

# AGENDA

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**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 15 June 2022

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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## Membership:

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

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

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## Substitutes:

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

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

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## **Public Participation**

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

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

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

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 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 20 April 2022.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

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

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

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

## Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 8 June 2022 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 10 June 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

### 6 **Planning Appeals and Updates** (*Pages 19 - 20*)

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

### 7 **Planning Applications**

To consider and determine the following planning applications.

#### 7a **PL/2021/07203 - Land at Marshall Road, Devizes, Wiltshire** (*Pages 21 - 60*)

Development of up to 170 homes, means of pedestrian and vehicular access, landscaping, public open space, drainage and associated infrastructure works.

#### 7b **PL/2021/09453 - Land at Sunnyside, Yarnbrook Road, West Ashton BA14 6AR** (*Pages 61 - 82*)

Addition of two extra traveller pitches, two day rooms and associated ancillary development.

#### 7c **15/04736/OUT - Land South East of Trowbridge** (*Pages 83 - 212*)

Outline planning application for mixed use development comprising: residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class E ('Business' only), B2, and B8); two local centres (Classes E, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.

### 8 **Urgent Items**

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

## **Part II**

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

None

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## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 20 APRIL 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Helen Belcher (Substitute)

#### Also Present:

Cllr Ruth Hopkinson, Cllr Matthew Dean, Cllr Tony Jackson, Cllr Gordon King, Cllr Dr Brian Mathew, Cllr Ashley O'Neill, Cllr Antonio Piazza, Cllr Jo Trigg and Cllr Suzanne Wickham

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#### 84 Apologies

Apologies were received from Cllr Adrian Foster who was substituted by Cllr Helen Belcher.

#### 85 Declarations of Interest

Prior to asking for declarations of interest, the Chairman highlighted that there was strong public interest in the application to be considered and that Members may have been canvassed by many interested parties. He therefore felt it would be helpful to remind Members of the requirements of Protocol 4 of the Wiltshire Council Constitution, the [Planning Code of Good Practice](#), which sets out guidance on pre-determination and sound decision making. The Chairman read paragraphs 6.2, 6.3, 6.4, 9.3, 9.4, 9.5, 9.6 and 11.3.7 and highlighted the importance of listening to everything said at the meeting prior to coming to a decision.

While there were no declarations of interest, due to comments made at the previous meeting where the application was considered, Cllr Rob Yuill read a statement for transparency and the avoidance of doubt. He clarified that he had worked in the waste industry for 18 years, 10 of which were spent working in waste plants of different types as a health and safety professional where his role encompassed the health and safety of the plants themselves, the operatives at the plants and anyone affected by the plants. He had also previously been the Portfolio Holder for Waste. As part of that role, he had a relationship with the waste team at Hills, regarding collecting household waste. This was a totally different part of the company to that making the application.

He did not feel that this history affected his ability to take part in the debate and vote and he would consider the matter with an open mind.

86 **Chairman's Announcements**

The Chairman made an announcement stating that it had been drawn to his attention that following the last meeting of the Committee in respect of this application some members of the Committee had received correspondence directed to them personally which contained threats.

The Chairman recognised that planning applications could generate differing and sometimes strongly held views. However, he stated that planning committees, including this Committee, provided an important quasi-judicial function on behalf of the Council. They often had to determine competing interests of the community in respect of land use. The Members who made up these committees made collective decisions based on the planning merits of applications and after receiving professional advice from officers. They did this without fear or favour.

It was therefore unacceptable for any person who may disagree with the outcome to address any threatening correspondence to Members. This not only risked interference with a recognised democratic due process, but it could also be distressing to the elected Member's family when such threats were received at their home address.

The Chairman had discussed this aspect with officers, including the Head of Legal Services on behalf of the Monitoring Officer, who had recommended that should there be any repeat of such behaviour any elected Members of the Committee should immediately refer any such correspondence to the Monitoring Officer for consideration, and further action. This may include, if appropriate, referring the matter to the Police.

The Chairman hoped this would not be necessary.

87 **Public Participation**

The Chairman detailed the rules on public participation. Ordinarily the procedure allowed for three objectors, followed by three supporters, to speak for three minutes each. In further accordance with procedure, due to the large scale and controversial nature of the application, the Chairman had extended his discretion to allow up to six speakers each for objectors and supporters.

88 **20/06775/WCM: Northacre Energy from Waste Facility, Stephenson Road, Northacre Industrial Estate, Westbury, BA13 4WD**

Public Participation

Rt Hon Dr Andrew Murrison MP spoke in objection to the application.

Lorae Alford spoke in objection to the application.

Ian Cunningham spoke in objection to the application.



Bill Jarvis spoke in objection to the application.  
Philip Harcourt spoke in objection to the application.  
Lynn Roberts (Arla Foods) spoke in objection to the application.  
Alex Young spoke in support of the application.  
Ed Dodd spoke in support of the application.  
Cllr Val Jarvis representing Dilton Marsh Parish Council spoke in objection to the application.  
Cllr Mike Sutton representing Westbury Town Council spoke in objection to the application.

Andrew Guest (Head of Development Management) presented a report which recommended that having taken into account all relevant new material considerations together with the environmental information previously considered, to grant planning permission for the proposed development, subject to the conditions as before for application 20/06775/WCM for an amended energy from waste facility to that consented under planning permission 18/09473/WCM, for the Northacre Energy from Waste Facility, Stephenson Road, Northacre Industrial Estate, Westbury.

The officer stated that the Committee would recall that the application was considered at the meeting of the [Strategic Planning Committee on 22 June 2021](#) where the Committee resolved to approve the application. As the Committee supported the application it was referred to the Secretary of State (SoS) for his consideration as to whether it should be called-in for his determination before any planning permission were issued. On 31 March 2022, notification was received that the SoS did not wish to call-in the application.

The officer explained that planning law stated that if the Council became aware of new material considerations, then the relevant law required it to have regard to the considerations before finally determining the application. In such a situation where the initial decision was made by a planning committee, the consideration of new material considerations should also be by the planning committee.

In the time since the application was first considered by the Committee, new material considerations, such as changes to policy and legislation had arisen, which meant that the Committee needed to consider the new material considerations. It was highlighted that the focus of the Committee should be limited to the new material considerations only, and not matters which had not changed and were fully considered and debated upon when the application was first considered. Matters which remained unchanged were stated to be:

- Land use – in the development plan the land was allocated for strategic waste use.
- That energy from waste was preferable to land fill in the hierarchy.
- The planning history of the site.
- The design and impact of the site.
- Intended methods of operation.

- The amount of waste to be processed, approximately 243,000 tonnes, which would power approximately 54,000 homes.
- The consequences of not approving the application were the same, in that residual waste would be sent to landfill or to incinerators elsewhere.
- The facility would require an environmental permit which would deal with emissions and site operational matters. The Environment Agency were minded to approve the permit, but this was subject to further consultation.

New material considerations were listed on page 6 of the agenda.

Some late representations and their responses were published in agenda supplement 1. The officer drew attention to further late representations received.

Late representations from David Davis and their responses are below:

- Regarding why there had been no public debate and evidence, the officer stated that evidence had been provided by the applicant which was considered at the meeting of the Committee in June 2021, at which point the application was approved with conditions, subject to call-in by the SoS. On 31 March notification had been received that the SoS did not wish to call-in the application. Due to the time passed and new material considerations, it was now being presented to the Committee again. The application itself had not changed at all, so there was no new evidence to go in the report.
- In response to a question as to why Northacre had been allowed to ignore their duty of care under the Health and Safety Act 1974 due to the fact that their Chimney would fail to prevent grounding, the officer stated that the National Planning Policy Framework (NPPF) focused on whether applications were an acceptable use of land and implementing the planning strategies set out in local plans, rather than controlling processes and emissions. Pollution control was regulated by other authorities such as the Environment Agency. The Planning Authority worked on the assumption that those who enacted the laws would enforce them.
- In response to a question asking why the area most likely to be polluted had no receptors, the officer stated that this was not a new material consideration and had been explained in the environmental consultant's technical response in the papers. Table 8.16 (page 92) had details which should satisfy the Committee that public health was not an issue. Public Health England (PHE) / UK Health Security Agency (UKHSA) stated in its response that local background emissions are considered as part of the environmental permit process.

Late representations from the Wiltshire Climate Alliance (WCA) and their responses are below:

- Regarding the perceived lack of time to review changes the officer explained that 9 months had passed since the Committees original decision in June and that at any time since then parties could have raised new material considerations. This was the first Strategic Planning Committee meeting since the SoS decision and therefore the application had come to this meeting, which was entirely reasonable, as there was no good reason to defer hearing the application.
- In response to a suggestion stating that the matter should be adjourned to allow for emerging legislation, the officer stated that this was addressed in the Committee report.
- Regarding the rejection by the Western Area Planning Committee (WAPC) on 9 March for a gas peaking generation plant in Westbury the officer explained that this was also covered in the report and stated that each application had to be considered on its own merits.
- Regarding the protection of the local community, the officer stated that this had been addressed in the original report and was a matter for the environmental permit. For which the applicant was required to submit details including background levels of emissions. The current values were protective of public health.
- Regarding the waste hierarchy, this was not a new material consideration. The hierarchy detailed in policy WCS5 (of Wiltshire and Swindon Waste Core Strategy) was essentially the order of preferences, it was not intended to bar options lower down on the hierarchy.
- Regarding the Environment Agency draft permit, which the WCA stated had almost no limits on what could be burnt, the officer clarified that the Environment Agency was responsible for the permit, the application before the Committee was for a plant burning residual non-hazardous waste.
- The WCA stated that the permit set a limit of waste to processed at 35,000 tonnes higher than that proposed in the application. The officer stated that the application had not changed.
- Regarding matters of visual impact which the WCA felt should be reconsidered, the officer confirmed that this had been addressed in the original report and that there had been no change in circumstances.
- Regarding a recent decision in Kent to refuse an energy from waste facility and the precedent that set, the officer stated that each application should be considered on its own merits.

Late representations from Steven Eades and their responses:

- Issues were raised stating that the Environment Agency had not correctly undertaken the permit procedure and that officers were using NPPF 118 to say that these considerations were not relevant to the planning process. The officer explained that it had not been said at any stage that environmental issues were not planning issues, and that anything could be a material consideration. However, in the view of officers this could be given very little weight due to NPPF 118, which stated that:

*“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”*

PHE / UKHSA were satisfied that they had undertaken environmental assessments according to the law. There was also a consultation running as part of the environmental permit process, which people could respond to. There was no significant impact on health subject to compliance with air quality standards.

- A further issue was raised stating that prior to determining the application the Committee should take further evidence on possible environmental affects and discuss issues with the Environment Agency. The officer stated that Wiltshire Council responses were in the original report, there was no further evidence to be presented and nothing further to discuss. Any issues people had regarding the environmental permit process should be directed to the Environment agency.

The Chairman thanked the officer for his report and invited Members of the Committee to ask technical questions of the officer.

Details were sought on the Government Consultation on the Environment Act target, which was seeking views amongst other things on reducing the waste going to landfill sites and for incineration. The officer explained that proposed target that was out for consultation was to halve waste that would be going to landfill or incineration. However, this was a consultation, and it was not known if, or when, it would become policy. Working on the assumption that it did at some point become policy to halve waste going to landfill or for incineration, there would still be the other half of the residual waste to deal with, which was approximately 5.5 million tonnes. The applicant had demonstrated a need in the local area for such a facility. The officer also highlighted that at the current time, it was not policy and therefore should have very limited weight.

Further clarification was sought on this issue. The officer explained that nationally there was approximately 11 million tonnes of residual waste not being recycled that would either go to landfill or be burnt. There was a national shortage of facilities to deal with residual waste. There was a capacity gap and waste needed to be managed nationally, regionally and locally. The applicant had demonstrated via an independent consulting firm that there was a local need and a capacity shortage within the market area. Even if the amount of waste going to landfills and incinerators was halved there would still be a capacity gap. If this residual waste was not dealt with in the local market area, some would go to other UK plants, some to landfill and some would be exported abroad. Whilst the nature of waste was likely to change over the next few decades, there would still be residual waste. It was also highlighted the consultation on halving waste going to landfill and incinerators was a target and therefore could not be given much weight as a material consideration.

Members requested specific figures on how much waste from the local market area was being sent for incineration elsewhere. The Chairman asked the applicant to answer the question to establish facts. This would not form part of their 3-minute statement in support. The applicant highlighted that there were figures in the report detailing the need and there was a sufficient need in the local market area for such a facility. They did not have specific figures or details to hand of where the waste was going, but at present waste was being sent to Europe. The planning officer then highlighted details within the original report, stating that there was a sub-regional need of 470,000 tonnes of residual waste per annum. Even if this was halved (in accordance with the possible new government policy) this would leave a sub-regional need of 235,000 tonnes per annum of residual waste which needed to be dealt with, and the proposed facility would address that need.

A further question was asked regarding Wiltshire waste, as currently a large portion of this was sent to Slough, and whether Wiltshire Council were tied into a contract there. The officer stated that he could not comment on the contract, but that the proposed plant was not tied in to local authorities, it would deal with commercial and industrial waste.

In response to further questions on the above matters the officer confirmed that there was no local authority contract, so in theory the application could be considered as commercial or speculative, but that as a business the applicants would have considered the need in the area so that the business was viable.

A Member highlighted Arla Foods belief that its future was threatened due to the risk of tainting and the officers view that this was a negligible risk. The Member sought legal advice as to whether if planning permission was granted, Arla Foods could challenge the decision of the Council or the Environment Agency for granting the permit. Legal officers stated that it was difficult to provide such advice, as it would depend on the facts in their entirety which were currently unknown. It was also highlighted that any challenge, whether to the Council or the Environment Agency would have to be based on a legal error and not just a matter of judgement.

A question was asked regarding a late representation received from Leigh Day Solicitors on behalf of Westbury Town Council. As the officer had not seen this representation the Chairman agreed, as an exception, and with the officer's permission, to take a brief adjournment so that the officer could consider the representation. A point of order was raised that this put undue pressure on the officer, but as the officer had agreed the adjournment went ahead.

The meeting adjourned at 11.45am and reconvened at 11.55am.

The officer highlighted the very late nature of the representation with it being received at 9.48pm the night prior to the meeting. The representation did not bring any new material considerations, mainly highlighting issues regarding NPPF 118 and pollution control. The officer stated that pollution control was a material consideration but of limited weight as it was a matter for other

authorities such as the Environment Agency. All matters raised were covered in the reports and were considered by the Committee at the meeting in June 2021.

In response to a question asked regarding traffic generation and whether this was a material consideration, the officer stated that the proposal was exactly the same as that considered by the Committee in June 2021, and therefore matters such as traffic generation had been considered by the Committee at that time.

The Chairman highlighted that whilst the Committee recognised that they were looking at material considerations which had changed since June 2021, the whole case had come back for consideration and there were material issues which had changed considerably since then, one of which he felt was the traffic generated, as amongst other things many new houses had been built in the area, and he was not sure the matter was closed. The officer responded that the transport assessment was applied to a predicted baseline assessment for 2025, so took account of new housing being built and the assessment stated that new traffic being generated was insignificant. So, this had been addressed at the June meeting. Regarding other considerations, it was for the Committee to decide if a number of material considerations with limited weight added up to a substantial issue.

In response to a question as to whether the possible effect on Arla Foods and the wider impact on the economy of Westbury and related jobs was a material consideration the officer explained that this went back to NPPF 118, the issues were a material consideration, but with limited weight. Other authorities such as the Environment Agency were responsible for emissions and pollution.

A question was asked regarding whether the reasons for refusal detailed by the WAPC when considering 20/10440/FUL, an application for a gas peaking generation plant located very close to the current application site, could be used to refuse this application. The officer stated that every application should be considered on its own merits. The reasons for refusal in that case were related to the impact on the Air Quality Management Area (AQMA). When the Strategic Planning Committee had previously considered this application and approved it, the AQMA was considered, the Public Protection team had analysed the situation and found that there would be no detrimental impact on the AQMA.

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

The Committee adjourned for a break at 1.15pm and reconvened at 1.35pm.

In response to points raised in the public statements and for information, the Chairman then highlighted some points to the meeting which were taken from an Environment Agency briefing note (available online at the [June 2021 Strategic Planning Meeting](#) as 20/06775/WCM – Annex 5: EA Briefing Note). These were:

*“There is currently no validated, commercially available equipment for continuously monitoring PM10 and PM2.5 emissions from EfW plants. Instead, plants are required to continuously measure total particulate matter (TPM). TPM includes particulates of all sizes including PM10, PM2.5, PM1 etc as well as ultrafine particles (i.e. particles with a diameter of less than 0.1 micrometres).”*

*“EfW plants are an extremely small source of PM in the UK, giving rise to just 0.03% / 0.05% of total UK PM10 / PM2.5 emissions in 2016 according to government estimates. This compares to 5.35% / 4.96% from traffic and 22.4% / 34.3% from wood fires and stoves in people’s houses.”*

The Chairman then invited Unitary Councillors to speak to the application.

Cllr Brian Mathew (Box and Colerne) spoke in objection to the application, points raised included the lack of time to review new material considerations such as the government consultation on halving waste going to landfill and incinerators; the vast amount of objections (over 2,000); the recent decision by WAPC to refuse a gas peaking generation plant nearby; the obligation to protect public health; the obligation to protect and enhance the landscape; the issue of possible contamination at Arla Foods which was a critically important employer in Westbury and Wiltshire and the climate emergency.

Cllr Gordon King (Westbury East) spoke in objection to the application, points raised included the viability and deliverability of the system; environmental impacts; that the last decision on this application made by the Committee was not safe and should be taken back and that waste should be recycled not burnt. Cllr King detailed at length issues regarding pollution and particulate matter and urged the Committee to either refuse the application on the grounds mentioned, or to defer it until the Government Consultation on the Environment Act target was complete.

Cllr Suzanne Wickham (Ethandune) spoke in objection to the application. Points raised included objections on the grounds of CP51 (landscape), air quality and highways issues. The route to the site was in her ward. The highways issues raised were an increase in HGV’s affecting road safety and air quality; the fact that the road approaching the site was a busy single lane road; the traffic light system on the road was already an issue; that the layout of the junction was not safe and long delays on the Westbury bypass. The Cllr stated she would rather the Committee refuse the application, however if minded to approve, s106 funds to address the issues she had highlighted should be considered.

Cllr Matthew Dean, the unitary division Member (Westbury West) spoke in objection to the application. Points raised included that the SoS had not endorsed the application; local reaction and objections were overwhelming; the existing Hills Plant in Westbury already had issues, such as an offensive odour, strikes and a possible breach of permit that was being investigated by the Environment Agency; possible contamination issues for Arla Foods; employment issues for Westbury and the whole Arla supply chain if the dairy was affected; the Government consultation and direction of travel to reduce waste going to incinerators which were likely to become law; the fact that

Westbury already had the lowest air quality of anywhere in Wiltshire, with associated poor health and breathing conditions which would be further exacerbated by the proposal if built; increased traffic; the proposal was not low carbon or green and changes to the way people recycle would occur over the life of the plant meaning a reduction in waste and therefore no need for the plant. Cllr Dean felt that all of these issues were material considerations for the Committee and urged them to refuse the application.

The Chairman then stated that he felt the Committee had insufficient information to make a decision. There was information available on this occasion that he had not seen previously and there were new material considerations. It was particularly clear that the Government consultation underway was a game changer in the way that waste was handled, so it was necessary to know the outcome of that prior to making a decision. The Chairman felt that the application had come forward very quickly after the SoS decision, and whilst he understood the reasons for that, it had not given the Committee time to digest all the information. At the current time he did not want to refuse the application but neither did he want to approve it.

The Chairman proposed a motion to defer the application until such time that the results of the Government consultation were known. This was seconded by Cllr Ernie Clark.

A debate followed where many Members agreed with what the Chairman had said and supported his motion. Most felt that the Government Consultation on the Environment Act 'target' was a very important new material consideration.

Some Members felt there had been too much information, rather than not enough, but it had simply been overwhelming and impossible to digest and therefore to rush a decision was foolish.

Several Members stated that they were not satisfied with the answers they were given when drilling into the need for the plant and some were not convinced of the need but rather felt that need could be met by existing capacity. A Member also wanted to know more details regarding Arla Foods representations.

A couple of Members were leaning towards refusal, with one citing points such as CP55 and CP2 as reasons for refusal. However, the main point was that this was different to before and there were new material considerations. There had been a population increase in Westbury, increased traffic movement and therefore concerns regarding air quality and particulates.

A point was raised was that if the Committee were to defer the application, the life of the application should be viable.

On taking officer and legal advice regarding his proposal, taking into account possible timeframes to receive a response from a government consultation which closed in May, reasonableness and possible issues with non-determination, the Chairman made an amendment to his proposal. The new proposal was that the application should be deferred, with it to be considered by



the Committee again by end of July, this was supported by the seconder, Cllr Ernie Clark. This was put to the vote and it was,

**Resolved:**

**To defer the application, with it to be considered by the Committee again by end of July.**

89 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 2.55 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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**Wiltshire Council  
Strategic Planning Committee  
15<sup>th</sup> June 2022**

Planning Appeals Received between 25/03/2022 and 03/06/2022 relating to Decisions made at Strategic Committee

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Start Date</b>	<b>Overturn at Cttee</b>
16/00547/FUL	Drynham Lane, Trowbridge, Wiltshire	Trowbridge	Provision for 91 dwellings, ecological mitigation and associated infrastructure including roads/footpaths, bridge, cycleway, garages and sub-station.(Further amendments and/or additional information relating to access, drainage and ecology)	SPC	Inquiry	Refuse	26/04/2022	No

There are no Planning Appeals Decided between 25/03/2022 and 03/06/2022 relating to Decisions made at Strategic Committee

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	15 June 2022
<b>Application Number</b>	PL/2021/07203
<b>Site Address</b>	Land at Marshall Road, Devizes, Wiltshire
<b>Proposal</b>	Development of up to 170 homes, means of pedestrian and vehicular access, landscaping, public open space, drainage and associated infrastructure works
<b>Applicant</b>	Princeton Land
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	DEVIZES SOUTH – Cllr Simon Jacobs DEVIZES EAST – Cllr Kelvin Nash
<b>Grid Ref</b>	401876 160146
<b>Type of application</b>	Outline Planning
<b>Case Officer</b>	Jonathan James

### Reason for the application being considered by Committee

The application is contrary to the spatial policies of the development plan that direct such schemes to within the recognised settlement boundaries.

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to be considered are:

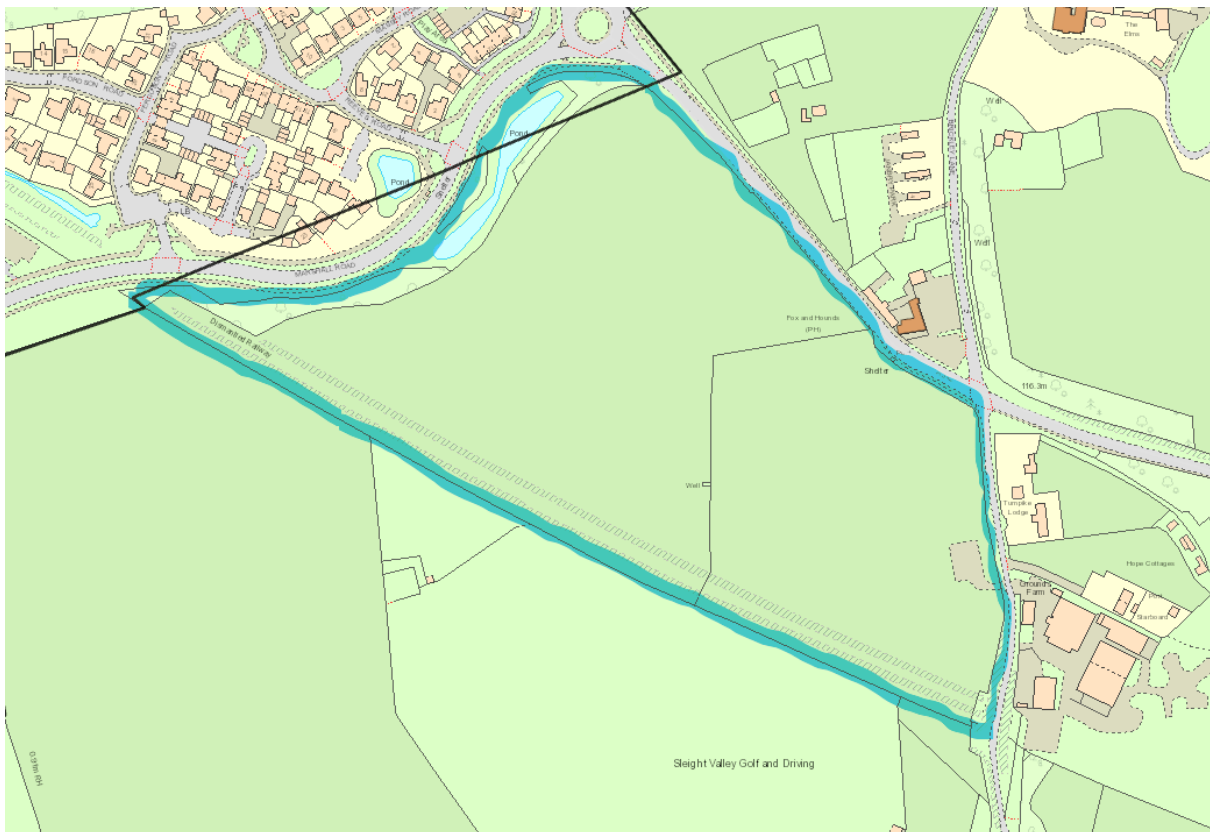
- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design in terms of layout (CP 57)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)
- Whether there will be any land contamination / air quality issues (CP 55)
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)

- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms

Devizes Town Council raises no objections, although subject to some detailed comments. There have been 19 letters of objection received at the time of drafting this report, the details of which are summarised in the report below.

### 3. Site Description

The site is approximately 7.8ha in area and is located on the south-eastern edge of Devizes, with its north-western edge adjoining the settlement boundary of Devizes. The Devizes Air Quality Assessment Zone also forms the north/western boundary of the site.



*Site location – bold black line equates to settlement boundary and approximate location of air protection zone for Devizes.*

The site comprises two agricultural grassed fields divided by a former hedgerow. The site is generally level within tree and hedgerow and fencing forming the boundaries; the A342 forms the north-east boundary of the site, with Marshall Road forming the north-west boundary and Sleight Lane forming the eastern boundary. Running along the sites southern boundary is the former dismantled railway for Devizes and beyond this the 'Sleight Valley Golf and Driving Range'.

Approximately 50 metres to the north-west of Marshall Road is an existing housing estate and there are residential properties to the north and east. Approximately 100 metres to the west of the site is the health centre and approximately 200 metres from the site is 'Green Lane Hospital'. Beyond the housing to the north-west (approximately 200 metres) is the Nursteed Industrial Estate defined as a 'Principal Employment Area' within the WCS (2015). At

approximately 340 metres to the west of the site are the 'Green Lane' playing fields and skate park facilities.

North of the site is the 'Fox and Hounds' public house, a grade II listed building and to the east is the Wiltshire Waste and Recycling centre on Monument Hill. The site is not located within either Flood Risk Zone 2 or 3.

#### **4. Planning History**

There is no relevant planning history pertaining to the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal).

#### **5. The Proposal**

This is an outline planning application for the development of the site for up to 170 dwellings with associated access and all other matters pertaining to appearance, landscaping, layout and scale are reserved for future consideration. The proposed means of access is to the west of the site onto Marshall Road.

The application has undergone amendments and revisions, including a reduction in numbers of units from 180 down to 170, following points raised on the scheme. Other than the reduction in the number of the units, the revised details have been re-consulted on.

It was considered that the reduction in numbers down from 180 to 170 did not require a re-consultation as it was a reduction in the scheme and did not prejudice any third parties or consultee responses. The recommendation before the Council is based on this revised scheme.

#### **6. Planning Policy**

##### Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire's Housing Needs
- CP48 – Supporting Rural Life
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

##### Wiltshire Waste Core Strategy

- WCS6 (Waste Audit)

#### Saved Policies for the Kennet Local Plan

- HC34 Recreation Provision on Large Housing Sites (saved Kennet Local Plan policy);
- HC37 Demand for Education (saved Kennet Local Plan policy).

#### Devizes Area Neighbourhood Plan (2015)

- Policy H1 – Settlement Framework Boundary;
- Policy H2 – Built Environment and Sustainability;
- Policy H3 – Site Specific Allocations;
- Policy E1 – Education;
- Policy T1 – Getting Around;
- Policy ESD1 – Environment and Sustainability.

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) and associated Landscape Character Assessment (1999).

Wiltshire Housing Site Allocations Development Plan Document (DPD) (adopted 25 Feb 2020)

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

### **7. Consultation responses (a summary of the comments provided)**

Devizes Town Council: No objection / support with detailed comments

*Whilst Devizes Town Council supported the development of housing on the site at Marshal Road, the revised plans pushed the development towards Slate Lane which is very rural in nature therefore it is not appropriate for housing to be so close and would therefore expect there to be a larger buffer with an operation to move the SUD to the location as it is known to flood. In addition, it is felt that the new Master Plan fails to meet the new planning intent through the build beautiful concept and therefore should be look at again*

*Devizes Town Council does not object to this application but requests that a planning condition is placed on the developer to seek the reclassification of Marshall Road under the Traffic Management Plan, from a link road to a residential road with a reduction in the speed limit from 40mph to 30mph or preferably 20mph.*

*Devizes Town Council OBJECTS to the application as it does not consider that the urban design adequately captures the intent of the Government's "Build Beautiful" proposals as it does not create any individual identity for the area in an appropriate built form.*

*Devizes Town Council's Planning Committee raised no objection to the application, but as the Council is determined to embrace improved environmental standards in the town, agreed that the housing in this 'sustainable development' should incorporate appropriate levels of green energy measures such as solar panels, ground source pumps etc. It further stated that social housing should be built to a similar standard as private homes, as inferior quality buildings too frequently cause later problems for housing associations.*



Wiltshire Council Highways: Comments from the highways team do not raise objections to the proposed scheme subject to conditions.

The development would be adjacent to the existing built-up area of the town with a good standard of walking and cycle connections towards the town facilities. The development will be within guideline walking and cycling distances of nearly all town facilities including several primary schools and the Devizes secondary school. There are nearby bus stops / services along both Marshall Road and the A342. No objection is offered on transport sustainability grounds.

