset Council.

The aim of the NMP is to bring phosphate concentrations in the River Avon SAC down to the conservation targets set by Natural England in order to bring the river system into a favourable condition. This is a requirement of the Habitats Regulations. The underlying premise of the Plan is that increases in sewage derived phosphate would be more than offset by reductions from DEFRA's catchment sensitive farming (CSF) initiatives. However at the beginning of 2018, Natural England and the EA reported that CSF has been much less effective than that which was projected by the NMP modelling and is unlikely to satisfactorily offset the increased level of phosphates from new development.

In agreement with Natural England, the Environment Agency and the neighbouring authorities listed above to control phosphate levels to safeguard the integrity of the River Avon SAC, the Council is

⁹ Now replaced by paragraph 196 of the Framework.

preparing Annex 2 to the River Avon Nutrient Management Plan which will identify the measures that would be delivered before March 2025 in order to offset the total phosphate loading which this and other developments are anticipated to generate. Development projects falling within Annex 2 can be funded through CIL receipts as NMP infrastructure works are included on the Council's adopted CIL charging schedule. This particular development has been appraised fully mindful of the revised MoU position; and in recognition of the revisions the developer has proposed, many of which have been negotiated by officers, the development would contribute to Annex 2 measures through CIL receipts. There would need to be a restriction placed on water usage in all the residential properties through the fitting of water efficiency measures to meet the highest criteria as stipulated within the building regulations of 110 litres per person per day.

The Council's ecologist is satisfied that the bat surveys demonstrate that the site does not have special significance and it is a positive within the scheme that existing bat flight lines and foraging activities would be preserved given the extensive amount of open space and enhanced southern boundary planting being proposed. The ecologist does however seek to safeguard the southern reaches of the site by limiting any lighting (and minimising light spill) along the proposed footpath to ensure that light does not encroach onto the nearby hedgerows and that future development proposals to the south of the site (on land that is also within the WWUE allocation) provides a wide buffer between new housing and the Bugley Barton site boundary (for ecological and landscape reasons). A planning condition can appropriately secure what is required in terms of the above.

No evidence of badger activity was found during the most recent surveys although further surveys are recommended to determine whether a licence is required which can be secured through a construction and environment management plan planning condition.

The concerns raised by the National Trust are duly noted, however following visits to Cley Hill, there was no evidence or signs of wear to footpaths and there was no capacity issue at the car park. During the most recent visit there was no sign of excessive trampling, no signs of people straying off paths and the vegetation was lush. There were anthills at the northern end which would be very sensitive to people walking on them, but there was no sign of any such disruption. At the time of the ecologist's most recent visit, on a Sunday morning, the car park was full but there was no inappropriate parking overspill. The ecologist recommends that the National Trust liaises with Natural England to ensure that condition assessments are planned to accurately detect any effects so that mitigation measures to offset / remediate any damage can be presented as evidence when future large scale applications are proposed. There is no evidence base to justify a developer obligation for this development; and as reported above, recent visits (also separately undertaken by the case officer) reveal no problem associated to walkers accessing Cley Hill.

Wiltshire Council Tree Officer – Supportive: subject to conditions protecting the existing trees. Separate consent would be required to undertake works to TPO'd trees. Having undertaken a site inspection, it appears that all the trees abutting the application's western boundary and within the roadside verge along Victoria Road are outside of the ownership of the Bugley Barton landowner/developer and are understood to be under the ownership of the Council and control of Highways – with the tree planting being consistent with 1980's species selection comprising Hazel, Willow, Field Maple and some self-sown Ash. It is not considered necessary to place these trees under TPO protection presently as they are owned by the local authority and they are not at any risk, but it is accepted that they do provide an essential screen for the busy A36 and Victoria Road. The trees do need regular maintenance to keep them cut back from the road and also to maintain suitable sight lines when approaching the roundabout.

The hedgerow adjacent to the farm track and adjacent to the properties at No.127 and 128 Victoria Road has been reduced insensitively to approximately 4m in height, however the remaining trees along the entire stretch leading up to Folly Farm provide a dense and beneficial screen. If the hedge was to be reduced further in height, the site would be opened up to wider views from Cley Hill.

The hedges bordering Folly Farm are fairly insignificant in terms of their visual amenity, however they have significant wildlife value and there is good scope for these hedges to be strengthened with semi standard mixed species trees of 14-16cm planting girths to reflect the rural context of the area.

Wiltshire Police Crime Prevention Design Officer – Supportive of the case officers negotiated revisions to secure robust plot boundary treatments. The originally proposed 1.2m high post and wire fencing for internal plot divisions were removed from the scheme in line with national, local and neighbourhood plan policy requirements and to deliver a high quality safe development that is informed by good crime prevention measures.

Wiltshire Council Urban Designer – Supportive: Extensive discussions have taken place over the last 12 months. Interim sketch layouts have been presented and discussed with acknowledged improvements being made to the 2D layout, including the creation of strong and distinct character areas and street hierarchies. Officer/developer discussions have also secured improvements to design detailing, including dwelling elevations and various external works and how these could be revised to enhance the appearance and functions related to them. The 2018 revised submission responds to the changes officers had been seeking with further amendments being secured regarding materials and boundary treatments to raise the perceptible quality and appearance of the development and to heighten the enjoyment of spaces being created throughout the scheme.

The appearance of new housing developments is of great importance to local people. As previously agreed, proposals for this site have seized the opportunity to avoid being perceived as diminishing the intrinsic character of Warminster. Such consideration in the detailed design is evident throughout the scheme: Specific material samples have been shared with officers that confirm attractive complementary recessive coloured construction materials would be used and that appealing contrasts would be produced between the brick detailing and the main facades with masonry.

Wiltshire Council Public Protection Team – No objections: subject to conditions pertaining to the submission of a CEMP (construction & environmental management plan), the adherence to the SLR Noise Survey, restricting the hours of demolition and construction works; and the required submission of a land contamination verification report. This is required recognising the historic agricultural use of the site where there exists some potential for land contamination in the form of fuel oils (hydrocarbons), pesticides, herbicides and residues from any burning (PAH). There is also the potential presence of asbestos in the farm buildings that are identified for demolition. The submitted Earth Science Partnership appraisal is thorough and should be conditioned.

The report provides evidence to support that the night-time internal noise levels (from traffic using Victoria Road and the A36) with an open would be acceptable. The noise survey addendum report confirms that noise mitigation measures in the form of high specification glazing and ventilation would be required to satisfy the BS8233:2014 ambient night time internal noise levels.

An Air Quality Assessment (AQA) has been undertaken for this application, which suggests that the development impact would be negligible. It is recognised that the development would be taking place in an area which is not currently considered to be of 'poor air quality'. Positive contributions toward the improvement of air quality through the new development may take the form of sustainable travel alternatives and infrastructure, driver training, photovoltaics, electric car charging points, tree planting and contributing to local air quality action groups.

NHS England – No objection. The proposed development would generate a significant number of new residents in Warminster requiring access to primary Care services. Following the closure of the Smallbrook GP facility in September 2017, the town has 1 remaining practice serving the area (at the Avenue) which serves more than 16,000 patients and the pressures on primary care health services have increased as a result. There is an identified and substantive need to expand the last remaining surgery to accommodate the projected additional residential development. Under this application, 227 houses would generate about 522 additional patients (applying the average of 2.3 people per household). The remaining

Avenue practice that serves the town does not favour operating a satellite site and NHS England seeks a developer contribution of £197,424 that should be directed towards enhancing the primary health care services within the town. This amount has been calculated based on the cost of construction for specialised surgery development under the recent ETTF programme.

Wiltshire Council Housing Team – Core policies CP43, CP45 and CP46 of Wiltshire Council's Core Strategy apply to this planning application. Core Policy 43 (Providing Affordable Homes) requires an on-site affordable housing (A/H) provision of 30% for this development which equates to 68 units. From this the required tenure split of 60% (41) rented affordable homes and 40% (27) shared ownership homes is a requirement following a review of the most up-to-date housing needs. The applicant proposes 68 A/H units within the scheme with the following mix, which is acceptable:

41 x Affordable Rented Units comprising: 10 x 1-Bed Flats – that would include 2 no. Ground Floor Flats to be provided at M4 (2) Standards (to be located within the block incorporating plot no's 91-94); 2 x 2-Bed Flats; 2 x 2-Bed Bungalows - to be provided at M4 (2) Standards (at plots 20 & 36); 12 x 2-Bed dwellings; 1 x 3-Bed dwelling - to be provided at M4 (2) Standard (at plot 21); 12 x 3-Bed dwellings; and 2 x 4-Bed dwellings

27 Shared Ownership Units comprising: 17 x 2-Bed dwellings and 10 x 3-Bed dwellings

Core Policy 45 requires affordable housing to be well designed, comprising a mix of types, tenures and sizes of homes to meet identified affordable housing needs and to create mixed and well balanced communities. The Wiltshire Core Strategy specifies that affordable housing is expected to meet high standards of design, quality and should be visually indistinguishable from open market housing. All affordable homes would need to be built to, at least, meet minimum sizes and minimum eligibility criteria detailed by the Homes & Communities Agency (or any other subsequent design guidance which may supersede it).

With regard to Wiltshire Core Policy CP46, where there is a housing need identified for Extra Care accommodation, adapted properties for disabled residents or wheelchair adapted accommodation units should be sought within the mix and built to Lifetime Homes Standards (or equivalent)/Adaptable standards (Building Regulations M4 Category 2: Accessible and adaptable dwellings standards).

Following officer negotiations and after referring to housing needs, 2 x 1 bed ground floor flats, 2 x 2 bed bungalows and 1 x 3 bed house are to be provided at M4(2) Standards and would be provided as affordable rented homes, which is supported by officers. Each adapted home would be provided with a level access shower and the 3-bed adapted house should have a bath room with a bath on the first floor and a level access shower on the ground floor. The provision of level access showers would meet the needs of a wider range of households requiring an affordable adapted property.

All the affordable housing units would need to be provided at nil subsidy in perpetuity and would need to be transferred to a Registered Provider, to be approved by Wiltshire Council. The affordable housing must be secured via a S106 Agreement and nominated in line with the Council's current Allocation Policy and Procedures.

Wiltshire Council Education Team – No objections: subject to a s106. The proposed development generates 200 qualifying properties once the Council's discounts are taken into account which triggers the need for 62 primary school and 44 secondary school spaces. Princecroft Primary is the nominal local existing primary which would have a capacity of 210 places once the recently approved expansion is complete. As of October 2017, the number of pupils on the roll amounted to 129 and it is forecasted that the number of pupils on the roll will increase to 132 this year. However, several applications registered and approved, but not yet built out trigger a need for 339 spaces which Princecroft cannot accommodate. Within the 2 miles 'safe walking distance' of the site, the primaries at Princecroft, Sambourne, the Avenue and the Minster have all their collective spare capacities of 114 places used up by registered/approved housing developments already in the system and further up the queue than the Bugley Barton application.

In accordance with the WCS CP31 and WWUE development template, a new primary school with capacity to become a full 2FE school (providing 420 school spaces) is required to service the housing at the WWUE allocation. In June, members of the Strategy Planning committee endorsed the approval of application 15/01800/OUT which includes provision to erect a new primary school on a 1.8 hectare site which would need to be transferred to the Council following the site enabling works and site servicing and within 12 months of the commencement of any residential development. The Council has not secured the school site yet on the north side of Victoria Road and it is imperative that the s106 associated to 15/01800/OUT is sealed before the s106 for this application; and, that the landowner for the school site and the parcel of land required to form the new access (as well as Persimmon Homes) are signatories to the s106 pursuant to this application to provide surety that the school site will come forward and be transferred to enable the Council to build the school. If the Persimmon as the developer for both the south and north side of Victoria Road is successful in applying to design and build the new school, s106 triggers would be required to restrict housing delivery.

A developer contribution for new primary school spaces is clearly necessary for the 62 primary school spaces and with the current 2018/19 cost multipliers for each primary school space levied at £17,545, this equates to a developer contribution of £1,087,790 (£17,545 x 62) which should be subject to indexation. This financial contribution would need to be secured via a s106 Legal Agreement, to which the Council's standard terms would apply.

In terms of secondary school infrastructure, the only designated non-private local secondary serving Warminster is Kingdown Academy which has a PAN (years 7-11) capacity of 1385 places. As of October 2017, the numbers of year 7-11 pupils on the roll amounted to 1310 pupils and it is forecasted that the number of pupils will increase to 1335 in 2023. As is the case with the local primary schools, there are other registered/consented residential developments in the community area that would take up the nominal spare capacity at the Academy which has limited potential to expand on its current site.

From the above, and, in view of the demand for places and future growth plans for the town following extensive discussions with Kingdown, a satellite secondary school could be delivered as part of the site captured by application 15/01800/OUT on a separate contiguous 1.8 hectares parcel of land that is to be safeguarded and transferred to the Council. The secondary facility could provide for a full Year 7 cohort accommodating 300-325 pupils and would release capacity at the existing Academy site.

A developer contribution for new secondary school spaces is clearly necessary for 44 spaces; and with the current 2018/19 cost multipliers for each secondary school space levied at £23,316, this equates to a developer contribution of £1,025,904 (£23,316 x 44) which would be pooled for the phased off-site expansion of Kingdown Academy and the sum should be subject to indexation. The school site (which forms part of the 15/01800/OUT application) would need to be fully serviced and transferred to the Council within 12 months following the commencement of any residential development. This and the financial contribution would need to be secured via a Section 106 Legal Agreement, to which the Council's standard terms would apply.

Primary school contributions associated to this application would be pooled towards the delivery of the new primary school on WWUE site, north of Victoria Road. The secondary contributions would be pooled as part of a dedicated expansion project for Kingdown Academy – which would be the third 'pooled' s106 obligation for such a project.

No s106 contributions are sought for Early Years/Childcare for this application following a review of the existing provision available locally.

Standard caveats apply to the above assessment, i.e. the assessment is specific to the site location, the housing numbers and the 30% affordable housing provision. Any change would necessitate an updated education assessment. 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 future assessments. Capital cost multipliers are updated annually, and so

those quoted are valid for agreements signed and completed in 2018/19 only, as per the standard s106 Methodology.

Wiltshire Council Public Open Space and Leisure Team – No objection subject to securing at least 8330.45m² on-site public open space (POS) including 402m² land with equipped play provision. It is acknowledged that the proposed scheme provides an over-supply of POS, however in recognising the wider landscape benefits it would deliver and the appropriate location and design of the LEAP, it is supported by the Council’s leisure officer. All the POS and LEAP would need to be secured via a s106 and be subject to on-site management in perpetuity.

The development also generates the equivalent need of just over 5357m² sports/playing pitch provision. It is recommended that the developer be obligated to contribute £53,572 to be spent in the proximity of the site to develop existing sporting facilities at either the Rugby Club and/or the Cricket Club which would also need to be secured by a s106 legal agreement.

Wiltshire Council Arts Development Officer – As required by WCS CP3, public art and design should be incorporated into the scheme proposals. Core Policy 3 (Infrastructure Requirement) promotes and defines public art as a type of infrastructure and states that the cost of providing infrastructure should be met through the use of planning obligations or if appropriate, the Community Infrastructure Levy (CIL). The Council has developed guidance to secure a more cohesive County wide approach to art and design in the public realm (or public art) and the previous/saved West Wiltshire District Plan 1st Alteration 12 reference to The Arts. Art and design in the public realm can help mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development.

The NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that “*Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using*”.

Public art provision should be provided in accordance with the developing guidance and an experienced professional public art advisor should be appointed by the developer and join the design team to devise a public art scheme. The Council’s public art officer would want to work with the design team, assist with the short listing of a public art advisor and approve the final public art scheme for the whole development.

Through the use of a planning obligation, a public art contribution figure (based on £300 per dwelling) for the site would amount to £68,100 for 227 dwellings and no more than 10% of this figure should be spent upon the production of a public art plan. The Council’s arts officer would welcome early discussions on how best to integrate public art and design in the public realm for this development.

Alternatively, a suspensive planning condition could be imposed to ensure that a public art project is agreed with the costs being burdened by the developer.

Wiltshire Council Environmental & Amenity Services (Bin Provision) – No objections subject to a s106 to secure a financial obligation to fund the necessary waste and recycling infrastructure costs. The following s106 contribution is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies listed on the following page:

Property category	type	Contribution house/per category	per	Quantity	Total
Individual house		£91		221	£20,111
Bin store for block of 6-10 flats		£581		1	£581
				Total	£20,692

The requested contribution is directly related to the development. Adopted Wiltshire Core Strategy Core Policy 3 sets out the overarching policy that supports securing developer contributions in terms of providing 'waste management services such as recycling and collection facilities' which are classed as 'essential infrastructure'. In the event of competing demands for infrastructure provision, essential infrastructure should be afforded the highest priority. The Wiltshire Planning Obligations Supplementary Planning Document (SPD) supports Core Policy 3 and provides further detail on the Council's approach to developer contributions. The Planning Obligations SPD lists 'waste and recycling containers' as a type of site-specific infrastructure that should be sought through s106 contributions rather than through the Community Infrastructure Levy (CIL). Bin provision is directly related to the type and scale of the development, as they are issued on a per-residential-unit basis as well as communal containers required for apartments sharing the use of bin stores and the above table sets out what is required pursuant to this scheme.

Policy WCS6 of the Wiltshire and Swindon Waste Core Strategy requires developers "to design and provide facilities for occupiers of the development to recycle/compost waste [...] and/or facilities within individual groups of properties or premises for the source separation and storage of different types of waste for recycling and/or composting". Wiltshire Council retains control of procuring containers that are issued to occupiers of residential properties. The reasons for this are to ensure that the containers are compatible with lifting equipment and that branding – which is essential to ensure residents know what materials are designated for each container – meets the required standards. As the developer cannot directly provide the facilities for the separation and storage of waste, the requirements set out under WCS6 are engaged and a s106 financial contribution is necessary.

The Council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the Council needs to deliver waste collection services prior to adoption.

The proposed bin collection points are illustrated on plan form and are acceptable. The routes between storage and collection points throughout the scheme have been revised through officer negotiations and the previously reported concerns in March 2017 have been resolved.

8. Publicity - This application was advertised in the local press and by 6 site notices displayed along Victoria Road (3) – near WARM4 PRoW, 127 Victoria Road and Bugley Barton Farm, at WARM5 PRoW/Victoria Road interface, and along WARM6 PRoW. In addition, 106 individual neighbour notification letters were posted. Following this publicity, 31 representations were received raising objections/concerns which can be summarised as follows:

Principle of Development

- Too many houses are proposed.
- Does the proposal comply with the endorsed Masterplan?
- The proposed scheme fails to deliver a green corridor which formed part of the WWUE Masterplan.
- Too much emphasis is made by the developer regarding CIL payments, the New Homes Bonus Scheme and future Council taxation receipts.

Highway Impacts

- The traffic planning for the WWUE modelling was predicated on about 1500. Notwithstanding this, significant local concern is raised about the projected increase of circa 400 additional cars. There is already bottleneck congestion at West Street and accessing the town centre and concerns are raised about the impacts to the A36.
- The development would have a negative impact on Victoria Road and Beacon View.
- A roundabout on Victoria Road should serve this site.
- An improved bus service is required.
- The estate roads appear too narrow.
- Train services are infrequent and there are not enough carriages to support the existing travellers let alone accommodate additional passengers.

- The cycleway provision Redrow Homes financially contributed towards (as part of the approved 14/06562/FUL application) should also be imposed upon Persimmon Homes to provide a dedicated cycle way route from the Redrow scheme through the Bugley Barton site (around the existing pond and approved sunken drainage attenuation areas) which would be a more co-ordinated approach to with connect with Victoria Road, rather than interfere with WARM6 – which should be left as a footpath.
- WARM5 which dissects the site is not properly safeguarded or incorporated into a permeable and enhanced route for walkers/cyclists wanting to connect with Folly Lane and WARM91 to the south.
- There may be 3 supermarkets within reasonable cycling distance, but how many people would cycle to do their shopping; and whilst there may be a local bus service, how long would this service run for?
- How would this scheme link up with Redrow's consented scheme?

Drainage/Flood Risk

- The proposal to restrict the surface water drainage flow to 23 l/s is far too high. The existing sewer is overloaded and flows through Haygrove Close and behind the houses on the eastern edge of Haygrove. There is a hydro-brake that restricts the flow to 7.8l/s.
- Concerns are expressed about the town's drainage infrastructure.
- The planned mown paths in areas that are prone to waterlogging are ill advised.
- The fields are very boggy, especially where the play areas are proposed.
- The foul drainage proposal seeks to link this development with the consented pumping station on the Redrow site to the south. Concerns are raised about its capacity. There would need to be a second back up facility in case the pump fails.

Design/Layout and Neighbouring Impacts

- The scheme represents overdevelopment of the site.
- The houses backing onto the existing Victoria Road houses should be bungalows. Two storey housing would result in loss of daylight, privacy and overlooking concerns relative to the Victoria Road properties.
- The housing to the rear of the existing properties along Victoria Road would be too close, and other housing elsewhere within the scheme would be separated by only a narrow path.
- The housing should be more sustainable, smaller and better laid out.
- A new estate road should separate the existing and new residential properties.
- The 2.5/3-storey houses would be sited on the highest parts of the site and would detrimentally impact to AONB and would be contrary to the neighbourhood plan and national policy.
- The new houses would have very small gardens allowing limited amenity space and storage for bins etc.
- The majority of parking at plot frontages is not good urban design practice, and would detract from the street scene. Having on-plot parking/garaging would break up the housing layout and create more sense of space. The parking strategy should be re-considered.
- The housing to be provided as "open market" concentrates on 3-bed houses most of which are semi-detached. A far more diverse mix of detached and semis would give a better social structural coverage.
- The revised plans fail to indicate where the bin storage would be except for some indicative locations for collection points. It is important to minimise the visual clutter bins could have on the streetscape.
- For the streetscape some of the revised plans show boundaries to be formed by block pillar and panel infill walls and other plans show post and metal wire fencing to separate plots. This does not appear either environmentally or aesthetically appropriate.
- The "affordable" allocation has an emphasis on 3-bed houses but is less weighted to those in its overall mix provision; and what is proposed is poorly spread across the site/scheme.
- Refuse/bin collection appears to be poorly catered for, both in terms size of area needed and practical locations, e.g. the front garden area of plot 166 seems a bizarre choice for servicing at least five

properties. Most properties would likely have at least two refuse bins and with frontage car parking, the collection points and bin storage needs redesigned.