The application proposes a simple priority form of junction to the distributor type road (Marshall Road). This number of dwellings could normally require a ghost island right turning lane junction, but in this instance, Marshall Road being effectively a large cul-de-sac, there will be very small numbers of right turn vehicles into the site. A right turning lane is therefore not required. The geometrical scale of the junction, including the junction visibility splays, has been discussed at pre-application stage, and is satisfactory to serve the development proposed.

It is recognised that improvements within the area for pedestrian, cycle and to the bus stop will be required and these matters can be considered under condition through the approved matters stage.

The indicative concept internal layout plan has a strong loop road layout which is welcomed and the indicated hierarchy of primary and secondary streets is appropriate. Appropriate boundary features / landscaping will be required to prevent confusion between users of the A342 and users within the estate roads. It is recognised that highway street lighting will be adjusted or omitted at locations where required dark bat corridors cross adoptable roads in full consultation with Ecological officers when adoption of roads within the development is being considered.

Traffic levels have been surveyed and adjusted upwards to reflect pandemic reductions at the time of surveys, also the survey work was based on a higher number of units. The survey works is considered robust. The assessment concludes no or limited capacity issues at junctions. A 'Full Travel Plan' will be required at detailed stage, this should be covered by condition.

Recommended conditions:

- Full Travel Plan.
- Provision of access including visibility splays
- A pedestrian access to Sleight Lane
- Closure of 2 field accesses
- New bus stop at existing layby and new shelter.
- New bus stop at north-east side of A342
- Construction Management Plan
- Widened footway from Sleight Lane to the existing bus layby opposite the Fox and Hounds.
- Widened footway north-east side of A342 to Fox and Hounds pub.

Contributions would be required.

WC Highways raise no concerns that would justify refusing the application. They have offered to advance no objections provided a series of conditions and s106 contributions are

imposed/obtained. These are set out in the report and can be seen in the full Highways response online.

Wiltshire Council - Lead Local Flood Authority: Support the application with conditions

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). The drainage team support this Outline Application, subject to conditions being met at Full / Reserved Matters Planning Application stage.

Wiltshire Council Affordable Housing: No objection, subject to S106

*Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% would be required in this location. As the site is proposing 180 new homes, the on-site affordable housing requirement would be for 54 affordable homes. From this a tenure split of 60% affordable rented homes, 15% shared ownership homes and 25% First Homes. Therefore, we would seek 32 homes for Affordable Rent, 8 homes for Shared Ownership and 14 homes as First Homes.*

*Please note that due to potential maintenance/management issues, flats over garages/courtyard entrances are not an affordable housing type we would be able to currently support. Furthermore, I understand that 2 bed apartments above ground level are proving difficult to let, so again we would not encourage this property type.*

Wiltshire Council Education: No objection, subject to S106

*The Council's Education Team have no objections to the development subject to securing a s106 contribution towards the provision of secondary education places. The contribution requested is set out in more detail within the report.*

*On review of the newly submitted documents as part of this amended plans consultation there are no changes to the housing number/mix from that originally proposed. As a result, our consultation response dated 13/08/21 is still applicable and unchanged. We reiterate our case for a developer contribution towards 3 secondary school places at £22,940 each = £68,820, subject to indexation and to be secured by a S106 agreement to which standard terms will apply.*

Wiltshire Council Conservation: No comment on the revised plans in response to ecology.

*In terms of the historic environment, (excluding archaeology) the key issue is the potential impact on the Fox and Hounds. While we acknowledge that planning policy does not prevent any change to the historic environment it does set out that there should be no harm, unless there is public benefit. The masterplan shows an open space opposite the Fox and Hounds which is welcome. It is clear the exact size and location of the proposed buildings in the vicinity to be able to judge their potential impact. For example, a two storey building could have a greater mass if it has a wide gable and large roof, especially if located on higher ground than the listed building. I therefore can only reserve judgement at this stage. Another important element will be the boundary treatment to the site on the A342. The hedge gives a rural character to the area and this soft landscaping should be retained and enhanced.*

*I note that a natural hedge line is to be proposed along the main road which is welcomed. There is an open space opposite the Fox and Hounds the grade II listed building. The Fox and Hounds has a rural character and this should be maintained and not subsumed by development. The final judgment will depend on the height and bulk of the houses nearest to the site and how visible these are on the approach to the town.*

Wiltshire Council Public Open Space: No objection, subject to contributions

On site POS and off-site, financial contributions towards the improvement or development of sports pitches or associated facilities that enable their use and the provision for a NEAP. The space requirements and contributions are set out in more detail within the report.

Wiltshire Council Public Protection: No objection, subject to conditions.

*The A342 could be a significant source of noise to future occupants of the development and this needs to be assessed along with any other potential sources of commercial noise that could affect future residents. Hence conditions required.*

*A comprehensive CL assessment has been submitted but it does not conclude (c10.4.1) that a bit more work is necessary in respect of ground gas monitoring which may be significant and so we require conditions.*

*It's a large site and there is potential for negative impact on the Devizes AQMA. We will need a condition to ensure this is considered and mitigated if needed and also a condition about provision of electric vehicle infrastructure.*

*Conditions relating to noise, air quality, contaminated land and provision of a CEMP are required.*

Wiltshire Council Ecology: No objection, subject to conditions

*Initially the development was subject to a holding objection until it could be demonstrated that the proposed scheme would not have an unacceptable impact on ecology, notably local bat populations in terms of habitat loss.*

*In order to move the application forward, an updated Ecological Parameters Plan was required to be submitted. This plan needed to demonstrate dark corridors for bats of a minimum 15m width and suitable design. The Plan should also define any other areas that are to be specifically retained for the benefit of biodiversity and to provide areas for BNG.*

*If an acceptable plan were submitted, there would be no requirement for further targeted bat surveys for Annex II species. Lighting specifics and the provision of Biodiversity Net Gain can also be dealt with through the REM application, where they will need to adhere to the Parameters Plan.*

*Following the submission of a revised parameters plan which was the subject of further consultation: no objections received from the ecologist subject to conditions relating to compliance with the parameters plan, provision of a CEMP, a LEMP and lighting scheme.*

*The Sketch Master Plan has been revised to accommodate 15m dark corridors along the northern and south-western boundaries of the site, resulting in some configuration of the layout as previously proposed. The Ecological Parameters Plan has also been revised to accommodate the additional buffer widths along these boundaries and shows the location of all proposed dark corridors. Lighting within these areas will be controlled by adherence to a condition. The mechanisms for controlling light spill in these areas will rely on a detailed lighting strategy together with detailed landscaping design and planting plans.*

*I am satisfied that in combination, these measures will ensure the site retains the functionality of its habitats for wildlife, particularly for Annex II bats known to be active in the immediate*

surrounding area (ref. Wiltshire Bat Group studies including radio-tracking and trapping surveys).

*The ecologist's final comments disagree with the applicant's suggestion relating to a condition on the extent of the 15m buffer zones and require these to be kept in perpetuity. It has been demonstrated that an adjusted layout can enable the inclusion of 15m buffers, therefore there is no reason to revise downwards, even in the unlikely event that no Annex II bats were recorded. The whole point of fixing the parameters plan at the outline stage is to demonstrate that the development can be achieved within the site while also achieving no net loss of functional habitat. The REM submission will need to present a layout that fits within the parameters agreed at the outline stage.*

Wiltshire Council Urban Design: No objection in principle, subject to conditions

*The applicant has answered my previous response (my response 23.8.2021; theirs 11th Jan 2022), describing what they had amended and what they had not, with explanations. I am, in general content with the explanations and have no further comments on most of those points. However, I do have one remaining concern, which is that the proposed Amount (Amount being notably one of only 2 matters the applicant does wish to fix at Outline), which appears to depend on there being a substantial amount of flats in the market mix.*

*There is just no evidence that so any flats are justified to propose for the open market when estimating site capacity. The SHMA also points out that about a quarter or new market homes needed in Wiltshire are 4 bed, so I'd expect this site to align with that, yet this promoter has plotted less which obviously enables them to put a higher figure on the Amount.*

*Furthermore, actual REM applications in locations such as this systematically show no commercial interest in open market flats, and too much interest in 4 bed houses, and since the promoter is not buildings and selling the homes, I am unable to give their preferred mix much weight. They ought to simply apply a SHMA mix to their design concept and see what Amount comes out. My concern is, that the applicant is introducing a design constraint at Outline that need not be there, and it does not help the case of ensuring high quality design.*

*Judging from the sketch masterplan as it stands, I suspect that to comply with both CP45 and CP57 and deliver the principles described in Section 4 of the DAS, about 170 units may be demonstrably deliverable, not 180. This would also help redress the lack of parking that several of the plots needlessly appear to have been drawn without.*

*If time is available, I recommend the applicant design out the flats, include all the parking and revise their Amount. If time is not available, I recommend the applicant agree to amend the description of the proposal to 170 units. On the other hand, if the Case Officer is minded to permit the scheme without further revisions, I would recommend that a Condition is added*

WC Landscape Officer: Comments; prepared to remove landscape objection pending the use of a suitably worded condition to ensure that any reserved matters landscaping scheme is required to incorporate double tree lined streets and an improved eastern landscape boundary treatment onto Sleight Lane.

*Maintain that the application does not clearly demonstrate, based on the current form/mix and numbers of new housing sought, that the promoted double tree lined primary or secondary streets to be deliverable or that the illustrative proposals demonstrate that the eastern landscape buffer would be deliverable along Sleight Lane.*

*Support the concerns raised by the Urban Designer relating to mix of properties proposed (flats and 4 bed homes) does not reflect local housing need. Concern raised that if site is sold*

on to large volume house builders that a new mix will be proposed which would be unachievable based on the numbers proposed. The current mix, it is considered, is a hidden constraint that will impact on the deliverability of street trees and high quality design and place shaping i.e. a change in mix from flats to 4 bed homes would have major implications on land take requirements within any revised detailed layout. Not only in terms of increased dwellings and garden plot footprints, but also from consequential increased parking standard requirements.

The applicant may continue to justify a case that the layout is illustrative and such concerns are issues for reserved matters stage and can be controlled by the LPA at that stage; however, this view could only be accepted if a condition requiring the delivery of double tree lined streets within any subsequent reserved matters application. These street trees should be incorporated into appropriate width/ volume planting beds to the satisfaction of both the Council's Highways and Landscape officer/s. Such a condition is considered to be necessary as the current illustrative proposals do not clearly demonstrate that double tree lined streets would be deliverable with any certainty, based on the illustrative proposals. It is considered more appropriate for the applicant to demonstrate this at outline stage.

Initial objection was raised on the scheme. Ultimately concur with the LVIA findings in that no significant major adverse landscape or visual effects are likely to result from this development proposal apart from the obvious permanent change to the character and land use of the site itself resulting from the corresponding loss of green field countryside. The greatest visual changes arising from the proposed development will be registered by the nearest residential properties along Sleight Lane and the Pub which share existing open views across the site and of course the road users of the adjoining roads.

There is potential for a further adverse resulting night-time visual effect arising from introduction of new external lighting within the site that would likely result in a slight / negligible increased 'sky glow' from the existing settlement, incrementally adding to reduction of AONB 'Dark Skies'.

I do not highlight any other wider potential negative landscape or visual effects that would be likely to adversely impact upon the setting of the AONB if this site were to be developed for new residential uses, subject to securing effective mitigation measures in combination with inherent design measures through use of outline development parameters to inform and control subsequent Reserved Matters application proposals.

There will be some limited harmful landscape and visual change effects likely to arise from this proposed urban development proposal (subject to acceptable design and mitigation measures). These are identified to result from the loss of existing green agricultural fields, replaced by corresponding new areas of residential development and uses, that will extend urbanising influences into countryside. These effects should be recognised within any planning balancing exercise if the NPPF's 'tilted balance' is engaged.

While I have identified some minor issues of disagreement within the LVIA text and an issue with one of the LVIA's supporting maps, I do not take issue with the submitted LVIA's findings and consider that the report represents a fair assessment of the resulting landscape and visual effects likely to arise from the application proposals (subject to the delivery and incorporation of the recommendations contained therein, (See earlier comments regarding non compliance with translation of these recommendations into both the accompanying Landscape Strategy and the Illustrative Presentation Masterplan).

This site has been offered and considered within the Council's current Local Plan Review process and no higher-level landscape or visual constraints are identified to prevent this site

*moving forward to the next stages of consideration in landscape and visual terms subject to inclusion of appropriate 'substantial' planting in mitigation etc.*

*Based on my general acceptance of the submitted LVIA findings, and my local knowledge of the area, I do not offer any landscape or visual reasons which would substantiate a specific detailed reasoned landscape policy objection based on unacceptably harmful resulting landscape and visual effects for important landscape features, public visual amenity, the setting to the North Wessex Downs AONB, or wider landscape character as long as the necessary mitigation required in the form of inherent sensitive design principles and a strong mitigating and enhancing landscape scheme delivers a sympathetic transition with adjoining countryside.*

*I do not currently consider that the application demonstrates that the promoted double tree lined primary or secondary streets are deliverable, or that proposals demonstrate there is much certainty that the critical southern and eastern landscape buffers with countryside could be delivered as part of any subsequent reserved matters application/s based on the current form/mix and numbers of new housing being sought given the amount of space currently indicated to achieve this necessary tree planting.*

*I do not consider that the currently presented illustrative masterplan could form an acceptable basis for subsequent Reserved Matters application/s as it currently fails to demonstrate that the required mitigation or necessary street trees could be delivered alongside the amount of new urban development being sought.*

Wessex Water: No objection; no building within a minimum of 4m either side of the foul sewer and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. Wessex Water will require unrestricted access to maintain and repair our apparatus. Foul drainage can be accommodated within the existing public foul sewers, connection will need to be agreed with WW. No surface water runoff or land drainage will be accepted into the foul sewer either directly or indirectly. The applicant indicates surface water to be attenuated on site and discharge at greenfield QBar to existing surface water sewer; details will need to be agreed with WW. WW have not objected to the development. WW has provided standard advice and guidance in respect of new foul and water supply connections.

Wiltshire Council Arboricultural Officer: No objections

Wiltshire Council Waste and Recycling: No objection, subject to condition and subject to financial contributions secured through a S106 money to provide waste and recycling containers for each dwelling

*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 required arrangements are set out in section 5.8 of the attached guidance with a sample indemnity provided in Appendix C.*

*Waste Management will need to see vehicle tracking to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside.*

*Support the application with conditions that future submitted plans detail the requirements as set out in the draft SPD.*

The financial contributions requested is set out in more detail within the report.

Wiltshire Council Spatial Planning: Do not offer any detailed comments

Environment Agency – Comments;

*I have been in discussion with our waste team who manage the permits for the regulated waste transfer station and composting facility. In addition to my previous email, I'm able to offer the following advice.*

*There are two sites with Environmental Permits approximately 100 metres to the east of the proposed development. These are waste management sites, not COMAH (control of major accident hazard) sites as suggested in one of the letters relating to this application. One of these is a waste transfer station and the other a composting facility. It's worth noting that the composting facility is non-operational currently, but the Permit remains live and therefore there is potential for composting activities to re-commence in the future.*

*We note concerns regarding two fires since 2014. As part of our regulation, the operators are working towards a suitable fire prevention plan and have already put some measures in place to mitigate these risks. We cannot comment on whether this is a material consideration in the grant/refusal of planning permission, given that there is a certain amount of potential for fire with any domestic / business place.*

*In terms of amenity issues, we do expect that a residential development this close to a waste management site would give rise to amenity complaints. At this site the issues are more likely to be noise and dust, with potentially odour, especially if the site were to recommence composting activity.*

*We've not found any amenity issues to date to raise however, with residents potentially being located closer by, it is something that should be considered at an early stage. It is important to note that the waste activities are already permitted, so any development which could increase receptors in the local vicinity, should be determined and designed with this in mind.*

*Considering the above, we would suggest monitoring / modelling takes place to inform any mitigation / design elements that might be required to address any amenity issues identified. This will need to be incorporated into the development, and potentially conditioned as part of planning permission.*

*We recommend that this monitoring is undertaken prior to determination so that the issues, mitigation, and design implications can be understood. Given this is an outline application for access, with all other matters reserved, we appreciate it might be appropriate for this to form a condition of the outline permission, with the results and suitable mitigation, being provided as part of the reserved matters application.*

*I have noticed that the Utilities and Foul Drainage Appraisal Part 1 is not provided on the planning portal. The Application Form though states the proposal will connect to the existing public sewer network. Provided this is the case, there are no constraints within our remit.*

## **8. Publicity**

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been consulted upon. There have been 19 letters of objection received at the time of drafting this report. The following is a summary of the issues raised by members of the public / third parties: -

Contrary to Policy

- Proposal is contrary to strategic approach to development as set out within the local Plan and Neighbourhood Plan
- Site outside of settlement boundary and contrary to many core policies
- By-passing the system undermines the planning processes and cuts out public consultation
- The local plan response for this site, as a potential allocated site, states that the site assessment process carried out so far has identified a pool of sites but ecological considerations have not yet been taken into consideration
- Local plan process is still in early stages and no sustainability appraisal has been carried out on all the site; essential for this happen particularly in light of impact on annex II bats
- Site is not part of the Devizes Neighbourhood Plan; a development of 180 houses exceeds the 65 houses maximum as set out in the plan
- Much of the overall housing requirement for the area has been met leaving only 330 outstanding, when other allocated sites are taken into consideration need will be much less; no need to rush more through
- Overdevelopment
- Premature and in conflict with a plan led system
- 
- Unsustainable location, low employment within the area will lead to increase in commuting out of town for jobs
- Conflicts with policies H1, H2 of the Neighbourhood Plan, Policies 1, 2, 12, 61 of the Local Plan and policies contained in the NPPF

#### Need/Location

- There are plenty of brown field sites in the area
- This greenfield site is not needed for housing

#### Drainage / Flooding

- Loss of undeveloped land for rain soakaway
- Residential drainage & water supply, this will increase pressure on the Devizes Sewage Treatment works and fresh water supplies.

#### Ecology / Environment

- Development will have a significant negative impact on a number of protected species
- These negative impacts cannot be adequately mitigated or avoided
- Lack of coordination to local development is enabling erosion of habitats
- Concerned at the dismissal of the 105 recordings of Barbastelle bats within the area as being of low importance
- Demonstrates a clear lack of understanding of the ecology of bats and further work is required
- There is a clear connection between bat usage of this site and the Bath and Bradford on Avon SAC
- Data by the Wiltshire Bat Group has been made available; it is disappointing that this has been disregarded
- Bat surveys undertaken through the Devizes and Stert Valley Bechsteins and Barbastelle Project identified bat species directly linked to the Drews Pond Wood, Devizes with the Bath and Bradford on Avon SAC



- Protection of designated habitat and species should be considered separately to biodiversity net gain
- Natural England recommends the provision of 1ha of LNR to 1000 population; Drews Pond is only LNR in Devizes and consequently well beyond this limit
- Increase in local population having a devastating effect on local environment, eroding paths, impacting on flora and fauna
- Proposed access road is a 'newt' route; they cross from the deep pond to the shallow pond on site
- Impact on bat route through inappropriate lighting from the proposed development
- Should be provision of a wildlife corridor
- Loss of high grade agricultural land
- Development below the SuDs pond should be removed and the whole area given over to a landscape and habitat area
- Conflict between proposed residents and the nearby waste transfer site – major fires at the waste site polluting the atmosphere
- Site is approximately 250 to 500 metres from the centre of the waste transfer site and there have been two significant fires within the last 8 years
- There have been other incidents at the waste transfer site, existing controls are insufficient and as such the number of persons exposed should be minimised
- A full hazard and risk assessment should be undertaken, by a qualified person with the resulting document maintained as a public record
- If the assessment identifies an unacceptable risk then development should be barred unless adequate mitigation can be implemented
- Development will drain to the River SAC; increase in phosphates will damage the SAC and is unacceptable, the Councils Generic AA is totally misconceived and does not account for the increases likely to happen
- All new developments should provide habitat opportunities for species such as swifts
- The recommendations of the Ecological Impact Assessment are welcomed; the increase in bird nesting opportunities (one bat or bird box per dwelling), details to be included within a LEMP

### Loss of Green Space

- Loss of a green space essential for the population's mental health
- There are brown field sites in Devizes that could be developed
- Has the recent pandemic taught us the value of green spaces.

### Design / Character of the Area

- Development at south end of site will urbanise Sleight Lane
- The hard edge of the development will intrude into the rural character
- Impact on landscape character
- Fails to respond to Governments 'Building Beautiful' policy and the National Design Guide
- There should be a clear and strong urban design concept to set a benchmark against
- No consistent attempt to create coherent spaces
- Surrounding buildings make very little contribution and to low and to disjointed to enclose the space
- Most of the houses will be long serried ranks of detached or semi-detached buildings, alternating with parked cars
- Three storey structures would be wholly inappropriate for development on the rural fringes of the town
-

## Infrastructure

- No infrastructure to support such development and the roads are already gridlocked
- A342 in desperate state of disrepair and could not carry additional traffic
- Insufficient leisure, open spaces, employment sites, air quality and schools
- Insufficient open spaces to provide for both adults and children to support their mental well-being

## Pollution/Environment

- Air pollution from extra vehicles
- Conflict between waste transfer site and new residents
- No proposed solar panels to the roofs, why is gas being used

## Landscape and Visual Impact

- Impacts on the visual amenity of the area
- Visually prominent within the area
- Negative visual impact, spoiling previously rural feel and spreading urban sprawl

## Highways / Parking

- Neighbourhood plans state that houses should be within 20 mins walk into Devizes, but this site is 2 miles out of Devizes, taking 35-minute walk
- Public Transport is poor, with few buses running, variable in frequency, dependant on subsidies and relatively expensive
- No railway station in Devizes
- Increase in traffic, highways not fit to deal with increase in traffic
- Conflict between traffic generated and pedestrians and cyclists
- Traffic congestion through the town
- Road infrastructure is already over loaded
- Traffic survey makes not reference to the NHS Centre, survey does not accurately reflect the level of traffic accessing this site
- No mention of increase in farm traffic along the highways
- The old railway line along the SW bounday should be safeguarded for future cycle and pedestrian access to the proposed Parkway Station at Lydeway

## Neighbour Amenity

- Detrimental impact upon existing nearby residential amenities with potential loss of daylight, sunlight and privacy, increased noise and congestion, plus air pollution
- Loss of privacy & potential overlooking for those living along Sleight Lane, Marshall Road, Fox & Hound and anyone living nearby

## **9. Planning Considerations**

### ***9.1 Principle of Development***

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section

38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance.

Turning therefore to the development plan (the WCS), the site lies outside the Limits of Development of Devizes, within what is defined as countryside where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

- the site is to be considered under one of the council's exceptions policies listed at paragraph 4.25 of the WCS;
- the site is being brought forward through a neighbourhood plan; or,
- the site is being brought forward through a site allocation development plan document.

In this case, the scheme does not fall within any of the identified exceptions policies, the site has not been brought forward under either the Neighbourhood Plan or allocated through the development plan document for the area. Therefore, the development does not comply with the requirements of Core Policies 1 and 2 of the WCS.

However, the Council cannot currently demonstrate a 5-year supply of deliverable housing land, which is a material consideration; at the time of drafting this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.72 years. With this recognition, the 'tilted balance' flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy which is recognised as a sustainable location for this type of development.

## **9.2 Scale, Design and Layout**

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

This is an outline planning application for the development of the site for up to 170 dwellings with associated access onto Marshall Road with all other matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The precise details of the layout, density, design and appearance are therefore unknown at this stage; however, the application is supported by an indicative layout plan in order to demonstrate how the site could be developed and a series of context plans which demonstrate that a scheme can be developed with sufficient supporting infrastructure.



*Sketch Master Plan – for indicative purposes only*

The layout of the proposed development (as shown in the 'sketch master plan' above) has been the subject of public consultation and forms the basis for the determination of this application. This plan is for indicative purposes only and should not be construed as the final layout for the proposed scheme.

Whilst paragraph 125 of the NPPF seeks to ensure that planning policies make efficient use of land and that higher densities should be expected in areas well served by public transport and sustainable locations, the density of development at this site is approximately 23 dph which is considered a reasonable level for this area and reflects the constraints of the site and the peri urban context within which the site is set. In light of this current government policy, it is considered that the proposal is for an appropriate density.

The scale and design of the proposal are for future consideration, however, the sketch plan clarifies a potential layout solution that responds to the constraints of the site. Comments received from the Urban Design Officer raise no objection in principle although recommend caveats and conditions that need to be discussed and agreed.

They raise concern at the amount of units proposed and more precisely the number of flats / coach houses proposed in total (21 units, 12 of which would be affordable) which based on their figures amounts to a 6% over supply of this type of dwelling and also an under supply of 4 bed properties with reference to the strategic housing market figures for the area. They argue that there is no justification for so many flats and that evidence suggests a greater need for 4 bed units. On this basis the Urban Designer suggests that the site may be able to accommodate 170 units but not the 180 originally sought. They have requested that the applicant design out the flats and include all parking and revise their amount or at the very least amend the description down to 170 units. The applicant has taken on board the issues

highlighted and has now revised the scheme down from 180 to up to 170 units, in line with the Urban Designers requests.

The concerns raised by the Urban Design Officer are acknowledged, however, the application has now been amended to reflect their request and is for up to 170 dwellings. The site remains constrained for example through the required planting and ecological constraints and at reserved matters stage based on these restrictions it may be necessary for even further reductions as the design evolves. It is now however considered that up to 170 units is more likely reasonable and feasible figure than those previously forwarded.

It is agreed that the concepts and design philosophy set out within the design and access statement relating to the design detailing, scale and layout are supported. As requested by the Urban Design Officer in order to achieve the benefits that this design philosophy sets out it will be necessary to impose conditions and informatives to meet these standards at approval of reserved matters stage.

Whilst the Urban Designer does have some criticisms of the scheme the scheme is now at a stage where the proposal is considered to be in compliance with current local and national policy. The Council's lack of a 5 year housing land supply is considered in this instance a significant material consideration within the planning balance with the provision of housing much needed across the Council's area. With this point in mind, it is considered that the scheme is in broad accordance with the requirements of CP 51 and CP 57 of the WCS (2015). Any outstanding comments from the Urban Designer on matters of detail do not amount to significant or demonstrable harm in planning terms that would merit withholding consent. Conditions raised by the Urban Designer and any other consultee in respect of design matters will be considered in the interests of securing a high-quality build – notably for the approval of reserved matters to come forward in line with the 'Design Philosophy' as set out within the Design and Access Statement.

### **9.3 Landscape and Visual Impact**

Concerns have been raised by local residents at the visual impact that the development of this site would have on the landscape and wider area. In addition, the urbanisation of Sleight Lane has also been highlighted as a point of concern by the landscape officer, residents and town council.

In landscape character terms, the site is agricultural at present, it does have a watercourse running alongside it and some field hedging and trees – these features contribute to the character of the site and are features characteristic of the wider landscape type. Development of this field will obviously see the loss of the sites agrarian character, but this in itself is not deemed to be significantly harmful. The agrarian character has already been weakened by urban features/influences (for example housing to the west) which are very much framed in its view. Whilst forming a gateway to Devizes within this location, a well designed scheme with appropriate landscaping would not have a significant visual impact. The WC Landscape Officer is in broad agreement with the conclusions of the LVIA, although disagrees with the conclusions reached within the application that double tree lined streets can be accommodated. The applicant has argued that this would be a matter for consideration under the detailed submission for approval of reserved matters.

The landscaping of the site has to a large extent evolved around ecological matters where bat habitat is needed to be created/enhanced to ensure their conservation. This has led to larger areas of proposed landscaping where bat habitats areas are required to be retained and enhanced. This however, does not remove the requirement for enhanced quality of design through appropriate levels of landscaping across the site and this has been recognised as necessary by the landscape officer.

The Landscape Officer has identified that they are prepared to remove their landscape objection pending the use of a suitably worded condition to ensure that any reserved matters landscaping scheme is required to incorporate double tree lined streets and an improved eastern landscape boundary treatment onto Sleight Lane. This is considered acceptable and necessary and it should be highlighted that the landscaping scheme should be provided as part of a comprehensive scheme, informing the layout of development as opposed to a retrofit at a later date. It should also be highlighted that landscaping along Sleight Lane should be of a natural form and not result in hard features, such as for example, close timber boarded fencing. The boundary features along this line should reflect the countryside location within which this site is located, i.e. hedgerow and feature trees within the hedgerow.

The landscape architect maintains a concern that the current mix is a hidden constraint that will impact on the deliverability of street trees and high quality design and place shaping i.e. a change in mix from flats to 4 bed homes would have major implications on land take requirements within any revised detailed layout. Not only in terms of increased dwellings and garden plot footprints, but also from consequential increased parking standard requirements. It is acknowledged that the application is in outline form and that such detail, which is not for consideration now, can be reasonably conditioned for consideration at reserved matters stage.

It is further acknowledged that street trees should be incorporated into appropriate width/volume planting beds to the satisfaction of both the Council's Highways and Landscape officer/s. The envisaged delivery of suitable street trees along primary routes must not be sacrificed in principle or be unsuitably vulnerable (for example to vandalism) based on the proposed use of small fastigate tree varieties e.g., such as 'Prunus amanogawa' at reserved matters stage.

There is potential for a further adverse resulting night-time visual effect arising from introduction of new external lighting within the site that would likely result in a slight / negligible increased 'sky glow' from the existing settlement, incrementally adding to reduction of AONB 'Dark Skies'. This would not be sufficient grounds to refuse the application on. The landscape officer does not highlight any other wider potential negative landscape or visual effects that would be likely to adversely impact upon the setting of the AONB if this site were to be developed for new residential uses, subject to condition.

In conclusion it is agreed with the LVIA findings that no significant major adverse landscape or visual effects are likely to result from this development proposal apart from the obvious permanent change to the character and land use of the site itself resulting from the corresponding loss of green field countryside. The greatest visual changes arising from the proposed development will be localised, registered by the nearest residential properties along Sleight Lane and the Pub which share existing open views across the site and of course the road users of the adjoining roads. Core Policy 51 requires all new development proposal to conserve Wiltshire's landscape character and provide sufficient mitigation where necessary to combat any negative effects. It is considered that an appropriate landscaping scheme could be conditioned to come forward at reserved matters stage, although this could impact on the number of dwellings proposed.