- The LEAP would not be overlooked by local houses thus making it a security concern and not in accordance with the Building for Life criteria, endorsed and mandated by the Warminster Neighbourhood Plan, particularly the secure by design principles.
- Some of the proposed paths around the attenuation ponds really should be hoggin paths and not mown grass – appreciating the ground conditions.

Ecological Impacts

- Concerns about loss of ecological habitat including water shrews.
- A construction environmental and ecological management plan is required to safeguard and enhance biodiversity and habitat interests.

Environmental Impacts

- Concerns about the demolition of the asbestos roofed farm buildings. Necessary safeguards must be adopted
- Concerns about increased light and air pollution.
- All the existing hedgerows and trees need to be safeguarded during all construction phases, and after completion. A hedgerow protection order should be imposed.
- The developer proposes a range of tree species and planting which will require long-term management.
- Queries are raised about the proposed pumping station whether it would just serve this site or be a combined facility to cater for the Redrow too. Whatever the case, it needs to adhere to statutory noise and odour attenuation requirements, for all residents.
- The applicant has overlooked TPOs along the southern boundary of the site. They also do not appear to have any real plans for properly maintaining the hedgerows. In their other site north of Victoria Road they managed to 'accidentally' bulldoze huge swathes of ancient hedgerow. Stringent penalties should be identified in advance in order to encourage them to be a little less cavalier. In my opinion fines should be significant to make committing such a 'mistake' to render the site unprofitable. This is the only way to stop these inadvertent events that miraculously make larger gardens available for those willing to pay just a little bit more.

Local Infrastructure

- The town infrastructure and services (e.g. schools, dentists and doctors) cannot accommodate this additional level of development.
- There is insignificant employment potential in the local area. Out commuting and travelling to employment in Bristol or Swindon is not a sustainable or reasonable commuting distance and limits people's ability to earn a living.

Job Offer in the Town and Out-Commuting

- The job market in the local area is very limited and where it does exist it has a particular concentration in the tourism and leisure industries. These jobs are poorly paid and will not provide the income required to purchase a house or pay the rents within the local housing sector. A considerable number of people commute to Bristol, Swindon and further distances such as London for employment. The train service is not sufficiently frequent to support additional numbers of people especially when it is limited to just three carriages. It is often impossible to get onto trains from Bristol to Warminster at peak times in the evening because the carriages are overflowing with commuters. Putting houses in country towns without local employment is not sustainable planning and it does nothing to support the health and wellbeing of workers.

Community Engagement

- The submission deviates materially from what was presented to the local community. The concept plan which was exhibited and illustrated on p.21 of the Design and Access Statement promoted a better spread of housing instead of the packed development submitted under this submission.

- The validity of the local community engagement is questioned if a developer submits a formal application that bears no hallmark of what was presented.

Positive Comments Received enshrined with some of the letters of concern:

- This development proposal addresses an issue that has concerned many locals by providing a new link road connection to the Redrow development site (14/0656/FUL) that could be used to service both sites. This would alleviate construction traffic issues for St Andrew's/Broxburn/Thornhill roads for the whole development period. It is hoped that this link is early provided at an early stage and requires the developer to create joint construction access route for Redrow and Persimmon to use served off Victoria Road, until it is formally adopted as a public highway by Wiltshire Council. It is accepted that this would intensify construction traffic/contractors vehicles using Victoria Road. However, it is a much wider and better aligned route than the foregoing estate roads mentioned.
- Another correspondent praised the revised plan drawings on good design and layout, as well as integrating the housing with the surroundings and existing dwellings.

9. Planning Considerations

9a 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. The development plan for Wiltshire comprises the adopted Wiltshire Core Strategy, which *inter alia* identifies the site as a strategic site allocation for an urban extension. The site and application is furthermore supported and informed by an endorsed Masterplan (which was modelled on delivering a housing quantum of 1550 dwellings and 6 hectares of employment land, new school(s) and a local centre) across the 115 hectare site.

9b In addition to the strategic objectives and policies of the WCS, the saved former district plan policies of the West Wiltshire District Plan – First Alteration (contained within Appendix D of the WCS) are of material consideration to this application. Other material considerations include the National Planning Policy Framework (the Framework or NPPF); The Community Infrastructure Levy (CIL) Regulations 2010 as amended, and The 2011 EIA Regulations¹⁰. The emerging Wiltshire Housing Sites Allocation Plan has not yet been examined in public by a planning inspector, and consequently, it cannot be afforded material weight.

9c Warminster has a made Neighbourhood Plan (WNP) which extends to the same 2026 Plan period as the Wiltshire Core Strategy and it forms part of the County's statutory development plan framework. The Neighbourhood Plan acknowledges the strategic need for the major housing land allocation on the west side of the town; and within para. 4.1.2, the made plan recognises that "*the majority of housing [will] be built on land that lies inside the bypass between Victoria Road and Bath Road*" and accepts the '*far reaching consequences*' the development will have on the Town (para 1.3). The Plan also recognises the many positives the development would deliver through building a variety of housing types, a new school and other community facilities, enhanced recreational and play provision; 6 hectares of employment land as well as delivering an economic boost through the provision of shops and services. At the same time, the WNP recognises the added pressures the WWUE development shall have on community and leisure facilities. Neighbourhood Plan Policy L1 encourages the use of principles outlined in the Building for Life 12 standard when establishing the design and layout of the urban extension and other schemes in Warminster.

9d Whilst the development template for the WWUE site sets out provision for 900 dwellings, it is imperative to appreciate that this only extends to the Plan period of up to 2026. WCS Core Policy 31 does not place a prohibition on housing development beyond the plan period. Doing so would run counter to

¹⁰ The 2017 EIA Regulations which came into force on 16 May 2017 do not apply to this proposal because the application was lodged prior to May 2017 and was accompanied by an Environment Statement that was informed by an adopted EIA Scoping Opinion prior to 2017 enactment date for the new regulations; and in such circumstances, the regulations confirm that such applications should be considered under the 2011 EIA regulations

sustainable development principles and would be substantively unreasonable by placing unwarranted restrictions on sustainable housing growth. Furthermore, it is worthwhile reporting that back in 2016 when the site Masterplan was presented to and endorsed by members of the strategic planning committee, officers explained that the development template was informed by a level of understanding about the site constraints, heritage and landscape safeguarding which has since been supplemented by more detailed appraisal work relative to land drainage, flood risk, ecology, transport impacts, as well as a detailed heritage appraisal and the development of a comprehensive visual and landscape impact strategy. It is also worth noting that the WWUE housing quantum was also the subject of an examination by the neighbourhood plan examining inspector in June 2016, who, as part of his review of the Warminster Neighbourhood Plan argued that:

“Core Policy 31 does not state that the West Urban Extension should not exceed 900 homes. This is an important matter; [since] national policy sets out a requirement to “boost significantly the supply of housing” (Paragraph 47¹¹, the Framework) and requires housing applications to “...be considered in the context of the presumption in favour of sustainable development” (Paragraph 49¹², the Framework). Consequently, there is national policy support to increasing housing supply, subject to it comprising sustainable development. Placing an absolute limit on the number of homes to be delivered by the West Urban Extension fails to provide for flexibility and runs the risk of preventing sustainable development from coming forward. It may be that an appropriate master planning approach to the strategic site could mean that the provision of, say, more houses than the number identified in the Core Strategy, would still result in a sustainable development” (page 18, Warminster Neighbourhood Plan Examiner’s Report dated June 2016).

9e Officers have been very clear on this important matter and submit that the WWUE site offers the optimum opportunity for delivering sustainable development both for what remains of the Core Strategy plan period (i.e. 2018-2026) and beyond. Following extensive site modelling, impact surveys and officer negotiations which have secured revised plans, officers argue that this part of the WWUE can sustainably accommodate 227 new dwellings; and, this report critically analyses the material considerations.

9f Officers fully appreciate that there is some opposition to this development citing concern about the very principle and the detail. Within the following sections, the principle of the development is fully appraised; and, it is argued that through appropriate strategic landscape planting, extensive on-site mitigation, planning conditions and developer obligations, the concerns would be fully addressed. The report also unreservedly brings to the fore the need to evaluate and consider the Council’s Core Strategy objectives in terms of delivering a significant quantum of new housing, of which 68 units would be affordable, that would satisfy a diverse range of housing needs as well as stimulate the economy and support and create new jobs. The development would help fund new education accommodation, fund improvements to the local health service and bring about an enhancement to biodiversity interests and greatly increase the recreational opportunities and access to the open countryside as well as providing a new strategic link road connecting Victoria Road and St Andrews Road, all of which combined, would significantly outweigh the recorded ‘in principle’ objections.

9g The key issues to consider for this application are captured under the following chapter headings: The Principle of Development; Site Planning History; Loss of Agricultural Land; Highway Impacts; Drainage Matters; Landscape Matters; Urban Design Issues and Neighbouring Impacts; Heritage Matters; Ecological Impacts; and, Developer Contributions and Commitments; and, these are set out in order as follows:

9.1 The Principle of Development – The 9.6 hectare site forms part of the 115 hectare WCS strategic allocation on the west side of Warminster which the Council has adopted for residential led development. The site is one of sixteen strategic sites across the County which are vitally important to deliver large-scale residential development and economic development.

¹¹ Now replaced by paragraph 59 of the Framework.

¹² Now replaced by paragraph 11 of the Framework.

9.2 Following a detailed site selection process comprising site identification methodology and using sustainability appraisals, community consultations and an examination in public, the WWUE site was identified as the most sustainable location for significant strategic growth at Warminster. As set out within CP31, the Council is committed to supporting a largescale major development across the 115 hectare WWUE site for the plan period which runs until 2026. Due to essential infrastructure modelling and the need to address numerous on-site constraints and develop appropriate mitigation plans, the rate and scale of housing delivery across the WWUE site has so far been restricted to those houses that are nearing completion on the 14/06562/FUL Redrow scheme which commenced in 2017.

9.3 WCS Core Policy CP1 identifies Warminster as a market town with the potential for significant development for jobs and homes. Market Towns are specifically identified 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 would increase the number of jobs and homes in each town in order to help sustain and enhance services and facilities and promote better levels of self-containment and viable sustainable communities. It is widely accepted that in Warminster, the local school and health service infrastructure are particularly stretched; and major developments such as this application, should secure substantial developer obligations through s106 contributions to improve provision and to mitigate against any recognised material shortfalls arising as a result of this development to make the development acceptable in planning terms.

9.4 Under this application, Persimmon have commissioned significant detailed appraisals which have thoroughly reviewed the landscape and visual impacts, modelled flood risk and produced a robust bespoke land drainage strategy with necessary mitigation, completed detailed heritage, transport and noise modelling assessments, biodiversity and ecological analysis; and have made significant amendments, through officer negotiation, to the urban design scheme layout and detailing as well as proposing a strategic landscape planting scheme to create a high quality sustainable development.

9.5 It is important to appreciate that all the supporting evidence submitted with this application expands on the understanding that was available to the Council’s spatial planning policy-makers, who completed a high level assessment of the site’s capacity, when the site was put forward for adoption as a strategic allocation within the context of the plan period extending to 2026. Since the application was submitted in early 2017, a great deal of work has been dedicated to negotiating and securing improvements as well as keeping an open dialogue with the Town Council and the Unitary Ward Cllrs.

Area	Indicative requirement 2006-2026	Completions 2006-2017	Developable commitments 2017-2026 ¹¹	Indicative remaining requirement ¹²
Warminster	1,920	615	1,140	165
Warminster CA remainder	140	91	68	0

9.6 Whilst the WCS does not set a ceiling on the overall number of houses, the authority is committed to delivering a minimum of 42,000 new homes by 2026, and as part of this commitment, the WCS seeks to deliver approximately 2,060 new homes within the Warminster Community Area, with at least 1,920 to be delivered at Warminster. This requirement is expressed as a 20 year provision covering the plan period of 2006-2026, and the most up-to-date March 2018 published Housing Land Supply Statement (HLSS) reveals that beyond the 900 new houses to be delivered during the plan period across the WWUE site, there would remain a residual minimum requirement to deliver at least an additional 165 dwellings. The published housing calculations for Warminster and the remaining Community area are set out above (and are taken from page 122 of the HLSS). It should be noted that the indicative housing delivery target includes the Warminster sites being put forward as part of the emerging Site Allocations Plan process; and, as was reported to Cabinet on 15 May, if the Warminster sites in the emerging DPD are not to be considered or given much weight, the minimum residual requirement (in addition to the WWUE development template housing provision) for Warminster would be 351 houses.

9.7 WCS paragraph 5.159 (which is linked to CP31) fully recognises that “[a]n increase in future housing in Warminster, compared to historic trends, will help facilitate the delivery of improved services and facilities in the town. The delivery of sustainable employment growth opportunities, alongside an appropriate mix of housing, will help improve the self-containment of the town and will strengthen the vitality and regeneration prospects for the town centre. Facilities for the young will have been improved. Warminster’s role as a service and employment centre for the surrounding rural catchment will have been enhanced. The River Wylye and the woodlands at Longleat Park will continue to provide social, environmental and economic assets as part of a wider green infrastructure network”.

9.8 Members will be fully aware of the pressing need to deliver more housing and support the local economy; and under this application, Persimmon have expressed a clear commitment towards delivering 227 new homes by 2023. Delivering new development at the WWUE site represents a long-term strategic solution to comprehensively accommodating Warminster’s housing and employment growth requirements up to 2026 and beyond. Central Government heavily supports housing delivery and it is an essential planning objective as part of the Government’s drive to build more housing and to support extended home ownership. The 2018 NPPF, within paragraph 59 sets out that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”. At the local level, the Council’s adopted WCS and published HLSS attach great importance to delivering new housing. Strategic sites are identified as being instrumental to sustaining housing development and to maintaining a 5-year housing land supply; and Members will be fully aware that the NPPF (under para 73) requires local planning authorities to identify and regularly update the supply of specific deliverable sites sufficient to provide at least 5.25 years’ worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS.

9.9 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 and CP31) would not be considered as being up-to-date, and planning permission for new housing should be granted in such circumstances, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.10 The Council’s most up-to-date Housing Land Supply Statement records that there is 6.25 year housing land supply available in the north and west housing market area – which the table below confirms.

Area	Housing requirement 2006-2026	Housing completions 2006-2017	Five year housing requirement 2017-2022	Deliverable supply 2017-2022	Number of years of deliverable supply
East Wiltshire HMA	5,940	3,624	1,287	2,257	8.77
North and West Wiltshire HMA	24,740	13,025	6,508	8,130	6.25
South Wiltshire HMA	10,420	5,388	2,796	3,173	5.68
WILTSHIRE HMAs	41,100	22,037	N/A	13,560	N/A
Swindon (within Wiltshire)	900	622	N/A	201	N/A
WILTSHIRE TOTAL	42,000	22,659	N/A	13,761	N/A

[source: page 10 of the 2017 HLSS]#

9.11 As set out in the March 2018 Cllr Briefing Note (No. 344), The HLSS represents a snapshot in time and the assessment of housing land supply should never be read as being ‘an exact science’. The estimates on housing delivery for the sites listed in the HLSS are based on evidence available up to the point of the HLSS publication. As we have seen with the slow rate of development at the WWUE site, housing trajectories and delivery rates fluctuate over time; and it is equally important to appreciate that the deliverable supply is not a maximum delivery target. As previously argued, there can be no reasonable ceiling limitation placed on sustainable development and housing growth. There will continue to be a need to replenish the supply as there will inevitably be consented schemes that will go unimplemented, and whilst some will be delivered quicker than expected, others will be delayed.

9.12 In early November 2017, the Council published and consulted with Swindon on a Joint Spatial Framework¹³ for the period 2016-2036 – which looks at the opportunities and constraints of growth for the next ten years beyond the WCS. Whilst the JSF document has limited material weight at this time, it is of interest to note that the JSF introduces the potential of materially revising the existing Housing Market Areas and introducing four new HMAs – with Warminster potentially becoming part of a new Trowbridge HMA in the future.

9.13 Following extensive negotiations held with the applicants and their appointed agents, a revised suite of supporting information was submitted in December 2017 and March 2018 which was supplemented by extensive analysis and surveying work spanning several disciplines that was subject to a fresh public consultation and rigorous officer negotiations and appraisal. Following a comprehensive iterative process, the finalised scheme being presented to members has full officer support as well as the support of the Town Council recognising that it can deliver a highly sustainable phased development without compromising the key objectives expressed within the WWUE development template, the Core Strategy, the Warminster Neighbourhood Plan or the NPPF.

9.14 The following record reveals the most up-to-date developer housing trajectories for the WWUE site which respects the modelled site development parameters and the plan period housing delivery projections.

	Persimmon & Hannick	Redrow Homes	Persimmon Homes	No developer attached
Site	Land North of Victoria Road	Land West of St Andrews Rd	Land South of Victoria Road	Folly Farm
Application Ref	15/01800/OUT	14/06562/FUL	17/01463/FUL	N/A
Status	Live application	Approved	Live application	N/A

Year	Number of dwellings (indicative)				
2016/17	-	-	-	-	0
2017/18	-	23	-	-	23
2018/19	-	60	-	-	60
2019/20	-	60	47	-	107
2020/21	-	60	60	-	120
2021/22	70	-	60	-	130
2022/23	100	-	60	-	160
2023/24	100	-	-	-	100
2024/25	100	-	-	-	100
2025/26	100	-	-	-	100
2026/27	100	-	-	-	100
2027/28	100	-	-	-	100
2028/29	100	-	-	-	100
2029/30	100	-	-	-	100
2030/31	100	-	-	33	133
2031/32	30	-	-	33	63
2032/33	-	-	-	33	33
Sub-total (plan period)	470	203	227	0	900
TOTAL	1,000~	203	227	99*	1,529

9.15 The endorsed strategic site allocation Masterplan is a material consideration which was subject to significant levels of officer input, negotiation, and local community engagement a few years ago. At the 15 June 2016 strategic committee meeting, the committee endorsed the Masterplan which comprehensively established the framework to inform planning applications such as this particular case. It is however important to fully appreciate that it was never the purpose of a Masterplan to prescribe detailed design matters. Such matters must be left to planning applications.

9.16 Back in 2016, in accordance with the NPPF and the Core Strategy objectives to delivering sustainable development, the Council accepted the principle of the WWUE being developed beyond the

¹³ The following website sets out the emerging detail relative to the Joint Spatial Framework which was subject to public consultation between 7 November and 19 December 2017: <http://www.wiltshire.gov.uk/planning-policy-sw-joint-spatial-framework>

Plan period. The tabulated housing trajectories set out above illustrate that 470 homes are projected to be built on the 84 hectare 15/01800/OUT site by 2026, with no projected development commencing until 2021/22 - which factors in the time it will likely take to complete what will be a complex and detailed s106, to complete and report back on archaeology trial trenching as well as the need for subsequent reserved matters applications that would need to be submitted, appraised and approved. Beyond 2026, it is envisaged that up to 530 houses could be delivered. The table includes the consented Redrow Homes application for 203 dwellings (under ref: 14/06562/FUL) as well as this application Persimmon are advancing on land around Bugley Barton Farm to the south of Victoria Road. Whilst being mindful of the need to secure legal agreements, PRow diversions, site enabling work, and the need to discharge suspensive planning conditions and adhere to planning obligations, the projected cumulative housing quantum across the WWUE site would not likely exceed 900 units over the Plan period. It is also noteworthy to mention that the total housing quantum being projected across the entire WWUE site falls below the 1550 level which was modelled as part of the endorsed Masterplan. The trajectory also rightly includes an indicative housing provision for the Folly Farm site to the south of Bugley Barton – which also forms part of the WWUE strategic allocation, although it should be noted that there is no application currently lodged for that site.

9.17 The Core Strategy WWUE development template identifies 6 key objectives for the site along with additional infrastructure and sustainable planning requirements to satisfy the Council's Infrastructure Delivery Plan (IDP). The 6 objectives relate to providing: a mixed development including a range of housing (in terms of size and tenure), site integration with surroundings and the town centre, protecting the setting of and views to the AONB, reducing flood risk, safeguarding and enhancing the environment within and around the strategic site; and, to contribute towards the development and implementation of a Phosphates Management Plan or suitable on-site alternative – to compensate for additional phosphate loading from sewage discharge into the River Avon.

9.18 Since the early part of 2015, a great deal of work has gone into negotiating this application which has led to the development proposal being fully supported by officers. The application has been informed by the modelling evidence which supported the endorsed Masterplan as well as significant follow up supporting evidence including the preparation of a comprehensive land drainage strategy and design and build parameters. The application proposals have been further informed by a comprehensive landscape mitigation strategy which would result in the development delivering strategic landscape buffers. The scheme has also been predicated on making enhancements to local highway and to public rights of way routes to deliver enhanced access to the wider countryside and the town.

9.19 This submission has evolved significantly since the February 2017 submission date, and the developers have reflected upon and responded to officer requests and consultation feedback. The application will be reliant upon securing the transfer of land to the north side of Victoria Road to deliver new school infrastructure. There are well established legal procedures to bind this development to secure the earliest release and transfer of unburdened land to allow the Council to apply for and build a new school on the other side of Victoria Road, with the current same landowner being a necessary signatory to the legal agreements. Should Persimmon bid and be successful to build the new school, the s106 would need to set housing delivery triggers to ensure the necessary school infrastructure is available at the appropriate time (after factoring in spare school capacities and advice from the head of school commissioning). The link road connecting Victoria Rd with St Andrews Rd would also be delivered as part of a phased delivery programme - all of which is considered to be policy compliant.

9.20 As part of the extensive negotiations, the Council's planning, urban design and landscape officers have secured improvements to the scheme's design and layout. The developers have expressed a commitment to an extensive list of s106 obligations with reasonable and necessary triggers to ensure essential infrastructure is provided ahead of, or in tandem with, the phased development. A full summary of the key developer obligations to be secured by a s106 are listed within paragraph 9.89.

9.21 **Site Planning History/Loss of Agricultural Land** - Although a site's planning history can be a material consideration, planning policy at both the local and national level have significantly evolved since

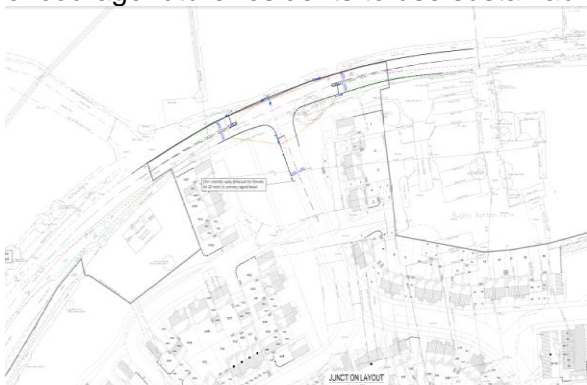
the mid-1990s when two applications were refused for residential development at Bugley Barton; and the housing needs have also significantly changed. The site now forms part of an adopted strategic urban extension, which is specifically identified to deliver essential additional new housing to Warminster and the Housing Market Area (HMA) and to construct a new strategic link road to connect Victoria Road and St Andrews Road. The delivery of housing on the WWUE site is seen as being critical to ensure sufficient housing is provided for the next 20 years; and in the shorter term, to help satisfy the next 5-year housing land supply requirements.

9.22 Whilst NPPF paragraph 170 (and annex 2) both seek to protect the best, most versatile agricultural land, the 'loss' of the high quality agricultural land at the WWUE site allocation is considered to be necessary in terms of satisfying the noted strategic needs. Prior to proposing the site, other site options were analysed by the Council, but the WWUE site was identified as the most sustainable and deliverable site to secure the necessary new housing and employment land. The Strategic Environmental Assessment (SEA) which was prepared to inform the WCS identified the pros and cons, and concluded that the land should be allocated for new development and to deliver a strategic transport link between Bath Road and Victoria Road to the north and connect Victoria Road with Thornhill Road and St Andrews Road cul-de-sacs in the south-west.

9.23 Whilst some contributors have suggested that land to the east side of the town should be considered instead, land elsewhere around Warminster is also classified as being of good / high quality agricultural land. The site which is the subject of this application, has gone through the proper rigorous Plan led processes to become strategically allocated; and the Council cannot reasonably object to the principle of development now and favour alternative land. Developers, investors and local communities fully expect developments to be Plan led and officers consider it would be entirely inappropriate to raise an objection now to the loss of the agricultural land on the WWUE site. There would be significant strategic benefits associated to an acceptable housing development which would far outweigh the loss of the agricultural land.

9.24 Highway Impacts – It is acknowledged that a degree of public concern has been raised by local residents about the consequential highway impacts created by the projected new traffic generation associated with this 227 house development. After a thorough appraisal by Highways England and the local highways authority, no objections are raised, subject to planning conditions and s106 obligations.

9.25 The application is supported by a detailed transport assessment. As part of the plan submission, the accessibility of the site by sustainable modes of transport has been fully assessed. With the town centre approximately 2km from the site and a range of facilities and amenities within 1-2km, the site is considered to be highly sustainable and there would be numerous walking, cycling and public transport options for future residents to use rather than rely on using private motorised vehicles. The negotiated scheme with s106 obligations would secure further enhancements which would include an extended bus service and a bus strategy as well enhanced connectivity to public rights of way. In addition, travel plans to encourage future residents to use sustainable modes of travel would be promoted.



9.26 The plan inserts on the previous page reveals how the site would successfully connect with Victoria Road in both the short term and long term once the future roundabout is constructed (that would be delivered as part of the endorsed 15/01800/OUT scheme). The two site photos below identify the location of the junction connection with Victoria Road and the road routing that would connect Victoria Road with St Andrews Road (via the consented Redrow Homes development located to the south of Bugley Barton).



Victoria Rd where new access is proposed and the routing of proposed new road that would connect Victoria Rd and St Andrews Rd

9.27 In order to provide a cumulative assessment of the potential highway impacts, a paramics microsimulation model of the whole of Warminster assessed the impacts of up to 1550 residential units being delivered on the entire WWUE strategic site as part of the endorsed Masterplan process. The paramics model identified that there would be some cumulative construction impacts focused along the link between the A36 and the new Victoria Road roundabout as this would be a shared link used by both the 15/01800/OUT site, the Bugley Barton site development and the land under construction to the west of St Andrews Road (Redrow's consented 14/06562/FUL development). However, the model revealed that with the limited amount of pedestrian traffic in this area and the relatively short length of road which construction traffic would use via the A36, the cumulative impacts would be categorised as 'minor adverse' at worst. The paramics model did identify 'minor cumulative' operational impacts across the network, especially along Victoria Road and West Street.

9.28 With the above in mind, through liaison with Highways England and the Council's local highway authority, junction capacity tests, access performance, existing traffic queuing and impact studies were all carried out as well as appraising 5-year records for vehicle accidents and reported highway injuries which are fully documented within the standalone Transport Assessment (TA) which supports this application; and, as reported within the consultation section of this report, no objections are raised by the specialist highway consultees when appraising the forecasted development traffic to be generated by this development. The insert below which refers to the modelled development traffic generation (and taken from paragraph 7.2.2 of the TA) records that 227 dwellings would generate circa 110-120 (2-way) vehicle movements during the AM and PM peak periods, which equates to about 2 vehicles per minute. This level of traffic generation is not considered to be significant and would fall within the bounds of normal daily fluctuations as documented within the TA.

Development Proposal -227 units	In	Out	Total
AM Peak	27	83	110
PM Peak	71	46	117

Direction	%	AM Peak		PM Peak	
		In	Out	In	Out
A36 North of Bath Rd RA	10%	3	8	7	5
A350 North of Bath Rd RA	12%	3	10	9	6
A362	11%	3	9	8	5
A36 East	12%	3	10	8	6
A350 South of Deverill RA	15%	4	12	11	7
Victoria Road North	40%	11	33	28	18
Total	100%	27	83	71	46

9.29 Travel pattern and distribution modelling work also underpins the TA. The evidence base used to inform this modelling work was discussed with and agreed by Highways England. TA paragraph 7.42 provides the details which includes the above table which reveals the projected traffic distribution spread; and although the TA reports that the consequential post development traffic impacts would be 'negligible to minor negative', officers have consistently reported that there would be some 'material negative' off-site / local highway impacts especially at identified pressure points along the local highway network which necessitates off site highway mitigation works to be secured within a s106 legal agreement to include developer contributions to fund and deliver a new roundabout at Portway/Copheap Lane/Westbury Road and to deliver a TOUCAN crossing on Victoria Road. Through negotiations, improvements have been made to the scheme to make a direct connection with the WARM6 PRow and to create a shared pedestrian and cycle route along WARM6 and through moneies already secured by the Redrow scheme to improve the condition of the WARM6 footpath. Financial contributions are also necessary to secure funding for off-site PRows such as the collective PRows captured by the WARWEST16 and WARWEST17 IDP references. The developer would also be obligated to be party to further discussions with bus service providers to link in with the necessary obligations to be enshrined as part of the recent committee endorsement of 15/01800/OUT relative to the land on the north side of Victoria Road and vast majority of the WWUE allocation. The mitigation measures referred to above have been tested within the paramics model to reduce the cumulative residual impacts of the proposed development and the expert highway engineers report no objection.

9.30 During the construction phase(s) of the development a construction traffic management plan (CTMP) would be necessary to secure all the details of construction traffic routing and temporary road signage, setting out the need for any necessary traffic regulation orders as well as defining the location(s) of the on site construction compounds, the arrangements to deal with vehicle parking, deliveries, storage of material and the provision of vehicle wheel washing facilities and setting out the measures to be employed on site to suppress the emissions of noise, vibration and dust. This can be controlled by a planning condition and is recommended accordingly.

9.31 The developer has also confirmed that during the construction phase, an average of circa 5-6 HGVs would visit the site on average each day, which equates to an average of 10-12 two-way HGV movements per day. This would be the equivalent of circa 1 per hour. It is accepted that during the early phases of development the number of HGVs would on some days exceed this average, but as the development progresses, the number of HGVs accessing the site would come down. In combination with workforce traffic, there would be no significant detriment to highway interests or safety, and the impacts can be controlled by a construction traffic management plan. The TA records that typical site working arrangements would require site workers to park on the site rather than along the local highway or vicinity to the site and provisions would be made on site in addition to site compounds for car parking for site workers. The impacts of these vehicle movements are also incorporated into the TA.

9.32 In terms of the proposed (revised) traffic signal controlled junction on Victoria Road, the local highway authority engineer confirmed that the previous visibility provision concerns had been addressed and that a safe temporary means of access to the site would be provided until the provision of the designed roundabout on Victoria Road which was appraised as part of application 15/01800/OUT and would be delivered as part of the first phases of the 15/01800/OUT development.

9.33 The proposed site layout have been subject to officer negotiations spanning the last 16 months and the local highway authority officer has confirmed that the development can be supported subject to planning conditions to secure technical engineering plans pursuant to the construction of the site access road and all the internal roads and shared cycle/pedestrian routes and footpaths, provision of a construction traffic management plan and securing a timeframe for works affecting WARM5 and WARM6, as well as setting out a phasing plan for sustainable transport infrastructure, delivering the necessary parking provision; as well as limiting construction traffic access solely from Victoria Road with other existing field access being closed to motorised traffic.



9.34 The stretch of the WARM6 footpath to be upgraded located to the east of the site would have a new link with the proposed shared pedestrian and cycle route. The WARM6 upgrade works would be financed via contributions already secured from Redrow Homes and the consented 14/06562/FUL development. Persimmon would be obligated to fund and deliver the necessary connection onto WARM6 and deliver a 3m wide shared pedestrian/cycle route within the scheme which the revised plan insert illustrates. Site photographs below illustrate the connection from the site onto the public highway.



Views along WARM6 (tarmac and grassed route in second image) and WARM5 (beyond the gate)

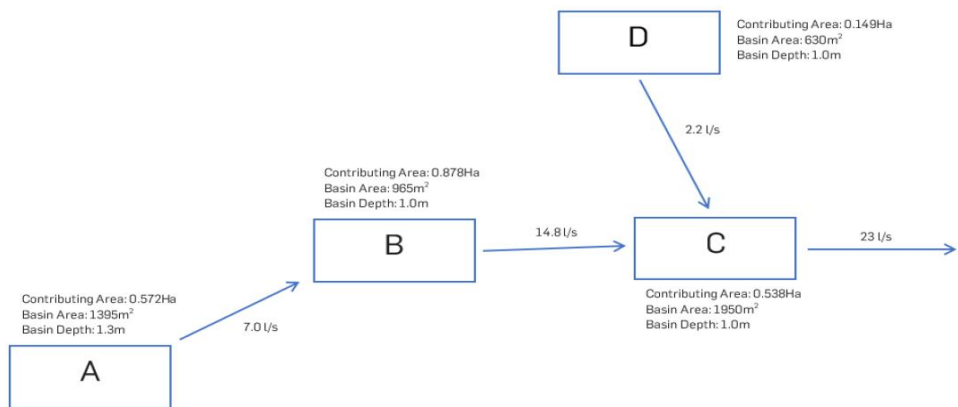
9.35 The residential traffic distribution and traffic assignment analysis have been thoroughly reviewed; and, traffic impact, traffic counts/queue length analysis and capacity assessments have also been interrogated by the statutory consultees (Highways England and the Council's Highways Authority) with the resulting conclusion that the traffic to be generated by the proposed development can be adequately accommodated by the existing road network without creating demonstrable harm. Subject to robust planning conditions and legal agreement obligations, this planning application is supported in terms of the sustainable transport and highway network implications.

9.36 Drainage Matters – After extensive discussions, the applicant submitted a revised submission supported by a detailed FRA and drainage strategy which incorporates sustainable drainage solutions including the provision of four attenuation ponds, three of which would allow ground infiltration (following extensive ground investigations and percolation testing) leaving the fourth as a permanent wet basin that would be used to manage and restrict the site's surface water discharge rate at 20% less than the existing median annual greenfield rate, which would in turn, deliver off-site flood mitigation betterment to the constrained culverted surface water sewer which the existing site pond in the south-eastern part of the site connects with.

9.37 In full recognition of the hydrological constraints affecting Warminster, the applicants were directed by officers to develop a drainage strategy based on site investigations assessing the existing baseline conditions, to factor in the need to develop a strategy that takes into account Climate Change following the NPPFs direction and most up-to-date EA guidance; and, to evidence how surface water would be collected and conveyed on site to the four proposed attenuation basins to be located within the public open space along the site's southern and south-eastern extent. It is well documented that downstream and within the town, the Cannimore River Catchment is subject to flooding. The culverted river section along Brook Street and Fore Street has been known to flood as regular as 1 in 2 year events. With this knowledge, officers were resolute in advising the applicant and their drainage consultants (Jubb Consulting Engineers) that the primary objective for this development must be one of restricting surface water discharge in terms of both flow rate and volume; and, the development proposals must be able to demonstrate that the scheme would have no off-site detriment, and ideally, deliver betterment.

9.38 After detailed site analysis, the site's existing greenfield discharge rate has been calculated as being just under 70 litres per second (l/s) which connects into the constrained town surface water sewer that has a hydro-brake in place to deal with existing flows. Under this application, and in recognition of the

need to deliver a drainage solution that satisfies with the adopted Core Strategy and NPPF, the applicants' drainage strategy proposes to supplement ground attenuation soakaway trenches located in rear gardens for plots with positive percolation and ensure that the proposed driveways and courtyards across the site, where appropriate, are constructed of permeable paving to allow for on plot ground infiltration. Elsewhere, where on plot soakaway is not appropriate, residential curtilage and highway surface water drainage shall be managed by four attenuation basins which have been engineered to store and restrict off-site flows to a maximum discharge rate of 23l/s to deliver a considerable betterment compared to the existing greenfield drainage off-site flow.



9.39 Following extensive and detailed work, a bespoke cascade attenuation system is proposed for the site to deal with surface water drainage which the above diagram illustrates. In short, the attenuation cascade system would comprise of: a 1395sq.m basin (A) with a depth of 1.3m; a 965sq.m basin (B) of 1m depth; a 630sq.m basin (D) also of 1m depth; and, a 1m deep 1950sq.m basin (C) that would feed into the existing pond at a rate of 23l/s.

9.40 The use of attenuation ponds would allow appropriate settlement, dilution and treatment of surface water flows which requires appropriate levels of SUDS management of water volumes and rates as well as water quality treatment.

9.41 Detailed ground investigation work was undertaken across the site by Earth Science Partnership and groundwater levels were identified across the site in the region of 2m - 3.5m below ground level, with the exception of a pit on the south-eastern boundary where the groundwater was struck at depth and rose to 0.5m below ground level. It is appreciated that all drainage structures must be designed with consideration of the existing groundwater levels encountered on site and in accordance with the Council's adopted Groundwater Management Strategy, the base of any infiltration systems need to achieve a minimum 1m clearance between the base of the system and the top level of groundwater. The table on the following page provides a summary of the infiltration systems and the clearances which can be achieved with the existing groundwater levels.

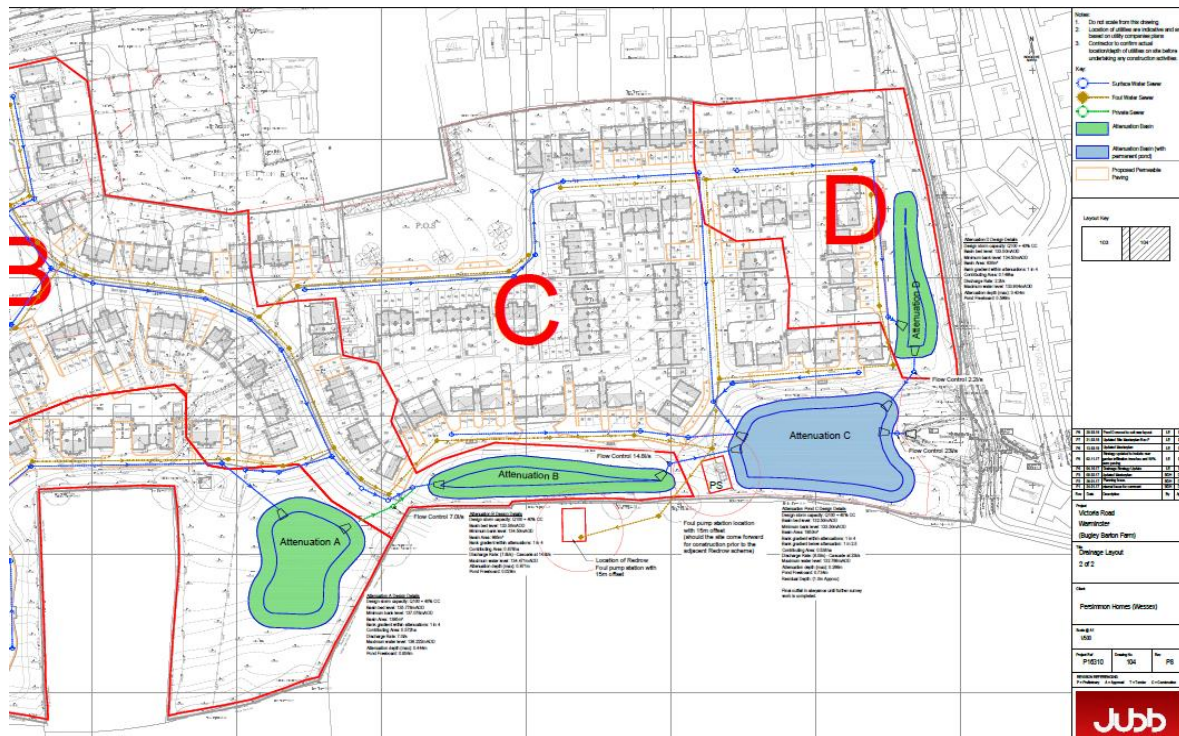
Drainage Structure	Invert BGL	Groundwater Level BGL
Pond B	1.3m	3m (standing level of 2m in well)
Pond C	1.0m	3.4m
Pond D	1.0m	2.5m (standing levels of between 0.5-0.8m in well)
Pond E	1.0m	2.2m (standing levels of between 1.8-2m in well)
Permeable Paving	0.4m	Ranges between 2.8-3.5m across site with standing levels ranging between 1.8-2.3m in well (No permeable paving systems are located in an area of high groundwater levels)
Trench Soakaways	1.0m	Ranges between 2.8-3.5m across site with standing levels ranging between 1.8-2.3m in well (No trench soakaway systems are located in an area of high groundwater levels)

9.42 The site is not an identified primary overland flood escape route which would require further consideration for diversion. The site has a natural valley pasting along the south of the site – which would be the main route for any overland surface water exceedance routing for this scheme avoiding new and existing dwellings. The on-site layout and topography has been designed to accommodate and route any such excess surface water runoff from the site into existing or equivalent escape routes so that this too would not increase onsite or offsite risk of flooding.

9.43 The drainage for buildings, access roads and private car parking spaces in private ownership would be managed and maintained by the owners. The surface water drainage network would accommodate both highway and property drainage which would be transferred to Wessex Water under a s104 adoption agreement. The attenuation features would be privately owned and would require a specialist management company for its inspection and maintenance liabilities. The foul drainage would be adopted under a s104 agreement with Wessex Water.

9.44 Details for the management and maintenance of the proposed SuDS within the communal areas of the site and open space such as the existing pond and cascade drainage features would need to be agreed with Wiltshire Council prior to its construction via a s106. To ensure that any private shared ownership of the SuDS would operate effectively for its lifetime, a management plan for the operation and maintenance of the SuDS needs to be produced, prior to construction, based on Chapter 32 of CIRIA C753 and the following guidance from CIRIA C753.

9.45 The applicant's proposals to achieve runoff volume reduction via the creation of attenuation basins with cross sections are illustrated in plan form on the following page. The proposed attenuation basins, apart from basin 'D', would be left unlined to achieve a measure of infiltration. Basin D is located in an area where high groundwater levels were encountered following detailed site investigations and soil percolation testing. As a result, basin D would be lined and remain solely as an attenuation basin with no element of infiltration.