#### **9.4 Heritage Impact**

It is recognised that there is a Grade II Listed building opposite the site, the 'Fox and Hounds' which lies approximately 20m to the north east of the site, across the A342. The building is an 18<sup>th</sup> century inn with a thatched roof and red bricks



*Fox and Hounds*

*Listing:*

*Inn, C18 possibly on earlier core, chequered brick and red brick with thatched roof hipped to left, right end stack. Two storeys, 4-window range. Centre section, probably earliest, is chequered brick with raised band and 2 casement pairs above, cambered head 12-pane window and cambered head door below, both probably altered. Left and right sections are added in red brick with band continued across. To left, upper casement pair and ground floor C20 cambered-head 12-pane window. To right, upper casement pair and ground floor triple casement. One rear wall stack.*

The application argues that from the analysis of available information and a site visit to the building and its environs it is evident that the significance of this asset is derived from the architectural interest of its built form, although it is recognised that some significance may be drawn from its setting.

More widely, its setting is defined by the rural and agricultural landscape to the south, which includes the north-eastern portions of land within the site and beyond. The site visit established that the frontage of the building addresses the road, and historically would have been appreciated from the south on the approach to Devizes. As such, it is considered that the building as appreciated from the road makes a positive contribution to its significance.

Comments from the conservation Officer clarify that in terms of the historic environment, the key issue is the potential impact on the Fox and Hounds. While it is acknowledged that planning policy does not prevent any change to the historic environment it does set out that there should be no harm, unless there is public benefit. The masterplan shows an open space opposite the Fox and Hounds which is welcome.

It is considered that the exact size and location of the proposed buildings in the vicinity of the heritage asset would be needed to be able to judge their potential impact. For example, a two storey building could have a greater mass if it has a wide gable and large roof, especially if located on higher ground than the listed building. The CO can only reserve judgement at this stage. Another important element will be the boundary treatment to the site on the A342. The hedge gives a rural character to the area and this soft landscaping should be retained and enhanced.

It is noted that a natural hedge line is to be proposed along the main road which is welcomed. There is an open space opposite the Fox and Hounds the grade II listed building. The Fox and Hounds has a rural character and this should be maintained and not subsumed by development. The final judgment will depend on the height and bulk of the houses nearest to the site and how visible these are on the approach to the town.

It is acknowledged that the proposed development would not result in a direct effect on the built form of the listed building and therefore the significance bound up in its architectural, artistic and historic interest within the built fabric would be preserved. The proposals would not remove the ability to experience the listed building from its curtilage, or from the roadside approach to Devizes, from where its form is best appreciated. The site has a minor, but nonetheless positive contribution to the significance of the building, in relation to the surrounding rural landscape. This is acknowledged by the CO. The Presentation Masterplan shows that the proposed development has responded by providing open space directly opposite the listed building in the development, which somewhat helps to preserve the experience of the listed building.

On balance it is considered that the proposed layout ensures that no significant harm would be caused to the setting of the identified designated heritage asset. The proposed open space on site supports setting within which the listed building will be viewed and whilst it is accepted that some harm to the setting will likely occur this would be to the lower end and less than substantial. The public benefits associated with the scheme will be to provide a mixture of market and affordable housing needed for the area, the economic benefits for the area through the payment of CIL and council tax associated with the number of dwellings proposed. It is therefore considered that the proposal would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS.

### **9.5 Agricultural Land**

The majority of the site is classified as grade 1 - i.e. Best and Most Versatile Land (BMV). However, Natural England's concerns over loss of best agricultural land generally only applies where areas greater than 20ha would be lost. This portion of land falls well below that threshold and, therefore, its loss is considered acceptable.

### **9.6 Drainage**

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs).

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). The drainage team support this Outline Application, subject to conditions being met at Full / Reserved Matters Planning Application stage.

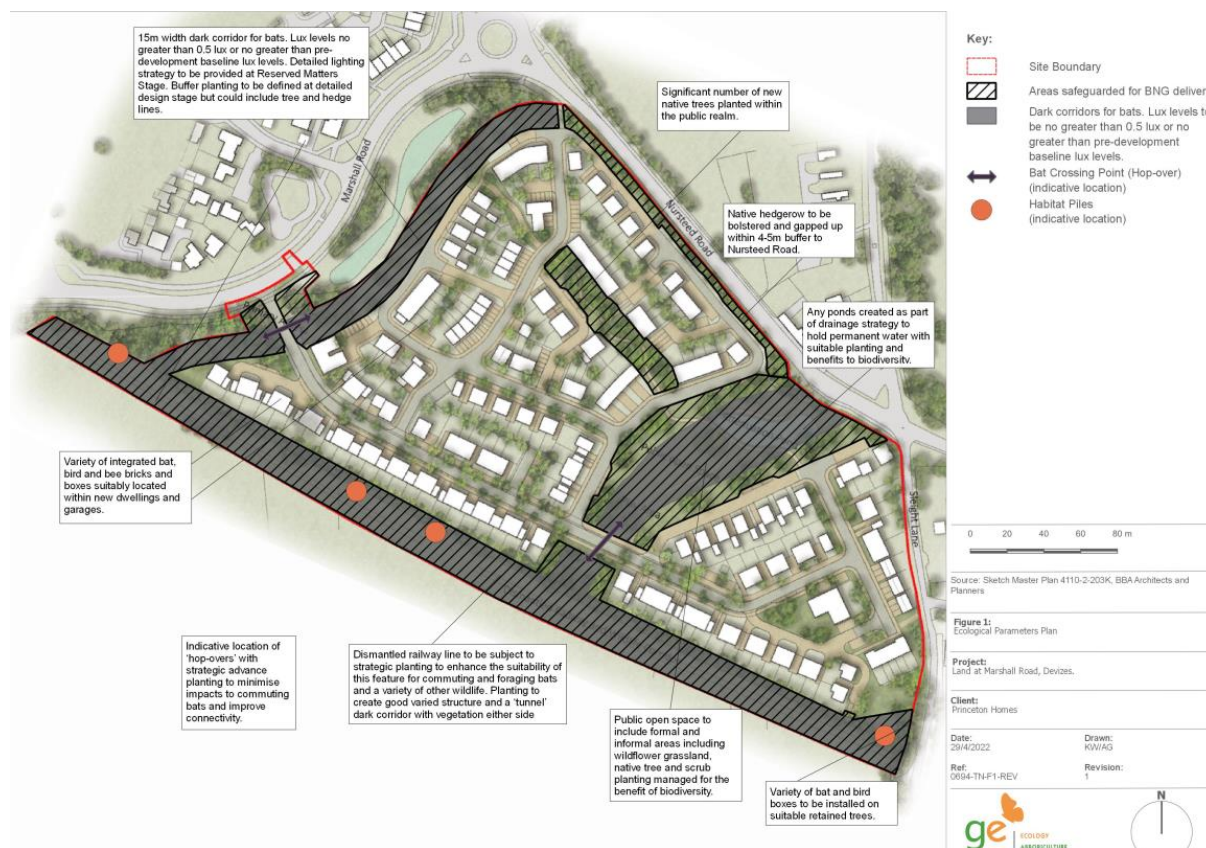
Based on the latest plans and documents submitted, the Lead Local Flood Authority (LLFA) supports the proposed development, subject to conditions. With such conditions in place to control the points identified within the LLFA comments, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere. The conditions are considered necessary and reasonable to impose.

### **9.7 Ecological Impact**

Initially the development was subject to a holding objection until it could be demonstrated that the proposed scheme would not have an unacceptable impact on ecology, notably local bat populations in terms of habitat loss.



The Sketch Master Plan has been revised to accommodate 15m dark corridors along the northern and south-western boundaries of the site, resulting in some configuration of the layout as previously proposed. The Ecological Parameters Plan (below) has also been revised to accommodate the additional buffer widths along these boundaries and shows the location of all proposed dark corridors. Lighting within these areas will be controlled by adherence to a condition. The mechanisms for controlling light spill in these areas will rely on a detailed lighting strategy together with detailed landscaping design and planting plans.



### Ecological Parameters Plan

The ecologist is satisfied that in combination, these measures will ensure the site retains the functionality of its habitats for wildlife, particularly for Annex II bats known to be active in the immediate surrounding area. They are content to accept the revised Parameters Plan showing 15m buffers along the northern and south-western boundaries, in the absence of further bat activity surveys.

However, the Council's Ecologist does not agree to the reduction to the 15 metre buffer zones suggested within the consultant ecologists recommended condition, that if further bat surveys are conducted during the current survey season and show low numbers of Annex II bats using the boundary features.

The Council's Ecologist is aware from trapping and radio-tracking undertaken very recently, that Annex II bats, particularly Barbastelles, are prevalent in the area around this site and that the site lies on or adjacent an existing flyway for bats commuting between summer and winter roost sites. Annex II bats are notoriously difficult to detect and record, due to their quiet and directional echo location calls. It must be recognised that these species has already been recorded on the periphery of the site.

The principal reason for fixing the parameters plan at the outline stage is to demonstrate that the development can be achieved within the site while also achieving no net loss of functional habitat. The REM submission will need to present a layout that fits within the parameters agreed at the outline stage, this is important in order to safeguard protected species and their habitats and to ensure enhancements in favour of such species.

The following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with the parameters plan; and
- that development shall not commence until the submission of a Lighting assessment of the final scheme, a LEMP and a CEMP have been approved.

The conditions are reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

### **9.8 Archaeology**

The scheme was considered under preapp where it was identified that from the Council's historic archaeology records these fairly irregular fields lie south of Devizes; they seem to have changed little since the later C19 according to the historic map evidence. They are probably best described as piecemeal enclosures of post medieval date but are not classic examples.

An Archaeological and Heritage Assessment has been carried out in support of the application. The assessment identifies that the site is not located within or contain any designated heritage asset, for example a schedule ancient monument or battlefield and also there is no designated heritage asset on the site (i.e. a listed building). It is recognised that the site sits within the context of the Grade II Listed building (The Fox and Hounds) on the opposite side of the road and this has been covered in the heritage section above.

The report states that an *“analysis of historic sources and archaeological evidence from the immediate environs of the site, confirms that there is a moderate potential that the site may contain features and deposits relating to Prehistoric and Roman activity, most likely representing agricultural activity, if present. There is the potential for very low value medieval and post-medieval agricultural activity to be present”*. The report concludes that *“on the basis of current evidence, and given the likely truncation caused by the modern agricultural regime, any such remains are likely to be of no more than local importance and would not require preservation in situ. Any further archaeological investigations, if deemed necessary, are most suitably secured by a condition”*.

In order to validate the findings of the report and to clearly establish whether any archaeological presence on site remains it is recommended that a condition is imposed on any grant of consent.

### **9.9 Public Protection**

Issues have been highlighted at potential for impact from the waste transfer station to the east of the site. Two separate fires have occurred over the last six years. The prevailing wind during one of the two incidents identified was easterly and thereby blew fumes and debris towards Devizes; the other incident mentioned the winds were westerly. It should be noted that for the UK the prevailing winds are normally south westerly. Comments received from the Environment Agency acknowledge that there are two sites with environmental permits approximately 100 metres to the east of the site, one a waste transfer station and one a composting facility. The EA clarifies that these are waste management sites and not COMAH (control of major accident hazard) sites as suggested within the objections received from local residents. It is worth noting that the composting facility is non-operational currently, but the

permit remains live and therefore there is potential for composting activities to re-commence in the future. In any event the potential for pollution clearly exists at present, with reference to the stated impact on existing householders and as such this as an issue would need to be resolved through the appropriate regulatory process through the Environment Agency and Public Health departments.

The EA note the concerns raised regarding two fires since 2014, such incidents are covered under separate legislation and as part of the EA's regulations, the operators are working towards a suitable fire prevention plan and have already put some measures in place to mitigate these risks. The EA therefore do not comment on whether this is a material consideration in the grant/refusal of this planning application given that there is a certain amount of potential for fire with any domestic / business place.

In terms of amenity issues, it is considered that a residential development this close to a waste management site could give rise to amenity complaints. The EA clarify that at this site the issues are more likely to be noise and dust, with potentially odour, especially if the site were to recommence composting activity. The EA has not found any amenity issues to date to raise however, with residents being located closer, it is an area that should be considered at an early stage. It is important to note that the waste activities are already permitted, so any development which could increase receptors in the local vicinity, should be determined and designed with this in mind.

The EA therefore recommend that monitoring and modelling takes place to inform any mitigation / design elements that might be required to address any amenity issues identified from this additional research. Any necessary mitigation should be designed into the overall scheme.

The Council's Public Protection team also recognise the potential for impact from noise and air quality and contaminated land with this site and therefore recommend the imposition of conditions. Whilst the Public Protection team recommend the imposition of pre-commencement conditions it is considered that such survey work should be carried out in order to inform the final design of the scheme at reserved matters stage.

Neither the EA or the Council's Public Protection team have an objection to the development subject to conditions relating to noise, air quality, contaminated land and the provision of a CEMP. These requirements are reasonable and necessary to make the development acceptable in planning terms.

### **9.10 Highways**

Concerns have been raised that the proposal would result in an impact on highway safety through the intensification of traffic onto highways not capable of dealing with the extra loading. However, the comments received from the highway officer do not raise objections to the proposed scheme subject to the imposition of conditions.

The highway officer considers that the development would be adjacent to the existing built-up area of the town with a good standard of walking and cycle connections towards the town facilities. The development will be within guideline walking and cycling distances of nearly all town facilities including several primary schools and the Devizes secondary school. There are nearby bus stops / services along both Marshall Road and the A342. They offer no objection on transport sustainability grounds. It is agreed that the site is well located in this instance in relation to its location adjoining the market town of Devizes.

The application proposes a simple priority form of junction to the distributor type road (Marshall Road). It is considered that this number of dwellings could normally require a ghost island right

turning lane junction, but in this instance, Marshall Road being effectively a large cul-de-sac, there will be very small numbers of right turn vehicles into the site. A right turning lane is therefore not required. The conclusions of the highway officer are that the geometrical scale of the junction, including the junction visibility splays, are as previously discussed and are considered satisfactory to serve the development proposed.

Traffic levels have been surveyed and adjusted upwards to reflect pandemic reductions at the time of surveys, also the survey work was based on a higher number of units. The survey works is considered robust. The assessment concludes no or limited capacity issues at junctions. A 'Full Travel Plan' will be required at detailed stage, this should be covered condition. It is recognised that improvements within the area for pedestrian, cycle access and access to the bus stop will be required and these matters can be considered under condition through the approved matters stage. The indicative layout sets a strong hierarchy that will need to be developed at reserved matters stage, taking into consideration the constraints of the site relating to ecology, landscaping and drainage issues.

These conditions are reasonable and necessary, and it is therefore recommended that they are imposed on any permission given. With such conditions in place, coupled with the s106 contributions, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

### **9.11 Community Infrastructure Levy (CIL)**

The new dwellings would be liable for CIL. The site would fall under charging Zone 1, Category 3 where the sum equates to £85 per square metre of residential floor space created, plus indexation. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

## **10. S106 contributions**

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are:

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

### Affordable Housing

CP 43 states that on dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The applicant has agreed to provide 51 affordable housing units which meets the 30% required for up to 170 dwellings. These will be transferred to a Registered Provider. Based on current housing need figures for Devizes these should be a mix of 60% affordable rent, 15% shared ownership homes and 25% first homes.

Please note that due to potential maintenance/management issues, flats over garages/courtyard entrances are not an affordable housing type the Council would be able to

currently support. Furthermore, it is understood that 2 bed apartments above ground level are proving difficult to let, so again this property type would not be encouraged.

### Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF. Saved Policy HC34 of the Kennett Local Plan states that where new residential development of 20 or more dwellings recreational open space will be required to be provided. Recreational open space will be required to be provided on the basis of 2.43 ha/1000 people, comprising:

- a. equipped play space - 0.31ha/1000 people
- b. casual play space - 0.41ha/1000 people
- c. formal sports/pitches - 1.71 ha/1000 people

As there has been a reduction in the number of dwellings proposed the final figures will be reported following an update from the relevant officer. Needless to say the proposal generates an open space requirement, financial contribution towards leisure and an on-site NEAP.

### Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. As there has been a reduction in the number of dwellings proposed the final figures will be reported following an update from the relevant officer.

### Refuse

A contribution of £15,470 (£91 per dwelling x 170) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

### Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

- Full Travel Plan shall include travel vouchers - being offered to household of £250 / £150 where the lower figure is for those households with an occupant entitled to concessionary bus travel.
- A Travel Plan monitoring fee of £7500 (£1500 pa over 5 years)

## **11. Conclusion (The Planning Balance)**

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11 of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

The Council cannot currently demonstrate a 5-year supply of deliverable housing land, at the time of drafting this report the current supply figure is set out in the latest Housing Land Supply Statement as 4.72 years. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

It is recognised that the proposed development has the potential for impact on the setting of the nearby heritage asset, however, it has been concluded that provided that units within the vicinity of the heritage asset are not too tall or bulky and the scheme as a whole retains a degree of rural character that the impact would not cause harm to the setting. The scheme is therefore considered to comply with the requirements of the NPPF. It is further considered that as The Fox and Hounds is a public house on an edge of town location, that it will likely benefit through this development, for example the scheme would potentially provide economic support for this community facility maintaining its viability and thereby continued use as a local facility within this area.

Whilst many concerns have been expressed at the potential for impact on protected species within the area, the submitted parameter's plan has been considered acceptable by the Council's Ecologist to safeguard species using the area. Further enhancements could be included within final design of dwellings that can further enhance the scheme.

The scheme has undergone public consultation and has gained the high level support of Devizes Town Council. The development, if approved, would provide financial benefits towards leisure and travel within the area and on-site recreational facilities. The provision of affordable housing on site is also considered to be a significant benefit for both the local area and the wider area as a whole, supporting homes for the community. There are of course the economic benefits of a scheme of this size within this location both during the construction phase, where local trade and suppliers may benefit and also economic support for local businesses through additional households spending within the community.

It is acknowledged that the LVIA's findings and report represent a fair assessment of the resulting landscape and visual effects likely to arise from the proposal. It is acknowledged that there will be some limited harmful landscape and visual change effects likely to arise from this proposed urban development. These are identified to result from the loss of existing green agricultural fields, replaced by corresponding new areas of residential development and uses, that will extend urbanising influences into countryside. These effects should be recognised within any planning balancing exercise if the NPPF's 'tilted balance' is engaged. However, the site does not fall within any protected landscape designation. This site has been offered and considered within the Council's current Local Plan Review process and no higher-level landscape or visual constraints are identified to prevent this site moving forward to the next stages of consideration in landscape and visual terms subject to inclusion of appropriate 'substantial' planting in mitigation etc.

It is considered based on the submitted LVIA findings and the landscape officers comments that there would not be any landscape or visual reasons which would substantiate a specific detailed reasoned landscape policy objection based on unacceptably harmful resulting landscape and visual effects for important landscape features, public visual amenity, the setting to the North Wessex Downs AONB, or wider landscape character as long as the necessary mitigation required in the form of inherent sensitive design principles and a strong

mitigating and enhancing landscape scheme delivers a sympathetic transition with the adjoining countryside.

There are no recognised highway safety implications associated with the proposed scheme and support subject to conditions is provided by the highway officer. Enhancements relating to traffic impacts and the scheme include the provision of a new and replacement bus stop, these enhancements would be considered as a benefit for the community as a whole.

It is considered that given the outstanding requirements for housing within Wiltshire as a whole, this proposal would make an important contribution to identified need, and accordingly the provision of market and affordable housing carries significant weight in favour of the proposal.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application. Officers maintain that the provision of 170 dwellings a proportion of which would be affordable housing would lead to no demonstrable policy harm and the windfall residential provision of 170 dwellings in this location can be fully supported through the NPPF and the WCS.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy and the proposal is considered acceptable in this location adjoining the settlement boundary. The scheme would result in delivering 170 dwellings a proportion of which would be affordable housing at what is considered a sustainable location; and in recognition that there are no substantive planning reasons to counter the titled balance engaged by the NPPF, this application is supported by officers, subject to conditions and section 106 contributions.

## **RECOMMENDATION**

**Defer and Delegate to the Head of Development Management to grant outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.**

Conditions: (28)

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

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

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

(d) The landscaping of the site.

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

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

NOTE: The landscaping scheme, as a minimum, shall include the details as identified, within 'Landscaping Informative', below to be submitted at reserved matters stage.

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

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

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

- Site Location Plan, Dwg No. 199 Rev E
- 'Ecological Parameters Plan', Dwg No. 0694-TN-F1-REV Rev 1
- 'Concept Site Access', Dwg No. 41342/5501/SK01 Rev F
- Design and Access Statement 4110

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

- 5 Any application for approval of Reserved Matters shall be designed in strict accordance with the details and parameters set out on the Ecological Parameters Plan (drawing reference. 0694-TN-F1-REV Rev 1) or any variation thereto which is approved in writing by the local planning authority.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity, and of conserving the ecological functionality of the site and to maintain links into the wider landscape area for foraging and commuting wildlife. And in order to establish ecological parameters for the site within which no development can take place and to secure mitigation measures to ensure the site is developed in such a way as to avoid adverse impact to protected habitats and species.

- 6 Notwithstanding any reference to the number of properties proposed contained within the submitted details, any application for approval of Reserved Matters shall be designed in close accordance with the details and parameters as described and illustrated in the approved Design and Access Statement and the principles illustrated within it, specifically:

-

- The 'design philosophies' described in the DAS (section 4)

A statement shall be submitted with each Reserved Matters application, which demonstrates how the application proposals are in compliance with the Design and Access Statement.

REASON: The DAS includes numerous parameters and a simple design code aimed at delivering a varied, high-quality, locally inspired design, relevant to both the public realm and architecture. NPPF paragraph 134 b) states that significant weight should be given



to design that helps raise the standard of design more generally in an area, and weight has been given to this matter in permitting this development, to ensure that high standards of urban design and comprehensively planned development is achieved in accordance with policies of the Core Strategy.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 8 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 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, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

NOTE: The Lead Local Flood Authority advises that in order to discharge this condition the detail as highlighted within the 'Land drainage Informative' below should be submitted.

- 10 No development shall commence on site until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
  - 1) An introduction consisting of definitions and abbreviations and project description and location
  - 2) A description of management responsibilities
  - 3) A description of the construction programme
  - 4) Site working hours and a named person for residents to contact
  - 5) Detailed Site logistics arrangements
  - 6) Details regarding parking, deliveries, and storage; including delivery hours (to avoid peak times), parking of vehicles of site operatives and visitors (on site and not on local highways), and storage on site
  - 7) Details regarding dust and noise mitigation
  - 8) Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
  - 9) Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
  - 10) The movement of construction vehicles, to include the routes to site
  - 11) The cutting or other processing of building materials on site
  - 12) Wheel washing and vehicle wash down facilities
  - 13) The transportation and storage of waste and building materials
  - 14) The recycling of waste materials (if any)
  - 15) The loading and unloading of equipment, plant and materials
  - 16) The location and use of generators
  - 17) The location of any temporary on site accommodation
  - 18) Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts
  - 19) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

The construction/demolition phase of the development will be carried out fully in accordance with the construction method statement at all times.

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 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.

- 11 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
  - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
  - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
  - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

- 12 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- 13 No development shall commence on site until an Air Quality Assessment (AQA) has been submitted to and approved in writing by the Local Planning Authority. The AQA must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality, including impact on residents of the proposed site from the nearby waste transfer station / composting facility from dust and odour. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any mitigation identified from the results of the assessment shall be incorporated into the final design of the proposed development. Development shall be carried out in accordance with the approved details.

REASON: In order to assess the impact of new development within an area subject to an air quality management area restriction, in the interests of the amenity of the area and the site itself and in the interests of protected species and their habitats.

- 14 No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 15 No development shall commence until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development site.

- 16 Prior to commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of construction vehicle routeing, construction staff vehicle parking areas within the site, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway. The site construction shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety and road user convenience.

- 17 Prior to first occupation the two existing field gate access points to the development land shall have been properly and permanently closed in accordance with details to be first submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of preventing indiscriminate use of inappropriate access points to the public highway.

- 18 No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in

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

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

- 19 No development shall take place above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The use of local natural stone/ heritage clay brick (red, white-washed red and red with blue tones) / natural timber will be used for the facing walls / windows / doors in the detailed design of this scheme. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and in order to secure a high quality of design to make a positive contribution to the site and its surroundings and show consideration for its local context. The appearance and treatment of the spaces between and around buildings is also of great importance.

- 20 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the Local Planning Authority.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

- 21 In terms of noise audible at any of the site boundaries, the hours of construction shall be restricted to the following times:-

Mondays - Fridays 08:00 – 18:00hrs

Saturdays 08:00 – 13:00hrs

Not at all on Sundays or Bank and Public Holidays

REASON: In the interests of the amenity of the area

- 22 No burning shall take place on site during the construction phase.

REASON: In the interests of the amenity of the area

- 23 Prior to first occupation the access, including the tactile lowered kerb crossing of Marshall Road just east of the vehicular access, shall have been provided, as detailed on plan number 41342/5501/SK01/F.

REASON: In the interests of safe and convenient access to the development.

- 24 Prior to occupation of the 100th dwelling the section of 3 metre wide footway on the A342 connecting into the development, and the associated tactile crossing of Marshall Road just west of the Marshall Road / A342 roundabout detailed on plan number 41342/5501/SK01/F shall all have been provided.

REASON: In the interests of safe and convenient pedestrian access to the development.

- 25 Prior to first occupation of the 50th dwelling the new south-east bound bus stop on the A342 as outlined on plan number 41342/5501/SK01/F, including high access kerbs, road markings and a new flag sign, shall all have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of improved public transport accessibility.

- 26 Prior to first occupation of the 50th dwelling a new replacement bus shelter at the existing north-west bound bus layby on the A342, as outlined on plan number 41342/5501/SK01/F, including demolition and removal of the existing shelter, high access kerbs and a flag sign, shall have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of improved public transport accessibility.

- 27 Prior to first occupation of the 100th dwelling the existing footway between the Sleight Lane / A342 junction and the existing north-west bound bus layby on the A342 shall have been widened to 2 metres and resurfaced in accordance with details to be first submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of good pedestrian and public transport accessibility.

- 28 Prior to first occupation of the 100th dwelling the existing footway on the north-east side of the A342 shall have been widened to between 1 and 1.2 metres and resurfaced in tarmacadam, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of good pedestrian accessibility.

Informatives: (14)

- 29 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local

planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

- 30 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 31 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].
- 32 The attention of the applicant is drawn to the contents of the letter from Wessex Water dated 12 August 2021.
- 33 The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.
- 34 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.
- 35 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.
- 36 Informative: The presumed maximum site capacity has been agreed based on the indicative mix shown on Dwg 204: Sketch Masterplan Accommodation Schedule Overlay, which includes a significant number of open market apartments. If, at REM, a market housing mix should be proposed which instead includes a higher proportion of larger homes, then the final Amount may have to reduce in order that the quality of design is in accordance with the design philosophies described in the DAS (section 4).
- 37 Informative: The applicants attention is drawn to the Highways Authority requirements for the minimum car and cycle parking standards to be fully met at this location under any reserved matters application.
- 38 Informative: The reserved matters application should include a pedestrian access connection to Sleight Lane as indicated on the Sketch Masterplan number 4110/2/203/K.
- 39 Informative: The applicants attention is drawn to the requirement that at reserved matters stage a parallel road to A342 only separated by a hedgerow will not be accepted for highway safety reasons. The distance between the two roads and the landscaping will both need to be agreed with the relevant highways, landscape and ecological officers.
- 40 Informative: It is noted that the applicant plans to discharge surface water flows to an existing Wessex Water sewer; this will be subject to separate applications under Section 104 of the Water Industry Act.

It is noted that the applicant plans to utilise blue-green SuDS features throughout the site, within “green corridors”, this is favourable and in line with the current guidance for major developments in the NPPF. The applicant should seek to maximise the use of blue-green SuDS features (such as swales, bioretention, ponds) in order to provide drainage with multi-faceted benefits of managing water quality & quantity, whilst improving biodiversity and amenity. It will be unacceptable to the LLFA for SuDS features to be omitted due to a lack of available space / costs; the applicant’s drainage engineer should work closely with the landscape architect and masterplanner to ensure that SuDS are incorporated into the detailed design proposals.

41 Land Drainage Informative: The Lead Local Flood Authority advises that as part of the reserved matters consent application the following drainage information will be required:

1. Based on the Wiltshire Council SFRA mopping, the site has been identified to be at moderate risk of groundwater flooding. This is supported by the ground conditions assessment which states that perched groundwater has been encountered at approx. 500mm below ground level on adjacent sites. It is noted that the applicant has conducted trial pits to 3.6m depth, and has not encountered groundwater, however in order to demonstrate that the risk of groundwater flooding has been fully managed (in accordance with Paragraph 160 of the NPPF), the applicant should undertake further groundwater monitoring in order to take account of seasonal variations in groundwater level.

2. It is noted that there is a low risk of contamination on site due to historic land use, which will be the subject of additional detailed ground investigations. The applicant will be required to design the proposed drainage system to account for contamination encountered in this investigation, to ensure that a pathway between pollutants and sensitive receptors is not created by the drainage design.

3. In accordance with the Sewerage Sector Guidance (paragraph C.3.12), the applicant is required to consider collection of surface water for re-use, or provide justification as to why it cannot be achieved on this site. This could include rainwater harvesting for greywater applications such as toilet flushing, and domestic water butts.

4. The applicant will be required to provide detailed hydraulic calculations as part of a Full / Reserved Matters Planning Application in order to demonstrate:

a. The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.

b. The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.

c. The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m<sup>3</sup>/ha to prevent an over-estimation of attenuation storage available on site.

Due to the outfall to a Wessex Water sewer, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site.

The drainage drawings should show the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.



5. The applicant will be required to submit plans which demonstrate how exceedance flows in excess of the 1 in 100year rainfall (+40% climate change) will be safely managed on site in order to prevent an increase in flood risk to people or property.
6. The applicant should provide an operation and maintenance programme detailing the proposed ownership details of the drainage infrastructure and the responsibilities of all parties.
7. The applicant should provide a development management and construction phasing plan.
- 42 Landscape Informative: 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 the scheme of hard and soft landscaping that is required to be submitted shall include (but not be restricted to): -
- 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, including details of all boundary treatments;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - all hard and soft surfacing materials;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
  - retained historic landscape features and proposed restoration, where relevant.
  - additional trees, of a number, size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
  - additional street trees shall be planted in double tree lines and shall be incorporated into appropriate width / volume planting beds to meet both highways and landscape requirements.

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<b>Date of Meeting</b>	15 June 2022
<b>Application Number</b>	PL/2021/09453
<b>Site Address</b>	Land at Sunnyside, Yarnbrook Road, West Ashton BA14 6AR
<b>Proposal</b>	Addition of two extra traveller pitches, two day rooms and associated ancillary development.
<b>Applicant</b>	Mr Martin McDonagh
<b>Town/Parish Council</b>	WEST ASHTON
<b>Electoral Division</b>	SOUTHWICK – Cllr Horace Prickett
<b>Grid Ref</b>	387547 155528
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

## Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Horace Prickett to consider the scale of development, visual impact upon the surrounding area, relationship to adjoining properties, environmental and highway impacts and car parking.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

### 2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on the character of the area
- Impact on the living conditions of neighboring residents
- Impact on highway safety
- Ecology issues
- Drainage issues
- Public protection
- Other issues

### 3. Site Description

The application site extends to about 1.33 hectares and is located in a field on the south-eastern side of the A350 approximately 320m south west of the West Ashton crossroads. Vehicle and pedestrian access is via an existing driveway off of the A350. The extent of the application site was approved under application 15/10492/FUL when permission was granted for change of use of the land and erection of 2 private gypsy and traveller pitches. 2 additional pitches were approved under application 18/02671/FUL on the site. The application site is bordered by tree line hedgerows to the northeast, southwest and northwest boundaries while a wooden fence separates the site from land owned by the applicant directly to the southeast. Open fields lie directly to the north and south of the site while a stables and ménage are located to the east.



**Aerial photograph of layout of existing site**

The nearest residential properties to the site are located directly opposite and to the north, north-west and north-east fronting Yarnbrook Road between 20-80 metres distant from the site boundary.

The site is located within one of the Council's 'consultation zones' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC). The site is also located within the 'yellow' medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb 2020). East Flowers Wood ancient woodland/Woodside Wood County Wildlife Site (CWS) and is located approximately 50 metres to the south/west of the application site.



Application site in relation to Flowers Woods to south and West Ashton to the north

### Planning History

ENF/2021/00647 – Alleged breach of condition 12 of 18/02671/FUL (perimeter lighting still in place) – No decision

20/09003/FUL – Addition of four extra traveller pitches, four day rooms and associated ancillary development, together with the addition of an extra stable block and relocation of existing pitches – Withdrawn

20/00897/ENF – Alleged erection of large pre-fabricated bungalow – Case closed

20/00759/ENF – Alleged unauthorised excavation works – Case Closed

19/02547/DOC – Discharge of conditions 8 and 11 of 18/02671/FUL (The addition of two extra traveller pitches, two day rooms and associated ancillary development). – Conditions discharged

18/02671/FUL – The addition of two extra traveller pitches, two day rooms and associated ancillary development. – Approved

17/00814/ENF – Possible breach of 15/10492/FUL & 14/01798/VAR – Case closed

16/00972/ENF – Unauthorised implementation of lighting – Case closed

15/10492/FUL: Use of land as private gypsy and traveller caravan site, consisting of 2 no. pitches

each with 1 no. mobile home, 1 no. touring caravan, and 1 no. utility dayroom, plus stabling. – Refused, permission granted on appeal under reference APP/Y3940/W/16/3147108

15/01060/ENF – Siting of static caravan, mobile vans and several other vehicles – Case closed

15/00923/ENF – Breach of conditions - 14/01798/VAR regarding business operations – Case closed

14/01798/VAR: Variation of conditions 2 and 3 of W/12/01412/FUL - to allow for general Gypsy and Traveller use and to allow up to 4 caravans on site of which no more than 2 would be static caravans. – Approved

14/00160/ENF – Non-compliance with condition 2 attached to planning permission W/12/01412. Hardstanding not built in accordance with approved plans. – Case closed

W/12/01412/FUL: Change of use for one Romany Family. – Approved

04/00454/FUL: Storage/machinery shed – Refused

00/01053/FUL: Produce/machinery store – Approved

92/00788/FUL: New vehicular access – Approved

87/01795/FUL: Temporary storage compound for salvaged building materials (in the north western corner of the parent property) – Refused

#### **4. The Proposal**

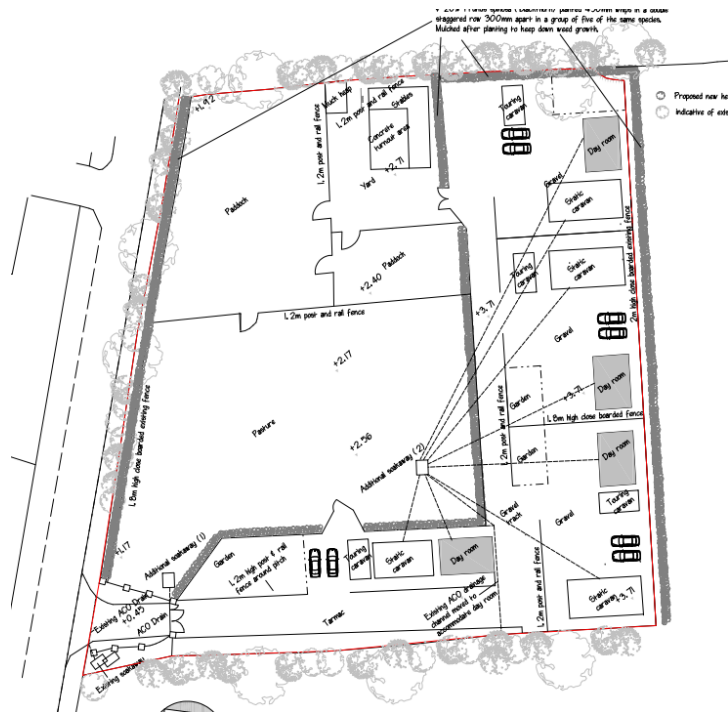
The application seeks planning permission to accommodate two additional Gypsy/Traveler pitches, so resulting in a total of 6 pitches on site. Each new pitch would comprise a mobile home, day room, touring caravan, parking and amenity space. The scheme also includes the repositioning of existing pitches on site. There are currently 7 mobile homes on site and a day room constructed adjacent to the driveway. The proposed layout seeks to regularise the site and includes granting permission for the existing day room. The additional mobile home would be removed.





**Proposed site plan**

The existing 4 pitches were approved under applications 18/02671/FUL (detailed on the drawing below) and 15/10492/FUL. Stabling on site was approved under application 15/10492/FUL however works on the stables have not commenced.



**Approved layout (application 18/02671/FUL)**

As can be seen from the above proposed site layout and that approved under application 18/02671/FUL the new pitches would be located adjacent to the existing pitches and occupy the centre of the site, expanding into the area described as pasture/paddock.



**Existing site – approximate location of new pitches**

The proposed day room would measure 9 metres by 6 metres and would be 4 metres high to the apex of the pitched roof. Walls would be rendered block work while the roof would be constructed of cement fibre slates. No details of the mobile homes or touring caravans have been submitted however the maximum size of a mobile home is 20 metres long, 6.8 metres wide and 3.05 metres in height. A touring caravan can be up to 7 metres in length.



**Proposed day room details**



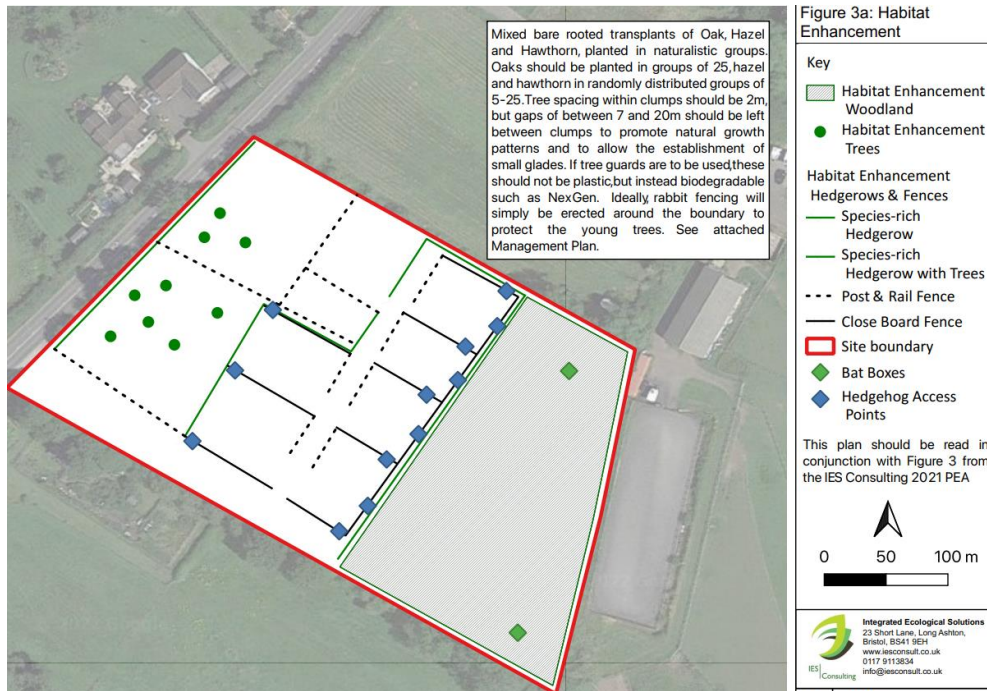
**Photo of mobile units on site**

The scheme also includes additional tree planting in the paddock/pasture and the replanting of the woodland directly to the southeast of the site (see photo below).



**Area to southeast of the site to be replanted as woodland**

Additional hedging is proposed along the south-east and north-west boundaries of the site (see proposed habitat enhancements plan below).



**Proposed habitat enhancements**

## 5. Local Planning Policy

### Wiltshire Core Strategy (WCS)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 29: Spatial Strategy: Trowbridge community area
- Core Policy 47: Meeting the needs of Gypsies and Travellers
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management
- Core Policy 67: Flood Risk

### Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration)

U1a Foul Water Disposal

### National Planning Policy Framework 2021 (the Framework)

### Other

- Planning Practice Guidance (PPG)
- Wiltshire Local Transport Plan 2011- 2026
- The Wiltshire Gypsies and Travellers Development Plan Document
- Planning Policy for Traveller Sites (PPTS, 2015)

## 6. Summary of consultation responses

West Ashton Parish Council: Not supported

*'The Parish Councillors have asked that the application be called in by a member as it is not supported.'*

Wiltshire Council Spatial Team: Concludes 4 households on site meet the planning definition of Gypsy/Traveller status as defined in PPTS Annex 1 and they are lawfully living on the authorised pitches. In addition, there is also a need for 2 additional pitches to accommodate 2 Gypsy/Traveller households living on site in unauthorised pitches

Wiltshire Council Ecologist: No objection subject to conditions

Wiltshire Council Highways Officer: No objection

Wiltshire Council Drainage Officer: No objection subject to conditions

Wiltshire Council Public Protection: No objection subject to conditions

*'I have reviewed PL/2021/09453 and recommend the following conditions:*

### *Noise*

*No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.*

### *Air Quality*

*The desired scenario in terms of air quality and development is one that contributes to a reduction in potential air quality impacts locally. Resultantly, we would expect to see some form of ultra-low energy vehicle infrastructure provided in respect to the proposed parking, such as one that contributes to improving air quality through facilitating EV use at developments. In accordance with the Wiltshire Council Air Quality Strategy and Core Policy 55 this would be seen as contributing toward reducing vehicle emissions. We would like to see at least 1x 7 kW AC fast charger per day room/pitch. I would therefore condition the following:*

*No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.*

*Reason: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.'*

Wessex Water: No objection

*'Wessex Water are satisfied there will be no surface water connections into the dedicated foul sewer network.'*

Natural England: No objection

*'Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.'*

## **7. Publicity**

This application was publicised via the display of a site notice as well as individually posted letters that were sent to all neighbouring properties within close proximity of the site. As a result of the publicity, 2 representation letters were received commenting on the application.

- Object to more dwellings
- Increased light pollution
- No record of assessment of need supplied with the application
- Site has been either uninhabited or under-occupied
- The existing and proposed style of houses are not in keeping with the surrounding 19th century farm-labourers cottages
- Damaged brick wall at the entrance
- Surface water flooding issues along A350
- Illegal cutting down and burning of the large stand of Ash trees – lack of action by council
- Adverse impact on local biodiversity
- Lack of enforcement action/monitoring
- Unrestricted use of heavy industrial machinery for weeks on end last year
- Adverse impact on landscape character and visual amenity
- Loss of hedgerows
- A350 extremely busy highway with 50mph speed limit
- Scheme would result in additional vehicle journeys
- Harm to highway/pedestrian safety

## **8. Planning Considerations**

### 9.1 Principle of Development

#### 9.1.1 Principle of Development – Erection of 2 New Pitches

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 land on which the 2 additional pitches are proposed to be constructed was approved for change of use to private gypsy and traveller caravan site under application 15/10492/FUL, allowed on appeal. Core Policy 47 states proposals for new gypsy and traveller pitches will only be

granted where there is no conflict with other planning policies and where no barrier to development exists. The policy goes on to state that where proposals satisfy the following general criteria they will be considered favourably:

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.

The application site is located on land within Flood Zone 1. The scheme would use new and existing soakaways to drain surface water from the site. Foul drainage would drain to the existing foul sewer. The site is not located within close proximity to other hazardous land or installations. There are also no objections to the scheme from the Council's drainage team and Wessex Water.

- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.

The occupants of the two additional pitches would use the existing access onto the A350. It is considered this additional use would not lead to levels of impact/harm to highway safety so as to warrant a recommendation for refusal. There are also no objections to the scheme from the Council's highways team.

- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The site is already in use as a Gypsy/Traveller site and currently adequately serviced.

- iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

Each pitch would have space to park 2 cars off road and occupants have access to the paddock /pasture. It is therefore considered the site is large enough to provide adequate vehicle parking, including circulation space, along with residential amenity space.

- v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The site is located in the open countryside approximately 80 metres to the south and south-west of the village of West Ashton which is considered a Small Village in policy terms. Trowbridge, a Principal Settlement is located approx. 2.7kms to the west of the application site. All key day-to-day facilities and services can be found in Trowbridge such as surgeries, shops, schools, employment, etc. As such it is considered the site is located within reasonable distance of a range of local services and community facilities and the scheme complies with this criteria.

- vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties and is sensitively designed to mitigate any impact on its surroundings.

The site would occupy the same red-line area as that approved on appeal (application 15/10492/FUL). The proposed development would include, as permanent structures, two

additional day rooms. The proposal would involve the loss of some grassland in use as a paddock to form the additional areas of hardstanding for the proposed new pitches. However compensatory measures to improve landscape setting include additional tree planting in the paddock and the replanting of the woodland directly to the southeast of the site. Additional hedging is also proposed along the southeast and northwest boundaries of the site. The development would also not give rise to any loss of privacy, given separation distances from neighbouring properties.

- vii. Adequate levels of privacy should be provided for occupiers.

The nearest residential properties to the site are located between 20-80 metres to the north with properties fronting Yarnbrook Road. The site is bordered by hedgerows and trees to the northwest and northeast as such due to the existing boundary treatment and separation distances to these properties the scheme would not result in inadequate privacy for occupiers of the site.

- viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements

The site is already in use as a private Gypsy/Traveller site and is located within close proximity to the village of West Ashton and it is considered the erection of 2 new pitches on site, subject to the proposed additional landscaping being carried out which would be conditioned on any approval, would result in no additional harm to the rural character of the area.

- ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity, or archaeology.

The site is located within one the Council's 'consultation zones' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC) and within the 'yellow' medium risk zone of the TBMS. East Flowers Wood ancient woodland/Woodside Wood County Wildlife Site (CWS) and is located approximately 50 metres to the south of the site. The additional two pitches would be located within the red-line area previously approved for the traveller site. In addition the scheme includes re-planting of native trees in the same area as the former priority woodland habitat felled by the previous owner (located to the southeast and bordering the application site). It is considered the development would cause no harm to local or nationally designated sites or local biodiversity or archaeology. These issues are also discussed in greater detail below.

#### 9.1.2 Principle of Development – Status of the Applicant

The use of the site for general occupation by travellers was established under earlier applications and in particular application 15/10492/FUL where permission was granted for 2 pitches. 2 additional pitches on site were approved under application 18/02671/FUL. This application seeks to increase the number of pitches on the approved site from 4 to 6.

The Wiltshire Council Gypsy and Traveller Accommodation Assessment (GTAA) 2022-2038 identifies a need for 120 pitches for travellers that meet the planning definition. The study also identifies a need for 61 pitches for travellers that do not meet the definition. The application site is listed in the study and consists of 4 lawful pitches previously permitted, and 2 unauthorised pitches currently occupied by the applicants.



A detailed needs assessment of the site was undertaken by a third party at the request of the Council's Spatial Planning team and as part of the GTAA. This assessment concluded 4 households in the family meet the planning definition of Gypsy/Traveller as defined in PPTS Annex 1 and they are lawfully living on the authorised pitches. As such there is no identified need for accommodation for these households. However, the family also has a need for 2 pitches for traveller households that do not meet the definition of Gypsy/Traveller as they are considered to no longer have a nomadic lifestyle and are considered settled. These 2 households currently occupy the unauthorised pitches on site.

As set out above, at this site there is a mix of households that meet the definition for Gypsy/Traveller and that do not. Technically those who do not meet the planning definition should not benefit from occupying pitches on a site to be conditioned for persons that meet the definition in Annex 1 to PPTS. However, a High Court judgment (Smith vs SSHCLG, 2021), makes it clear that the accommodation needs of these 'settled' travellers must be considered in the development plan in the form of providing sites for 'culturally appropriate' accommodation. In addition to deny on site accommodation to these households, which include children, who as family members are connected to everybody else on site, may impact their human rights.

As such the personal circumstances of the applicants are a material consideration when dealing with the current application. The Government's Equality Impact Assessment into the revised PPTS definition of Travellers (see para 49-51 in the above court judgement) states –

*"The amended planning definition of Travellers would mean that where family members have ceased travelling permanently they would no longer have their site needs met separately under Planning Policy for Traveller Sites. This is likely to impact on the elderly, the disabled, women, single-parent families and those with long-term health issues within family groups, since they are most likely to be leading a permanently settled life. It may also lead to the break-up of families and couples where some family members do meet the definition and others do not, and would have a particular impact on those families involved in key life transitions, such as pregnancy, if for example families are separated. Although, local authorities would still need to consider article 8 rights (rights to private and family life, home and correspondence) in determining individual cases and may consider that it is proportionate in the circumstances to grant permission for the whole family."*

The two households that lead a permanently settled life both fall within the categories listed above. In addition, it is considered in the best interest of the children for these households to remain on site. The Council's spatial officer states –

*'At the same time, the current development plan does not allocate sites for both household categories. There are no sites allocated in the Core Strategy for nomadic travellers to meet the identified need; nor are there any park homes sites allocated for settled travellers. The emerging G&T DPD has not reached an advanced stage in the process. So the need couldn't be met anywhere else, especially from those households on the site that do not travel.'*

Therefore, in the interest of family cohesion, and lack of sites allocated in the development plan for settled and nomadic travelers, it is concluded that there is a justification for the 2 additional pitches proposed which would be occupied by existing households on site.

### 9.1.3 Principle of Development – Conclusion

The land on which the 2 additional pitches are to be constructed was approved for change of use to private gypsy and traveller caravan site under application 15/10492/FUL, allowed on appeal. The proposal also complies with the criteria set out in policy CP47 of the WCS and it is considered the proposed 2 pitches can be accommodated on site, and there would be no additional harm to the rural character of the area. In addition, following an independent assessment of the site, it can be concluded there is a need for the 2 additional pitches which would be occupied by existing households already occupying the site. As such it is considered the principle of development has been established for the erection of 2 additional pitches.

### 9.2 Impact on the Character of the Area

Core Policy 51 'Landscape' of the WCS states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Core Policy 57 'Ensuring High Quality Design and Place Shaping' requires a high standard of design in all new developments and that development respond positively to the existing townscape and landscape.

The application site extends to approximately 1.33 hectares of land located south of the village of West Ashton and adjacent the A350. The extent of the application site was approved under application 15/10492/FUL and consists of an area of gravel hardstanding on which are located existing mobile homes that belong to four authorised and two unauthorised traveller pitches. The site also includes an area of paddock grassland that comprises half the site. An unauthorised structure used as residential accommodation is also located on site adjacent the access drive.

The application site is bordered by tree line hedgerows and fence to the northeast, southwest and northwest boundaries while a wooden fence separates the site from land owned by the applicant directly to the southeast. The site slopes down towards the A350 east to west. Open fields lie directly to the north and south of the site while a stables and ménage are located to the east. Residential properties are located to the north and north-east between 20 and 80 metres distant.

The proposal involves the creation of 2 additional pitches and each pitch would include a mobile home, day room and touring caravan. The proposal would involve the loss of some grassland in use as a paddock to form the additional areas of hardstanding for the proposed new pitches. Compensatory measures to improve landscape setting include additional tree planting in the paddock/pasture and additional hedging is also proposed along the southeast and northwest boundaries of the site. In addition, woodland directly to the east of the site, which was unlawfully removed by previous owners of the site in 2016, would be restored with the planting of native species of trees.

It is acknowledged that the development would bring some change in the immediate character and appearance of the area due to the loss of pasture and addition of more residential paraphernalia. However, subject to the imposition of planning conditions to secure the additional landscape planting, supported by both the Council's ecology officer and Natural England, it is considered any additional impact on the rural character of the landscape from the erection of the two additional pitches, can be adequately mitigated. As such it is considered the development is compliant with Council policies CP51 and CP57 and policies within the Framework.

### 9.3 Impact on the Amenity of Neighbouring Residents

WCS Core Policy 57 titled: 'Ensuring High Quality Design and Place Shaping' requires development to have regard to the compatibility of adjoining buildings and uses, the impact achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g., light intrusion, noise, smoke, fumes, effluent, waste or litter).

The nearest residential properties to the site are located between 20 and 80 metres to the north and northwest fronting Yarnbrook Road. In particular No. 81 Yarnbrook Road is located directly opposite the site on the opposite side of the A350. The site is also screened from the northwest and northeast by an existing hedgerow and fence. Due to these separation distances and partial screening by existing hedgerows the proposed development for 2 additional pitches would have no adverse impact on the living conditions of neighbouring residents in terms of loss of privacy or overlooking.

#### 9.4 Ecology Issues

Wiltshire Core Strategy Core Policy 50 'Biodiversity & Geodiversity' requires all development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular, must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The site is located adjacent the village of West Ashton and within one the Council's 'consultation zones' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC). The site is also located within the 'yellow' medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb.2020). In addition East Flowers Wood ancient woodland/Woodside Wood County Wildlife Site (CWS) is located approximately 50 metres to the south of the application site where Bechstein's bats have been recorded. The development is subject to a Habitats Regulations Assessment due to the sites proximity to the above protected site.

The application is supported by a Preliminary Ecological Appraisal dated December 2021, Bat Transect & Static Detector Survey Report dated November 2021 and Ecological Management Plan dated February 2022. The site has areas of improved grassland adjacent to the hardstanding areas on which mobile caravans are located and there are three species poor hedgerows present at the site. The site has some limited potential to support reptiles, and it is likely small numbers of this group use the field margins as movement corridors to the wider countryside. In addition the hedgerows and scattered trees on the site have some limited potential to support breeding birds. Evidence of bat activity, in particular of lesser horseshoe bats was recorded on site, mainly with regards commuting across the site north to south with only limited foraging activity recorded. The bat survey demonstrated that the site is not used by Bechstein's or greater horseshoe bats. However, because the site is small, located adjacent the busy A350 and well lit by existing development in the area, the site does not represent optimal foraging habitat for these bat species.

Mitigation and enhancement measures proposed include removal of existing lighting on the boundaries of the site and replacement with motion-sensitive directional security lights attached to each static caravan and day room. Additional habitat would be created including the planting of a new native rich hedgerow along the southeast boundary of the site, reseeding of the grassland to provide a nectar-rich wildflower area and bolstering of the existing boundary features

through new planting. The scheme also includes the replanting of an area of woodland directly to the west of the site. This would form a buffer between the built development area and optimal foraging/commuting bat habitat to the east of the site. A hedgerow and close board fence would be placed immediately between the built development and the replanted woodland to form a barrier and restrict access to habitats to the east of the site.

With regards to the impact of the development on East Flowers Wood (south of the site), the ecology officer concludes, due to lack of footpaths between the application site and East Flowers Wood and boundary hedgerow/fencing to the south of the site, there would be no harmful recreational impacts on East Flowers Wood due to the creation of the additional pitches.

The development would result in the loss of approximately 0.1ha of improved grassland and this would lead to the loss of minor habitat for foraging bats. However, it is considered this loss would not have a significant impact on either barbastelle or lesser horseshoe bats, and subject to the imposition of conditions requiring the above mitigation measures to be put in place, the development would not result in harm to local biodiversity. There are no objections to the scheme from the Council's ecology officer or Natural England and the development complies with local and national policy.

#### 9.5 Highway Safety Issues

Paragraph 110 of the NPPF states that in assessing specific applications for development, developers should ensure that a safe and suitable access to a site can be achieved for all users. Paragraph 111 furthermore states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Core Policy 61 of the adopted WCS seeks to ensure that all new development is capable of being served by a safe access to the highway network.

Access to the site is via a private drive off the A350 and occupants of the two additional pitches would use the existing access. Each pitch would have sufficient space to park 2 cars off road. Although it is recognised the addition of 2 pitches would lead to an increase in use of the access along the A350 it is considered this increase in use would not lead to the level of impact on highway or pedestrian safety as to recommend the application for refusal. There are no objections to the scheme from the Council's highways officer. It is therefore considered that the development would not result in an unacceptable impact to highway safety and there would be no severe residual cumulative impacts in terms of the use of the road network. On the basis of the above, the development is considered compliant with core policies CP61 and CP64 of the WCS and in particular, paragraphs 110 and 111 of the Framework.

#### 9.6 Drainage Issues

Wiltshire Core Strategy Policy 67 titled 'Flood Risk' states that all new development shall include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

In terms of surface water drainage for the new pitches, water runoff would be directed to rainwater storage tanks and any water not collected in the tanks would be directed into proposed and existing soakways. Foul water would drain to the existing foul system. Surface water drainage details for the existing pitches were discharged under planning reference 19/02547/DOC where

the submitted drainage scheme was considered acceptable. There are no objections to the scheme from the Council's drainage team and Wessex Water as such it is considered the development is acceptable and complies with policy.

### 9.7 Public Protection

Concerns were raised by third parties with regards noise and building works on-site. As such a condition would be imposed on any approval limiting works of construction to specific times. In addition, conditions would be imposed restricting any commercial/business use of the site and limiting the size of vehicle that can be parked or stored on site. The Council's public protection team have also requested a condition requiring details of a scheme of Ultra Low Energy Vehicle infrastructure to be submitted to the Council prior to commencement of development. However, such infrastructure was not requested for previous applications for traveller pitches on site as such it is not considered reasonable to request such for the 2 additional pitches for which planning permission is sought.

### 9.8 Other Issues

Third parties have raised several concerns regarding planning enforcement issues on site and the failure of the land-owner to comply with conditions imposed on previous approvals and the cutting down of trees on-site. These matters have been investigated by the Council's enforcement team and outcomes are summarised above under section 4 'Planning History'. Third parties have also commented on damage to the brick wall to the front of the site however these are issues hold very little weight in the planning balance.

## **9. Conclusion (The Planning Balance)**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The extent of the application site was approved under application 15/10492/FUL when permission was granted for change of use of the land and erection of 2 private gypsy and traveller pitches. Two additional pitches were approved under application 18/02671/FUL on the site. The proposal complies with the criteria set out in policy CP47 of the WCS and, following an independent assessment of the site, there is an identified need for 2 additional pitches on site. These pitches would be for households already occupying the site and would allow the households to remain with family members on site. As such the personal circumstances of these households must be given weight in the planning balance when determining the application.

In terms of neutral impacts, the supporting information demonstrates that the proposed new pitches would cause no harm to the living conditions of adjacent residents and officers are satisfied that the site can accommodate these new pitches without adversely impacting on the living conditions and amenities of the occupants. The density of the scheme is considered acceptable, and the new pitches can be accommodated on site in terms of landscape, character and visual impacts. The Council's ecologist has concluded that the development, subject to the imposition of conditions, would have no adverse impact on local biodiversity. The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could be secured and drainage issues can be adequately dealt with.

In terms of the negative impacts of the development, the scheme would result in the loss of some pasture/paddock land, however additional screening and tree planting and creation of dark corridors would mitigate against this loss.

It is therefore considered that the benefits of the development outweigh the negative aspects and in the planning balance the proposed development is considered acceptable.

**RECOMMENDATION:**

**APPROVE subject to 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:

Location plan scale 1:1250 drg no. MM01 rev A  
Dayroom details scale 1:100 drg no. MM2  
Figure 3a Habitat Enhancement scale drg no. IES/2021/015  
Proposed layout plan scale 1:500 drg no. MM03  
Proposed drainage plan scale 1:500 drg no. TP05

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

3. The site shall not be occupied by any persons other than either gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites published August 2015 or persons who identify as gypsies and travellers in line with the stipulations in the Equalities Act 2010.

REASON: Planning permission has only been granted on the basis of the provision of accommodation for gypsies and travellers as defined in this condition, and it is necessary to keep the site available to meet such need.

4. No more than twelve caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than six shall be static caravans) shall be stationed on the site at any time.

REASON: To control the number of caravans on the site and in order to safeguard interests of visual and residential amenity.

5. No commercial activities shall take place on the land, including the storage of materials used in connection with any business operated by the occupiers of the site.

REASON: In the interests of visual amenity, highway safety and the amenity of occupants of the site and adjacent residents.

6. No vehicle over 3.5 tonnes 'gross unladen' weight shall be stationed, parked or stored on the site.

REASON: In the interests of visual amenity, highway safety and the amenity of occupants of the site and adjacent residents.

7. The development shall not be first occupied until surface water drainage arrangements are put in place in accordance with the approved Surface Water Drainage Strategy and soakaway design "Soakaway Design for Impermeable Surfaces and Static Homes at: Sunnyside, Yarnbrook Road, West Ashton, Wiltshire and Drainage Plan drg no. TPO5.

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

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

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

9. The development hereby approved shall not be first occupied until photographic evidence has been provided to the LPA that the area of Habitat Enhancement Woodland planting as detailed in Figure 3a: Habitat Enhancement (IES Consulting, Feb 2022) in the eastern part of the site, has been implemented. This must include the double row of species-rich hedgerow illustrated on Figure 3a which divides the main development area from the Core Buffer Bat Habitat in the eastern part of the site and all woodland planting which will form the newly planted Core Bat Habitat.

REASON: To ensure adequate protection for bats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

10. All planting and subsequent management shall be undertaken in accordance with the Ecological Management Plan (IES Consulting, February 2022) and Figure 3a: Habitat Enhancement (IES Consulting, February 2022) for the lifetime of the development in accordance with the approved details.