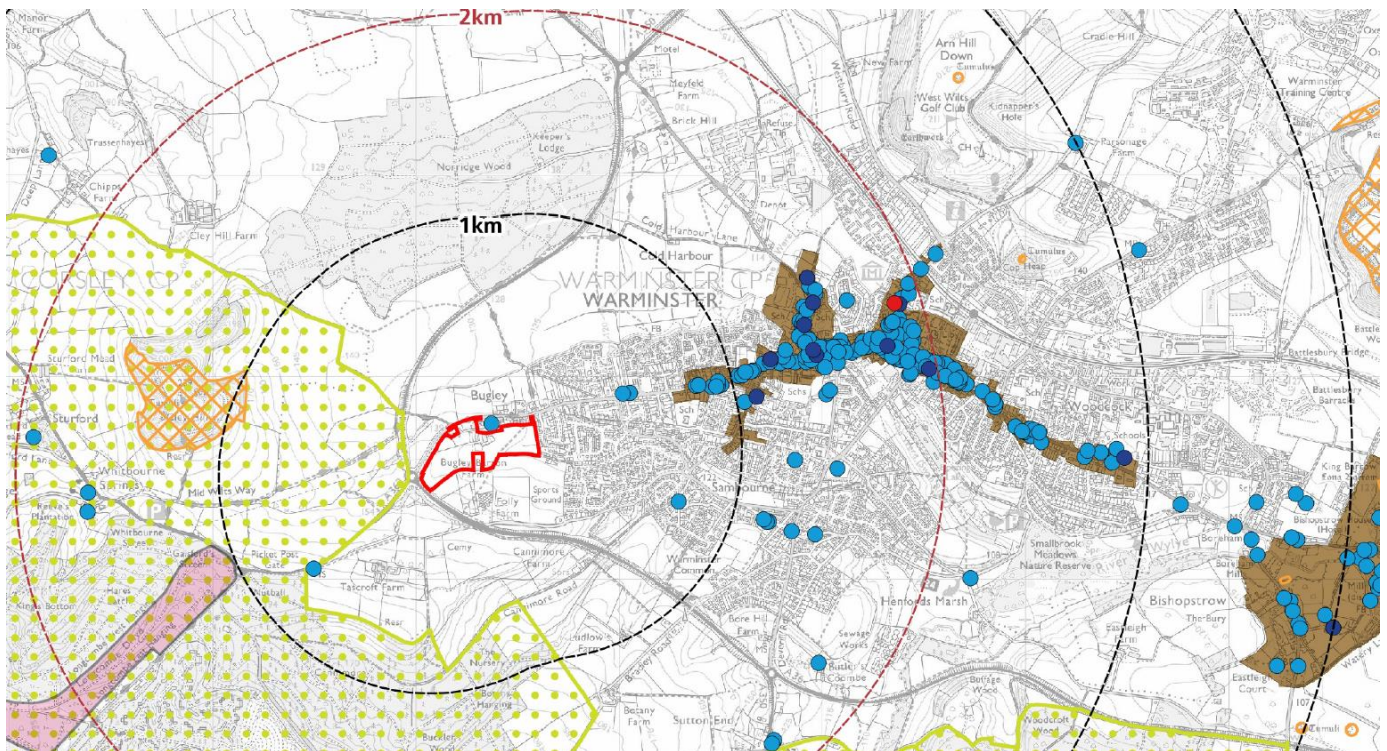


9.46 The Council’s land drainage engineer, representing the lead local flood authority, is supportive of the proposals subject to conditions. The SUDs infrastructure would require a management company to be charged with the maintenance and monitoring of the on-site surface water sewer infrastructure in perpetuity which should be secured as a s106 developer obligation. The Environment Agency and Wessex Water are similarly supportive of the application proposals.

9.47 From a land drainage stance, the proposals would deliver a material betterment compared to the existing greenfield surface water flow rates entering the constrained town sewer. The application would satisfy WCS CP67 and the NPPF in terms of reducing off-site flood risk and developing a strategy to manage on-site surface water and has the full support of officers.

9.48 Landscape Matters – The application site forms part of the Longleat and Cley Hill Greensand Hills Landscape type which contributes towards the wider Avon Vale character type. The key characteristics of this localised landscape character type are informed by significant coniferous and deciduous woodland to the south and west of Warminster on a steeply undulating landform much of which forms part of the Longleat estate. Much of this area is also experienced within proximity to the distinctive hillfort landmark of Cley Hill with its extensive views of the chalk downland. The Greensand Hills landscape character is also informed by relatively small and irregular shaped agricultural field patterns (indicative of early enclosures) when compared to the Cley Hill Greensand and Chalk Terrace landscape type to the north. The fields are however similarly divided by dense and in places high, hedgerows and trees. Elsewhere within the Greensand Hills landscape, ancient sunken lanes with steep slopes and enclosed by woodland creates a strong landscape character.

9.49 The typical building materials found within the Greensand Hills landscape include red brick and local stone with clay roofing tiles or thatch. The site is bounded to the south-west by the A36; to the east by modern forms of residential development and more established form of residential development along Victoria Road to the north. The land to the north of Victoria Road forms part of the WWUE beyond which lies the A36, agricultural land and Norridge Wood plantation – which the following insert reveals.



9.50 The insert plan above illustrates the application site (identified by the red site outline parameters) and records the site's proximity to the AONB (identified by the yellow dotted land parcel). Also shown below is the Cley Hill Scheduled Ancient Monument and SSSI (the orange hatched area), and part of Longleat's registered historic park and garden is shown in pink shading. The Warminster Conservation Area (brown shading) and the spread of listed buildings (light and dark blue and red circles) are illustrated. In addition, but not colour coded below, there are special landscape areas within 2-4km of the site, with the Corsley Heath to Chapmanslade Ridge SLA extending 1km north of the AONB and encompassing part of Norridge Wood and the Salisbury Plain SPA about 2km to the east of the town (with the orange hatched area on the extreme right of the insert below representing Battlesbury Schedule Ancient Monument at over 4km from the site).

9.51 As illustrated, the AONB designation abuts the western verge of the A36 Trunk Road. However no part of the AONB shares a boundary with the application site, but it reaches close to the site boundary. From the details presented with this application, it is proposed that the 'developable' land parcels within the WWUE site would be circa 75m from the AONB. However due to the site topography and the presence of the intervening well established boundary landscaping and embankments along the A36 which the photograph below confirms, there is no intervisibility between the closest parts of the AONB and the site.



View looking NE along A36 with significant embankment and tree belts on either side restricting views of the site – the beginning of the AONB is to the west (rear) side of the embankment shown above left.



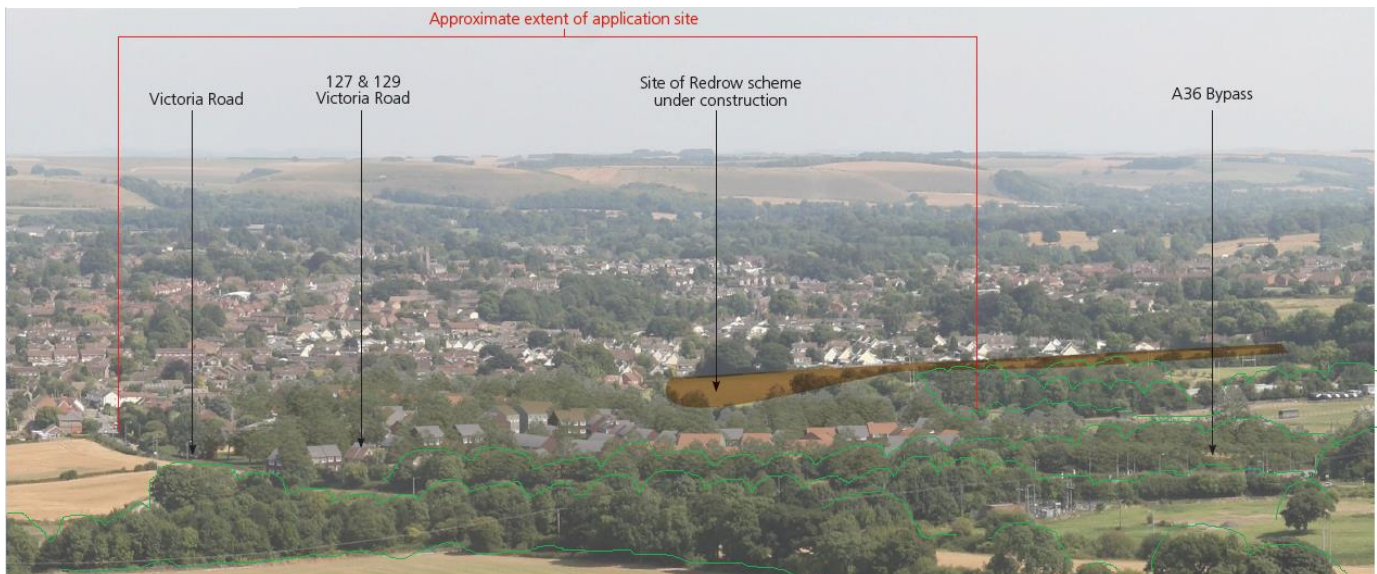
View from roughly the centre point of site looking eastwards with Bugley Barton's modern farm sheds to the left. Redrow's consented 14/06562/FUL scheme is beyond the well-established hedgerow and treed boundary illustrated in the upper right part of the photograph.

9.52 The gentle undulating site, as photographed above is grazing and arable land sub-divided by a network of well-established hedgerows in some places 7m high with the boundaries containing some trees, including TPO'd trees following the order which was made in 2016 under ref: 2016/00011/MIXED.

9.53 Paragraph 172 of the NPPF advises that *great weight* should be given to conserving the landscape and scenic beauty of AONBs; and, paragraph 170 sets out the importance attached to "*protecting and enhancing valued landscapes*". Adopted WCS Core Policy 51 furthermore states that "*Proposals for development outside of an AONB (like the case here) that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the management plan), must demonstrate that it would not adversely affect its setting*". Section 85 of the Countryside and Rights of Way Act 2000 (the CROW Act) moreover sets out the statutory duty in addition to the policy requirements for the LPA to appraise the impacts of the development and to have special regard to conserving and enhancing the scenic beauty of the AONB and valued special landscape parcels of land. In appraising development proposals on land within the proximity of an AONB, it is also necessary to appraise the relevant AONB Management Plan.

9.54 With the above fully in mind, and after several negotiated revisions to the submitted scheme, officers are satisfied that the proposed development aided by substantive tree planting (with planning conditions to secure the appropriate planting specification, size and timeframe for delivery) and significant

parcels on site to be left as public open spaces, the scheme would not be demonstrably harmful to the AONB/Cley Hill protected landscape/character setting. The help visually to understand the integration of the proposed scheme within the landscape, the insert below (which is taken from the applicant's submitted Landscape and Visual Impact Assessment (LVIA) which forms part of the Environment Statement (ES)) illustrates the successful assimilation of the development with its immediate townscape context and the wider rural landscape with the proposed tree planting mitigation being of critical importance. The existing band of trees along Victoria Road and the A36 and the trees within the field setting to the west of the A36 are also illustrated below and are identified by green pencil outlines (superimposed by the case officer to identify the extent of the proposed new tree planting within the scheme).



LVIA / ES View from Cley Hill/AONB looking back towards site and the town following completion of development and tree maturity.

9.55 It is acknowledged that the AONB Partnership raise concern about the length of time it would take for the proposed on-site trees to mature to deliver the level of mitigation illustrated below, and in response to this concern, officers recommend that in addition to the planning condition requiring a timeframe for planting to be agreed with the Council, the developer should also be obligated to commit to planting the early planting of semi-mature and extra heavy standard trees in the northern part of the site, and where appropriate, elsewhere within the scheme. The developer has already committed to planting 'large' trees that would significantly supplement the existing structural treed boundaries in the western reaches of the site where public open space would be formally provided with a local equipped area of play (LEAP).

9.56 This application has been informed by the endorsed WWUE Masterplan which was modelled on a detailed understanding of the localised constraints, landscape character, impacts and necessary mitigation. Amendments to the application have followed officer requirements to deliver robust landscape buffers along the northern, western and southern parts of the site to create a strategically planted greensward running east to west from the A36 to the existing town limits (50m wide in places) when the Redrow consented scheme is factored in). This would not only provide an extensive area of green space and landscape impact mitigation, it would also support and enhance biodiversity interests with the new structural and amenity planting to deliver ecological betterment.

9.57 In addition to consulting with the AONB Partnership Board, Natural England, National Trust and the Council's strategic landscape officer, extensive negotiations have taken place with the applicant and their appointed consultants spanning the last 12 months pursuant to developing a series of significant mitigation measures to minimise the visual and landscape impacts. The revised submission is supported by a revised Design and Access Statement and an addendum to the Environmental Statement (ES), which provides an updated assessment of the likely landscape and visual impacts. The ES is supported by a revised landscape masterplan, updated photomontages and a tree heights plan. The finalised scheme has been informed by clear, responsive landscape design parameters and principles and the insert plan

below illustrates the extensive areas of open space and parkland that would form a significant part of the proposed comprehensive green infrastructure network. It is also noteworthy to record that prior to the formal submission of the plan revisions, Persimmon met with the AONB landscape and design advisor to discuss his previous lodged concerns and to explain how the revised submission would seek to address the AONB concerns.

9.58 In regard to the above, officers are satisfied that the applicants have robustly addressed the issues the AONB and officers sought and with robust planning conditions, the scheme will successfully integrate well with its immediate surroundings and the development would not be visually harmful or have a detrimental impact on the AONB setting.



9.59 The application site is a different landscape character area type to the land on the northern side of Victoria Road. The Bugley Barton site has far more visual association with the modern expansion of the town and would, through the delivery of a strategic road linking Victoria Road and St Andrews Road, lead to a logical, permeable and sympathetic urban extension. Significant regard has been applied to the importance of Cley Hill / the AONB and its landscape setting which has informed and directed discussions about how best to design the scheme on the south of Victoria Road. In accordance with the WWUE Masterplan, the site proposals include a substantial amount of green space along the western edge of the scheme to provide a buffer to the AONB. Further landscape mitigation would be secured by additional landscaped open space along the access road off Victoria Road and adjacent to Bugley Barton Farmhouse. Other incidental areas of open space would be proposed across the site culminating in about 40% of the site being a dedicated part of the site’s landscaping scheme (excluding private gardens).

9.60 Through negotiation, a landscape buffer would be provided along the south western boundary of the site. The number of three storey buildings has been reduced since the application was submitted in February 2017. There is now only one three- storey apartment block proposed which would be located centrally within the site and front a key junction point / vista position. The positioning of the 2½ storey properties has also been carefully considered and negotiated. The proposed development along the

western and southern peripheries of the scheme has been amended to provide a looser, lower density design. To achieve this, the road layout has been amended, with detached properties being plotted and a variety of parking typologies to add variety and avoid homogenous street scenes that would include garages being setback from the building line. The existing site treed boundaries would be protected during construction works by planning condition. The southern and eastern boundary of Bugley Barton is defined by a substantial landscape feature in the form of a 6m+ high hedge which is illustrated below. This significant hedge not only screens views out of and into the site from certain vantages, its retention would greatly assist in buffering the visual impact of the proposed development, especially the eastern reaches of the site from Cley Hill / AONB views. The area illustrated in both photographs below would be open space with additional tree planting.



Photos of high (c6m) hedge that defines the Bugley Barton garden eastern and southern boundaries

9.61 The submitted landscape masterplan has responded to the concerns raised by officers; the Cranborne Chase AONB landscape advisor, and Natural England regarding the effects of the development upon views from the highly sensitive Cley Hill and Little Cley Hill. This has been done by revising the layout and landscape scheme to incorporate more open space and trees (with large stature trees to be planted in key locations around the site) to break up the built mass to views and mitigate the visual effects upon the AONB. Submitted photomontages illustrate the benefits of such a robust strategic tree planting scheme. Officers and Natural England are fully satisfied that the scheme will be successful. The AONB Partnership are very keen to secure advanced tree planting or large specimen trees to speed up the mitigation, which officers feel can be achieved within the parameters of a reasonably worded planning condition. S106 obligations would need to include the long term management of the site to include the treed landscape to secure and safeguard a successful green suburban character. The early criticisms attached to the supporting information contained within the LVIA and the initial photograph montages has been addressed after new photographs were taken and fresh submissions made. There are no criticisms from officers attached to the revised LVIA submission. It should also be noted that the Redrow site is located on higher ground behind the Bugley Barton Farm site and this has been illustrated on the photomontages. Whilst both Natural England and the AONB Board objected to the Redrow application, officers and members of the strategic planning committee concluded that the scheme was acceptable and planning permission was subsequently granted in February 2017.

9.62 In addition to the submission of a revised landscape masterplan, a tree heights plan (which is included below) illustrates the applicant's commitment to plant 'feature' trees of 20+ metres (such as Oak and Beech) (identified by black dots) that would form part of the substantial structural planting scheme to reduce the visual impact of the urban landscape/roofscape. A variety of street and amenity trees are also proposed throughout the scheme to soften the urban grain.



9.63 Within the scheme and to break up the plots, incidental areas of amenity open space that would positively contribute to creating a green suburban character to integrate the scheme with the existing settlement context. The above plan reveals that there would be significant structural planting around and within the site which would also include a 25m wide expanse of tree planted open space in the western reaches of the site; and, in combination with the negotiated housing layout, officers are satisfied it would be a high quality sustainable scheme that would deliver significant landscape and visual mitigation.

9.64 The landscape scheme proposal goes beyond that shown in the Wiltshire Core Strategy (which did not identify any such strategic landscaping requirement to the south of Victoria Road, unlike the WWUE land to the north) and the landscape scheme would be entirely consistent with the endorsed WWUE Masterplan. Council officers and Natural England (the Government’s adviser for the natural environment) have carefully reviewed the revised proposals and supporting evidence and conclude that the application is acceptable in landscape and visual terms.

9.65 Heritage Matters – The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes the statutory requirement for decision makers when assessing applications which affect a heritage asset or its setting to 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*” (s66(1)). Furthermore, s72(1) of the same Act requires the Council/decision makers to afford “*special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas*”.

9.66 Section 16 (paragraph 193) of the NPPF titled “Conserving and Enhancing the Historic Environment” sets out the following:

“193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial

harm, total loss or less than substantial harm to its significance”.

9.67 Core Policy 57 of the Wiltshire Core Strategy states that “[a] *high standard of design is required in all new developments... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality... [and] being sympathetic to and conserving historic buildings and historic landscapes*”. Wiltshire Core Strategy Policy CP58 sets out the need to safeguard the ‘Conservation of the Historic Environment’ which includes designated heritage assets and their settings. Paragraph 6.130 explains the importance associated with having a “*thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the sites characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality*”.



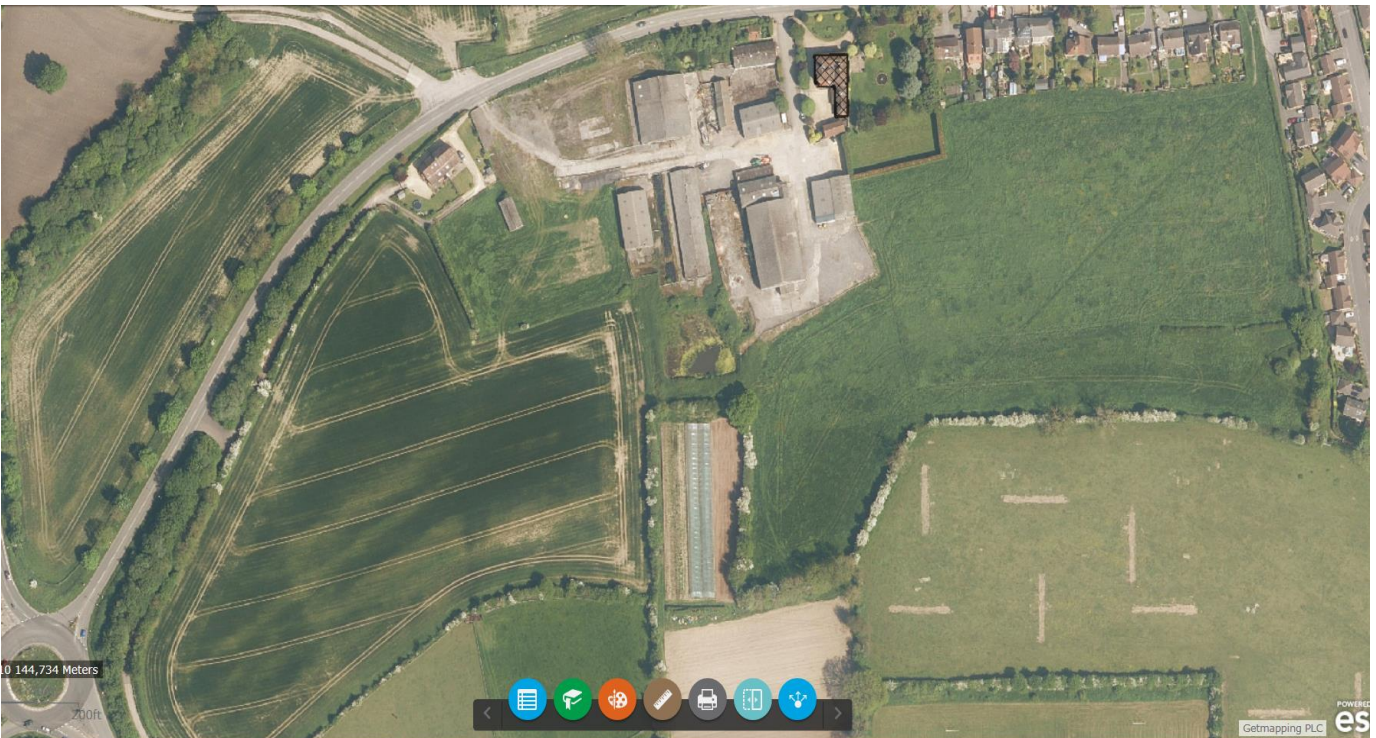
9.68 For the purposes of appraising this application, whilst there are no designated scheduled monuments, listed buildings, conservation areas, registered parks and gardens, or registered battlefields within the application site, it is appreciated that the Scheduled Ancient Monument (SAM) at Cley Hill, which lies about 1km to the west and the Registered Park and Garden of Longleat some 1km to the south-east of the site, are noteworthy high ranking local heritage assets. The Warminster Conservation Area which is located about 700m from the site, and contains the majority of the town’s listed buildings, also merits high ranking local heritage status. However, given the site separation, the intervening forms of development, well established trees and woodland and site topography, officers and Historic England conclude that the development would not result in harming the Warminster Conservation Area, the Registered Park and Garden at Longleat or any local non-designated heritage assets.