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

11. Prior to the first occupation of the pitches hereby approved, additional information to enable the sensitive lighting regime on-site as detailed in the Bat Transect & Static Detector Survey Report V1 (IES Consulting Ltd, November 2021) shall be provided, including a marked-up plan, and submitted to the LPA for approval. The marked-up plan must specify light levels (luminaires) and the exact locations of all fittings. The lighting shall be installed in accordance with the approved additional information and marked-up plan, and it shall be retained and maintained as approved thereafter.

REASON: To ensure there is an overall reduction in lighting across the site and that the boundary features are reinstated as dark corridors.

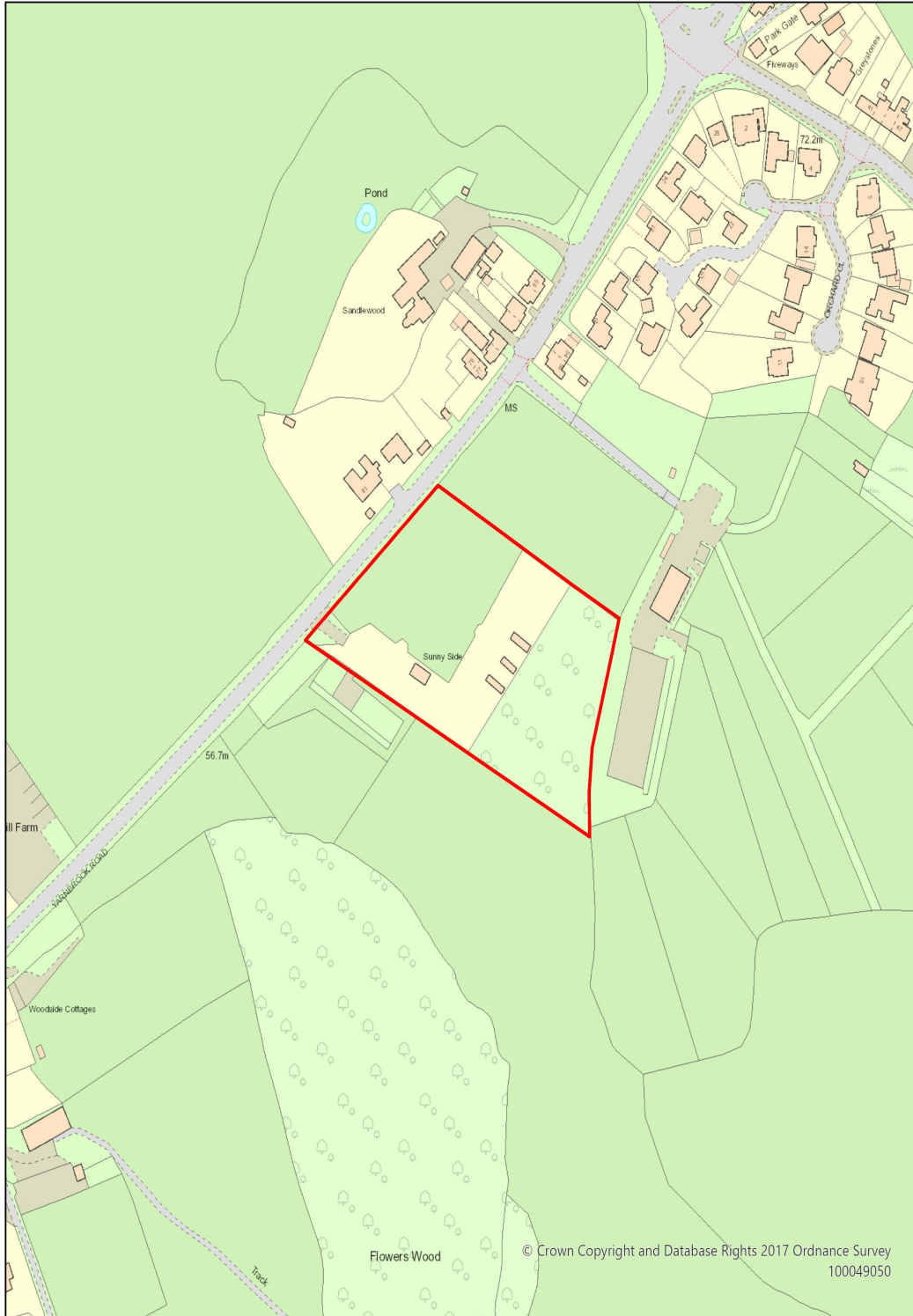
12. No part of the development hereby permitted shall be occupied until the parking spaces have been completed in accordance with the details shown on the approved plans. The parking spaces shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

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





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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	15 June 2022
<b>Application Number</b>	15/04736/OUT
<b>Site Address</b>	Land south east of Trowbridge
<b>Proposal</b>	Outline planning application for mixed use development comprising: residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class E ('Business' only), B2, and B8); two local centres (Classes E, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.
<b>Applicant</b>	Ashton Park Trowbridge Ltd & Persimmon Homes Ltd
<b>Town/Parish Councils</b>	NORTH BRADLEY / TROWBRIDGE / WEST ASHTON
<b>Electoral Divisions</b>	SOUTHWICK – Cllr Horace Prickett TROWBRIDGE PAXCROFT – Cllr Mel Jacob
<b>Grid Ref</b>	386358 157356
<b>Type of application</b>	Outline
<b>Case Officer</b>	Andrew Guest

### **Reason for the application being re-considered by Committee**

In April 2018 the Strategic Planning Committee resolved to grant planning permission for this application subject to completion of legal agreements to secure the infrastructure made necessary by the planned development.

On 14 July 2021 the Strategic Planning Committee again resolved to grant planning permission for the application, although with an adjustment to the original affordable housing requirement, this for viability reasons. The Committee's 2021 decision included a requirement for the legal agreements to be completed within 12 months of the resolution date.

Much work has been done towards completing the legal agreements, this involving numerous interested parties both within and outside of the Council; outside parties include Wiltshire Wildlife Trust which is critical to the delivery of ecology mitigation.

However, the complexity of the agreements has meant that it has not been possible to complete them within the timeframe set by the Committee. In view of this the matter is brought before the Committee again for it to consider a further recommendation to extend the period for completion of the legal agreements by c. 6 months – to 31 January 2023.

## **Purpose of Report**

The purpose of the report is to update the Committee on where the application has reached, and to consider the recommendation that the time limit for completion of the legal agreements is extended to 31 January 2023.

The substantive decision of the committee made in 2021 to grant planning permission subject to completion of the legal agreements and subject to planning conditions is not affected by this report and its recommendation. The only matter for consideration is the potential further extension of the time limit to complete the agreements.

The full 2018 and 2021 Committee reports are attached at annex 1 and annex 2 to this report respectively.

## **Background and Report Summary**

The Committee is reminded that this is an outline planning application with all matters reserved except access. For the purposes of the application the 'access' includes specific points of access to the planned urban area *and* the entire proposed Yarnbrook and West Ashton Relief Road (YWARR) and associated works. It follows that full details of the YWARR accompany the application.

The Committee is further reminded that the application proposes to erect up to 2,500 dwellings on 57.4 ha of the site and employment development on 13.6 ha. It also proposes two primary schools and a secondary school, and two local centres and public open spaces (to include formal sports pitches (6.35 ha), 'destination play' area, equipped children's play space, 'major open space' and 'country park' (including an ecology education facility), other natural and semi-natural open spaces, and allotments) and the YWARR.

The proposed YWARR comprises a new approx. 1.8km section for the A350, notably by-passing the existing West Ashton traffic-signal controlled crossroads. Wiltshire Council has a broad objective to improve the A350 strategic road corridor through Wiltshire. Consequently, the Core Strategy includes a requirement for the new strategic growth at south east Trowbridge to facilitate delivery of strategic improvements to the A350, particularly at Yarnbrook and West Ashton where the existing junction arrangements are over capacity.

The YWARR element of the planning application will inevitably be costly to deliver. The Core Strategy recognises that the improvements to the A350 will have a wider benefit to the town and the strategic road network and confirms that responsibility for the improvements will be shared between the developers and Wiltshire Council. Thus – and on the basis of a shared approach – the cost of the improvements will be met by the developers of Ashton Park and through a forward-funding 'grant', care of the Homes England Housing Infrastructure Fund (HIF).

The HIF is a government capital grant programme intended to 'unlock' new housing on sites with complex infrastructure requirements. The fund provides marginal viability funding and forward funding where the costs of putting in infrastructure and building homes are great. The forward funding in this case would be eventually repaid by the developers to Wiltshire Council, for Wiltshire Council to then use on affordable housing projects. The fund is subject to 'use by' deadlines.

The proposal remains EIA development. The circumstances of the site and the proposal have not changed meaning that the Environmental Statement which accompanied the application in 2018 remains relevant. Likewise, the extant Appropriate Assessment decision under the Habitat Regulations remains relevant.

## Planning Issues

The acceptability of the development as a matter of principle is established by the extant resolutions to approve, subject to legal agreements being completed. Circumstances have not changed to lead to a different outcome on the principle. Likewise, all matters of detail also remain acceptable and unchanged.

Since the decisions in 2018 and 2021 much time and effort has been spent negotiating the legal agreements. Some issues have taken longer to resolve than was originally expected – notably those relating to the delivery of ecology mitigation and associated land transfers and management. The public funding care of the HIF funding stream has been able to accommodate this, and it continues to accommodate it whilst positive steps are being made. However, it will ultimately have an end date.

Specifically since the 2021 decision the Council's officers have continued to work closely with the applicant and other interested parties (notably Wiltshire Wildlife Trust) to move matters forward. Inevitably it has taken time for the other parties to gain all final 'sign-offs'/authorities from within their organisations, and so allow the agreements to move forward. It is mainly because of this that the legal agreements are not yet 'over the line'.

But this said, it can be confirmed that progress has reached the point where all of the draft agreements are now largely agreed. From here on the final stages in the process should, therefore, be principally administrative – that is, the final checking of the final drafts by all of the parties and then the signing of the agreements in advance of sealing. The parties signing include all land-owners, and this in isolation is likely to take the applicant several weeks to arrange and complete. Inevitably this means that the agreements will not be completed by 14 July, and it is for this reason that a further c. 6 month extension is recommended.

### The 'Planning Balance'

Ashton Park is the largest allocated site in the Wiltshire Core Strategy, anticipated to deliver c. 2,600 homes and c. 15 ha of employment land, and related essential infrastructure including schools, community hubs, open spaces and the improvements to the A350 c/o the YWARR. The applicant's planning application covers the larger part of the allocation – for up to 2,500 of the homes, all of the employment land, the schools (including a secondary school) and the A350 improvements. The A350 improvements will have wider strategic benefits beyond just Ashton Park; the schools, and notably the secondary school, will also have wider beneficial consequences – for example, helping to reduce cross-town traffic within Trowbridge. It follows that Ashton Park is a very important site, both in terms of the quantum of development it is planning to deliver and the knock-on benefits to the surrounding local and wider communities.

The delivery of Ashton Park is proving to be a slow process. Complex issues have delayed the planning permission, notably relating to ecology. The consequence of this is that the anticipated benefits of the development are not being realised. The delays put at risk the HIF funding although this has been, and continues to be, able to accommodate these whilst discussions on the legal agreements move in the right direction; and in the longer term the delays also present potential issues for the supply of housing in the wider housing market area. These are important material considerations to be weighed in the planning balance.

With the above in mind – and in view of the positive progress being made on the legal agreements with light now at the end of the tunnel – the committee is recommended to extend the period for the completion of the legal agreements and the issue of the planning permission by a further c. 6 months – to 31 January 2023.

## **RECOMMENDATION –**

**Having taken into account the environmental information, the recommendation is to amend the July 2021 decision of this Planning Committee as follows –**

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

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

1. an obligation under Section 106 of the Town and Country Planning Act 1990 between the applicant and Wiltshire Council requiring provision of the following:
  - minimum 20% affordable housing provision in the first 500 units; minimum 25% affordable housing provision in the next 500 units; and minimum 30% provision in all units thereafter;
  - Two new primary school sites of at least 1.8 ha each. Primary education financial contribution (of £9,509,390 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) completion of two schools;
  - One new secondary school site of 5.24 ha. Secondary contribution (of £8,463,708 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers);
  - ‘Early Years’ education contribution (of £3,863,313 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) or on-site provision;
  - Health / dental care contribution of £1,108,500 (2015 figure, to be adjusted for indexation), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;
  - Elements of open space (equipping/phasing/maintenance contributions/etc.);
  - Ecological mitigation, to be set out in a Biodiversity Management Plan covering the management, mitigation, monitoring and enhancement of all habitats and species affected by the development during the pre-construction, construction and operational phases, both within the application boundary and on land owned by Wiltshire Wildlife Trust. To include –
    - Provision of, and/or provision of funding for, a Steering Group to oversee implementation of the Biodiversity Management Plan;
    - Provision of, and/or provision of funding for, visitor facility, and related land transfer arrangements;
    - Provision of ecology Green Infrastructure, related maintenance/long term management contributions, ecological monitoring including remedial works triggered by monitoring and related land transfer arrangements;
    - Provision of, and/or provision of funding for, full time wildlife warden, and mechanism for his/her perpetual funding;
    - Agreement that no public access will be allowed through the agricultural land identified for employment use other than to areas which have been developed for that purpose. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75%

- of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.
- Financial contribution towards the cost of monitoring implementation and maintenance of mitigation, with bond or other means of security secured against non-delivery and/or non-maintenance of mitigation.
  - Provision for revision of the Green Lane and Biss Woods Management Plan to incorporate requirements arising from the Biodiversity Management Plan and the Habitats Regulations Assessment (including Appendix 2).
- Elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
    - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
    - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or in entirety, subject to the timescales set out by the HIF and LEP;
    - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;
    - Provision of travel plans for the separate land uses on the site;
    - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;
    - Implementation of all made legal orders relating to highways and transport issues associated with the site;
    - ‘Contingency Plan’ for planned diversion of public footpaths NBRA9 and NBRA11;
    - Design and provide a wayfinding scheme aligned to the phasing of the development;
    - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
    - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
  - Waste collection facilities contribution.
2. A legal agreement between Wiltshire Wildlife Trust and Wiltshire Council to achieve implementation and maintenance of ecology mitigation measures relevant to the Trust via a revised Management Plan for Green Lane and Biss Woods covering the following:
- To provide an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein’s bats through maintenance of the structure and function of the habitats within the plan area;

- To incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan;
- To define the operating constraints for the ecological visitor centre and car parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein's bats;
- To set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed;
- To set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter;
- To include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein's bat use;
- To recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures;
- To anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

- (i) At least 13.6 ha of land for employment purposes (Class E ('Business' only), B2 and/or B8 uses);
- (ii) Two separate sites of at least 1.85 ha each and two separate 14-class primary schools thereon, and a single serviced site of at least 5.24 ha for a secondary school;
- (iii) Two separate sites of at least 1 ha and 0.2 ha respectively for two separate 'local centres'; in combination the local centres to provide suitable premises for a mix of convenience shops and small other shops, community facilities, 'early learning' facilities and 'food & drink' premises (Class E), 'drinking establishments' (Class A4) and 'hot food & takeaway' uses (Class A5);
- (iv) Sites for public open space to be sited, laid-out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6.35 ha of formal sports pitches with pavilion / changing rooms, at least 1.2 ha of 'designation play' area, at least 44.4 ha of major open space or country park (to include an Ecological Visitors Facility), at least 14.4 ha of natural and semi-natural open space including structural planting, and at least 0.9 ha of allotments;
- (v) An 'Ecology Visitors Facility'; and
- (vi) Up to 2,500 dwellings of which no more than 315 (including within the 'local centre') are to be provided on the north-east side of West Ashton Road.

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

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

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

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

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

[For the purposes of this condition 'infrastructure' is defined as the affordable housing, schools, local centres, open space, and ecology visitors centre; and the 'means of access' to the site including the entire Yarnbrook & West Ashton Relief Road and its related new roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2)].

- 6 With the exception of the Yarnbrook & West Ashton Relief Road, before any other parts of the development hereby approved are commenced the following shall have been carried out:
- (a) The submission to the local planning authority for approval in writing of detailed schemes for 'advance ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -
    - (i) a scheme for strengthening of the hedgerow alongside West Ashton Road to the south-west corner of Biss Woods with thorny planting and fencing, and provision for future maintenance;
    - (ii) schemes for the 100m buffer between Biss Woods and the employment land and between the employment land and the east of West Ashton Road housing land, to include landscaping with appropriate impenetrable fencing and hedge planting and provision for future maintenance in accordance with Figure 6.2 of the ES Addendum Volume 1;

- (iii) a scheme for the Attenuation pond based on Figure 6.1 of the ES Addendum Volume 1, creating a barrier to pedestrian access between the Green Lane Nature Park Extension and the east of West Ashton Road residential area to include landscaping, fencing and provision for future maintenance;
- (b) The implementation and completion of all of the above schemes as approved and continuing maintenance thereafter in accordance with the maintenance elements of the schemes.

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

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

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

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

- P480/100 Figure 6.5 Rev F (Yarnbrook & West Ashton Relief Road Sheet 1 of 4) dated 18/08/17
- P480/101 Figure 6.6 Rev G (Yarnbrook & West Ashton Relief Road Sheet 2 of 4) dated 18/08/17 (as amended through an email from Aspect Ecology (AB to LK) dated 2/3/18)
- P480/102 Figure 6.7 Rev F (Yarnbrook & West Ashton Relief Road Sheet 3 of 4) dated 28/07/17
- P480/103 Figure 6.8 Rev E (Yarnbrook & West Ashton Relief Road Sheet 4 of 4) dated 18/08/17
- P480/104 Rev D (Central Roundabout (R4) Access on West Ashton Road) dated 18/08/17
- P480/105 Rev E (Northern Site Accesses & Cycleway Provision) dated 08/09/17
- P480/106 Figure 6.4 Rev F (Yarnbrook & West Ashton Relief Road Overview) dated 18/08/17

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

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

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

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

- Green Infrastructure and Biodiversity Strategy (September 2017);
- ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;
- ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.

The details themselves shall include where relevant the following:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- a detailed planting specification for new planting showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;

- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape and ecology features.

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

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

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

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

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

11 No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be

brought on to site for the purpose of development within the particular Phase, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

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

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

12 Where a particular Phase or sub Phase of the development includes a play area(s), before 50% of the dwellings in that Phase or sub Phase are first occupied (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:

- a) The submission to the local planning authority for approval in writing of a scheme for the laying out and equipping of the play area(s), to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment; and
- b) The laying out and equipping of the play area in accordance with the approved scheme.

REASON: To ensure that the play areas are provided in a timely manner in the interests of the amenity of future residents.

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

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

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

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

REASON: In the interests of highway safety.

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

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

- 16 No development shall commence within any particular Phase or sub Phase of the application site until:

- (a) A written programme of archaeological investigation for the Phase, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contains insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 17 = No development hereby approved (save for the construction of the Yarnbrook & West Ashton Relief Road) shall commence in any sub Phase of the development which includes land either adjacent to the railway line or adjacent to the 'green

corridor' alongside the railway line until details of measures to safeguard the amenities of future occupants of the development within the sub Phase from potential noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The Development shall then be carried out in accordance with the approved details.

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

18 The application is supported by evidence which demonstrates that the potential for significant concentrations of contaminants to be present within the application site is low. However -

(a) If, during any Phase or sub Phase of the development, any evidence of historic contamination or likely contamination is found, the developer shall immediately cease work within the Phase or Sub Phase and contact the Local Planning Authority in writing to identify what additional site investigation may be necessary; and -

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

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

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

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

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



LPA may agree to a temporary closure or temporary re-routing of the rights of way on the grounds of safety if necessary.

20 Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way NBRA9 and/or NBRA11 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:

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

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

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

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

21 Prior to first occupation of the first 150 houses on the development hereby approved, a Public Art Strategy shall be submitted to the local planning authority for approval in writing. The Strategy shall set out how public art will be provided as part of the development, and a programme for this. Thereafter the development shall be carried out in accordance with the approved Strategy and programme.

REASON: To achieve a high quality living environment in the interests of amenity, and to accord with policies CP3 and CP57 of the Wiltshire Core Strategy.

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

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Public Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Construction traffic routing details.
- Ecology mitigation measures to cover -
  - protection of retained habitats;
  - creation of new habitats including provision of bat boxes;
  - management and monitoring of created and retained habitats (until taken over by management company or WWT);
  - precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation;
  - monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs, habitat structure / composition of woodland in Biss and Green Lane Woods, bat use of underpasses);
  - testing and adjusting lighting, in accordance with monitoring results';
  - compliance procedures.
- And with particular regard to the Yarnbrook & West Ashton Relief Road the following specific ecology mitigation information -
  - Long and cross sections for each underpass based on site surveyed; measurements showing the relative positions of hedgerows, existing ground levels, earthworks and underpass;
  - The timetable of works required to complete the culvert works having regard to seasonal ecological and planting constraints;
  - The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.
  - A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new planting.

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

A report prepared by the Ecological Clerk of Works certifying that the required ecology mitigation and/or compensation measures identified in the CEMP(s) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the first planting season following this, whichever is the sooner. Any approved remedial works shall then be carried out under the strict supervision of a professional ecologist following that approval.

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

23 A Landscape and Ecological Management Plan (LEMP), or individual Plans, (LEMPs) for the 'River Biss Corridor', the '100m buffer' between Biss Woods and the employment land, the 'Green Lane Nature Park Extension', the 'Attenuation pond ... creating barrier to pedestrian access', other barriers to control access to Biss Woods, dark corridors through the mixed use development, and the Yarnbrook & West Ashton Relief Road shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the relevant element of the development to which the LEMP or LEMPS applies. The content of the LEMP(s) shall include the following information:

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

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

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

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

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

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

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

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

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

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

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

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

Where lighting is proposed in ecologically sensitive areas (such as the 'dark corridors' for bats) the lighting details and related scheme shall ensure minimum impact on the ecological interests of these areas and accord with:

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of safeguarding other ecological interests.

- 32 With the exception of the Yarnbrook and West Ashton Relief Road, no development in any Phase or Sub Phase of the development hereby approved shall commence until a scheme for water efficiency relevant to all the buildings within the Phase or Sub Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter no building within the Phase or Sub Phase shall be first occupied until the water efficiency measures relevant to the building have been installed and are operational in accordance with the approved scheme.

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

INFORMATIVE: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

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

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

- 34 **INFORMATIVE TO APPLICANT:**  
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

**REPORT FOR STRATEGIC PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	25 April 2018
<b>Application Number</b>	15/04736/OUT
<b>Site Address</b>	Land south east of Trowbridge
<b>Proposal</b>	Outline planning application for mixed use development comprising: residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class B1, B2, and B8); two local centres (Classes A1 - A5, D1, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.
<b>Applicant</b>	Ashton Park Trowbridge Ltd & Persimmon Homes Ltd
<b>Town/Parish Councils</b>	NORTH BRADLEY / TROWBRIDGE / WEST ASHTON
<b>Electoral Divisions</b>	SOUTHWICK – Cllr Horace Prickett TROWBRIDGE PAXCROFT – Cllr Steve Oldrieve
<b>Grid Ref</b>	386358 157356
<b>Type of application</b>	Outline
<b>Case Officer</b>	Andrew Guest

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

The application is before the Committee because the proposal is a strategic development on a site allocated in the Wiltshire Core Strategy, is of a significant scale and is potentially supported by public funding. As such, the Head of Development Management considers that it should be decided by the Committee and not dealt with under delegated powers. The development has impacts on matters of acknowledged importance including ecology, landscape, highway safety, heritage assets, air quality, etc.. These are set out in the report.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that, subject to the Environment Agency removing its holding objection, the application be approved subject to –

- the applicant entering into a 'Section 106' agreement with Wiltshire Council; and
- Wiltshire Wildlife Trust entering into a legal agreement with Wiltshire Council to ensure that the impact of the development on land owned, and to be owned, by the Trust is satisfactorily mitigated through an agreed Management Plan for Green Lane and Biss Woods.

## 2. Report Summary

This is an outline planning application with all matters reserved except accesses. For the purposes of this application the 'accesses' include specific points of access to the site *and* the entire proposed Yarnbrook / West Ashton Relief Road (YWARR) and associated works (as shown on the Overview Highways plans nos. P480/106F and P480/107E). It follows that full details of the YWARR accompany the application.

The proposal is 'EIA development', and so the application is accompanied by an Environmental Statement.

The application proposes to erect up to 2,500 dwellings on 57.4 ha of the site and employment development on 13.6 ha. It also proposes two primary schools (1.85 ha each) and a secondary school (5.3 ha) and two local centres (1 ha and 0.2 ha), and public open space (to include formal sports pitches (6.35 ha), 'destination play' (1.2 ha), equipped children's play space (0.8 ha), 'major open space' and 'country park' (including an 'ecological visitors facility') (44.4 ha), other natural and semi-natural open spaces (14.4ha), and allotments (0.9 ha)). All matters are reserved except access to the site and the YWARR.

The proposed YWARR comprises a new approx. 1.8km section for the A350, notably by-passing the existing West Ashton traffic-signal controlled crossroads. Wiltshire Council has a broad objective to improve the A350 strategic road corridor through Wiltshire. Consequently the Core Strategy includes a requirement for the new strategic growth at South East Trowbridge to facilitate delivery of strategic improvements to the A350, particularly at Yarnbrook and West Ashton where the existing junction arrangements are over capacity. The related emerging Trowbridge Transport Strategy includes the following objective –

*To maintain and, where feasible, improve the performance of the A350 strategic road corridor.*

The application has been publicised by way of site notices, press advert and neighbour notifications.

The site lies within the local parish/town council areas of North Bradley, Trowbridge and West Ashton. North Bradley PC raises no objections, subject to comments. Trowbridge TC raises no objections, subject to conditions. West Ashton PC makes various comments.

Twenty-nine interested parties have made representations, include CPRE, RSPB and The Woodland Trust. Of these 23 are objections and 4 are in support; the remainder make comments.

It is considered that as a matter of principle the proposal complies with the Core Strategy – and, specifically, its Settlement and Delivery Strategies, and the Strategy for the Trowbridge Community Area and its related 'development template' for the Ashton Park Urban Extension (APUE). It is further considered that the application demonstrates that matters of acknowledged importance – including ecology, highway safety, heritage, drainage, air quality, amenity and infrastructure requirements – have all been properly taken into account, and that the proposal adequately accommodates these and/or provides sufficient mitigation.

In terms of the environmental impact assessment, all necessary information has been provided in the Environmental Statement accompanying the planning application, which has allowed environmental effects to be fully and properly assessed. The application was submitted in May 2015 and has since been the subject of detailed improvement, concluding in September 2017 with the submission of a revised master plan and highways plans (and associated additional information). The primary reason for the revisions was to satisfy due



process under the Habitat Regulations with regards to the potential impact of the development on the Bath & Bradford-on-Avon Special Area of Conservation (SAC), and in particular the Bechstein's Bat population within the environs of the application site.

A principal change to the originally submitted master plan has been to relocate the proposed employment land from the western edge of the application site to east of West Ashton Road. This is to create a physical / non-residential barrier with Biss Wood, and so reduce recreational pressure on the Wood from new housing. The other principal change relates to the provision of 'bat underpasses' along a section of the proposed relief road to retain bat flight paths, with a consequent change in vertical alignment of the road by up to c. 4 metres with associated works. To accompany these amendments an Environmental Statement 'Addendum' has been provided which comprehensively assesses the revised Parameter Plans and the additional information provided in respect of highways and drainage modelling. In this report the addendum document is referred to as the 'Environmental Statement' or the 'ES'.

The application is recommended for approval subject to a holding objection from the Environment Agency being lifted, and legal agreements and conditions.

### **3. Site Description**

The application site covers approximately 177 ha of mainly open farmland located to the south-east side of Trowbridge.

In broad terms the larger part of the application site is bound by the Westbury-Trowbridge railway line to its west side (between Yarnbrook and Lower Studley) with the White Horse Business Park beyond; residential development (at Drynham Lane, Lower Studley and Longfield) and/or a tributary of the River Biss and the related 'green link' to its north-west side; the West Ashton Road and Leap Gate road to its north side; part of the Green Lane Nature Park (with the recent Leap Gate residential development beyond) to its north-east side; Biss Wood to its east side; and the River Biss (between approx. West Ashton Road and Yarnbrook) to its south-east side.

The site also includes further land to the south-east of Biss Wood and the River Biss, and an approx. 2km section of the A350 (between Long's Park Castle and Yarnbrook), these areas relating to the A350 'relief road' elements of the proposal.

Outside of the application site, but entirely encompassed by it, is Biss Farm (on West Ashton Road) comprising a small group of mainly residential properties and farm buildings. Also outside of the site are areas of land and properties between the A350, the proposed relief road route and the River Biss, these including parts of the Yarnbrook settlement itself and Ashton Hill Farm yard (accessed from the A350), and Lower Biss Farm yard and Larkrise Community Farm (on West Ashton Road).

Within the site is an approx. 2.6 km length of the River Biss and some related tributaries, drains and floodplains. The River Biss and its related corridor have the effect of dividing the main part of the site into two parts – referred to in this report as the 'east side' and the 'west side' of the river. Also within the site are various rights of way – NBRA9, NBRA1, NBRA11/WASH8, NBRA44/WASH20 and WASH16/TROW125. Overhead power lines and related pylons cross part of the site.

In terms of levels, the larger part of the site is more or less flat although with a very gentle fall from the east and west sides towards the River Biss corridor and/or its tributaries, and local undulation. On the south-east side ground levels rise more noticeably towards West

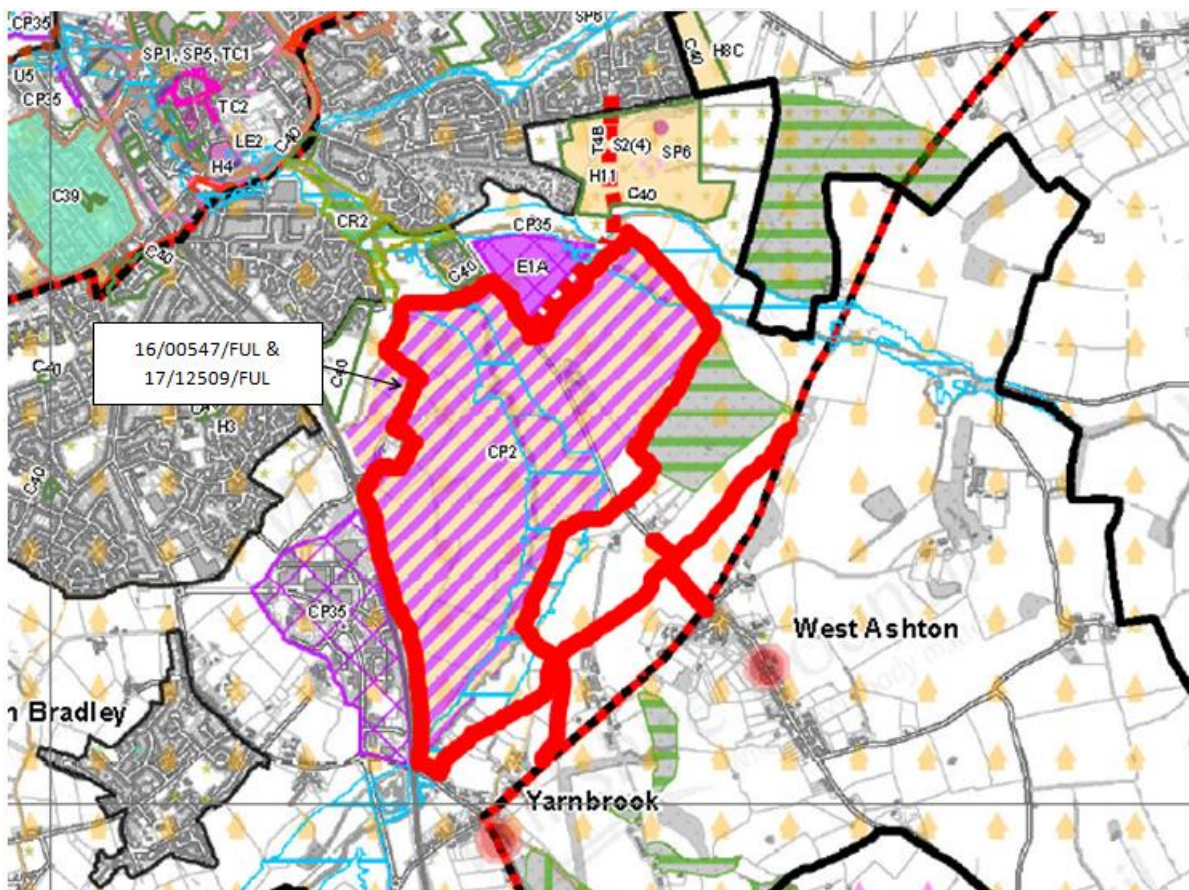
Ashton and the existing A350 in that area. The railway line is on an embankment at Yarnbrook, but soon becomes level with the site before effectively rising again over Drynham Lane.

In terms of parish areas, the application site includes land within North Bradley CP, West Ashton CP and Trowbridge CP.

In terms of planning policy, the site forms the larger part of the 'Ashton Park Urban Extension' (APUE) allocated housing and employment site. The River Biss corridor and the related Stourton Brook tributary lie within Flood Zones 2 and/or 3. Biss Wood (outside the application site) is ancient & semi natural woodland and a County Wildlife Site, and is home to colonies of bats, including Bechstein's bats. The bats are known to be linked to the Bath and Bradford on Avon Bats SAC (located approximately 7.8km away). There is a further ancient & semi-natural woodland designation at Biss Wood, outside of the application site.

#### 4. Relevant planning history

As referred to above, the larger part of the application site lies within the Ashton Park Urban Extension allocated housing and employment site as designated in the Wiltshire Core Strategy. The relevance of this is explained in the Planning Issues section of the report.



**Extract from Wiltshire Core Strategy policy map**  
[Red line: application site; purple/orange diagonal hatching: APUE allocated site;  
green horizontal hatching: County Wildlife Sites; blue horizontal hatching: Flood Zones 2 or 3]

The application site has no other directly relevant planning history. Standalone planning applications 16/00547/FUL and 17/12509/FUL (for 91 dwellings & 121 dwellings respectively) on land within that part of the APUE lying outside of the application site (that is, land west of Drynham Lane) are un-determined at this time.

## 5. Proposal

This is an outline planning application with all matters reserved except means of access (including the YWARR). The proposal is 'EIA development', and so the application is accompanied by an Environmental Statement.

Environmental Impact Assessment (EIA) is a process undertaken to ensure a development proposal that is likely to have significant environmental impacts is subjected to an assessment of these impacts prior to decision-making. The Environmental Statement (ES) summarises the findings of the EIA process. The 2011 EIA Regulations continue to apply to this ES as the procedures for this application were initiated before the 2017 Regulations came into force. The ES has chapters covering the following detailed matters – alternatives; socio-economic considerations; ecology and nature conservation; landscape and visual considerations; transport and access; air quality; noise and vibration; hydrology, drainage and flood risk; ground conditions; cultural heritage and archaeology; and soils and agriculture. Its summary is attached as an annex to this report.

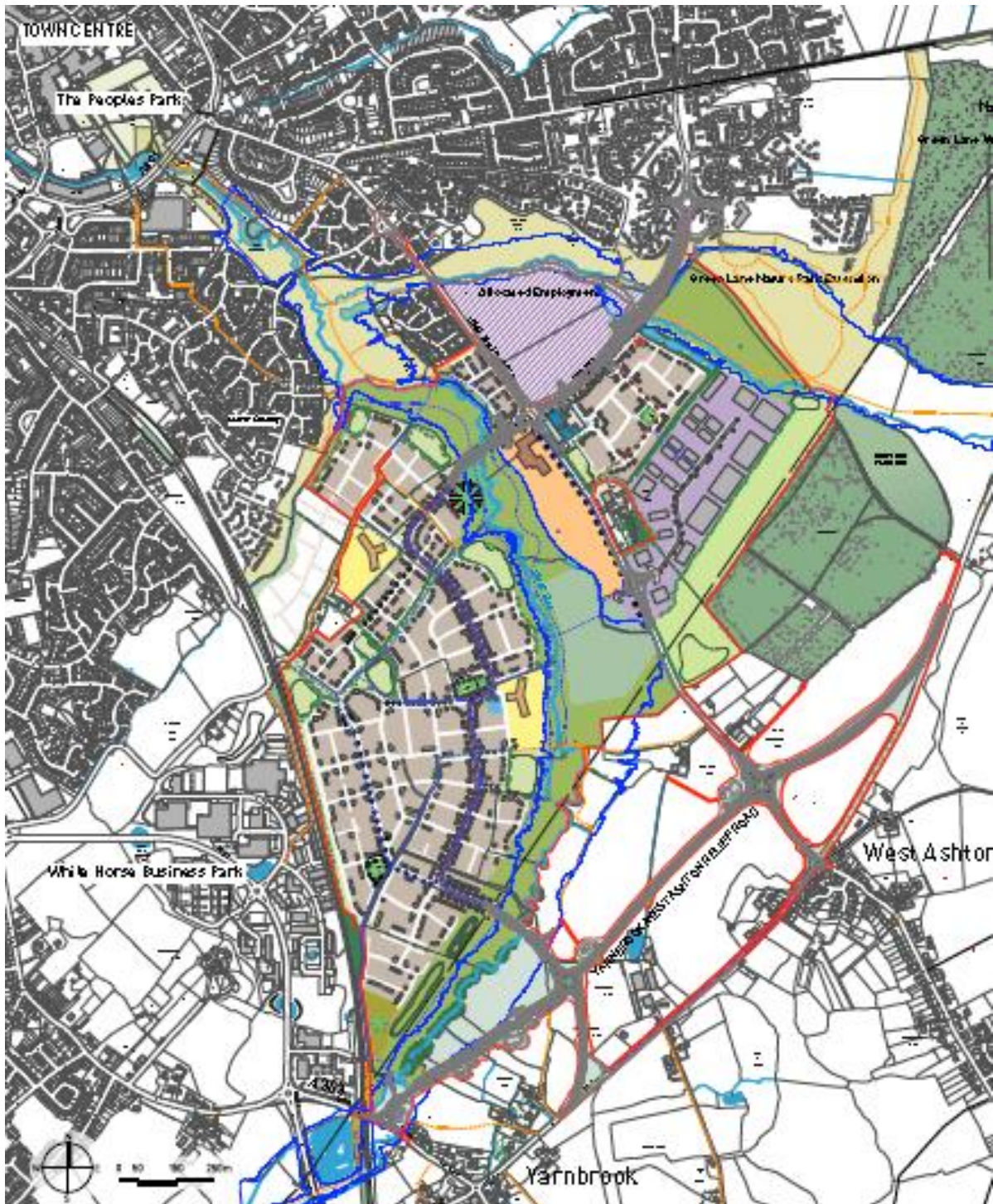
The application proposes to erect up to 2,500 dwellings on 57.4 ha of the site and employment development on 13.6 ha. It also proposes two primary schools (1.8 ha each) and a secondary school (5.3 ha) and two local centres (1 ha and 0.2 ha), and public open space (to include formal sports pitches (6.35 ha), 'destination play' (1.2 ha), equipped children's play space (0.8 ha), 'major open space' and 'country park' (including an 'ecological visitors facility') (44.4 ha), other natural and semi-natural open spaces (14.4ha), and allotments (0.9 ha)). All matters are reserved except access to the site.

The application is accompanied by an 'Indicative Masterplan', and a 'Land Use Parameter Plan', 'Movement and Access Parameter Plan', 'Building Heights Parameter Plan' and 'Green Infrastructure Parameter Plan' which were subjected to the Environmental Impact Assessment. There is also a Design and Access Statement setting out broad design principles.

The Indicative Master Plan and Use Parameter Plan indicate the employment land to be located on the east side of West Ashton Road, this together with a residential area and the larger 'local centre' (up to 315 dwellings). The secondary school and the formal sports pitches are indicated to be sited on the west side of West Ashton Road. Access to the employment land and sports pitches would be via a new roundabout junction on West Ashton Road, to the south of Biss Farm (referred to as 'Roundabout 4' (R4)) in the application particulars). The rest of the dwellings (c. 2,185), the two primary schools and the smaller local centre would be located on the west side of the site (that is, on the west side of the River Biss). Access to the west side would be via a new spur off the existing West Ashton Road / Leap Gate roundabout (referred to as 'Roundabout 5' (R5)) and a new roundabout (R2) forming part of the relief road element of the overall proposal (see more below). Both of these new main roads into the west side would require bridges to be constructed over the River Biss.

The Green Infrastructure Parameter Plan indicates the 'major open space and nature park extension' to be located within the River Biss corridor and adjacent to the existing nature park at Leap Gate. These would connect with the existing 'green links' elsewhere in Trowbridge. An 'impenetrable landscaped buffer' would be planted adjacent to Biss Wood to

protect this bat habitat from additional recreational access pressures. The formal sports pitches would be provided adjacent to the secondary school site. Children's play areas and informal recreation space would be provided within the residential areas, the latter incorporating flood attenuation measures, such as balancing ponds, if/as necessary. The allotments would be located in the south corner of the site.



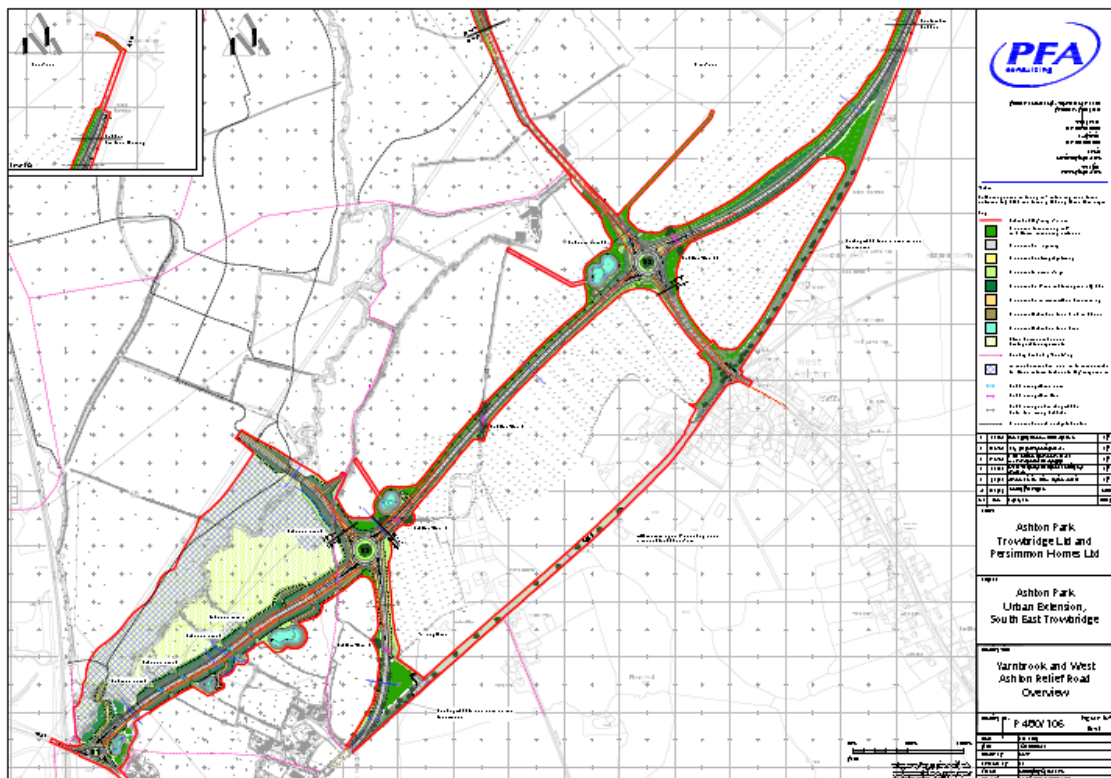
**Indicative Masterplan**

*Brown: residential; mauve: employment; orange & yellow: schools; blue: local centres*

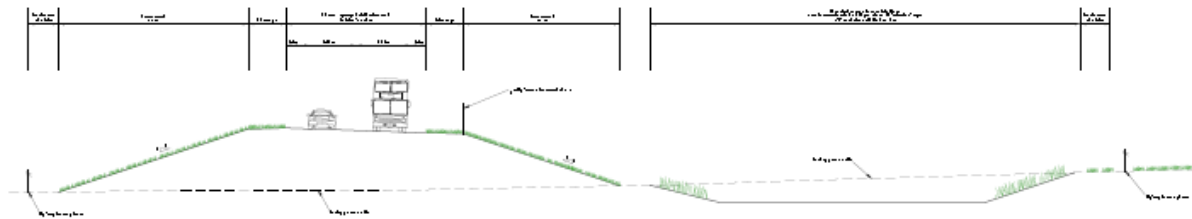
The Building Heights Parameter Plan indicates maximum heights of up to 14.5m above ground level for the employment, secondary school and local centres; and up to 13.0m above ground level for all other elements - to be “predominantly 2 storey but with allowance for up to 3 storey”. The Design and Access Statement indicates three density ranges – between 30-39 dph (‘low density’), between 40-45 dph (‘medium density’), and between 46-60 dph (‘high density’). The low density areas are shown to be mainly on the fringes between built-up areas and the open areas; the larger part of the development would, however, be in the medium density range.

The application includes full details for the proposed Yarnbrook and West Ashton Relief Road (and associated features) (YWARR) and all accesses into the proposed development areas from West Ashton Road, Leap Gate and the proposed relief road itself (including, where required, bridges), (the non-reserved ‘access’ elements of the application).

The YWARR comprises a new approx. 1.8km section for the A350, by-passing the existing West Ashton traffic-signal controlled crossroads. From its north end the line of the new road would curve away from the existing route just to the south of Long’s Park Castle, and cross the existing West Ashton Road via a new roundabout junction (referred to as ‘Roundabout 3’ (R3)) approximately 0.25 km to the north-west of the existing crossroads. The new road would then run parallel with the existing line of the A350 before meeting a further new roundabout junction (‘Roundabout 2’ (R2)) to the west of Ashton Hill Farm. R2 would have four spurs – firstly, the in-coming A350 from the north; secondly, the return to the new A350, this merging just to the east of Yarnbrook; thirdly a new section of road connecting with the A363 (Westbury Road) just to the west of Yarnbrook via a new roundabout junction (‘Roundabout 3’ (R3)); and fourthly, a new access into the proposed residential land to the north-west. Improved visibility would be provided at the existing A350 / Biss Wood access by realigning the existing hedgerow.



Yarnbrook / West Ashton Relief Road overview



**Typical road section**

The new road would be constructed in part at a higher level than existing ground levels, to allow for the north-west to south-east natural changes in levels, other localised undulations, general design and construction requirements, and to accommodate 'bat underpasses'. Specifically, R3 would be c. 1.8m-2.4m above existing ground level and R2 c. 0.8m-2.0m above existing ground levels. At its highest, between R2 and R1 where 6 bat underpasses are required, the level difference would be up to c. 4.5m. In addition to the bat underpasses, several bat 'hop-overs' would also be provided.

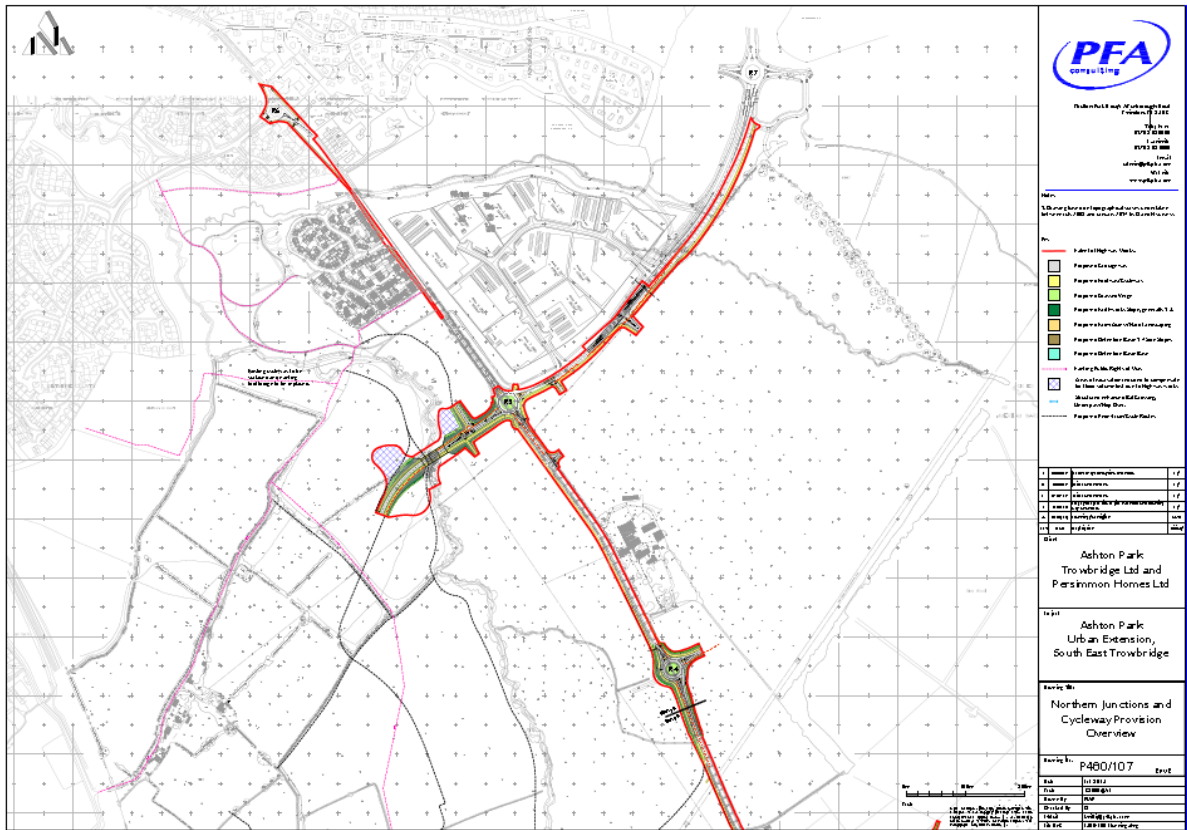
Bat underpasses and hop-overs in the manner proposed are required to accommodate bat colonies occupying Biss Wood in particular. These colonies are of international ecological significance.

The existing A350 where proposed to be by-passed would be removed to the north-east of the existing West Ashton crossroads and made a no-through road (for access only) to the south-west of the crossroads (with a short section beyond the no-through road removed other than a pedestrian path and cycleway). The existing traffic lights at the West Ashton crossroads would be removed and an un-controlled, four-arm (including to Rood Ashton Park) staggered crossroads formed, with priority for West Ashton Road.



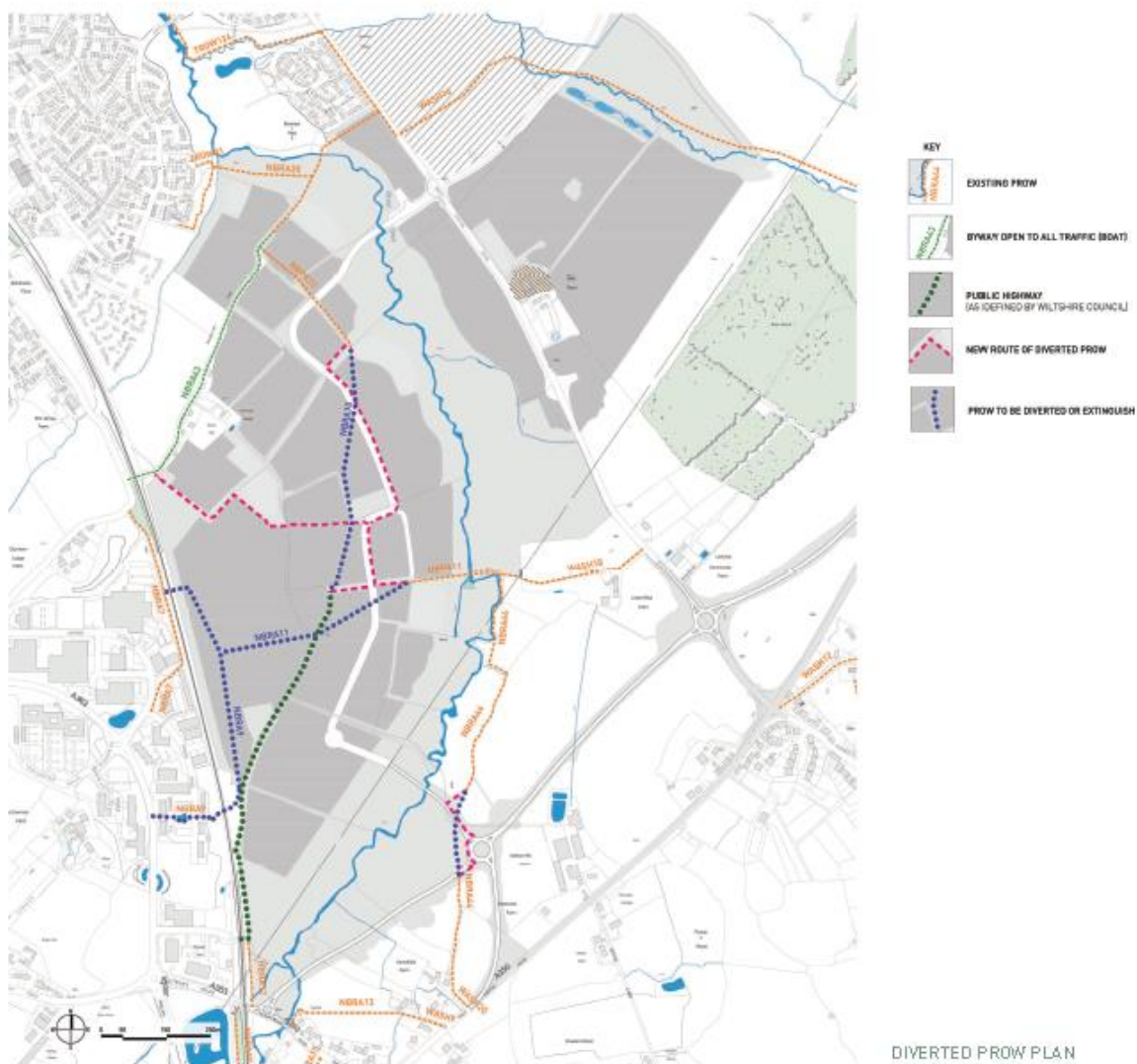
**Proposed changes to existing A350 / West Ashton Road crossroads**

Alongside West Ashton Road between West Ashton and the Broadcloth Lane roundabout, where land ownership allows, a footway and cycleway would be provided. No such facility exists at present for much of this road's length. Footways and cycle-ways would also be provided in other key locations including on the south side of Leap Gate and between the Homefield Farm area and the new development (via R2).



West Ashton Road (north) overview

A number of public rights of way cross the site, providing connectivity to the wider area. In due course separate applications will be made for diversions to some of these to enable an integrated development to be achieved. Notably, footpaths nos. NBRA9 and NBR11, which include 'at-grade' crossings of the railway line, would be diverted and/or extinguished to remove the crossings, with the new or diverted routes utilising the existing railway under-bridges at Drynham Lane and Meridian Park.



**Rights of Way**

*[orange and green: not affected; blue: to be diverted or extinguished; red: new or diverted routes]*

The masterplan and detailed design of the road has been amended since original submission principally to accommodate the recommendations of the Appropriate Assessment through the Habitat Regulations process with regard to the potential impact of the development on the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC), and particularly the Bechstein’s bat population within the environs of the application. The consequences of this are discussed in more detail later in the report.

Wiltshire Council has a broad objective to improve the A350 strategic road corridor through Wiltshire. Consequently the Core Strategy requires the new strategic growth at South East Trowbridge to facilitate delivery of strategic improvements to the A350, particularly at Yarnbrook and West Ashton where the existing junction arrangements are over capacity. To this end the emerging Trowbridge Transport Strategy includes the following objective -

*To maintain and, where feasible, improve the performance of the A350 strategic road corridor.*

This Strategy is further referred to in the ‘Planning Policy and Guidance’ section of this report, below.



The relief road element of the planning application, which would assist in achieving the broad objective, will inevitably be costly to deliver. The Core Strategy recognises that the improvements to the A350 will have a wider benefit to the town and the strategic road network, and confirms that responsibility for the improvements will be shared between the developers and Wiltshire Council. Thus, on the basis of a shared approach, the cost will be met in part by the developer of the urban extension and in part by Wiltshire Council through Swindon Wiltshire Local Enterprise Partnership (SWLEP) funding and the DCLG Housing Infrastructure Fund (HIF), the former which has a strict delivery time table.

## **6. Planning policy and guidance**

### Wiltshire Core Strategy –

Core Policy 1 – Settlement Strategy  
Core Policy 2 – Delivery Strategy  
Core Policy 3 – Infrastructure requirements  
Core Policy 29 – Spatial Strategy for the Trowbridge Community Area  
Core Policy 30 – Trowbridge low-carbon, renewable energy project  
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 55 – Air quality  
Core Policy 57 – Ensuring high quality design and place shaping  
Core Policy 58 – Ensuring the conservation of the historic environment  
Core Policy 60 – Sustainable transport  
Core Policy 61 – Transport and new development  
Core Policy 62 – Development impacts on the transport network  
Core Policy 63 – Transport strategies  
Core Policy 64 – Demand management  
Core Policy 66 – Strategic transport network  
Core Policy 67 – Flood risk  
Core Policy 68 – Water resources  
Ashton Park Urban Extension (APUE) development template

### West Wiltshire Local Plan 2004 – ‘saved’ policies

Policy C40 – Tree planting  
Policy U1a – Foul water disposal  
Policy I2 – The arts  
Policy I3 – Access for everyone  
West Wiltshire Leisure and Recreation DPD

National Planning Policy Framework Relevant paragraphs of the NPPF are referred to in the Planning Issues section of the report.

### Wiltshire Local Transport Plan 2011 – 2026

Strategy ‘vision’ – *“To develop a transport system which helps support economic growth across Wiltshire’s communities, giving choice and opportunity for people to safely access*

essential services. Transport solutions will be sensitive to the built and natural environment, with a particular emphasis on the need to reduce carbon emissions”.

### Emerging Trowbridge Transport Strategy

Objectives –

- To reduce transport related emissions and address climate change and local pollution;
- Promoting sustainable transport, including better local bus services (reflecting national guidance and the Local Transport Plan);
- Integrating development sites with established communities to increase travel choice, based on comprehensive networks and linked facilities;
- Improving accessibility throughout the town with new walking and cycling networks;
- Improving road safety, particularly for vulnerable road users;
- Creating better environments for people, rather than vehicles, in the town centre, development sites and elsewhere;
- To protect the natural environment;
- To safeguard the historic environment and to promote high quality new development;
- Delivering local employment opportunities which can be accessed by sustainable modes, particularly in the professional sector, to support local activity and limit out-commuting (reflecting local aspirations); and
- Supporting local development opportunities to support containment of trips, with people living near where they work (supporting economic activity locally at a scale appropriate for a county town).

In addition to the objectives relevant to Trowbridge and the development of the town, Wiltshire Council also maintains a separate objective to improve the A350 strategic road corridor through Wiltshire. To reflect this, and due to the close proximity of the A350 corridor, the following strategy objective is also promoted.

- To maintain and, where feasible, improve the performance of the A350 strategic road corridor. [Specifically for Trowbridge, the Yarnbrook and West Ashton Relief Road]

Executive summary - “Traffic modelling has shown that the Emerging Strategy is successful in reducing traffic congestion, with average journey times in 2026 similar to those experienced in 2009 and with delays on the A350 minimised. The strategy will also reduce carbon emissions and emissions of oxides of nitrogen, compared to the Reference Case without the mitigation measures in place”.

## **7. Consultations**

North Bradley Parish Council: No objection, subject to appropriate fencing between employment area and Green Lane Woods to control access to the woods thereby offering protection to bats.

Trowbridge Town Council: Support, subject to conditions.