9.69 In terms of the Cley Hill Scheduled Monument, Historic England reports no objection after reviewing the heritage assessment and appraising the revised submission and assessing the development’s potential setting impacts.

9.70 The Council’s conservation officer advises that there could be some harm created through the loss of the associated farmland setting of the grade II listed building at Bugley Barton through the development of the land to the rear of the listed building – which has had a long standing functional association with the listed farmhouse. Bugley Barton farmhouse is of a neo-classical villa style and dates from the early part of the 19th Century and is an asset of ‘medium sensitivity’ and its significance is vested in its intrinsic architectural quality. The conservation officer accepts that the intervisibility between the farmhouse and its associated land is limited, with limited glimpses of chimneys and the farmhouse. The high hedge as previously illustrated in para. 9.60 define much of the farmhouse’s southern and eastern boundary and a range of modern farm buildings and site topography (see below) severely limits views to the listed building.



9.71 The Conservation officer appreciates that the site is allocated for development as part of the adopted Core Strategy and acknowledges the negotiated changes which would provide additional landscape buffers. However, the officer advises that the development and loss of the farmland behind the listed building would result in a degree of harm levelled at '*less than substantial*'. It is fully accepted that planning conditions could be used to address the concerns about inappropriate boundary treatments and that the wider public benefits of this 227 house development would off-set/outweigh the harm created by developing the farmland in accordance with paragraph 196 of the NPPF.



The hatched building above represents the listed Bugley Barton Farmhouse with the hedge and steading clearly identified

9.72 The following plan insert illustrates that the area to the south and rear of the farmhouse would be set aside as amenity landscaping and public open space with the existing hedge being retained with a new hedge and tree planting being proposed to retain and supplement the landscape treatment between the farmhouse and the developable area of the site.



9.73 The following paragraphs summarise the significance of the nearby heritage assets and the effects of the development proposal:

The Significance of Cley Hill (SAM) - The Cley Hill Scheduled Ancient Monument chiefly comprises a large, 'univallate' Iron Age hillfort situated on a steep sided Middle and Upper Chalk outlier of the Salisbury Plain. This mound rises sharply from low lying land to the west of Warminster, and is situated 1km west of the site at its closest point. The hillfort defences enclose an area of c.7ha on the top of the hill, where two Neolithic–Bronze Age bowl barrows and a likely medieval cross dyke are present. On the south western side of the hill is a large post-medieval chalk quarry; this has removed a significant part of the mound, including most of the hillfort's historic defence. Below the hillfort on the eastern side, are two flights of strip lynchets, providing clear evidence of medieval agricultural practice on the lower slopes of the natural mound. The applicant's heritage consultant duly submits that the heritage significance of the scheduled monument primarily lies in its archaeological and historical value of its upstanding and buried remains. As such, and by virtue of being a scheduled monument, this area merits high sensitivity.

The scheduled monument comprises a distinctive feature in the surrounding landscape, and the dramatic topography and commanding views afforded from its location contributes towards its significance. There are however, no known historic links between the scheduled monument and the Bugley Barton application site and there is no evidence to suggest that any view to or from the land within the application site is of significance to the scheduled monument or its setting. Negotiated amendments to this application would ensure that the development will not harm the setting of the SAM.

The Significance of Longleat – The registered parkland encloses the grand 16th century mansion which is surrounded by formal gardens and pleasure grounds, which evolved throughout the 18, 19 and 20th Centuries. The extensive parkland is largely of mid-18th century origin, designed by Lancelot 'Capability' Brown, with additions by Humphry Repton. The more formal gardens were reintroduced in the 1850s and major tree-planting took place in the 1870s before a simpler design emerged in the early-20th century. Historic England notes that the setting of the park is "*largely agricultural land with substantial areas of estate forestry*". The closest part of the site is located c.1.01km from Longleat's Registered Park and Garden with the majority of the designated parkland being situated close to the country house, some 4km to the south-west of the application site. Due to the separation distances, intervening woodland and topography, none of the landmark buildings, the principal house, nor the designed pleasure grounds or lakes, are discernible from the application site; and consequently, there would be no harm.

The Significance of the Warminster Conservation Area and Listed Buildings therein - The site is about 700m distant from the Warminster Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas. As explained by the 2007 Warminster Town Centre Conservation Area Character Assessment, "*Views in and out of the conservation area are governed by the surrounding topography and the street patterns. Due to the narrow*

nature of both West Street [eastern end of Victoria Road] and Pound Street, the streetscape is of an intimate nature and gives a strong feeling of enclosure to the area". Moreover, "there is no real sense of the wider landscape in this area due to the close-knit nature of the buildings and the fact that most front directly onto the highway". The Conservation Area is not 'experienced' from within the site, and therefore development of the form proposed would not affect the Conservation Area character and appearance, or its setting or indeed the significance of the listed buildings within it.

The Significance of Bugley Barton Farmhouse – Bugley Barton Farmhouse comprises the closest listed building to the developable area of the site. The building was constructed in the mid-19th century in detached 'villa style' of ashlar with raised quoins and dressings, set beneath a hipped tiled roof. The structure fronts onto Victoria Road, with the principal northern façade projecting an elegant central Tuscan portico. Cartographic evidence shows that there has been a farm at Bugley since at least 1784. The current farmhouse first appears on late 19th century mapping and the historic environment record notes that an earlier farmstead was demolished in the 19th century, however no evidence survives today. Following consultation with Historic England and the Council's conservation officer, it is reported that the proposed development would have no direct impact on the grade II listed building. There would be some harm caused through the loss of the associated farmland to the listed farmhouse however the level of harm would be at the lower threshold of '*less than substantial*' in terms of the NPPF test. NPPF policy in relation to designated assets, at paragraph 196, sets out that where the harm would be "*less than substantial*", the level of harm should be weighed against the public benefits of the proposal. There is no doubt that this strategic development offers substantial public benefits in terms of significantly boosting the housing supply in terms of erecting 159 open market and 68 affordable homes which merits significant weight as part of the decision making process. In addition, this development would deliver the last link of the strategic road link that would St Andrews Road and Victoria Road in the south-western part of the town (along with the additional road link to be secured by the endorsed 15/01800/OUT application) which would satisfy a key core strategy objective as would the developer contributions associated to funding new school accommodation and facilities, the provision of enhanced PRoWs, new sports facilities, and extensive public open space and play area – all of which weigh significantly in favour of the application when balancing up the potential consequences and benefits of the development.

The Significance of Bugley Barton Farm Steading (as a Non-Heritage Asset) – Beyond the curtilage of Bugley Barton, the farmstead is characterised by large, utilitarian grain stores and machinery sheds. It is accepted that the only possible surviving pre-1948 structure within the steading comprises a derelict single-storey steading range parallel to Victoria Road that falls outside of the application site. Following an appraisal undertaken by the Council's conservation officer, and mindful of the presence of a wall separating the listed farmhouse and the steading range, any structural vestiges / fragments pre-dating 1948 are surrounded by the large portal frame/ utilitarian agricultural buildings which are photographed on the following page that significantly reduce the level of intervisibility between the steading and the farmhouse.



9.74 The heritage appraisal reports that whilst there would be a level of '*less than substantial harm*' to the loss of the associated farmland, the level of harm would be materially and substantively outweighed by the significant level of public benefits that would be derived. Consequently, the application is considered to be NPPF and WCS policy compliant.

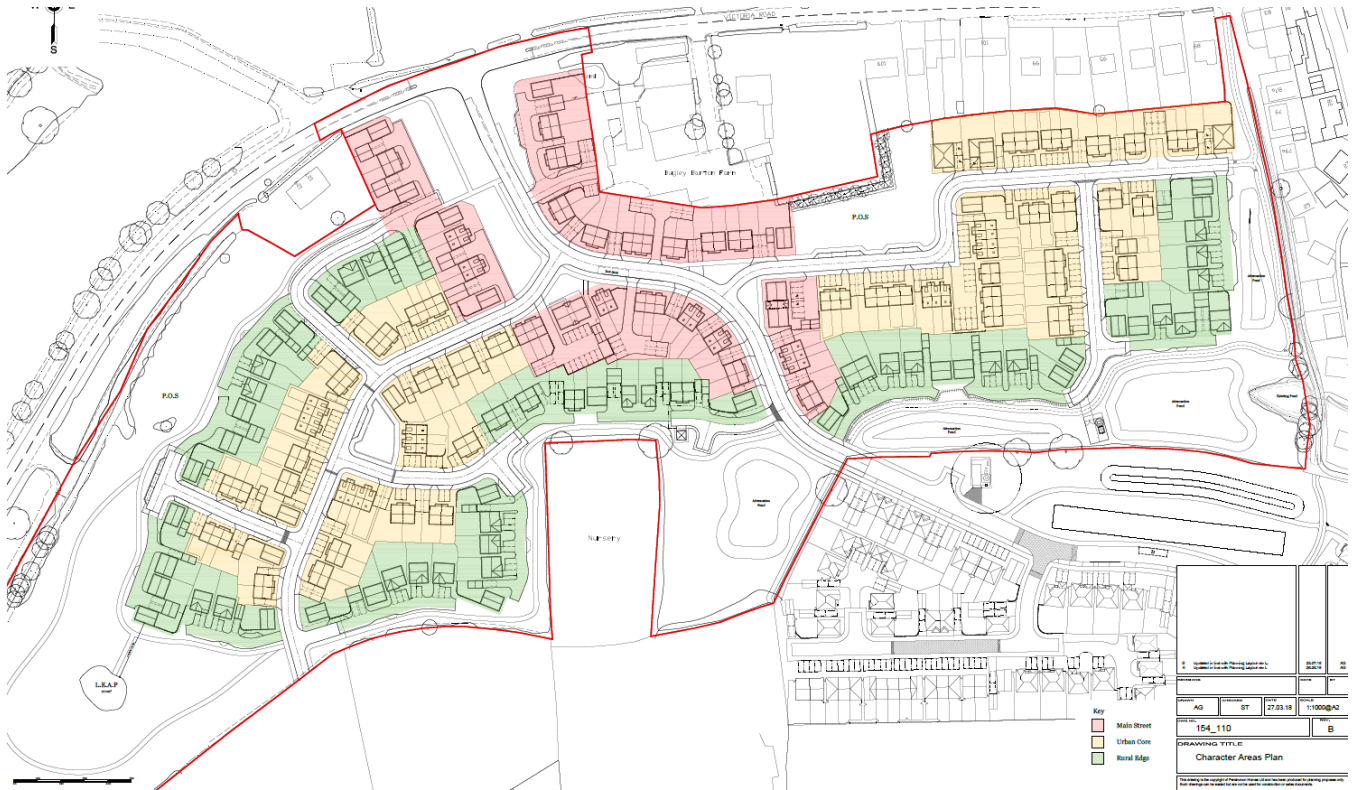
9.75 In terms of archaeology, the application is supported by an archaeological assessment which included a field walking study, geo-physical surveying and trial trench investigations. The combined results indicate that the site has low potential for significant archaeological remains to be impacted by the proposed development. In line with the advice provided by the Council's archaeologist, an archaeology watching brief planning condition is recommended.

9.76 Ecological Impacts – The application is supported by detailed and contemporaneous surveys and the Council's ecologist raises no concerns subject to planning conditions to secure the submission and adherence to a Construction and Environmental Management Plan (CEMP); a Landscape and Ecological Management Plan (LEMP), as well as securing appropriate external lighting throughout the scheme in accordance with the environmental zone standards set out by the Institute of Lighting Engineers publication GN01:2011.

9.77 This application and other major developments that are served by foul water pumping stations that have an outflow to the Hampshire River Avon, have a requirement to deliver phosphate loading reduction improvements in the interests of protecting the River Avon Special Area of Conservation (SAC). After lengthy negotiations and discussions, officers of Wiltshire Council have engaged with Natural England, Wessex Water, the EA, as well as representatives of New Forest District Council and Christchurch and East Dorset Council and have agreed a Memorandum of Understanding to secure a common approach to assessing the effects of development as well as securing betterment for the River Avon Special Area of Conservation (SAC). The Council's ecologist is fully aware of the multipartite agreement and is satisfied that this application can be positively reported to and endorsed by the committee with ecology based conditions.

9.78 Urban Design and Neighbouring Impacts - The NPPF recognises that high quality and sustainable design are core planning principles. With regard to achieving integrated and inclusive communities, paragraph 124 sets out the importance of delivering *“high quality buildings places [with] good design being a key aspect of sustainable development, [to create] better places in which to live and work and helps make development acceptable to communities”*. Paragraph 127 also states that new development should *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”*.

9.79 With respect to the proposed layout and form of development, members are advised that the applicants have taken on board officer advice to re-design the scheme to create better integrated public open space, to sensitively plot new housing around landscape buffer area and create three cohesive well planned and distinctive character 'zones' and street hierarchies comprising: a main street running through the site (characterised by the properties coloured pink below) where the new housing would replace large utilitarian farm buildings and would connect Victoria Road and the Redrow scheme to the south-east; an urban core (the properties coloured yellow) with the housing reflecting the neighbouring local architectural vernacular; and, provide a rural edge (i.e. the properties coloured green) where the new housing would be of lower density and provide good surveillance over the proposed public open space and local equipped area of play which wraps around the eastern, southern and western extent of the site – all of which are illustrated in the following plan inserts.



9.80 Through negotiated revisions, and following the comments expressed by the Town Council, the scheme proposes a variety of sympathetic well-designed and detailed house types with a range of parking solutions to add visual interest to the street scene character. Through further revisions, officers secured a visually appealing and sympathetic palette of materials which the above insert partly illustrates. The plan insert reveals the character of the main street and site gateway from Victoria Road in section A-A, the street scene character of the properties within the rural edge is evident within section B-B, the urban core street scene example in section C-C which reveals housing with buff bricks which would be reflective of the predominant material found within the Haygrove Close estate. The illustration also includes section D-D

which shows the proposed street scene relationships between the proposed 3-storey, 2 ½-storey and 2-storey building blocks.



9.81 The proposed new development would result in sympathetic site separation distances and window-window relationships with existing neighbouring properties as well as within the scheme itself. The above insert plan represents the relationships between the proposed housing to the rear of the Victoria Road properties – which comprise a diverse mix in terms of their form and design where brick and painted stone/brick are the predominant wall finishes with the occasional rendered property. Roof materials also vary with clay, concrete and slate tiles present with the roofscape punctuated by occasional chimneys. To the east, the properties along Haygrove Close are more recent dating from mid-late 1990s comprise a mix of dwellings, predominantly 2-storey but with some 2 ½ and single storey units. The predominant building finish is again brick with a limited amount of render. Larger detached properties have integral garages with a predominance of on plot parking. Roof materials are a mixture of large format grey concrete tiles and red concrete clay effect tiles. Windows are predominantly white uPVC. St Andrews Road exhibits a regular appearance of properties exhibiting large dormers on the first floor. The properties are both detached and semi-detached. A mixture of both brick and render can be found with some tile hanging on the first floor dormers. Concrete pan tiles are prevalent with doors and windows largely being white uPVC. The site photos below, picks up on some of the Victoria Road and Haygrove Close properties viewed from the application site (looking north and east).

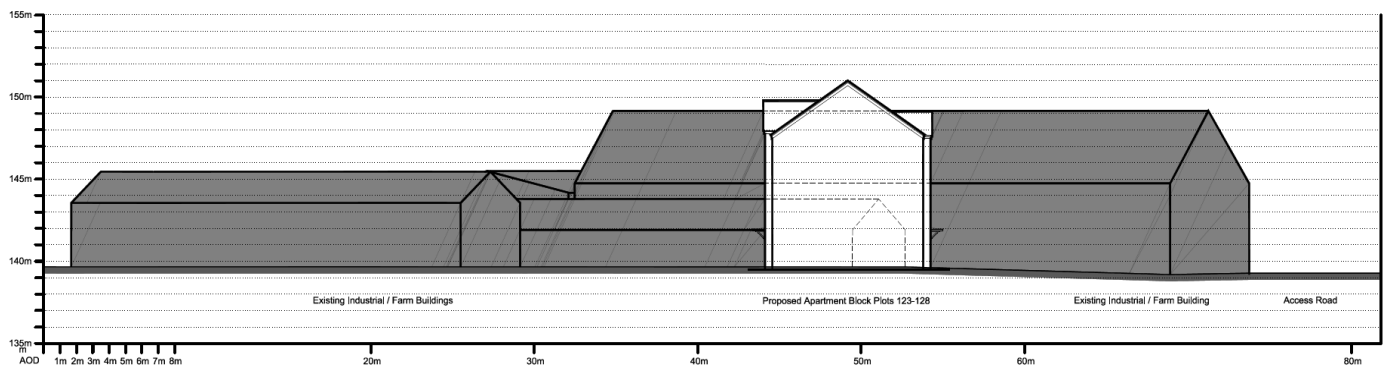


9.82 Every new proposed house proposed behind the existing Victoria Road properties would be positioned in excess of 21m from the existing neighbouring properties, with some being in excess of 35m which, within an urban extension setting, is considered acceptable and satisfies policy requirements. Officers are also satisfied with the proposed fenestration treatment throughout the scheme in terms of safeguarding existing and future residential amenity and privacy. Through negotiation, in the north eastern part of the scheme, four 2-storey houses were removed to provide a better landscape buffer to the rear of Bugley Barton as well as making provision for two 2-bed bungalows (wheelchair accessible properties)

instead of two storey units; and following a recent appraisal of local housing needs, officers secured a commitment from the developer to provide housing that includes higher specifications standards on accessibility and adaptive house types to promote a development that is more reflective of the needs of our aging population. Revisions in this regard were made to the scheme in March 2018 which has the full support of the officers.

9.83 It is important to recognise that the adopted Wiltshire Core Strategy WWUE development template does not impose a 'developable area' and nor does it prescribe a suitable development density. The final deposited scheme proposes a developable area density of 24 dwellings per hectare which is considered acceptable and comparable to the approved 27 dph Redrow Homes scheme to the south. 24 dph would also be similar to the Broadway estate residential density found further to the south-east. The central tenet of the development on the south side of Victoria Road comprises the delivery of the strategic link road to connect Victoria Rd and St Andrews Rd to which the developer is committed to providing as part of the first phase (following a meeting with the Town Council). The routing of the strategic road link through the site has been agreed by officers and would represent a logical and appropriate extension to the road infrastructure Redrow Homes are obligated to deliver. The development would also include a shared 3m wide pedestrian and cycle route around the site that would have a new connection created onto WARM6 – which itself was identified for an upgrade as part of the consented 14/06562/FUL application.

9.84 Through negotiated revisions, officers secured the deletion of two of the three 3-storey building blocks which were originally proposed and secured the relocation of the sole 3-storey building (which is illustrated on a previous page) to part of the site that would not appear visually domineering or inappropriate. In addition and mindful of the presence of several large utilitarian agricultural buildings on the south side of Victoria Road, the applicant was asked to submit a plan and overlay a scaled illustration of the proposed 3-storey apartment block (with respect to plots 123-128) to compare it with the scaled massing of the modern agricultural buildings which is represented in the illustration below. The measurements reveal that the existing comparable agricultural building measures some 10m to the ridge whereas the ridge of the proposed 3 storey apartment block would be under 12m, with the massing and bulk being significantly less when compared to the agricultural buildings.



9.85 As argued within the landscape impact appraisal section of this report, officers have secured a robust landscape and tree planting scheme which supports the proposed (revised) development and officers are satisfied that the development, including the 3 storey building block would integrate well with the existing and proposed built environs and landscape in accordance with national and local plan policy. The referenced concerns raised by the AONB and the Town Council and their reported caveated conditions have been factored into officer/applicant discussions and negotiations and officers submit that the revised scheme, subject to robust conditions, would substantively satisfy the outstanding concerns and deliver a high quality development.

9.86 The finalised development is supported by an updated noise assessment and careful attention has been given to the extant British Standards on Noise covered by BS8233:2014 which provides

recommendations for the control of noise in and around buildings. The standard establishes suitable/desirable internal noise levels within different types of buildings, including residential properties. The Council's public protection team were consulted on this revised application and were asked to appraise the noise survey and addendum submission. Following a thorough review, the application is recommended for approval subject to robust conditions to ensure the development is delivered in accordance with the recommendations set out within the noise appraisal.

9.87 The principle of developing the site for new housing is well established and the layout, density, mix of housing and the essential infrastructure are considered acceptable in planning terms subject to appropriate robust planning conditions (to include a Construction Environmental Management Plan and Construction Traffic Management Plan) and it is recommended that the applicant enters a Control of Pollution Act (CoPA) s61 agreement as well as securing appropriate locations for the site compounds, restricting the hours of work, delivery routes, land contamination verification; as well as binding the developer to a legal agreement.

9.88 Essential Infrastructure and Developer Contributions/Obligations - This development generates a need for significant developer obligations to necessarily mitigate the impact of the development. Financial contributions amounting to in excess of £2.1 million are necessary for primary and secondary school needs. Following extensive negotiations with the Council's head of school commissioning and Kingdown Academy, and in accordance with the endorsed masterplan and Core Strategy, there is commitment to transfer / safeguard land to the Council on the north side of Victoria Road (a commitment which forms part of committee endorsed application 15/01800/OUT) for new education facilities in full recognition of the existing lack of capacity in the town's existing primaries and at Kingdown secondary school. It is recommended that as part of securing the Bugley Barton development, the s106 clauses should similarly secure the land transfer within 12 months of any residential development commencing; and, in the event that the applicant secures approval to design and build the new school premises on the north side of Victoria Road, there needs to be housing delivery threshold triggers set out within the s106. As previously reported to committee in June, Persimmon, in partnership with Hannick Homes are committed to setting aside 3.6 hectares for new school premises - which would be future proofed to allow for a 2FE school comprising both primary and potentially deliver additional secondary school accommodation with the capability of providing a full year 7 secondary cohort (to accommodate approximately 300 – 325 pupils) and associated facilities in addition to a multi-million developer financial contribution commitment to help fund the new school premises.

9.89 There is also an essential need for developer contributions amounting to nearly £200k to fund new health service infrastructure in the town, as well as funding and delivering highway improvements and upgrades to several public rights of way. The application also triggers a 30% provision of 68 affordable houses across the site with the rental and shared ownership split being informed by local housing needs. The future provision and site management of the public open space, SUDs and play area also requires to be enshrined within a s106.

The following summary sets out the extent of the developer obligations which need to be enshrined within a s106 to make the development acceptable in planning terms and policy compliant.

1. The developer shall be obligated to provide 30% (i.e. 68 affordable housing units) on-site);
2. The developer shall be obligated to transfer the 1.8 hectares of fully serviced land (with unburdened access to Victoria Road and utility connections) for the future provision of a new primary school and the safeguarding of an additional 1.8 hectares of land for the future provision of additional/secondary school facilities to the north of Victoria Road (identified as forming part of the endorsed 15/01800/OUT application which is within the same land ownership as the Bugley Barton site) within 12 months of the commencement of residential development at nil cost to the Council to provide the essential school infrastructure;
3. If the primary school site (forming part of endorsed application 15/01800/OUT) is to be delivered by the developers ((i.e. to submit the application, construct and deliver – which comprises the applicants for the Bugley Barton scheme) following the agreement of the LEA, the s106 should include bespoke and

detailed clauses covering its delivery. To ensure that the housing is suitably served by a new primary school, the s106 would need to restrict housing occupation to a maximum of 180 dwellings. The school would need to be available to accommodate pupils before the 181st dwelling is occupied; and,

4. If the additional/secondary school facility is to be delivered by the developers (i.e to submit the application, construct and deliver) following the agreement of the LEA and Kingdown Academy, the s106 should include bespoke and detailed clauses covering its delivery. To ensure that the housing is suitably served by secondary school facilities, the s106 would need to restrict housing occupation to a maximum of 100 dwellings. The secondary school premises would need to be available to pupils before the 101st dwelling is occupied;

5. The developer shall be obligated to pay the sum of £1,087,790 (for 62 primary school places levied at £17,545 per place;

6. The developer shall be obligated to a pay the sum of £1.025,904 (for 44 secondary places) levied at £23,316 per place;

7. The development qualifies for two phased developer contributions for education. The developer shall be obligated to pay 50% on commencement of the development and the remaining 50% following the occupation of the 113th dwelling;

8. The developer shall be obligated to pay the full costs of providing all the associated waste and recycling infrastructure across the site amounting to £20,692 to fund essential waste and recycling infrastructure (based on the contributions set out within the Council's 2017 adopted Waste Collection Guidance SPD);

9. The developer shall be obligated to pay the sum of up to £197,424 (to be subject to agreed phased payments) with the final sum to be confirmed following further consultation with NHS England pursuant to the relevant costs of construction of the expansion and infrastructure improvements at the Avenue GP surgery or to fund the provision of new additional town medical services to provide additional capacity and to serve this development;

10. The developer shall be obligated to enter into an agreement with the Council to establish a Management Company for all the associated maintenance liabilities relative to all the public open space, the play areas, flood attenuation and SUDs, and landscaping;

11. The developer shall be obligated to deliver an unburdened road connection with the highway infrastructure being delivered by Redrow Homes (as part of the consented 14/06562/FUL development) to provide a strategic road link connecting Victoria Road and St Andrews Road, subject to a phasing delivery programme;

12. The developer shall be obligated to commit to delivering a bus strategy for the site and to provide for a half hourly weekday services to and from the site and Warminster Town Centre. The strategy shall also include details of support funding, if required to be made by the developers based on an agreed bus strategy or bus service agreement to support the service throughout and beyond the development build out phasing. The bus strategy shall also include enhanced service provision to Kingdown Secondary;

13. The developer shall be obligated to make provision of a bus stop/shelter and real time passenger information along the strategic spine road;

14. The developer shall be obligated to pay the remaining pro-rata contribution to finance the delivery of a new controlled Toucan crossing on Victoria Road to connect with WARM6 (Note: pooled developer obligations have been secured form the consented 14/06562/FUL Redrow 203 house development and the recently endorsed 15/01800/OUT application has an obligation to deliver this).

15. The developer shall be obligated to pay the remaining pro-rata contribution to finance the delivery of a new roundabout at Copheap Lane/Westbury Road/Portway (Note: pooled s106 developer contributions that have already been secured from Redrow's consented development based on a 20% pro-rata calculation, which would be used to part fund the works once a contract is entered into. The recently endorsed 15/01800/OUT has an obligation to deliver this);

16. The developer shall be obligated to pay £12,500 and the pro rata sum of £2,500 to fund the upgrades identified as necessary infrastructure improvement projects in relation to the Warminster Community Area Infrastructure Delivery Plan references WARWEST17 and WARWEST16 respectively;

17. The developer shall be obligated to pay for all the necessary costs associated to the WARM5 diversion order and pedestrian/cycle track orders to be enshrined within a s278 agreement;

18. The developer shall be obligated to deliver the on-site 3m wide shared pedestrian and cycle track to adoptable Council standards;

19. The developer shall be obligated to pay for all necessary temporary traffic regulation orders, including weight restrictions, prohibition of driving, parking and deliver the obligations and incentives contained within the Travel Plan (dated 18 July 2018 Ref: W16310 - TP03_C 17072018 Travel Plan Final Submission);

20. The developer shall be obligated to pay the sum of £53,572 for off-site sporting infrastructure provision to go towards improvements at the Warminster Rugby Club/Ground or Cricket Club/Ground;

21. The developer shall be obligated to enter an agreement with the Council in regard to providing all the necessary on site SUDs and land drainage attenuation infrastructure;

22. The developer shall be obligated to enter an agreement with the Council to establish the delivery timescales and provision of the public open space and the local equipped area of play (LEAP) as per the approved plan ref: WHL LSVR 005 B – Design for LEAP Rev B;

23. The developer shall be obligated to pay a Public Art contribution of up to £68,100 to be used to commission an art installation within the scheme to be delivered in line with the Council's guidance and in consultation with the Council's arts officer.

9.90 A s278 is necessary to establish sufficient securities to deliver the public highway/rights of way infrastructure improvement works. The developers would also be required to enter into a separate agreement with Wessex Water pursuant to obtaining the necessary new water and sewage infrastructure connections. These matters are suitably captured by planning informatives.

9.91 Separate to the s106 obligations listed above, this development proposal would be CiL liable. The exact CiL liability is projected to be circa £550k, although it should be noted that the allocation of CiL receipts from this development is not a matter for consideration by the committee and that Warminster Town Council will also receive the higher level CiL payment (due to the existence of the Warminster Neighbourhood Plan) that can help fund local infrastructure needs.

10 Conclusion (The Planning Balance) – The proposed development complies with the adopted Core Strategy and is informed by and conforms with the endorsed site allocation Masterplan. This application has been the subject of significant officer and developer negotiation, which has led to major revisions since the application was lodged with the Council in early 2017. The application, which is EIA development, is supported by a substantial amount of detailed appraisal work; and, as reported above, it is argued that sufficient and satisfactory robust information has been submitted within the Environmental Statement (ES) appraising the potential environmental effects pursuant to ecology, transport, our natural and historic heritage, land drainage and flood risk, public protection, as well as the landscape and visual impacts. Moreover, it is submitted that the ES and the application fully demonstrates that the proposal has properly taken such matters into account and that through appropriate mitigation measures, s106 obligations and robust planning conditions, the development is fully supported by officers and is recommended for permission.

11. RECOMMENDATION - Through taking into account the environmental information and all the material planning considerations outlined in this report, it is recommended that the committee delegates authority to the Head of Development Management to grant planning permission subject to the planning conditions and informatives listed below following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990 as summarised within paragraph 9.89 above.

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans list as contained within the Schedule of Plans report dated 24 July 2018.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garage hereby approved which is required to satisfy the on-plot parking standards, shall be converted to ancillary habitable accommodation without first obtaining planning permission.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety and to ensure there is adequate car parking provision.

NOTE: Future PD rights to convert garaging into additional ancillary habitable accommodation would still apply to plots that can accommodate the requisite parking provision on-site. This condition would only apply for plots/properties that rely on the garaging for off-street car parking.

4. No demolition or construction works shall take place on the site outside the following hours: 07:30 to 18:00 Mondays to Fridays; and 08:00-13:00 on Saturdays; and, at any time on Sundays or Bank Holidays.

REASON: In the interests of protecting the amenity of nearby residential properties.

5. The development hereby approved shall be carried out in full accordance with the noise mitigation recommendations as set out within the Addendum Noise Assessment (version 1 SLR ref: 422.00776.00050 ES Addendum Appendix 8.1) produced by SLR in March 2018 pursuant to glazing and ventilation components and sound abatement measures.

REASON: In the interests of protecting future residential amenity.

6. No vehicular access shall be made to the site for construction vehicles via the St Andrews Road cul-de-sacs during the construction phases.

REASON: To define the terms of this permission and in order to protect the amenities of local residents of the Broadway estate and to limit the adverse consequences of construction traffic.

7. No development shall take place on site until an archaeological watching brief has been submitted to and agreed in writing by the local planning authority. The watching brief shall include a written specification and agreed work practices that shall be followed should any archaeological remains be revealed whereupon works must stop to allow for archaeological appraisal. The written brief shall also include a scheme for allowing access at all reasonable times to any archaeologist nominated by the Local Planning Authority to observe site activities and any excavations and to record items of interest and finds, in accordance with the approved scheme.

REASON: To define the terms of this permission and to ensure that the development is undertaken in an acceptable manner that safeguards archaeological interests with the identification, reporting and recording of features of archaeological interest.

8. No development or works shall take place on site (including demolition, ground works and vegetation clearance) until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include but not be restricted to details in relation to (i) the confirmed routing and signing of construction delivery routes to the site; (ii) the measures to be employed to ensure the suppression of dust and noise arising from construction traffic and processes within the site; (iii) the provision and exact location of wet wash vehicle tyre cleaning facilities on the exit route from the site; (iv) the location(s) and extent of the site compound(s) to include provision for delivery vehicles to unload and turn within the confirmed compound area at all times with specific care taken to avoid compounds backing onto neighbouring residential properties.

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

9. No development or works shall take place on site (including demolition, ground works and vegetation clearance) until a Construction Environment Management Plan (CEMP) 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. Identification of potentially damaging construction activities;
- b. Measures (both physical measures and sensitive working practices) to avoid, reduce and mitigate impacts during construction on protected and other species including breeding birds, barn owls, badgers, reptiles, amphibians, dormice, hares, hedgehogs, and any other relevant species to include the controls of using oils and chemicals and removal of spoil and waste;
- c. Measures to avoid, reduce and mitigate harm to habitats features including hedgerows, trees and ponds;
- d. Details of mitigation measures which will be provided for loss of wildlife habitat including bird boxes, barn owl box, bat boxes;
- e. Details of pollution avoidance and control measures to protect watercourses and groundwater;
- f. Details of the location and use of generators and any temporary site accommodation including portable toilets;
- g. Details of any proposed pile driving operations (if it is to be within 200m of residential properties);
- h. The times during demolition and construction when specialist ecologists including Ecological Clerk of Works, need to be present on site to oversee works;
- i. Details of the on-site responsible persons and local resident point of contact;
- j. The identification of "Biodiversity Protection Zones" and use of protective fences, exclusion barriers and warning signs; and,
- k. The 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.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats in accordance with submitted ecological reports.

NOTE: There shall be no burning of waste materials on the site during the demolition and construction phases.

10. Notwithstanding the details submitted pursuant to the Victoria Road junction, no development shall commence until full engineering plan details of the proposed temporary traffic signalled controlled access to the site including details of its later change to a roundabout junction to serve both north and south sides of Victoria Road, have been submitted to and approved by the local planning authority. The submitted details shall include all local measures to facilitate pedestrian movement through the junction, including any temporary footways and the measures to be employed to ensure that future local disruption for the construction of a roundabout is minimised through appropriate road infrastructure provision. The junction shall be constructed in accordance with the details to be approved and prior to any other part of the site construction works commencing.

REASON: In the interests of road safety and sustainable transport opportunities.

11. No demolition, site clearance or development, including the construction of the signal controlled junction shall commence, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within any particular phase, until a Tree and Hedgerow Protection Plan showing the exact position of each tree and hedgerow and their protective fencing in accordance with British

Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

In this condition "retained tree and/or hedge" means an existing tree and hedgerow which is to be retained in accordance with the approved plans and particulars.

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

12. No dwelling hereby approved (pursuant to each phase) shall commence until a land contamination remediation strategy (steps ii, iii and iv below) and a verification report along with any necessary long term monitoring (steps v and vi) have been submitted to and approved in writing by the local planning authority; and that during demolition and the construction phases, the development proceeds in accordance with the on-site measures to be deployed and recommendations set out within chapter 9 of the geo-environmental analysis and final report (ref 6271t2676) produced by the Earth Science Partnership (which forms part of the Environmental Statement) dated January 2017.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in the former PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out. The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above.

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that the development does not pose unacceptable pollution risks to controlled waters or future users of the land and residents, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The previous site use as a working farm may have caused contamination of soils/subsoils/groundwater, which should be fully assessed. In addition the site is within a Source Protection Zone 3.

13. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until details of all internal roads, verges, junctions, street lighting, sewers, drains, any retaining walls, service routes, surface water outfalls, vehicle overhang margins, any embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, footpaths and associated works; and, details of street lighting, fire-fighting apparatus and fire hydrants, have been submitted to and approved by the local planning authority. Thereafter, the roads, paths and associated works shall be provided in accordance with the approved details.

REASON: To ensure that the highway infrastructure is of an acceptable standard.

14. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a phasing plan for the delivery of the roads and paths on the site has been submitted to and approved by the local planning authority. The phasing plan shall include details of when the internal footpath and cycle track infrastructure and connection made to WARM6 shall be completed and when the site distributor road shall be completed to connect with the distributor road on the adjacent Redrow Homes site.

REASON: In order to ensure that local sustainable transport infrastructure is delivered to an acceptable timescale, and to aid the implementation of Travel Plan initiatives.

15. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a foul water drainage strategy has been submitted and approved in writing by the local planning authority to secure the following:

- A detailed drainage scheme which refers to a phased construction programme and includes appropriate arrangements for the agreed points of connections, discharge rates and the capacity improvements required to serve the proposed development phasing; and following the approval of the strategy; and,
- The drainage scheme shall be completed in accordance with the approved details and following a timetable to be agreed in writing with the local planning authority.

REASON: To ensure that the appropriate foul sewerage infrastructure is available to service the site and to ensure that the development does not increase the risk of sewer flooding to downstream properties.

NOTE: The above condition will require multipartite liaison with the local lead flood authority, the environment agency and Wessex Water.

16. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a scheme for the discharge of surface water from the site to include the provisions and measures to prevent pollution of receiving groundwater and/or surface waters, a timetable for its implementation; and a construction management and maintenance plan for the lifetime of the development incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the phased development shall not be first brought into use until the surface water drainage provisions have been completed and connections are made available in accordance with the drainage scheme.

REASON: This matter is required to be agreed with the Local Planning Authority before development commences to ensure that the development is undertaken in an acceptable manner and to ensure that the development does not increase the risk of flooding.

NOTE: The formation of a Management Company is a s106 obligation to legally bind the permission. It should also be appreciated that discharging the above requirement will require multipartite liaison with the local lead flood authority, the environment agency and Wessex Water.

17. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a landscape delivery schedule for all the proposed tree and shrub landscape planting including the infilling of the existing hedgerow boundary have been submitted to and approved in writing by the Local Planning Authority. The schedule shall also identify the timescale provision of advanced strategic tree planting in communal areas and confirming the tree stock specification for the western and northern parts of the site in advance of the first phase of development; and, for the remainder of the scheme, the landscape planting (pursuant to each phase) shall be carried out in the first planting and seeding season following the first occupation of the related building(s). Any trees or plants which 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. The landscaping and hedgerow enhancement planting shall be implemented in full accordance with the agreed delivery timeframe and the location planting details as set out in the Schedule of Plans approved by condition 2.

REASON: This information is required to ensure that the phased development and proposed landscaping is undertaken in an acceptable manner.

18. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a lighting strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall:

- Show how and where external lighting would 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 would not result in light spill onto the nearby hedgerows;
- Specify luminaires, heights and positions of fittings, direction and other features e.g. cowls, louvres or baffles; and illumination levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011); and that,
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into hedgerows and trees, to ensure no illumination of the bat roost and to maintain dark foraging and commuting corridors for bats, particularly along the northern boundary hedgerow.

19. The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development delivers betterment in terms of the level of discharge of phosphates from the sewage treatment plant into the River Avon SAC.

20. The roads, including footpaths and turning spaces pursuant to each phase of development shall be constructed so as to ensure that, before each dwelling is occupied it 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: To ensure that the development is served by an adequate means of access.

21. No dwelling hereby approved (pursuant to each phase) shall be occupied until the necessary foul drainage infrastructure and capacity improvements have been completed in accordance with an agreed drainage strategy.

REASON: To ensure that the appropriate foul sewerage infrastructure is available to service the site.

22. No dwelling hereby approved shall be occupied 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) Details of the body (e.g. Management Company) responsible for implementing the LEMP
- b) Obligations and liabilities of the management company
- c) Identification of all communal ecological and landscape features to be managed on a scaled plan
- d) Aims of management for each feature
- e) Management prescriptions for each feature including timescales, equipment and manpower requirements
- f) 5 year work schedule capable of being rolled forward
- g) Outline management costs
- h) Mechanism for reviewing the plan

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

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.

NOTE: The LEMP should be written for the members of the Management Company who will include householders many of whom will have no knowledge or interest in landscape and ecology issues. It must explain the company's obligations and liabilities, identifying specific features and explaining how they need to be retained, protected and managed. It is best if it is a short document with a map showing the

relevant features and a work programme. Baseline surveys from the application should not be repeated as these detract from the main purpose of the report and make the document too cumbersome and detailed for its readership.

23. No dwelling hereby approved (pursuant to each phase) shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants

24. No dwelling hereby approved shall be occupied until the visibility splays shown on the approved plans have been provided with no obstructions to hinder visibility at or above a height of 500mm above the nearside carriageway level. Thereafter, the visibility splays within the scheme shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

25. No dwelling hereby approved (pursuant to each phase) shall be occupied until the enclosures, refuse storage and cycle parking respective to that dwelling has been provided in accordance with the approved plans.

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

26. That for the avoidance of any doubt, there shall be no vehicular access permitted to the site other than via the Victoria Road junction, unless and until the road connecting to the adjacent Redrow site has been completed and certified in writing by the local planning authority to be acceptable for use. Existing points of vehicular access to the site shall be closed prior to the commencement of the residential development (with the exception of the highway access works themselves) and their use prevented by means of an enclosure, the details of which shall require the written agreement by the local planning authority.

REASON: To ensure that access to and egress from the site is achieved in a safe manner.

NOTE: Construction traffic will only be permitted to access the site via Victoria Road.

27. The development hereby approved shall be completed in accordance with the submitted waste audit and management strategy.

REASON: In order to minimise waste production and the safe handling of any hazardous materials as well as ensuring that any waste is handled and transported in full accordance with the duty of care in full compliance with environmental requirements.

Planning Informatives

1. The applicant is required to contact Wessex Water and agree any diversion of the existing water main that runs through the site. The existing water main and associated 6m easement must be maintained following any agreed diversion with Wessex Water. Water Supply network modelling would be required to determine if any off site reinforcement is required to accommodate extra demand on supply generated by the development. Buildings above two storeys would however require on-site boosted storage.

2. The applicant is advised that any works or alterations made to the existing watercourses or connections to them require separate land drainage consent from the appropriate drainage authority. In this case, the environment agency and lead local flood authority would be the appropriate bodies.

3. The development should include water efficient systems and fittings. This could include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating. Greywater recycling and rainwater harvesting could also be considered.

4. An appropriate submitted scheme to discharge the condition 19 would include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of

110 litres per person per day (lower figure given within Building Regulations Part G). The site is within the catchment of the Hampshire Avon River (SAC/SSSI) catchment which is already over-abstracted. Water efficiency measures can help to relieve abstraction pressures.

5. The applicant is advised that the local authority will require an indemnity in order to operate on any road within the scheme that serve any houses that are not formally adopted, even on a temporary basis whilst the development is being completed. The applicant should refer to Appendix C of the Council's Waste Management guidance which includes a sample indemnity agreement.