*The Town Council has had a long-standing policy of supporting large scale development through an extension of the town and in particular supports this area as the most appropriate location for such development.*

*This site is allocated as a Strategic Site in the Core Strategy.*

*This application is in accordance with the Town Council Strategy and the Wiltshire Core Strategy.*

*The majority of the development is within the parishes of West Ashton and North Bradley with only small areas in Trowbridge.*

*The majority of the application is in outline and therefore issues about layout, house design and position of other elements of the development should be reserved for subsequent Reserved Matters Application(s).*

*The Application is in Full Detail with regard to the West Ashton and Yarnbrook Relief Road, access roads, junction layouts and associated cycle routes and it would therefore be appropriate to raise any issues in detail regarding these matters at this stage.*

*Changes since the original application are mainly mitigation measures relating to Bechstein Bats, including elevation of the road to provide 3m clearance bat tunnels in a number of locations, reduction in public access to areas close to Biss Woods and relocation of the business park close to Biss Woods to reduce access to and recreational pressure on the woods.*

*Other changes previously requested by the town council have now been incorporated into the revised proposal, including; cycle/footway provision along the length of West Ashton Road to West Ashton Village; and realignment of the public rights of way and footpaths close to the railway line to divert pedestrian and cycle traffic to the two under bridges (at Drynham Lane and Platinum Motors) and away from the level crossings, potentially allowing for the removal of the two pedestrian level crossings adjacent to White Horse Business Park.*

*That the Masterplan indicates access to the remaining part of the Ashton park development which is in the control of Wainhomes and would support access to this site from the main Ashton Park development in preference to the unsatisfactory access from Southview Park.*

*The [TC's] committee RESOLVED:*

*That Trowbridge Town Council welcomes the progress being made on the plans for the development at 'Ashton Park' to meet the needs of the growing sustainable community of Trowbridge. The Town Council welcomes the proposals for the West Ashton and Yarnbrook Relief Road, providing additional capacity on the A350 and approaches to Trowbridge, improving traffic flows, accessibility and contributing to the economy of the town and area. Trowbridge Town Council has a number of aspects which should be addressed through appropriate conditions at this stage or through proposals and conditions at the Reserved Matters stage to improve sustainability and accessibility:*

- i) Full cycle route provision from Leap Gate adjacent to Pond A1 in an east south easterly direction towards Jubilee Woods, to facilitate a through route to the A350 and then onwards to Steeple Ashton to provide safe and sustainable access between Steeple Ashton village and Trowbridge.*
- ii) The improvements to the existing routes through Biss Meadows and the footbridge from Biss Meadows to Ashton Park site linking to the development should be completed and fully open prior to the occupation of the first house to secure sustainable access options from Ashton Park to Trowbridge Town Centre.*

West Ashton Parish Council: Comments.

*At the outset and during the lengthy Core Strategy consultation and Inspector's assessment of the plans consideration was given to the potential impact on the environment i.e. Ashton*

Park south east of Trowbridge. Many representations were made regarding the affect the Greenfield development would have and the consequential impact on wildlife, particularly rare and endangered species of bats.

It is therefore with some misgivings that it has been now proposed to move the Business Park originally allocated in North Bradley to West Ashton and of all things in close proximity to Biss Wood. This proposed Business Park in the south of the development is scheduled to permit building heights of up to 16.5m above current ground level (14.5m plus a base of 2m above current levels). This is far in excess of normal housing construction with the obvious impact on visual amenity and environmental impact vis-a-vis the bat issues already mentioned. This situation will be further compounded by the potential for light pollution that will be enormously detrimental for wildlife in Biss Wood and the foraging areas of bats.

The master plan appears to propose the location of business units less than 100m from Biss Wood. This may have to be revised to ensure that there can be no perceived connection between the unlicensed felling of trees and a mistaken belief that a much-reduced wood might no longer merit a place on the ancient woodland register.

It would seem more sensible to keep the business park in North Bradley but reduce the employment area to accommodate housing, similar to the change in planning now for the "Land West of Biss Farm". Note: this site could also facilitate a relocation of the recycling centre in Canal Road that causes considerable traffic congestion, it is also too small for an expanding Trowbridge. The change in the location of some housing would facilitate an improved buffer between the housing in Ashton Park and Biss Wood. With adequate screening it would give better protection to the environment and wildlife in Biss Wood that also includes the protected species of Bechstein Bats.

Persimmon were unable to find any businesses to take up premises on the "Land West of Biss Farm" that was designated as an employment site, it is now to be developed primarily for housing. Perhaps it would be expedient to set aside the relocated Business Park as a rural environment and plant trees thus preserving the environment whilst contributing to housing needs.

*Sustainable Transport* - The re-routing of part A350 with associated landscaping and highway works is to be welcomed, something that is long overdue. However the plan does not include adequate pavement or cycle paths from West Ashton to Trowbridge via the C49. There is a part of the route that will require a narrowing of the C49 to facilitate a pavement and cycle path albeit narrower than the 3m normally provided. It must be within Wiltshire Council's powers to Compulsorily Purchase (CPO) to acquire a narrow strip of land to achieve standardisation on the route and before any building works have been undertaken. This must include a safe and direct means of crossing the A350. It is clear the C49 from Leap Gate will be a major traffic route from the Canal Road site via the Hilperton Gap to A350 travelling South and East.

Leap Gate to C49 has been designated a truck route from Canal Road. This route is through a Housing estate passing close to a school. This seems a peculiar development strategy. It would be beneficial to route the traffic via a new roundabout at Stoney Gutter instead of the traffic lights.

The Ashton Park development must deliver sustainable transport connections, whether by foot, cycle or bus from Trowbridge via the employment land to West Ashton. A bus turnaround is achievable at the existing traffic lights (A350 – Bratton Road) when the A350 has been re-routed. This must include a safe and direct means of crossing the A350.

*Landscape Setting - The development of Ashton Park must demonstrate the preservation of the elevated views from West Ashton Village including mitigation of the visual impact of roofs (for example by choosing colours that blend with the surrounding countryside). This is particularly relevant for the larger buildings for the proposed Business Park.*

*The area between the existing A350 (either side of the crossroads to the re-routed A350) should be maintained as agricultural land and if possible planted with trees to further protect the environmental aspect.*

*Proposals need to be carefully considered to achieve the successful integration of the highway works to minimize visual impact and disturbance. This should include substantial block tree planting. Street lighting should be designed to reduce the light pollution of upward glare.*

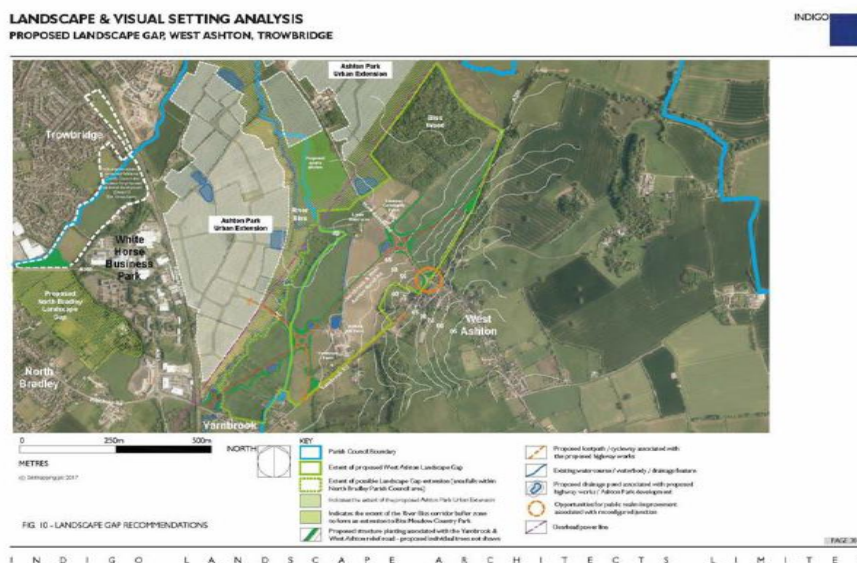
*The open, rural setting of land between Larkrise Farm and the boundary of the Strategic Site of Ashton Park, as shown in the Map below should be respected. Views from Larkrise Farm towards the development should be preserved by appropriate screening around the strategic site.*

*Parking facilities for houses should be a minimum of two off street per house with roads wide enough to allow the passage of emergency vehicles.*

*In summary West Ashton Parish Council understands the need for housing to address the shortage nationally. However whilst there appears to be a policy of allocating employment land there is very little take up e.g. the “Land West of Biss Farm”. The site has had planning permission since 1999 and will now be used for housing. Simply building more houses without business take up of the employment land only produces dormitory towns with significantly increased out-commuting.*

*Development of Brownfield Sites in Trowbridge could easily meet some of the housing needs and the wholesale development Greenfield sites should not be a first choice simply because it's easier.*

*However, West Ashton Parish Council accept the national need for housing and infrastructure growth to meet the demands of an expanding population.*



WC Ecology: No objection, subject to conditions / legal agreements.

*The ecological sections of the ES are comprehensive and I generally support the outcome of the assessment. I have summarised below what I see to be the key issues where mitigation needs to be carried forward to be secured through conditions.*

*The ES Addendum Volume 1 identifies a need for a Biodiversity Management Plan (BMP), a Construction Environmental Management Plan (CEMP), a Landscape and Ecology Management Plan (LEMP), a Habitat Creation and Management Plan (HCMP), and a Mitigation and Monitoring Implementation and Review Plan. In addition, the WWT's management Plan for Green Lane and Biss Woods will need to be revised to demonstrate how the increased visitor pressure and proposed land transfers will be accommodated.*

*I propose that these plans be reduced in number and scoped as follows:*

	<b>Geographical scope</b>	<b>Habitat and species management</b>	<b>Habitat and species mitigation</b>	<b>Habitat and species monitoring</b>	<b>Habitat creation/enhancement</b>
<b>BMP secured by S106</b>	Application site and WWT owned land	yes	yes	yes	yes
<b>CEMP secured by condition</b>	Application site and WWT owned land	yes	yes	yes	yes
<b>LEMP secured by condition</b>	Application site excluding land to be transferred to WWT	yes	no	yes	no
<b>Management Plan for Green Lane Woodland complex secured by S106</b>	WWT owned land including application land to be transferred to WWT	yes	yes	yes	no

KEY:

Construction phase	Operational phase	Construction and operational phases	Pre-construction and construction phases	Pre-construction, construction and operational phases
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*Impacts from construction and operational phase -*

*Bats – Putting effects on the Bath and Bradford on Avon Bats SAC aside as these have been considered as part of the HRA, the main risk to bats would be felling of trees with potential to support bat roosts now or in the future, disturbance to bat habitat from urban lighting, disruption of flight-lines and in this area of shrinking clay, changes to tree rooting zones which may shorten life expectancy of trees and therefore their capacity to provide bat habitat. To a great extent these impacts will be mitigated by measures provided to ensure no adverse effects on the SAC. The main residual effects will be to bat habitat where this occurs within the mixed residential development footprint. Vegetation hop-overs will be required for potential flight lines and as far as possible artificial lighting needs to be minimised next to bat habitats. These measures will be partly secured through specific conditions applied in relation to the Bat SAC. Residual impacts and mitigation should be addressed in a Biodiversity Mitigation Plan (BMP) secured through the S106. This should*

identify protocols for dealing with recurring issues in reserved matters applications, such as lighting, tree works, severance of hedgerows etc.

*Badger* – very low levels of activity were recorded, a small number of old outlier setts in the application site. The status and distribution of badgers can be expected to change over the timescales of delivery of this development therefore this matter should be addressed through the BMP which may identify a need for further surveys to support relevant reserved matters applications. Tunnels incorporated into the YWARR will provide safe options for badgers to cross this road.

*Dormouse* – several nests were recorded in hedgerows within the application boundary sustained by migration out from local woodlands. Urban development at the densities proposed is not compatible with trying to retain dormice. However habitat offsetting can be achieved within the application boundary for this species in areas where public pressure will be reduced, for example within planting adjacent to the railway line and in the 100m buffer between the employment zone and Biss Wood. Figure 6.21 also demonstrates where dormouse hop-overs would help to reduce severance effects. This should be addressed in the BMP and relevant reserved matters applications. Licences will need to be in place in order to remove anything other than short sections of hedgerow and works affecting dormouse will be covered in the CEMP. I

In the ES Addendum Volume 2, Aspect Ecology has prepared a note considering the Article 16 tests from the Habitats Directive that Natural England will need to consider before issuing a dormouse licence. From this I believe that it is possible that all three tests could be met. However, while I consider the mitigation could be adequate to maintain the favourable conservation status of the local population (as required by the Habitats Directive), I doubt there is sufficient information to support the consultants conclusion that residual effects on dormice will be moderately beneficial at a local level (ES Addendum para 6.5.227). I consider the development may be able to retain the broad range of this local population but it is hard to predict the effect on population size given the poor understanding of this population's status.

*Otters* – We should assume these are using the River Biss which is part of a wider territory area and precautions will therefore be necessary during the construction phase which can be secured through the condition for a CEMP. The bridge designs are suitable to allow otters to pass easily beneath them on dry land and tunnels have been incorporated for use during flood conditions when animals might otherwise be forced up onto the road. The river will be buffered by an extensive habitat corridor which will serve to reduce the effects of increased disturbance but is unlikely to eliminate it. Any increased effects of lighting will be minimal and will in any case be restricted by conditions to minimise effects on SAC bat species. At this stage it seems unlikely that a licence for otters would be required in order to proceed although further survey would confirm whether this is the case just before construction commences.

*Water voles* – This species is present in the northernmost part of the River Biss but distribution may change during the timescale of the construction period therefore further surveys will be necessary. The preliminary design ensures river banks will not be permanently damaged but construction activities could damage burrows and water voles if these are not carefully managed and overseen by an ecologist. This issue will be covered through the condition for a CEMP.

*Other Mammals* e.g. those of principle importance for the conservation of biodiversity including brown hare, hedgehog, water shrew, harvest mouse – Declines in these species, if present, are inevitable as a result of urban development. It is possible that habitat improvements enable populations of water shrew and hedgehog to persist/expand. The

*project does not provide specific mitigation for these species but protection measures during construction and the extensive provision of new habitat for biodiversity has the potential to offset these losses. Measures reduce habitat fragmentation for hedgehogs in urban areas could be addressed in the BMMP and incorporated into reserved matters applications.*

*Farmland birds – long term loss of these species, many of which are in long term decline, is an inevitable consequence of urban development. Extensive provision of new habitat across the application area both urban and non-urban, has the potential to offset these losses by providing habitat for other non-farmland species. In addition skylark plots proposed at paras 6.5.238 – 6.5.239 in the ES Addendum Volume 1 may bring an overall improvement for skylark if these areas remain undisturbed by residents. Further information on all measures will be sought through the BMP. Specific measures will be required during construction to ensure nesting birds not harmed and these can be addressed through the CEMP.*

*Schedule 1 bird species – Kingfisher and Barn Owl recorded. Habitat conditions for Kingfisher should be improved in the long term due to the proposed enhancements along the River Biss and there is a potential for long term gains in barn owl habitat as the quantum of unimproved grassland and attendant vole populations will be significantly increased. The scope and locations of habitat mitigation and enhancements will be included in the BMP with full planting details coming forward through the condition for submission of landscape plans. Measures will be required during the construction phase (i.e. included in CEMP) to ensure these species are not disturbed if nesting.*

*Great Crested Newts – present in White Horse Business Park ponds and possibly in one pond in the application site next to the railway line. This latter pond is not directly affected by the scheme but could be affected by reductions in water levels due to adjacent urbanisation. In terms of harm to individual newts, the development may only be expected to affect newts in their terrestrial phase within 250m of the ponds as habitat quality is currently poor (intensive arable). The Council's preferred approach for mitigation would be to enhance breeding and terrestrial conditions for this local population to the extent that a benefit can be assured even if minimal precautions to harm individuals are taken in relation to the development footprint during the construction phase. Retention of water levels, creation of new ponds and terrestrial habitat should be addressed through the BMP and relevant reserved matters applications taking the Great Crested Newt Mitigation Framework at Figure 23 of the ES Addendum Volume 1 into account. A licence will need to be in place in order to destroy terrestrial habitat.*

*In the ES Addendum Volume 2, Aspect Ecology has prepared a note considering the Article 16 tests of the Habitats Directive that Natural England will need to consider before issuing a great crested newt licence. From this I believe that it is possible that all three tests could be met. Note that Council will not accept that garden habitat in a development of this nature as being suitable to mitigate for loss of great crested newt terrestrial habitat.*

*Woodland habitats – increased access to publically accessible woodlands, particularly Green Lane and Biss Wood will lead to trampling, litter, disturbance, fires etc. The effects of this on Bechstein's bats is considered in the HRA and the mitigation secured through that process, including a permanent full time warden, visitor's centre, revised management plan and annual revenue stream to fund remedial measures will also serve to minimise the long term effects on other species and woodland habitats. In addition, the BMP will present a scheme to demonstrate how the recreational capacity of the scheme will be increased in order to focus pressure away from sensitive woodland habitats (para 6.5.53 in the ES Addendum Volume 1). The effects of air quality on local woodlands were reviewed as part of the re-screening of the application under the Habitats Regulations which concluded that in the medium to long term, negative effects would be minimal. In regard to this, Natural*



England has not objected to the development in relation to Picket and Clanger Wood SSSI or Bratton Downs SSSI.

Other habitats – habitats across the site are generally of limited value in their own right due to the site's intensive agricultural use. The provision of extensive areas of new habitats (38% of total development) and open space, managed specifically for biodiversity will bring an overall habitat enhancement in terms of floristic and invertebrate interest and potentially for other species groups. Elimination of exotic invasive species such as Himalayan balsam will be dealt with through the CEMP.

#### Mitigation and Compensation -

Most of the mitigation and compensation measures secured by condition and S106 for the bat SAC will also mitigate and compensate for other species. Discussion of the scope of these measures is contained in the ES Addendum Volume 1 in section 6.5. Monitoring for bats is described in the "Outline Monitoring and Review Framework" provided between paras 6.5.193 and 6.5.211 and will cover monitoring of bat flightlines, hop-overs, underpasses, bridges and offsite woodlands.

#### Enhancements -

The section on enhancements in the EA Addendum Volume 1 starting at para 6.5.253 confusingly seems to refer to measures which have already been put forward as mitigation in paras 6.5.1 to 6.5.252. The following enhancements from para 6.5.255 represent additional measures to those detailed under mitigation and compensation:

- Hibernaculum specifically designed for lesser horseshoe bats in accordance with Appendix 13 within green infrastructure in the east of the proposed development near to Biss Wood but outside the floodplain.
- Bat boxes in accordance with para 6.5.255, Figure 6.24 and Appendix 6.7
- Dormouse nest boxes
- Ponds for water voles in the river Biss corridor
- Otter holt and shelters in ecological quiet zones adjacent to the River Biss in accordance with Appendix 6.14 and Figure 6.24
- Hedgehog domes in accordance with Appendix 6.15 with close board fencing designed to allow access by hedgehogs to gardens
- Bird nesting facilities within buildings, bird boxes within areas of green infrastructure and existing woodlands Appendix 6.11 and Appendix 6.16
- Amphibian and reptile hibernacula in accordance with Appendix 6.17
- Wildlife tunnels at river bridge crossings in accordance with Figures 6.14 and 6.16
- New habitat to include plant species of particular value to butterflies of local interest and green spaces areas to include butterfly banks to provide sheltered, south-facing basking areas akin to that demonstrated in Appendix 6.18
- Insect boxes and hotels to be provided in areas of open space to encourage species of principal importance for conserving biodiversity in England akin to that demonstrated in Appendix 6.19

#### Conditions -

1. Before works commence a scheme of enhancement measures identified in the ES Addendum Volume 1 including (as appropriate) their design, location, number and size, shall be submitted and approved by the planning authority together with a timescale for their delivery. The scheme shall be implemented in accordance with the agreed details.

2. Conditions for CEMP and LEMP will be worded to ensure they cover aspects of ecology other than SAC bats.

*Informative -*

*Notwithstanding the above conditions, it is assumed that the development will be brought forward in line with the design, mitigation, compensation and enhancement arrangements detailed in Volumes 1 and 2 of the Environmental Statement Addendum dated September 2017.*

*S106 -*

1. A Biodiversity Mitigation Plan will be prepared by the developer to meet the following requirements:
  - to be submitted and approved before commencement;
  - to include monitoring, management, creation and enhancement of species and habitats during the pre-construction, construction and post-construction phases across the development sites and woodlands in WWT ownership;
  - to include protocols for dealing with recurring issues in reserved matters applications, such as lighting, tree works, severance of hedgerows etc.;
  - scope of work to be in line with works outlined in the ES Addendum Volumes 1 and 2.
  - progress, feedback and monitoring to be reported to Wiltshire Council and the Steering Group in accordance with specified timescales.
2. A single Ecological Clerk of Works will be appointed to deliver specialist consultancy advice across all strategic elements of ecological work for the project in relation to design and delivery of mitigation, management and creation/enhancement of habitats and monitoring (but see below for co-ordination of bat monitoring for the YWARR).
3. Bat monitoring of the YWARR will be designed and co-ordinated with input from a specialist, approved by the Council, with a proven track record of published research in measuring the effect of linear development schemes on bat flight patterns.

WC Landscape: No objection

*Landscape and Visual Impact Assessment - An LVIA, prepared to current best practice and scoped with Wiltshire Council Landscape Officer has been submitted with the ES. In summary there will be experiential landscape and visual effects as a result of the development, largely through the construction stage when the site will be transformed from an agricultural landscape to residential dwellings. Existing landscape features/ characteristics will be incorporated within the development with a central core of green infrastructure featured around the River Biss. Overall the residual landscape effects will be low as the site will, in time, be perceived as an indiscernible urban extension to Trowbridge.*

*The site is physically and visually well contained. Direct views onto the site are mainly limited to PROWs that cross the site. Any significant visual and cumulative effects will be reduced through the filtering effects of mitigation planting. Development on higher ground to the south has been avoided to reduce visual effects. Modern energy efficient lighting with cut offs will be used to minimise light pollution.*

*Key management objectives described in the West Wiltshire Landscape Character Assessment (March 2007) and captured in the masterplan:*

*Conserve and manage the traditional hedgerow pattern and network, repair and replace where lost –*

*The existing hedgerow pattern is to be retained on site as part of the GI Strategy, for biodiversity and to reinforce local landscape character. Infill and new hedgerows will be planted with local native species as detailed at 6.5.80 in the ES and managed to grow on standards within the hedges. This measure will contribute to reinstating landscape character lost through the death of elm trees in the 1970s and potential future loss of ash from Chalara fraxinea.*

*To ensure their longevity and environmental contribution existing hedgerows should not be used to form boundaries to residential properties.*

*Conserve and manage woodland; conserve riparian vegetation and the river corridor -*

*One of the key factors in conserving and managing Biss Wood will be controlling the increased access by local residents which could cause degradation to valuable habitats. Although the creation of a 100m undeveloped/unlit buffer will provide an appropriate offset to Biss Wood, the provision of alternative high quality recreational public open space and local circular routes for dog walking plays an important indirect role in conservation management. The masterplan retains the River Biss and its floodplain as an open space asset; it provides the central core from which other green infrastructure radiates out. The new country park provides a sustainable transport link to the town centre by foot/cycle routes through Biss Meadows Country Park.*

*New landscapes should be well designed with native species whenever possible, and SUDs features designed with a natural aesthetic that is both pleasing to look at and of benefit for biodiversity. The development of an onsite warden facility/visitor centre, run by the WWT, will play an important role in educating local residents and managing/conserving the local woods and GI.*

*Screen the urban edge of Trowbridge and enhance its setting -*

*As an edge of town development the site interfaces with the open countryside and design measures should be employed to avoid a hard urban edge. The scheme has addressed this through several methods; development has been retained to the lower area of the site avoiding the visually prominent slope that runs up to the A350, lower density housing has been placed to the periphery of the site, the different character areas of the development include proposed landscape treatments/tree planting which will help to break up the roof mass in the long term (as sketched in the DAS). Detail design should look for opportunities to plant large native species e.g. Oak, particularly in public open spaces where they can achieve their full potential.*

*Screen the visually intrusive warehouses –*

*New woodland planting is proposed to the railway line west of the employment area will strengthen existing vegetation and help to contain views.*

*..... The masterplan shows a lot of riparian/woodland planting along the river corridor to the south of the employment area which will provide some screening from the A350. However I feel there is an opportunity for some additional planting to filter views from the open space and avoid a hard urban edge along the river corridor.*

*Seek ways to mitigate the visual impact of the A350 road corridor e warehouses –*

*The proposals for the relief road are welcomed. It will enhance the character and setting of West Ashton and provide an improved environment for Yarnbrook. The proposals submitted show a substantial amount of new hedgerow and woodland planting which will provide landscape enhancement and a visual buffer for the moving traffic. Drainage ponds provide an opportunity for attractive landscape/ecological assets similar to the one on Phillips Way.*

WC Highways: No objection, subject to conditions and S106 agreement.

*The revised masterplan for the site affects travel patterns associated with the development, in particular because of the commuting patterns associated with the housing and employment areas. The proposed layout amendments shown in the revised masterplan have been tested, and the outcomes are noted in the submitted TA Addendum – Updated traffic Modelling document.*

*The modelling indicates that the proposed new roads and junctions associated with the proposed development will have capacity up to the design date of 2026, but there will be sparse available capacity at some junctions for future growth beyond the plan period.*

*The TA assumes a mix of development, including the site for a new secondary school on the site. The TA, however, makes assumptions that the secondary school will be built within the plan period, and that trips associated with the school will be partially contained within the site. If funding for a secondary school is not forthcoming in the plan period, then it is reasonable to assume that the majority of trips will be to existing secondary schools in Trowbridge, all on the west side of the town. The TA Addendum forecasts 234 morning peak hour trips associated with the secondary school, with 50% contained within the overall site. The effect of the change in movements if no school is built would result in those contained trips moving off the site, balanced to some degree by the removal of those trips coming from outside the development area. No material harm is envisaged within the site as a result, but the need to transport school users to existing sites needs to be accommodated by sustainable (including bus) transport to prevent the central/west side of Trowbridge being further prejudiced in relation to morning congestion.*

*The TA Addendum indicates, through the examination of network wide journey times, that between the base year of 2014 and 2026, average journey times would increase by about 9% in the morning peak hour and about 7% in the evening peak hour. In the morning peak hour the provision of a Yarnbrook and West Aston Relief Road would mitigate the impacts of the development at Ashton Park. In the evening peak hour, the average journey time would be about 0.2 minutes longer as a result of the Ashton park development and YWARR than without either. This is considered to be an acceptable degree of impact.*

*In relation to the tested individual route journey times, the analysis demonstrates that, although journey times will increase on all corridors between 2014 and 2026 (as might be anticipated with growth spread across the town), the impacts are generally mitigated through the provision of the YWARR, except for the northbound A363 (A350 to A361) which is forecast to have a modest increase from 399 to 412 seconds. Journey times on the A350 corridor are marginally improved as a result of the Ashton Park and YWARR proposals.*

*The TA reviews impacts of the revised masterplan proposals on five local junctions; these are all shown to be within capacity at 2016, although reserve capacity is particularly limited at the R3 roundabout (A350/West Ashton Road junction), in particular on the northbound A350 arm.*

*The 2015 Transport Assessment demonstrated that the link flows on the YWARR would be approaching design capacity at the forecast (2026) year. The forecast traffic flows on the A350, between roundabouts R2 and R3 will be at or around capacity by 2026. The*

*implications of the need to address issues relating to the Habitats Regulations Assessment and the accommodation of bat flight routes (by way of an increase in embankment height of circa 4m to accommodate multiple underpass culverts) severely prejudices the ability to widen the road at a later date in a viable manner. In other circumstances we would seek to ensure that such a road could reasonably be upgraded at a later date. The road link between R2 and R3 is not on a significant embankment and would not be subject to any severe future widening constraints. That part of the road on 4 metre embankment between R1 and R2 will likely be classified as an arm of the A363; it carries significantly less traffic (because the link to Yarnbrook roundabout shares the R2 –R3 link loads), and is subject to other widening constraints. The proposed arrangement is therefore considered to be acceptable in the circumstances.*

*It can be anticipated that the new road (in line with other parts of the Trowbridge network) will increasingly be affected by a spreading of the peak period to affect times outside the traditional peak hours, as drivers seek to avoid the worst of delays by changing their travelling start times.*

*The following observations are made in relation to the sustainable transport proposals, which will be critical to ensuring that options for local travel are available:*

#### *Walking and Cycling –*

*Fig 15 of the TA shows the proposed strategic network of pedestrian and cycle routes to serve the development. There will be little movement to the east and south of the site, and the focus of demand will be in respect of trips to the town centre and trips to the west side of the railway line, with its local employment opportunities. The strategy in relation to the latter provides for closure of existing at grade crossings on the railway. Whilst this represents a least risk strategy, it results in increased journey lengths to certain destinations. It is recommended that the risk approach in the TA (closure of at-grade crossings) be accepted, and that closures/diversions be pursued to address this issue. The closure of the surface level crossings will be subject to formal orders, but the expressed concerns regarding potential risks resulting from intensified use is acknowledged. The alternative routes proposed are via existing under-bridges. Improvements to route integrity and conditions will be required. At the northern railway crossing under-bridge an upgraded path, 3m wide, will be required between the site and Aintree Avenue. The Section 106 agreement shall secure the removal of vehicular rights the site has on the route, except insofar as they are required for normal exemption purposes. It will be necessary to provide, within the overall layout, a vehicular connection to the NBRA43 PROW to allow for the potential closure of the under-bridge for use by vehicular traffic at a future date. Private rights of access might mean this is not achievable in the short term; in the interests of proper planning, future development of this small area of land should only be permitted with vehicular access to the east of the railway, as the under-bridge is of inadequate width. At the southern under-bridge a made path across the landscaped area of the White Horse Business Park between the under-bridge and the southern end of Epsom Road is sought to make the connection to the employment area. However, this is across private land, so a contribution towards the costs of delivery should be included in the s106 agreement. Existing vehicular rights to the site should likewise be removed, and vehicular access to third party served land secured within the site layout.*

*Any proposals to close existing surface level crossings for pedestrians is likely to be resisted by some users, and will be subject to legal processes; at this stage it would be sensible to assume that the routes need to be maintained in their current locations; risk mitigation measures need to be considered in this scenario. Discussions have been held with Network Rail, who support closure of both at grade rail crossings. Provisions will be required in a s106 agreement for the developer to part fund an overbridge as a contingency measure in*

*the event of an inability to secure closure and a proven unacceptable increase of use of existing at-grade crossing points.*

*Principal routes to the town centre are identified in Fig 11 of the TA. There will be a requirement to upgrade some off-site existing footpath/cycle routes to make the development acceptable.*

*The provision of a route to serve cyclists and pedestrians travelling between West Ashton and Trowbridge is an acknowledged concern. The proposed arrangements will provide for a route along West Ashton Road (the desire line) for pedestrians but no dedicated cycle track. An alternative route for less experienced cyclists will be made available along the redundant route of the A350.*

*The planning application is in outline; all internal arrangements for foot and cycle routes will be determined under reserved matters submissions. A key requirement for the Council will be to ensure that all desire lines are adequately provided for, but the principles illustrated on the revised masterplan are acceptable. A bus route through the site has been identified, but agreement needs to be reached at RM stage the appropriate locations for bus stops etc.*