6. The Wiltshire Fire & Rescue Service recommends the provision of the following as part of satisfying Building Regulations and reducing the risk of death, injury and property damage:

Sprinklers work from a standard main, although a 32mm connection is required. They are inexpensive to install, particularly in a new building. They do not activate by accident causing unwanted damage. They only operate through individually activated heads, not the whole system. They can be designed to fit flush to the ceiling behind a flat cover. They cause less water damage in a fire than normal fire-fighting operations. They significantly reduce fire and smoke damage.

7. The applicant is furthermore encouraged to enter into a CoPA (Control of Pollution Act) s61 agreement with the Council to secure details on the construction phases, the construction compound locations, the hours of work, the delivery routes, the proposed plant and equipment to be used, identifying noise/vibration generators once the specific construction programme and plant type are known as well as identifying the measures to be adopted to minimise noise/vibration impacts (with community liaison, control measures and compliance monitoring schemes).

8. The applicant is encouraged to make contact with the Council's local highway authority pursuant to the necessary s278 agreement.

9. To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

10. 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

17/01463/FUL
Bugley Barton Farm
Land South of Victoria Road
Warminster



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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	15th August 2018
Application Number	17/07793/FUL
Site Address	Wavin Ltd Parsonage Way Chippenham Wiltshire
Proposal	Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing.
Applicant	Mr Roger Taylor – Wavin Ltd
Town/Parish Council	Chippenham Town Council/Langley Burrell Parish Council
Division	Chippenham Monkton/Kington
Grid Ref	392671 174687
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called in for Committee determination by Councillor Greenman to consider the impact of the proposals on the character and appearance of the area, residential amenities and highway network;

Also called in by Councillor Nick Murry to consider the impact to the economy of the locality.

The application is reported to the Strategic Planning Committee given the relationship and potential impacts to neighbouring strategic development sites and allocations.

1. Purpose of Report

To consider the proposed development in the context of national guidance and adopted development plan policies and site specific impacts and recommend that authority be delegated to the Head of Development Management Services to grant permission subject to the conditions recommended below; and the signing and completion of a section 106 agreement to meet identified highways requirements within 6 months of the date of the Committee resolution.

In the event that the applicant declines to sign and complete the S106 agreement within this timeframe to refuse permission on the basis of conflict with Wiltshire Core Strategy (Jan 2015) CP3 CP34(ix) CP57 (ix) CP60 CP61 CP62; and paragraphs 11 and 108 (b) 109 110 of the National Planning Policy Framework (July 2018)

2. Report Summary

The application has been the subject of full consultation through site notice, press notice and neighbour notification. The proposals have been the subject of revisions and additional information submission and a minor amendment to the site boundary. Consequently three periods of consultation have been undertaken.

10 representations of objection received in total.

Chippenham Town Council - no objection.

Langley Burrell Parish Council (multiple detailed submissions) – in summary object.

Key Issues raised by the application:-

- Principle of development and development plan compliance
- Highways impact
- Ecological Impact
- Drainage Impact
- Heritage asset impact
- Impact to the character and appearance of the locality
- Impact to Residential Amenity

3. Site Description

The application site comprises approximately 2.55 hectares of relatively flat land featuring mature and well established field boundaries with onsite mature trees. The site is crossed by a right of way with further rights of way to the north and west. A rail line is situated to the east. Parsonage Way is situated to the south with a stream running immediately adjacent and north of the road between it and the application site and the Meads Heath Causeway / B4069 road running adjacent to the west. To the north of the site is the Grade II* Listed Building - Kilverts Parsonage. Further to the north are the villages of Kington Langley and Langley Burrell. To the south of Parsonage Way lies the established employment area which includes the main Wavin Factory site.

The application site straddles the defined framework boundary of Chippenham but with a significant part of the site located outside the town and therefore in the open countryside. The site is not allocated for any form of development but benefits from previous grants of consent which are largely implemented. The site is not subject to any nature conservation or other designations but is within an area of known archaeological potential and has features/habitats of potential ecological value.

Development permitted under application reference number 15/04763/FUL has largely been implemented and so the land is now subject of external storage of manufactured drainage products; car parking, ancillary staff accommodation and the internal haul road including site bunding. A Rights of way diversion proposal remains under consideration and is handled by the Council's rights of Way team.

To the west of the site development has commenced in respect of the permitted North Chippenham Land at Birds Marsh site. Applications have also been submitted and are under consideration for the development of the allocated land at Rawlings Green to the east of the site.

4. Planning History

14/10828/FUL	Factory Extension of 8200sqm with Nine Storage Silos, Construction of Two Linked Storage Warehouses of 1300sqm, Extension to Existing Warehouse of 600sqm and Provision of Temporary Office Facilities - Approved
15/00017/FUL	Creation of Temporary Car Parking Hardstanding. - Withdrawn
15/04763/FUL	Proposed Construction of Car Park & Storage Area - Approved

5. The Proposal

The application description of development is as follows:-

Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area.

In summary the proposals are for the use of the existing internal haul road as a replacement for Parsonage Way which will be closed and used for external storage. Two road junctions (roundabouts/gyratory) are proposed at the eastern and western ends of the haul road to facilitate its use as a distributor road and provide linkages to the neighbouring development sites. Additionally a crossover link is proposed from Parsonage Way to the existing external storage area. To a large extent the proposed development re-orders the highways arrangements making use of existing infrastructure with relatively limited new build development involved.

6. Planning Policy

National Planning Policy Framework (NPPF) (July 2018)
Paras 11 38 47 80 82 108 109 110 111 163 165 170 175 180 189 190 192 193 197

Wiltshire Core Strategy (WCS) (Jan 2015)
CP1 CP2 CP10 CP34 CP50 CP51 CP57 CP58 CP60 CP61 CP62 CP65 CP67

Saved Policies of the North Wiltshire Local Plan (NWLP) (June 2006)
NE12 NE14 NE18

Langley Burrell Neighbourhood Plan (Made October 2017)
Parish Build Policy 1 (PB1)
Landscape Policy 1 (LP1)
Heritage Policy 1 (HP1)
Heritage Policy 4 (HP4)
Natural Environment Policy 1 (NE1)

Chippenham Site Allocations DPD
CH2

Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

A screening opinion was issued in respect of the scheme proposals and this was revisited and updated when the scheme proposals, including application site boundary, were

amended. The Opinion concluded that an environmental impact assessment was not required.

7. Consultations

The following sets out the position following 3 consultation periods and the consideration of the final scheme revisions and additional supporting information submissions.

Chippenham Town Council - no objection subject to consideration being given to sustainability and cycle paths .

Langley Burrell Parish Council (multiple detailed submissions) – Objection. Whilst recognising that there are potential benefits a range of detailed concerns as to the impact to the locality and residents of Langley Burrell are identified. These are summarised below:-

- Contravene the principles and policies of the CSAP
- Contravene the Landscape Visual Assessment conducted for the CSAP
- Will cause chaos on the B4069 approach to Chippenham and block the Langley Burrell exit at the T junction and contravenes NPPF on severe traffic impacts
- Does not prioritise pedestrians and cyclists who will be subject to substantial extra dangers in navigating the B4069 and therefore contravenes the Wiltshire Core Strategy and the National Planning Policy Framework.
- Creates a dogleg whereby the B4069 effectively becomes part of the ring road. This was contrary to the requirements of the Inspector who was adamant that a link road as per CSAP should be implemented or equivalent measures. This is not an equivalent measure. This will also take light pollution further into the countryside.
- Will expand the obstruction between the two Langley Burrell footpaths on either side of the B4069
- The insufficient spacing between the roundabouts will provide a logjam back on to the adjacent roundabout, blocking access for those who want to go around the roundabout rather than access the blocked exit.
- It is an inefficient solution to what is a much-needed ring road. . No ring road is designed or constructed as proposed by Wavin Ltd
- Pedestrian and cycle crossings are uncontrolled. Contravenes policy on priority to Pedestrians and cyclist
- There is still no extension to the landscaping bund
- There is no link to LBUR 5 contrary to Wiltshire Core Policy and also Government Policy
- The amended proposals still show the removal of some existing trees
- The amended proposals still show the retention of the gap in the line of trees made on the pretext of overhead lines, which were then undergrounded
- New proposal for eastern roundabout will create more noise as traffic slows and accelerates.
- Covering letter makes spurious claims including that the harm to Kilvert's Parsonage and Langley Burrell will be less than substantial

Historic England – Identify that the proposal will cause harm, albeit less than substantial, to the setting of the Grade II* listed building at Kilvert's Parsonage and that the Council should therefore bear in mind the statutory duty to have special regard to the desirability of preserving the setting of the listed building. It is for the Council to balance the public benefits of the proposal against the harm caused to the setting of the listed building.

Wiltshire Council Conservation Officer – Identifies that the proposal will cause less than substantial harm to the setting of the Grade II* Kilverts Parsonage, but in the upper half of that scale, thereby in conflict with the national policies in the framework. This needs to be balanced against any public benefit that may arise.

Wiltshire Council Highways – no objection subject to conditions and a S106 agreement.

Wiltshire Council Spatial Planning – No objections. The current alignment and existing route, without any re-alignment, is fit for purpose. From the planning policy perspective, any proposed re-alignment must not be prejudice or delay a proposal important to the future development of the town. The Langley Burrell Neighbourhood Plan (LBNP) articulates how the rural character leading up Chippenham's urban edge needs to be protected. These requirements, however, do not appear to have been addressed explicitly within the settings assessments submitted by the developer. Whilst a matter for specialist input it is not clear whether the proposals conform to policies of the LBNP.

Wiltshire Council Landscape Officer – no objection but maintains concerns regarding impact of any lighting of the haul road along its length through the site.

Wiltshire Council Drainage – No objections subject to conditions

Wiltshire Council Ecologist – No objections subject to conditions

Wiltshire Council Archaeology – No comment

Wiltshire Council Trees Officer - No objection subject to conditions

Wiltshire Council Rights of Way – no objection

Natural England – No objections

Wessex Water – No objections

8. Publicity

The application was advertised by site notice, neighbour notification letters, notification to local organisations including Town and Parish Councils in the vicinity and through press notice.

8 representations of objection received in total during the 3 periods of consultation and these comments made and concerns raised can be summarised as follows:-

- Proposed works including junction arrangements on the B4069 will create highways hazard and safety issues
- Proposals do not take full account of permitted and proposed development in this locality or the aspirations to form a northern relief road
- Light pollution needs management through landscaping and planting
- Existing operations at the site result in noise and light pollution resulting in harm to residential amenities
- Harm to the character, appearance and visual amenity of the locality through urbanisation
- Supporting information is inaccurate
- Harm to the setting of designated heritage assets
- Additional landscaping is required to mitigate the visual impact of the existing and proposed development
- Inadequate consultation with local residents
- Proposed development is unjustified until the Rawlings Green Development is in place.
- Proposals inadequate to cope with and accommodate projected future traffic flows

- Priority for pedestrians and cyclist is not met and so conflicts with adopted policies
- Loss of trees and resulting harm to the character and appearance of the locality
- Conflict with the Chippenham Sites DPD
- Harm to users of rights of way in the locality

In addition it should also be noted that the applicant team for the Rawlings Green Development has submitted multiple representations of objection to the scheme proposals. In summary they consider that the submitted details are insufficient to demonstrate that the proposals can be delivered without prejudicing delivery of the rail bridge that provides access to the Rawlings Green site.

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); and the Langley Burrell Neighbourhood Plan (Made October 2017).

9.1 Principle of development and development plan compliance

The proposals are intended to optimise the use of an employment related activity at the Wavin Factory site by better integrating the factory and related land with the permitted external storage and parking area to the north of Parsonage Way. The application site is largely outside of the defined settlement boundary for Chippenham and therefore within the open countryside. Similarly the application site is largely outside of the defined established employment area within which the principal factory is located and is not expressly allocated for any form of development. The application site can however in large part be considered an existing employment location and one that is with the B2 Manufacturing sector. In this context the application proposals principally fall to be considered against CP34 of the WCS although other policies of the plan are relevant in respect of certain specific issues and material circumstances and constraints related to the site. These are addressed under specific headings below.

With respect to CP34 it is considered that the proposals meet the relevant provisions and criteria of this policy. Firstly the proposals relate to a B2 employment use. As noted the site is located directly adjacent to the principal settlement of Chippenham as required by criterion (i).

Additionally the enhancement of the Wavin employment operation is considered to be essential to the wider strategic interests of the economic development of Wiltshire. Wavin is a major local employer at one of the three principal settlements in Wiltshire. The operation also relates to an employment sector – B2 manufacturing which is of strategic importance to the Wiltshire Economy especially in terms of Chippenham. As such there is alignment with criterion iv subject to meeting the further requirements of criteria v – ix. In this respect criterion v requires that proposals meet the sustainable development objectives of the Core Strategy. One such objective is enhanced self-containment at the principal settlements, market towns and Local Service centres. Retaining and enhancing employment uses in a key employment sector – support for an existing major employer – is considered to address this requirement.

Criteria vi requires proposals to be consistent with their scale and location and not adversely affect nearby buildings or amenity. Amenity is addressed further below but given the nature of the proposal as referenced above i.e. limited additional new build/construction and rearrangement of existing development at the site – it is considered that this requirement is addressed.

Criterion vii requires that proposals are supported by evidence that they are required to benefit local economic and social needs. This is already referenced above in that the proposal involve the enhancement of the employment operation of a major local employer at one of the Council's 3 principal settlements in a key local employment sector. In addition the applicant team has submitted supporting statements that set out the economic benefits to the operation of the proposed development. The objectives of this criterion are met.

As the proposals involve the enhancement of operations at an existing major employer within their existing site boundaries it is not considered that the proposals undermine the delivery of strategic employment allocations.

Criterion ix requires that proposals be supported by adequate infrastructure. The revised proposals are considered to address this requirement in full by now including appropriate and acceptable road junctions at either end of the alongside adequate and appropriate drainage provisions. The site as noted is well related to the principal settlement of Chippenham which has significant supporting infrastructure.

In terms of principle it is also pertinent to consider the provision of the Chippenham Site Allocations Plan (CSAP) and other relevant material considerations including the Langley Burrell Neighbourhood Plan (LBNP) and extant consents and live applications on neighbouring/adjacent sites. In this context consent exists on land to the west for major residential development. Implementation of consents is now underway and the application proposals have potential implications in this respect. Similarly on land to the east of the application site, known as Rawlings Green/Rawlings Farm, there is an allocation CH2 in the adopted CSAP for major residential development forming one of the strategic residential site allocations for the principal settlement of Chippenham. There are also live applications before the Council related to this allocation including the construction of a railway bridge over the adjacent rail line providing a key site access for the residential development with direct links to Parsonage Way and forming part of the longer term proposals for highway network provision supporting development at Chippenham. It is essential that the application proposal accords with and does not prejudice delivery of these sites. Initial application proposals were considered to fail in this particular respect. The road linkages at the eastern and western ends of the existing haul road were not appropriate and did not provide linkages that were acceptable in highway safety terms. This matter is addressed in further detail below but in summary revised details have been submitted and assessed by Highways Officers and found to be acceptable and appropriate. The current revised proposed scheme with necessary conditions as recommended below is not considered to prejudice the delivery of these strategic sites. Consequently it is not considered that the proposals conflict with relevant development plan policies.

With respect to the LBNP policy PB1 is considered relevant to the principle of development as proposed at this site. Other plan policies are addressed under issue specific headings below. With regards to Policy PB1 proposals located on the edge of Chippenham (as is the case here) are acceptable where they have taken into account impacts to the rural setting of that locality and sought to address any impacts including cumulative impacts with appropriate mitigation measures including landscaping. Impact to the character and appearance of the locality is addressed in further detail below. However the application is supported by a landscape and visual impact assessment and does incorporate landscaping

measures. It is important to note that the previously approved development incorporated retention of existing landscaping features including mature trees whilst also including a significant landscape bund subject to additional planting. The current proposals retain and augment these features. Also as noted already the physical development proposals are limited to two new road junctions at the eastern and western ends of the site and the cross over linking the storage areas alongside use of the Parsonage Way road carriageway for external storage. Much of these works are contained within the existing site boundaries and indeed within the centre of the site and effectively screened by existing development and landscape and planting. To the western end of the site a road junction arrangement had already been approved as part of the North Chippenham development. The application proposals do alter and extend the works here but are again within the centre of the development areas already underway or implemented at Wavin and North Chippenham/Birds Marsh and it is not considered that they would cumulatively significantly alter the rural character of the area beyond. Given this position it is not considered that there is conflict with LBNP policy PB1 such that the development is in conflict with the development plan and should be refused on this basis.

Taken together and subject to the consideration of matters of detail in relation to other development plan policies as addressed below it is not considered that the development proposals are unacceptable in principle being in accord with the relevant policies of the development plan and national guidance including WCS CP34 (i) (iv), LBNP PB1; and paras 11 80 83 of the NPPF.

9.2 Highways impact

The application involves significant works to the highways network in a location where major development is underway and is proposed. Additionally the proposals affect Parsonage Way which forms part of longer term proposals for the creation of the eastern link road for Chippenham. There are therefore strategic implications related to the development proposals and the impact on delivery of strategic development is a material consideration.

Highways officers have given detailed consideration to the scheme proposals and fully assessed the submission both in their own respects and with regard to the wider strategic implications. Detailed consideration has been given to the implications for delivery of major development at the adjacent sites including the submissions of interested third parties on this issue. Officers raised objection to the initial proposals as submitted both in terms of technical highways operation and safety; and that the delivery of the CSAP allocation CH2 would be prejudiced. In particular officers identified that the detailed design specifications for the haul road as it relates to the phase 2 Wavin area was inappropriate for the proposed function as a distributor road. This was in relation to sight lines and stopping distances, given the width specifications and treatments to boundary planting, fencing and related footpaths within the proposed carriageway. Detailed objections were raised in respect of both the eastern and western end junction arrangements and their connections to the adjoining permitted and proposed developments. The roundabout arrangements and related restrictions and arrangements on the B4069 northward were identified as unsafe and not in accord with the approved detail at the North Chippenham site. Similarly the junction arrangements as they were proposed to relate to the railway bridge providing access to the Rawlings Green allocation and development proposal were identified as unsafe.

Subsequent to this detailed discussions took place between the Council's Highway Officers and the applicant's consultant team including highways engineers. Meetings were also held to discuss possible options for addressing and resolving concerns. Following this revised proposals were submitted and have been the subject of full consultation. These revised proposals sought to amend the detailed layout arrangements for the haul road; proposed a gyratory roundabout junction with the North Chippenham development and related

specifications for the B4069; and proposed a roundabout at the western end of the site with linkages to the proposed Rail Bridge providing access to Rawlings Green site. The revisions required a minor amendment to the red line application boundary and so the proposals were the subject of a full new consultation exercise.

Officers have assessed the revised submissions, with Highway Officers examining the proposals in detail. The revised junction arrangements and related haul road and B4069 specifications and details are now considered to be technically appropriate and acceptable from a highways perspective. Specifically officers do not consider that the proposed junction arrangements at either end will conflict with approved details on other sites or prevent and prejudice delivery of the permitted and allocated development sites at the eastern and western locations adjoining the application site. Officers consider that the outstanding technical specification details, including proposed levels, can safely and appropriately be secured via the use of conditions. In this context officers have fully considered the submission of objectors and specifically those of the Rawlings Green applicant team. It is relevant to note that a S278 agreement under the Highways Act will be required for the works proposed and this will provide full technical details. Such an agreement will not be entered into without such detail and confirmed delivery. Other conditions and S106 requirements are also identified as necessary and reasonable by officers and these are included in the list of conditions below. S106 requirements have been agreed as acceptable in heads of terms discussion with the applicant. The applicant has confirmed agreement to enter into a section 106 agreement/planning obligation to address these matters. On this basis the Highway Officer has removed objections to the scheme proposal and identifies no conflict with development plan policy or national guidance WCS CP34 (ix), CP57 (ix), CP61, CP61; CH2 CSAP; and paras 11 & 109 NPPF.

9.3 Ecological Impact

The application proposals, including the revised scheme proposals, were supported by Ecological appraisals which reviewed and revisited previous assessment undertaken in respect of the phase 2 scheme proposals. Natural England raises no objections in this respect. The Council's Ecologists however identified requirements for additional survey work in the immediate environs of the site given local circumstances. These information requests were addressed in full by the applicant team and additional submissions made. The assessments identified some on site and off site ecological interest both in terms of species and habitat that are affected by the scheme proposals. This includes in relation to grassland, hedges, trees and shrubs, newts and birds. The application site falls within the zone within which species could migrate and so raises potential for harm and conflict. Consequently the assessments proposed mitigation measures to include survey, collection and translocation to nearby habitat; replacement planting and grassland creation within the site; appropriate protective fencing for species and woodland during works; and appropriate seasonal timing of construction works and/or monitoring and review of operations by qualified Ecologists.

The Council's ecologists have reviewed the proposals and considered these to be acceptable and appropriate such that necessary Natural England Licences would be forthcoming. As such no objections are raised subject to appropriate conditions to secure the identified mitigation measure. Such conditions are proposed in the list below.

On this basis it is considered that the proposals accord with CP34 (v), CP50, CP57 (I & ii); Saved NWLP policy NE12; NE1 LBNP; and paras 11 & 175 of the NPPF.

9.4 Drainage Impact

The application submissions were supported by detailed site drainage proposals in plan form. Similarly the application proposals are supported by detailed plans specifying

engineering layout and landscaping proposals for all the works. The drainage proposals include both on site attenuation; flow control proposal; discharge to watercourses on site and off site. Additionally the works, including the erection of the crossover, require culverting of the watercourse that runs through the site north of Paronsage Way. As such a Land Drainage Consent from the council as Lead Local Flood Authority is required. Submissions have been made to the Council and the consent has subsequently been granted. The details approved have been used to inform the application submissions.

The Council's Drainage Officers have reviewed the scheme proposals throughout the application process at the site and reviewed in detail the current submissions. Initial holding objection was raised by officers as detailed queries were raised in respect of certain aspects of the drainage scheme as it related to existing and proposed highways drainage in the vicinity of the site; and the relationship and available information in the application in terms of consistency with the Land Drainage Consent details.

Drainage engineering consultants for the applicant team provided detailed responses and clarifications to the issues and queries raised by officers confirming that the drainage details were in full accord with the LD consent issued. Following the further submissions and clarifications Drainage officers have removed their holding objection subject to conditions which they consider can be very quickly discharged given the LDC issued.

Wessex Water raised no objections and identified that foul drainage was capable of being addressed by the existing network by agreement. No further details were sought via use of conditions.

On this basis it is considered that the proposals accord with the requirements of WCS CP34 (ix), CP57 (ii), CP67 & CP68; and paras 11, 163 & 165 of the NPPF.

9.5 Heritage Asset Impact

The application site falls with the setting of designated heritage assets, in particular Kilvert's Parsonage, a grade II* listed building which is located to the north of the site; but also the listed railway bridge to the east. The application proposals also have degree of inter-visibility with other designated assets including the Langley Burrell Conservation area and a number of listed buildings in Langley Burrell. The site is also in a locality with known archaeological potential. Consequently the application and revised scheme proposals have been supported and informed by Heritage Impact Assessments as required by national guidance; whilst consultation with Historic England and the Council's Conservation officers and Archaeologist has been undertaken.

The significance of the designated heritage assets arises from their evidential, historical, aesthetic and communal values. The submitted assessment identifies that..... *there are no designated or non-designated assets within the boundaries of the Site. There are several assets of largely medieval or post-medieval date which have been identified within a 500m radius. Archaeological features and deposits of immediate post-medieval date were also found to have been preserved within the original Wavin compound site, excavated in 2016. In addition, the entire area of the Site was previously examined in 2015 by a geophysical survey and a limited number of anomalies sampled by C1 by archaeological field evaluation. This demonstrated that the archaeological features and deposits were limited to an area in the northern part of the Site, directly south of Kilvert's Parsonage and extending beneath the internal roadway. Subsequent excavation of this area revealed an undated rubble floor and a culvert associated with 16th and 17th century glass and other finds. As such, it is unlikely that any potential minor groundworks that might be carried as part of the proposed changes would impact any archaeology. There are a number of heritage assets of the highest*

significant within the research area which have potential intervisibility with the Site, and which may benefit from further consideration of any potential impact on their setting.

The Council's Archaeologist had no comment to make given the findings of the assessment and the previous work undertaken in respect of the archaeological resource.

Both Historic England and the Council's Conservation officer identify that the proposal will result in harm to the setting and thereby significance of designated heritage assets. The Council's Conservation Officer identifies that both the works proposed to the highway network and the previous works of mitigation have and will affect the setting of heritage assets, in particular Kilvert's Parsonage. In addition that when take together with the development taking place at North Chippenham there is cumulative harm to the setting of designated heritage assets in the locality. In terms of the guidance in the NPPF the harm identified is less than substantial. It is considered that this is within the upper half of the range. There is therefore conflict with CP34 (v) & (vi), CP57(i) and CP58; and LBNP HP1 & HP4; and paras 192 & 193 of the NPPF and Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore necessary under the provisions of the act and national guidance to consider what if any material consideration would indicate and support a decision otherwise than in accord with the development plan.

In this context the NPPF is a material consideration of significant weight. At para 196 it identifies that where less than substantial harm is identified this harm should be weighed against the public benefits of the proposals. This requirement is reflected and further defined in relevant case law in particular the Barnwell and Forge Field High Court judgements. Here it is identified that great weight should be given to the statutory requirements to preserve heritage assets and that any harm that is caused requires very clear and convincing justification and that the public benefits of a scheme proposal must very clearly outweigh the harm. In making such assessment it is also necessary to consider if such benefits could be achieved in a different way that would not result in the harm that is identified.

In this instance the benefits are considered to be significant and substantive. They include the benefits to the local economy of the improved operation and efficiency of a major local employer; the ongoing financial investment in the business and major employment operation in a principal settlement; the benefit to local employment within a key sector of the economy; and through the construction activity that would take place. Additionally the proposals support the longer term aspirations for an improved highway network in and around Chippenham including an Eastern Link Road; also in that the proposals provide the required linkages that support the delivery of major resident development sites to the north and north east of Chippenham including strategic housing allocations. The proposals support the retention of a major local employer in a key employment sector at one of Wiltshire's three principal settlements. This supports the achievement of key aims and objectives informing the development strategy of the development plan, in particular, reducing out commuting. These are public benefits of significant weight.

The harm identified is less than substantial and toward the upper half of the scale. The harm relates to the setting of designated heritage assets rather than involving physical works to and loss of the fabric of a designated asset; and conflict with the relevant policies of the development plan. Taking into account the requirement to give great weight to the preservation of assets it is considered that the harm identified is limited and is outweighed by the benefits arising. It is therefore considered that under the provision of the NPPF there are material considerations that support a determination that is otherwise than in accordance with the development plan in relation to this particular matter. The overall planning balance taking into account any other site specific impacts and material considerations and circumstances is addressed in the conclusion below.

9.6 Impact on the character and appearance of the locality

The site is located on the northern fringe of the settlement adjacent to open countryside including local neighbourhood plan designated open spaces and sensitive receptors such as the village of Langley Burrell and public footpaths to the north of the site. The site is visually prominent in a number of localised short and middle distance views. Significant development is underway on a neighbouring site and allocated at a further neighbouring site. As such the locality is subject to significant change through urbanisation that is affecting and has the potential to affect the character appearance and visual amenity of the landscape. Consequently the proposals including revised scheme are supported by Landscape and Visual impact assessments (LVIA). The revised scheme submissions included significantly revised landscaping proposals.

As previously identified the scheme proposals involve a relatively limited amount of additional physical development. It is considered that the proposals with the potential to result in impacts include the two new junction arrangements and related works; the use of Parsonage Way for additional external storage; additional traffic utilising the haul road; and the removal of some existing vegetation. It should however be noted that the proposals do also include undergrounding of a major overhead power cable and this has the potential to result in a positive impact to the visual amenity of the locality.

It is considered that the LVIAs appropriately assess the site, character of the locality and impact of the proposals in context in accord with national guidance, development plan policy requirements and good practice. The assessments conclude that:-

The proposed Stockyard extension will have No Significant Effect on the landscape features of the site and its surroundings in the long term.

The proposal will result in one long term localised adverse visual effect from the north end of Parsonage Way which is of Moderate Significance.

This is balanced by the long term beneficial visual effects brought by the proposal across a number of local and short distance views beyond Parsonage Way, some of which are of Minor Significance.

The proposal has No Significant Effect on middle or long-distance views.

It is considered that the proposal is well designed in relation to the landscape and visual characteristics of the site and its surroundings, integrates well with its setting and on balance is appropriate in terms of the resultant landscape and visual effects.

Mitigation is proposed through the retention of key existing landscape features in the site including the central copse of mature trees; retention and replacement of boundary hedgerows; retention of the site boundary bunding and additional boundary planting. In the latter respect the revised scheme proposals significantly revise the proposed additional planting.

The Council's Landscape officer has considered the scheme proposals and supporting submissions and is very familiar with the site and the locality. Initially objections were raised particularly on the basis of the anticipated lighting impacts of the scheme including lighting of the haul road; the inadequacy of the proposed landscaping scheme in mitigating visual impacts; and the location and positioning of cycle/pedestrian facilities and limited linkages to the wider network. Less concern was expressed in terms of the additional external parking or impacts of the proposed junctions.

As noted the revised scheme proposal includes a significantly revised landscaping scheme with extensive additional planting proposed to the northern and eastern site boundaries and the cycle/pedestrian route adjacent to the haul road has been repositioned to the south. The landscape officer advises that the revised scheme with revised and additional planting and landscaping proposals is a significant improvement upon the initial submission and addresses almost all concerns previously raised. Officers considered that concern and potential harm remained in respect of lighting of the haul road route. In this latter respect it must be noted that Highways officers have confirmed that given the proposed speed limit on the haul road no lighting will be required except at the junctions. As such it is considered that the landscape and visual impact concerns in this respect are significantly reduced if not addressed in full.

On this basis it is considered that as with all development there will inevitably be impacts to the character and appearance of the locality. In short and middle distance views these are not considered to be so significantly harmful as result in conflict with the development plan and national guidance as to warrant refusal on this basis. The proposals are considered to broadly accords with the provisions and requirements of CP34 (v) & (vi), CP51, CP57 (i) (ii) & (vi); NWLP Saved policies NE12 NE14; LBNP PB1 LP1; and paras 11 and 170 of the NPPF.

9.7 Residential Amenity

Given the nature of the development proposed and the existing development at the site, it is not considered that the proposed physical development and the revised access arrangements and traffic movements will result in significant harm to existing residential amenity. Additionally it is not considered that harm will arise in the context of the future residential amenity of residents of the planned and permitted development to the east and west of the site.

On this basis it is considered that the proposals accord with WCS CP34 (v) & (vi), CP57 (vii); NWLP Saved Policy NE18; Paras 11 & 127 of the NPPF.

9.8 Other Matters

Section 106 Planning Obligation

An agreement is required to address the following requirements:-

- funding of a traffic regulation order to address on-street parking on the alternative 'haul road' and surrounding roads (historically many local employees have used Parsonage Way on-street parking);
- adequate space within the adoptable limits of the works to ensure that the delivery of the permitted railway bridge, including any necessary space for embankment slopes and visibility splays, and public access thereto is not prejudiced;
- a commuted payment in relation to drainage structures which employ non-standard structures and facilities;
- a maintenance arrangement in relation to the earth bund along the northern side of the 'haul road';
- an agreement to replace lost formal car parking resulting from the proposals with alternative on-site car parking spaces;
- the return to the highway authority of any required assets resulting from the stopping up of Parsonage Way;

- reasonable endeavours to ensure that the delivery of the railway bridge by others is not delayed or its construction prejudiced in any way as a result, directly or indirectly, of the design or implementation of the proposed works.

Right of Way

The site was crossed at the western end by a right of way running in a north south direction. The planning related implications for the right of way of the phase 2 development were considered under application reference 15/04763/FUL which was approved and has been implemented. The current proposals do not alter that position or the impact to the right of way. It is understood that the right of way has now been legally stopped up through the requisite process in the courts.

10. Conclusion

The proposed development is relatively limited in physical terms consisting of two roundabout junction arrangements and a cross over area of hardstanding. The change in use and activity is more significant entailing additional external storage on the road area currently forming Parsonage Way; and the redirection of traffic from Parsonage Way onto the current internal haul road. There are also wider implications in respect of the delivery of neighbouring strategic residential development sites and the integration of Parsonage Way or the haul road as part of longer term aspirations for the creation of an Eastern Link Road for Chippenham. There are also consequential necessary works arising from the proposals including culverting of the existing watercourse along part of its length; hedgerow removal and replacement; significant additional landscaping and planting; and the undergrounding of overhead power lines. As such whilst seemingly limited in scope the development proposals are of significance and some degree of complexity.

Consequently it is not surprising that the proposals have been subject to several revisions and additional supporting information submissions during the course of determination of the application. All iterations and submissions have been the subject of full consultation and assessment by officers and statutory consultees.

In terms of the principle of development it is considered that the proposals meet the requirements of the development plan and national policies. The proposals can be seen to accord with the provision of WCS CP34 and PB1 of the LBNP. This is an existing major employer in a key employment sector, situated on land adjacent to and within the principle settlement of Chippenham. The proposals have been revised to include appropriate details in terms of infrastructure works and landscaping and planting to help mitigate the visual impact of the development and reflect and respond to the character and appearance of the locality as required by policies. Furthermore the scheme proposals have been revised in detail to ensure that development would not prejudice the delivery of other major plan objectives including the delivery of allocated sites within the CSAP DPD, and major consented development in the locality.

In this context the site specific impacts of the development proposals have been found to be acceptable in terms of Highways impacts, Ecological, Drainage, Landscape and Visual, Trees, residential amenity and Archaeological impacts and constraints. There are no objections from any of the statutory consultees or Council officers in respect of these matters subject to the use of conditions and a S106 agreement/Planning Obligation to secure necessary highways works and provisions. As such the proposals are considered to meet the requirements of the Development plan and accord with WCS Policies CP34 (v) (vi) (ix), CP50, CP51, CP57 (i) (ii) (iii) (vi) (vii) (ix), CP61, CP62, CP67, CP68; Saved NWLP policies NE12 NE14 NE18; LBNP LP1, NE1; CSAP CH2; and paras 11 38 47 108 109 110 111 163 165 170 175 of the NPPF.

The proposals and in particular the gyratory roundabout and additional landscaping at the eastern end of the site as it adjoins the B4069 and the north Chippenham/Birds Marsh Development are assessed by Historic England and the Council's Conservation Officer as resulting in some harm to the setting and therefore significance of designated heritage assets, in particular Kilvert's Parsonage situated to the north of the application site. The harm identified is considered to be less than substantial and toward the upper half of the scale of harm. There is therefore conflict with CP34 (v) & (vi), CP57(i) and CP58; and LBNP HP1 & HP4; and paras 192 & 193 of the NPPF and Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990.

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of applications. Under the provision of para 196 where less than substantial harm is identified it is necessary to consider what if any public benefits arise from the proposals. This requirement is reflected in case law including the Barnwell and Forge Field high court judgements.

As is identified in the report the proposals provide for significant employment benefits in accord with the aims, objectives and policies of development plan. It is considered that these are public benefits which can be afforded significant weight. It is considered that these benefits outweigh the less than substantial harm identified and the statutory requirement to give great weight to the preservation of heritage assets. On this basis it is considered that there are material circumstances sufficient to outweigh the conflict with the development plan.

Taking into consideration all material circumstances and considerations it is considered that the development proposed is acceptable and should be granted planning permission, subject to the prior completion of the necessary Section 106 agreement.

RECOMMENDATION

To delegate authority to the Head of Development Management to grant permission subject to conditions and the completion within six months of the date of the Committee resolution of a s106 agreement / planning obligation to secure Highways provisions. In the event that the applicant declines to enter into an agreement within this timeframe refuse permission for the following reason:-

The proposed development without the required planning obligation fails to deliver the necessary highways works and enhancements required to secure a safe and appropriate development and thereby conflicts with Wiltshire Core Strategy (Jan 2015) CP3 CP34(ix) CP57 (ix) CP60 CP61 CP62; and paragraphs 11 and 108 (b) 109 110 of the National Planning Policy Framework (July 2018)

CONDITIONS:-

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

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

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

Ecological Assessment and Surveys Received 05 April 2018 and 09 July 2018
Transport Statement Final V6-2 20 April 2018
Landscape and Visual Impact Assessment 05 April 2018
Double Roundabout Junctions 9 Arcady Report 05 April 2018
Single Roundabout/Rail Bridge Link Junctions 9 Arcady Report 05 April 2018
Hydrock Road Safety Audit Stage 1 RDW/TS/18/1692/RSA1; Ref: C14930 – Stage 1 RSA
Designer's Response 18 April 2018

C14930 D001 Topographical Survey A0 1:500
14930 C020c Engineering Layout Sheet 1 Of 5 A1 1:250
14930 C021c Engineering Layout Sheet 2 Of 5 A1 1:250
14930 C022c Engineering Layout Sheet 3 Of 5 A1 1:250
14930 C023d Engineering Layout Sheet 4 Of 5 A1 1:250
14930 C024d Engineering Layout Sheet 5 Of 5 A1 1:250

All Received 10 July 2017

Arboricultural Impact Assessment – D14 267 08 Rev A
Arboricultural Constraints Report – D14 267 07
Drawing AIA Plan – D14 267 P5

All Received 09 August 2018

Site Location Plan PH3B/01B
Double Roundabout General Arrangement 14930-P009.0 Revision P2
One way Gyratory Swept Path Analysis 14930-P009.1 Revision P1
Double Roundabout Visibility 14930-P009.2 Revision P1
Double Roundabout Deflection 14930-P009.3 Revision P1
Proposed Rail Bridge Link General Arrangement 14930-P008.0 Revision P2
Proposed Rail Bridge Link Swept Path Analysis 14930-P008.1 Revision P1
Proposed Rail Bridge Link Forward Visibility and Deflection 14930-P008.2 Revision P1
Phase 3B Change of Use PH3B/02A
Phase 3b Scheme Overview 1 PH3B/03B
Phase 3b Scheme Overview 2 PH3B/04B
Phase 3b Scheme Overview 3 PH3B/05B
Key To Larger Scale Plans PH3B/06B
Plan 1 PH3B/07B
Plan 2 PH3B/08A
Plan 3 PH3B/09B
Plan 4 PH3B/10A
Plan 5 PH3B/11
Plan 6 PH3B/12B
Section A-A PH3B/13B
Section B-B PH3B/14A
Section C-C PH3B/15
Section D-D PH3B/16
Panorama Images 1 – 25
Landscape Proposals Phase 3 683-02A
Landscape Context Plan 683-10C
Landscape Assessment Plan 683-11E
All received 05 April 2018

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

3. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the land 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, commencing from the date of notified completion of the approved landscaping scheme to the LPA, 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 B8 Stockyard development and excluding the car park hereby approved being first brought into use 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.

5. The approved floodlight(s) existing within the site approved under application reference 15/04763/FUL shall not be illuminated outside the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The floodlights shall not be illuminated at any time on Bank or Public Holidays.

REASON: To minimise the impact of the floodlight(s) and in the interests of the amenity of the area.

6. No additional external lighting beyond that approved under application reference 15/04763/FUL shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the 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 approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

7. The B8 Stockyard use hereby permitted (excluding the use of the staff car park) shall only take place between the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The use shall not take place at any time on Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

8. The site shall be used for B8 Storage and Distribution and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

9. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with all required supporting evidence, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

10. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

11. The mitigation measures detailed in the approved Ecological Assessments [Wessex Ecological Consultancy March 2018 & Ellendale GCN Survey 11 June 2018 EEL138R18060SP] shall be carried out in full prior to the first bringing into use of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment. The works will be carried out in strict accordance with all recommendations given in the ecological survey reports by Wessex Ecological and Ellendale Environmental, to ensure that European Protected Species (especially great crested newts) are not adversely impacted by the works.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

12. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

13. 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;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

14. Notwithstanding the detailed drawings submitted as part of the application, full details of the construction of all the alterations to the existing Parsonage Way and the existing haul road and its new junctions shall be submitted to and approved by the local planning authority prior to the works commencing. The details shall include, but not be limited to, carriageway and cycle track structure, drainage, signing, lining, street lighting, landscaping, levels, fencing, retaining walls, anti-incursion barriers (railway), visibility splays and treatment of residual non-stopped-up elements of Parsonage Way. The works shall be undertaken in accordance with the details approved.

REASON: To ensure that an acceptable overall scheme is achieved.

15. Prior to the commencement of the development, the approved roundabout on the B4069 serving the North Chippenham mixed use site (Ref: N/12/00560/OUT) shall have been fully constructed and adopted, unless a formal legal agreement has otherwise been entered into between the local highway authority, the developer responsible for the North Chippenham B4069 roundabout and the applicant, which secures the delivery of a combined double roundabout junction.

REASON: To minimise highway disruption resulting from the double roundabout proposals, and to ensure that maintenance responsibilities are not obfuscated between developers.

16. The 'haul road' route shall not be opened for public use (and by inference, Parsonage Way shall not be stopped up) until the works have been completed in their entirety, including the closure of all accesses between the southern side of the 'haul road' and the adjacent storage yard and the approved fencing along the completed length of the 'haul road', and the local planning authority has confirmed that any recommendations of a Road Safety Audit

,Stage 3 have been appropriately addressed (certified as such in writing by the local highway authority) .

REASON: To ensure that the proposed alternative route to Parsonage Way is fit for purpose and safe for use by the public before Parsonage Way is closed to through traffic.

17. No works shall be undertaken on the site except in accordance with a programme of works which shall first have been submitted to and approved by the local planning authority.

REASON: In the interests of highway safety, and to ensure that existing access arrangements are not prejudiced.

INFORMATIVE TO APPLICANT:

The stopping up of Parsonage Way will only be addressed by way of an application to the Secretary of State for Transport, through the provision of s247 of Town and Country Planning Act 1990. If permitted, any planning permission resulting from this planning application will form the basis on which the s247 application will be determined.

A s278 agreement will be required between the applicant and Wiltshire Council in relation to the highway works shown in outline in the approved drawings. No works are permitted on the highway unless or until the agreement has been completed.

Statutory Undertakers having apparatus in Parsonage Way will retain rights of access even if the road is formally stopped up, unless agreement on alternative routes can be reached; the applicant should be aware that, if new services are proposed for the Rawlings Green site, it could have implications for the proposals.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant should note that the costs of carrying out a programme of archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) 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 see Natural England's website for further information on protected species.

INFORMATIVE TO APPLICANT:

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Appendices: none

Background Documents Used in the Preparation of this Report:

**NPPF Revised July 2018
Wiltshire Core Strategy
Langley Burrell Neighbourhood Plan
Chippenham Site Allocations Development Plan Document
Application Supporting Documentation
Planning Practice Guidance**

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