*The TA contains at Fig 11 a Pedestrian and Cycle Audit map, with comments. A planning condition will be required to secure improvements to the two principal routes between the site and the town centre, as well as to other destinations, in accordance with a detailed schedule of improvements to secure a network suitable to encourage cycle use and local walking trips. The network shall generally include all the route indicated on the plan at Fig 15. A comprehensive wayfinding scheme needs to be identified and provided.*

*Buses -*

*A site bus strategy has been requested previously to demonstrate how bus services will be supported unless and until they become commercially viable. This has not been forthcoming, and will therefore be a requirement by condition. It will be necessary for an assessment to be made of future patronage levels, the costs of bus provision and the income from ticket sales. It should be assumed, in line with the ETTS [emerging Trowbridge Transport Strategy] that the level of service for the site should be not less than half hourly, with periods of service to fully cover the peak periods of travel for employment and school trips in particular. The bus strategy should complement and justify the acceptability of the suggested service routes outlined in Fig 18 of the TA, and explain what temporary measures will be made during phased build-out of the development.*

*A350 Yarnbrook and West Ashton Relief Road -*

*The need for the road scheme is adequately summarised in the Atkins report 'A350 Yarnbrook and West Ashton Relief Road - Outline Business Case: Appendices Part 1, March 2015'.*

*The road scheme associated with the development is a key transport infrastructure element of the development, mitigating impacts at known local congestion points. The scheme is identified on PFA drg P480/117, and has agreement in principle from the LTB (LTB meeting 1<sup>st</sup> May 2015, progress to FBC) for a funding contribution. However, owing to the need to amend the scheme to meet HRA requirements for mitigation for the preservation and accommodation of bat flight paths, the YWARR scheme has had to be significantly modified from the 2015 submission proposals, such that the overall height of the road is up to 4m higher in order to accommodate the perceived need for 3m high by 5m wide bat underpasses.*

*The Design and Access Statement confirms, para 5.30, that the proposed development will deliver the Yarnbrook and West Ashton Relief Road.*

*It will be necessary to identify at what stage in the proposed development the provision of the road is necessary, and to tailor a planning undertaking to ensure that the delivery of the road is secured. It is the Council's requirement that the developer of the Ashton Park site take responsibility, via a highways agreement with the council, to deliver the scheme in its entirety, with agreed public funding being made available as and when defined mileposts are achieved. At this stage the funding arrangements have not been secured to support the additional costs associated with bat mitigation. It remains unclear as to the impacts of the additional costs on the viability of the scheme if public funding element of the shared delivery arrangement is not forthcoming at an appropriate stage.*

*The TA does not directly address the delivery mechanisms for the road in the context of the phasing of the development. However, forecasting for phased delivery up to 1500 dwellings before delivery of the YWARR completion has been undertaken. Unsurprisingly, deferment of completion of the YWARR will result in an incremental deterioration of local conditions. However, it is anticipated that an agreed phasing arrangement can be agreed which will provide for a number of dwellings to be completed on the site, and for a cash flow to be generated by the developer, prior to the completion of the YWARR. It is anticipated that agreement will need to be reached providing a limit of the number of dwellings to be constructed together with a time period within which the road has to be completed; this would ensure that adverse local implications arising from development associated traffic would be relatively short lived (e.g North Chippenham site had a four year period to provide a link road through the site between the B4069 and the A350). It is recommended that any phasing should not result in conditions less favourable than the 2026 forecast with YWARR.*

*The forecast flows on the link between R2 and R3 are circa 3200 vph; which is at the upper limit of capacity of a 7.3m wide road; this capacity restraint reinforces the view that Trowbridge will experience peak hour spread towards the end of the plan period.*

*Roundabout 1 is, because of site constraints caused by the nearby railway bridge, a sub-standard arrangement based on normal design requirements. There will be a need to ensure that additional signing is provided to address the shortfall (measured against new-build standards) of visibility for eastbound traffic approaching this roundabout.*

*Off-site impacts -*

*The development will generate a material increase in flows affecting e.g. the Stoney Gutter traffic signals controlled junction and the junctions on approaches to the town; such impacts have been assessed in the context of the impacts on route journey times, and it is not considered justifiable that this development should be responsible for mitigation at all junctions impacted, given the significant requirement for the delivery of the YWARR with its material local benefits. Indeed some junctions, such as the County Way junction with West Ashton Road cannot reasonably be altered to provide additional capacity.*

*RSA [Road Safety Audit] -*

*There is no detail for the road infrastructure for which detailed planning permission is sought beyond general alignment drawings. I am satisfied that the RSA by TMS properly addresses the Stage 1 issues, notwithstanding the material amendments to the levels on the link between roundabouts R1 and R2.*

*However, detailed drawings showing full construction details will be required, as well as a Stage 2 RSA for the route; any approval for the detailed consent will therefore have to be conditional on additional information being provided.*

Roundabout 1 is, because of site constraints caused by the nearby railway bridge, a sub-standard arrangement based on normal design requirements. There will be a need to ensure that additional signing is provided to address the shortfall of visibility for eastbound traffic approaching this roundabout.

#### *Legal Orders -*

The development will require a number of traffic orders, road closures and footpath diversions in order to facilitate the proposed development and to regularise the position in relation to affected routes. In the context of the existing footpaths having at-grade crossings on the railway (NBRA9 and 11), Network Rail may be required to be a signatory to the planning agreement to achieve the desired outcomes, unless a side agreement can be completed. A schedule of affected roads and paths has been tentatively agreed with the applicant.

#### *Internal Roads and Infrastructure -*

This is an outline application in relation to internal layout, and a condition is sought to guide the reserved matters applications. I am generally satisfied with the sectional arrangements for the primary roads, secondary and lesser. Tracking for refuse vehicles should be in accordance with the design vehicle identified in the adopted 'Waste storage and collection: guidance for developers', which is an 11m + vehicle.

Design should seek to achieve a 25mph design speed for bus routes within the site and 20mph maximum on roads elsewhere. Traffic calming measures incorporating humps should not be extensive.

#### *West Ashton Road -*

There is an extant requirement for West Ashton Road to be upgraded (related to the permitted Persimmon employment site off West Ashton Road). This upgrade should not be compromised by the subject site proposals, but any changes proposed should be identified. Issues relating to 'pinch points' are acknowledged, and there appears to be no easy fix to the problem, unless or until adjacent land is developed.

#### *Parking -*

The D&A Statement indicates that parking will be provided in accordance with the council's adopted strategy. Reference is made to the 2011 strategy; the updated 2015 strategy will be required to be complied with. Garages are to be counted as spaces (ref para 5.54), so a condition is required to govern the minimum floorspace of garages. ....

#### *Highways Recommendations -*

It is recommended that permission be granted only subject to a planning obligation to cover highways interests and conditions.

#### *S106 Heads of Terms for Highways and Transport -*

- Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance
- Provision and completion, phased or otherwise, of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works) [within 5 years of the commencement of the development or prior to the occupation of 1000 dwellings, whichever is the sooner].



- *Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required.*
- *Provision of travel plans for the separate land uses on the site, in accordance with the Council's guidance.*
- *Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6000 per identified TRO.*
- *Implementation of all made legal orders relating to highways and transport issues associated with the site.*
- *Contingent payment for a railway bridge contribution and agreement of terms with Network Rail in relation to existing footpath diversions/extinguishment for paths NBRA9 and NBRA11*
- *Design and provide a wayfinding scheme aligned to the phasing of the development.*
- *Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park*
- *Provide internal site roads to deliver future use by existing premises served by Drynham Lane to the east side of the railway.*

WC Rights of Way: no objection, subject to separate processes being followed to divert/extinguish rights of way and legal agreement/conditions covering matters including:

- 1) potential triggers for when Network Rail would apply to close one or both crossings and
- 2) the funding of potential measures on the ground which must be put in place to meet the requirements of any legal orders.

WC Conservation: no objection.

*Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (S16 and 66).*

*Paragraph 132 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... Significance can be harmed or lost through ... development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*

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

*This is an adopted housing allocation in the Wiltshire Core Strategy and is submitted here in outline form. I am able to comment therefore on the general principles only.*

*The heritage assessment within the Environmental Statement is detailed and in my opinion the heritage assets closest to the application site have been assessed correctly. The impact on the identified assets would be minor or negligible given the vernacular nature of the assets themselves or due to the existing surrounding mitigating topographic and vegetative screening and other intervening built form.*

*Heritage assets further away from the application site have been considered, such as the Grade II\* St Nicholas Church in North Bradley, but in this case for example there is the White Horse Business Park and the railway embankment lying between the church and the application site. Consequently it is considered that the impact of the proposed development would be minimal.*

*Equally, the impact on highly graded listed buildings within Trowbridge would be unlikely to be affected due to their individual and group settings being contained within the town itself and not significantly relating to a wider setting. This is the same for the settings of the Conservation Areas of Trowbridge.*

*The cumulative impacts of the development need to take into account not just other residential development, as per the Environmental Statement, but also other large scale development such as proposed solar farms in the area and the Westbury thermal waste recycling plant application. This would give a more detailed analysis of how the landscape is becoming more industrialised rather than focussing just on mostly residential schemes.*

*The industrialisation and general building-up of this part of the countryside is of concern for the general heritage of the area. However I do not see that this scheme would have an overriding harmful impact on any one specific heritage asset that would cause substantial harm. Therefore I will leave detailed comments of the impact on the wider landscape for my Landscape colleagues.*

*Notwithstanding this, the Environmental Statement does need to include in the landscape visual assessment a section that covers the impact on wider heritage assets. This would ensure, for example, that no heritage assets with designed views in the direction of the application site are missed in the analysis of the impact of the scheme.*

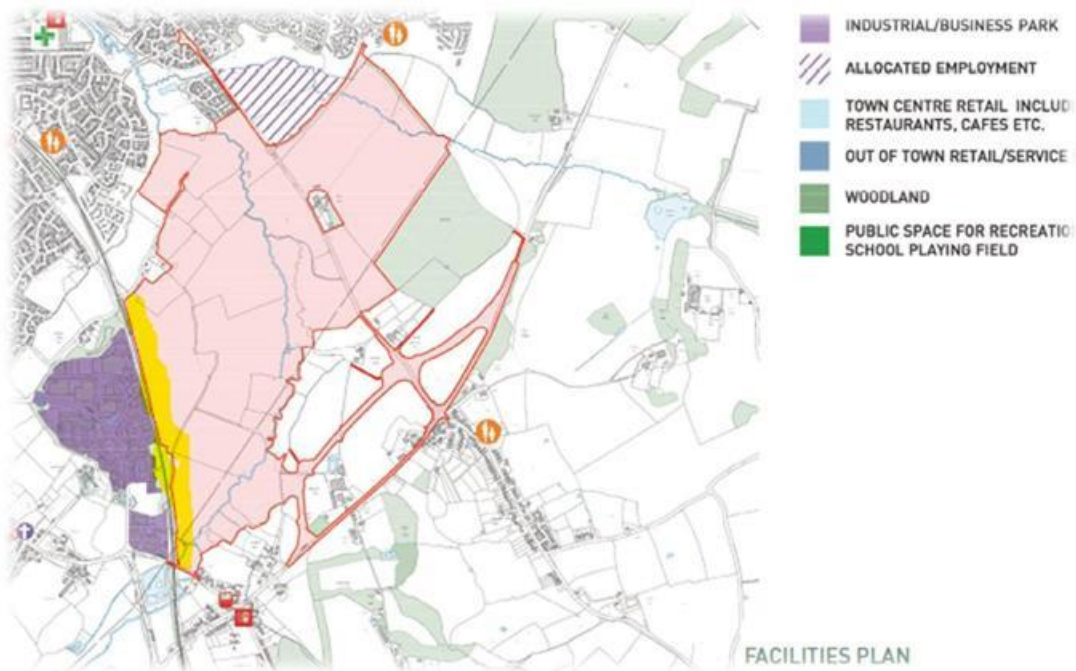
*I would like to add one general landscape point as this is an outline application, and in order to protect the settings of the vernacular heritage assets closest to the site within the wider views: The landscape is one of wooded areas and tree belts mixed with farmland, including heritage assets, both designated and non-designated. To lessen the cumulative impact of the development within this landscape on the settings of those heritage assets the detailed application(s) should include robust soft landscaping schemes including tree planting within the site to soften the appearance of the built up areas within those longer views.*

*Assuming acceptable mitigation as above then I accept the maximum ridge heights proposed on the Building Heights Parameter plan. I am basing that on the notes on the plan that state that the heights will be predominantly lower than stated but would rise in places to the maximum levels.*

WC Archaeology: no objection, subject to condition.

WC Public Protection: no objection, subject to conditions.

Noise – Possible noise disturbance for proposed residential development adjacent to the railway line (yellow shaded area, below) means survey and potential mitigation (through design and layout) will be required.



Public Protection's ..... concerns relate to how the amenity of the dwellings will be affected at their frontal exposure to the railway line in terms of front garden amenity and how this will be protected i.e. achievement of less than 50dB  $L_{Aeq,T}$  in gardens or mitigation to improve amenity levels. A proposed design aim of 55dB  $L_{Aeq,T}$  in balcony and garden areas equates to serious annoyance, daytime and evening and as such is not acceptable to Public Protection. 50dB  $L_{Aeq,T}$  may still correlate with moderate annoyance in outdoor living areas hence the desire to keep levels below this or design out amenity areas incident to railway noise which is less desirable. See indicative section showing railway proximity to dwelling frontages from the D&A below:



The design aim of a rating Level of 40 dB  $L_{Aeq}$ , 1 hour daytime and 35 dB  $L_{Aeq}$ , 15 minutes nighttime for fixed plant in employment areas and local centre/local shop sites near

*residential may be acceptable, however this needs to be justified in the context of BS4142 at the design stage.*

Contaminated land – Recommend condition.

*Air Quality - A “vision for a sustainable living environment” is supported and the need for this is apparent from the scale of the proposed development. The potential impact that could be had on air quality pressures in the Trowbridge area where sustainable low carbon alternatives to petrol and diesel vehicles are facilitated cannot be underestimated.*

*We [WC Public Protection] are keen to promote Ultra Low Energy Vehicle (ULEV) infrastructure provision across Wiltshire. Even where an AQA suggests that with appropriate mitigation in place, the air quality effects will be negligible LAQM & EPUK guidance states that:*

*“Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures”*

*To this end we would request the provision of some ultra low energy vehicle infrastructure for this development in keeping with other new development currently e.g. standard charging facilities for all residential dwellings.*

*We want to see some form of physical mitigation present at this development upon its completion (or completion of phases) such that a tangible contribution to the reduction of oxides of nitrogen can be made from the outset of the development’s/phases’ use.*

WC Housing: no objection subject to provision of affordable housing as follows -

*Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing up to 2,500 new homes, the on-site affordable housing requirement would be for 750 affordable homes. From this we would require a tenure split of 60% affordable rented homes and 40% shared ownership homes. Therefore, we would seek 450 homes for affordable rent and 300 homes for shared ownership housing. For the affordable rented homes please see below an indicative property type mix which would broadly meet our current affordable housing needs; but this can be discussed in more detail should this application progress.*

*1 bed 2 person apartments = 25%*

*2 bed 4 person houses = 35%*

*2 bed 3 person bungalows = 5%*

*2 bed 3 person apartments = 3%*

*3 bed 5 person houses = 25%*

*4 bed 6 person houses = 5%*

*5 bed 8 person houses = 2%*

*With regard to the remaining 40% (i.e. 300 affordable homes) we would seek these to be for shared ownership tenure and we would currently require these units to be 2 bed 4 person houses and 3 bed 5 person houses with an approximate split of 65%/35% (2 bed houses/3 bed houses).*

*Registered Providers are reluctant to take flats over garages due to maintenance/management issues this is not an affordable housing type we would be able to currently support. Furthermore, I understand that 2 bed first and second floor affordable apartments are proving difficult to let, so again we would not encourage this property type.*

*I note that care home is also proposed. If this care home proposal is for bed spaces as opposed to individual apartments, I can confirm that an affordable housing contribution will not be sought. If, however, this is not the case and the applicant is intending to provide individual apartments for sale and rent then an affordable housing provision will be sought and I will amend my planning consultation response accordingly. ....*

*Regard must also be given to Core Policy 45 of Wiltshire Core Strategy which requires affordable housing to be well designed, ensuring a range of types, tenures and sizes of homes to meet identified affordable housing need in order to create mixed and balanced communities. The affordable housing should be pepper-potted throughout scheme in clusters of no more than 12-15 affordable units to ensure a mixed, sustainable and inclusive community. 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. In addition to complying with The Homes and Communities Agency's Design and Quality standards (or any other subsequent design guidance which may supersede); Wiltshire Council recommends, as a guide, that all affordable dwellings meet the minimum space standards shown in the table below:-*

<i>Number of bedrooms</i>	<i>Number of bed spaces</i>	<i>1 storey dwellings (sqm)</i>	<i>2 storey dwellings (sqm)</i>	<i>3 storey dwellings (sqm)</i>	<i>Built in storage (sqm)</i>
<i>Studio</i>	<i>1p</i>	<i>39</i>			<i>1.0</i>
<i>1b</i>	<i>2p</i>	<i>50</i>	<i>58</i>		<i>1.5</i>
<i>2b</i>	<i>3p</i>	<i>61</i>	<i>70</i>		<i>2.0</i>
	<i>4p</i>	<i>70</i>	<i>79</i>		
<i>3b</i>	<i>4p</i>	<i>74</i>	<i>84</i>	<i>90</i>	<i>2.5</i>
	<i>5p</i>	<i>86</i>	<i>93</i>	<i>99</i>	
	<i>6p</i>	<i>95</i>	<i>102</i>	<i>108</i>	
<i>4b</i>	<i>5p</i>	<i>90</i>	<i>97</i>	<i>103</i>	<i>3.0</i>
	<i>6p</i>	<i>99</i>	<i>106</i>	<i>112</i>	
	<i>7p</i>	<i>108</i>	<i>115</i>	<i>121</i>	
	<i>8p</i>	<i>117</i>	<i>124</i>	<i>130</i>	
<i>5b</i>	<i>6p</i>	<i>103</i>	<i>110</i>	<i>116</i>	<i>3.5</i>
	<i>7p</i>	<i>112</i>	<i>119</i>	<i>125</i>	
	<i>8p</i>	<i>121</i>	<i>128</i>	<i>134</i>	
<i>6b</i>	<i>7p</i>	<i>116</i>	<i>123</i>	<i>129</i>	<i>4.0</i>

*With regard to Wiltshire Core Policy CP46, where there is a housing need identified for Extra Care, adapted properties for disabled residents or wheelchair adapted accommodation these units would be sought within the mix and are to be built to Lifetime Homes Standards (or equivalent)/Adaptable standards (Building Regulations M4 Category 2: Accessible and adaptable dwellings standards). Based on current demonstrable need we can advise that, as well as general needs affordable homes, within the 30% affordable housing contribution to be delivered on a nil subsidy basis, there is also a demonstrable need in this community area for at least 10% of these affordable homes to be built to meet the specific needs of vulnerable and older people or those with disabilities. Should this application proceed I would be pleased to discuss these needs in more detail at the appropriate planning stage.*

*Any affordable housing units agreed would need to be provided at nil subsidy, in perpetuity and would need to be transferred to a Registered Provider, approved by Wiltshire Council. When providing affordable housing, developers are advised to engage with a Registered Provider at the earliest opportunity, in order to ensure that the appropriate standards are met at the design stage. Affordable housing will be secured via a S106 Agreement and nominated in line with the Council's current Allocation Policy and Procedures.*

WC Education: No objection subject to provision of land for schools/schools and /or related contributions.

*Education requirement for Ashton Park is –*

- *2 x 1.8Ha primary school sites*
- *1 x 5.24Ha secondary school site (size needed for viable 5FE school)*
- *Primary financial contribution of £9,509,390 (willing to consider developer option to build one or both primary schools etc)*
- *Secondary financial contribution of £8,463,708*
- *Early Years – advised separately.*

WC 'Early Years': No objection subject to Early Years contributions.

*There are currently 6 Early Years settings and 16 childminders within a two-mile safe walking route of this proposed development. The Early Years settings are operating at full capacity. Childminders only have limited capacity. The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. Therefore, any increase in population as a result of this development will require additional childcare provision.*

*As alternative to our request for funding we would consider other options:-*

- *Land available for nursery provision that is for sale or lease for this purpose.*
- *Land available for nursery provision that is for sale or lease for this purpose.*
- *Space available as part of a community development where the nursery provider would have sole use of the allocated area.*

*Based on the number of qualifying properties, as specified above:*

*EARLY YEARS CONTRIBUTIONS REQUIREMENTS: Current cost multipliers per place: 0.04 per dwelling for 0-2 year olds (4 per 100 dwellings) and 0.09 per dwelling for 3-4 year olds (9 per 100 dwellings). £17,019 per place.*

Number of units	2 year olds 4 places per 100 dwellings	3 & 4 year olds 9 places per 100 dwellings	Total of places	Total required:
1750	70	157	227	£17,019 x 227 = £3,863,313

- Total required as per calculations above = £3,863,313 towards the development of Early Years provision
- This contribution is to be secured via a Section 106 Agreement, to which the Council's standard terms will apply.

WC Waste Management: no objection, subject to infrastructure requirements (waste and recycling containers and collection vehicle contributions).

WC Drainage: Comments as Environment Agency.

- ES 3.3.15 states SuDs design for 1 in 100 plus 30% climate change – as this application came in before the latest EA guidelines then it is assumed that the 30% cc has to be accepted rather than the 40% level (mentioned in FRA 3.31 – would be nice if they could confirm that their proposals will still work for the 40%)
- ES table 4.1 say attenuation ponds will be outside of EA 1 in 100 flood plain and drainage strategy to be agreed with EA and LLFA
- ES table 4.1 says proposals will not increase flood risk to Trowbridge or other locations and that it is not a requirement to resolve existing issues (council policy calls for betterment so could be argued that proposals should look to reduce existing issues)
- Separate applications will be needed to EA and LLFA for works to or close to Main river and ordinary water course respectively – discharges to main river and ordinary water courses will required LLFA consent
- ES section 11 – does indicate that there are areas of pluvial flooding in the site (surface water) as indicated by EA mapping – some of these have been observed by myself even after only moderate rainfall – no attenuation or housing recommended in these areas without mitigation works – FRA 3.50 suggests that the storm water proposals would remove the isolated areas of pluvial flooding
- ES 11.4.6 says 5m no development zone is proposed for ordinary water courses – the Council's drainage by laws mimic the EA requires thus the clear zone for ordinary water course should also be 8m as proposed for the main rivers
- ES 11.5.6 mentions temporary drainage arrangements during construction – these will require applications to and approval of the appropriate drainage control authority (or both)
- ES section 11 suggests any flows from the site at the discharge points will be limited to the current calculated Q bar rate (within the individual catchments) – whilst this would equate to around a current 1 in 2.3 year return period – not helping the 1 in 1 event but reducing the rate for longer return periods resulting in storage on site allowing a prolonged discharge at that rate – this would allow flows from other sources downstream of the connection points to clear Trowbridge – there is a known issue at confluence of the Paxcroft Brook and River Biss
- FRA 2.20 says site is not in an area with critical drainage problems – do not agree with this statement – area is affected by pluvial and fluvial flooding (although indicated development area stated to be in FZ 1 there are still pluvial flood issues – fields at moment but for years identified to provide flood plain for the protection of Trowbridge)

- FRA 2.20 site IS within 20m of a main river
- FRA 3.65 – The council tend to look for 20% reduction in peak discharge rate from sites – even greenfield – the ES indicated the proposal to use Qbar for discharge rate means that for 1 in 1 year storm there would not be a reduction in peak rate but there would be reductions for events over the 2.3 year return period

WC Arts: no objection, subject to arts contributions and incorporation.

WC Urban Design: no objection, subject to conditions.

*Subsequent to the subtle improvements made to the 'Indicative Masterplan' regarding the legibility derived from the block pattern & movement hierarchy, and various clarifications and revisions made to the DAS in respect of character and the inclusion of illustrative layout vignettes to demonstrate principles, I can confirm that my previous concerns have now been addressed and I support this application.*

Highways England: no objection.

Environment Agency: holding objection.

*We still have outstanding concerns, which have been raised in previous correspondence, that have not yet been addressed through this current consultation.*

*The revised FRA ..... appears to contain the evidence resulting from the hydraulic modelling exercise that we responded to in our letter dated 6th October 2016. Since we made our comments on the hydraulic model, we are now being asked to consider additional amendments to the highway embankment (required due to bat migration), and have also seen some evidence that there could be other works within the floodplain such as sports pitches.*

*As stated above, for such a high profile planning application it is prudent for the developer to ensure that all significant works proposed within the floodplain are fully supported by hydraulic modelling and an appropriately updated FRA, demonstrating no increase in flood risk. ....*

In addition the EA advises that the applicant may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 06 April 2016) for carrying 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

Since the holding objection was made the applicant's drainage consultant has re-run the River Biss Hydraulic Model to assess the impact on flood risk due to the raised embankments within the Yarnbrook and West Ashton Relief Road and the associated flood compensation measures. According to the drainage consultant the output has shown there is no material change in flood risk from that assessed without the raised embankments and their associated flood compensation. This verifies the conclusions of the ES Addendum and appended FRA. The Environment Agency has been re-consulted and its final views are awaited. The recommendation reflects these circumstances.



Natural England: no objection / comments.

*Natural England has now reviewed the revised Habitats Regulation Assessment for this application (dated 27 February 2018).*

*Summary of advice –*

*Natural England concurs with the conclusion of the Habitats Regulation Assessment, namely:*

*Council concludes that the project (as proposed in planning application 15/04736/OUT) would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC, either alone or in combination with other plans and projects.*

*Background to this conclusion –*

*Natural England has worked very closely with the Council's Ecologist and others over a span of several years to come to this conclusion, reviewing and commenting on many iterations of the HRA and iterations of the planning application, looking at the full suite of issues identified in what is a very complicated situation. We are now satisfied that the Council has fully considered the requirements of the Habitat Regulations and demonstrated that there is sufficient mitigation incorporated into the development proposals to allow the above conclusion.*

Natural England makes no other comments in respect of other ecology considerations in general.

Historic England: No objection.

*.... In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

*..... Historic England provided pre-application comments regarding this site in 2013 and commented on the application in 2015. We have considered the matter further in regard to the additional documentation submitted and noted the proximity of the site to the Steeple Ashton and Trowbridge Conservation Areas and the Church of St Nicholas, designated grade II\*, at nearby North Bradley and whilst particularly mindful of the impact of the proposal on their settings, we maintain our view that no highly graded designated heritage assets would be directly affected by the proposed development.*

Sport England: No objection, subject to conditions.

NHS Estates: No objection, subject to infrastructure requirements

*Wiltshire Clinical Commissioning Group (the CCG) will be taking a greater interest in Primary Care moving forward, which includes the provision of doctors surgeries. The development of large numbers of housing clearly impacts on more than Primary care, but given that some 80% of NHS activity is at doctor's surgery level it is easier to consider the direct correlation between new housing and GP services in a given locality and I believe this is more likely to fit CIL tests.*

*In Trowbridge there were 4 practices but 2 are merging in the newly extended Adcroft surgery building, which has just come on stream and Widbrook is now under the same umbrella group practice. The Adcroft project has been planned for 8 years. The extended building gives some additional capacity to take more patients. However the practice most likely to be impacted by this particular scheme is likely to be Lovemead Surgery. This practice is already under severe strain, mainly due to its existing building, which by standard NHSE calculations is 50% under spaced for the number of patients registered.*

*To address this problem the CCG is taking forward a project to alleviate the strain on the towns services generally which is in the form of an 'Urgent Care Centre' and has identified a preferred site in the centre of the town. The building includes 631m<sup>2</sup> specifically for Primary Care services. This scheme will be partly funded by NHS England capital but there is large shortfall in the overall funding which this S106 request could partly help to alleviate. The planned programme for this project is building during 2020/21.*

*I have re-run NHSE's S106 Calculator figures using updated building costs identified under live NHS capital funded surgery projects across the south of England. The basis of the previous figure used has been shown to be far too optimistic for this type of specialised building. To be clear this cost does not include the land cost.*

*The new figure requested is now therefore £2,056,500<sup>1</sup>.*

*The offer of a new surgery on the site is not attractive to NHSE and the CCG as it would probably mean a branch run by an existing practice and the direction of travel for Primary Care is larger surgeries providing a wider range of services. It is not made clear the basis of this offer and previous experience has shown that developers think that an offer to construct and lease a building to a practice on commercial terms is sufficient to meet their obligations, which is absolutely of no help to the NHS. We therefore request that the above sum is put towards the overall costs of the Urgent Care Centre which will provide GP services to residents of this proposed development.*

*The average number of patients per GP across England is approx. 1700. The number of new houses you have stated at 2500 which generates a potential patient population of 5750 at 2.3 people per household (based on 2011 census data). Therefore 5750 / 1700 gives the 3.4 GPs.*

#### Network Rail: Comments.

*Having reviewed the transport assessment, I can confirm that Network Rail supports section 5.26 which informs that the proposed development involves the diversion of footpath NBRA11 which would allow for two level crossings to be closed. ....*

*..... we require a mechanism in place to ensure that provision is delivered to mitigate the significant impact the development will have on these two level crossings, therefore we require monitoring and the cost of mitigation to be paid by the developer [this in the event that the two level crossings are not closed following separate applications for footpath diversion orders].*

*I request that detail of the monitoring and mitigation are included in a legal agreement or condition on any planning approval.*

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<sup>1</sup> In August 2015 NHS Estates requested a financial contribution of £1,108,500. In view of this the figure now set out is considered unreasonable, and so the recommendation is that the original contribution is sought, subject to any required adjustment for inflation.

*The S106 (or condition) needs to be clear and needs to detail the following:*

- *When the monitoring starts, the type of monitoring and how often it will take place. Who should receive the outputs from the monitoring and when.*
- *The triggers for the mitigation.*
- *How and when the money will be paid (this could be in stages to follow GRIP).*
- *Who will be responsible and pay for the cost of the orders to close the crossings.*
- *Who will be liable for the new asset.*

*On the basis the above is accepted by the developer, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.*

*Safety - No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land, Network Rail have various structures/assets which need to be considered and any impact will need to be mitigated through the Asset Protection process therefore, the applicant must contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.*

*Fencing - If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.*

*Drainage - Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.*

*Access to railway - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.*

*Site layout - It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.*

*Children's play areas/open spaces/amenities - Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.*

*Piling - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.*

*Excavations/earthworks - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.*

*Method statements/fail safe/possessions - Method statements may be required to be submitted to Network Rail's Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.*

*Signalling - The proposal must not interfere with or obscure any signals that may be in the area.*

*Plant, scaffolding and cranes - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.*

*Environmental issues - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.*

*Landscaping - It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.*

Wessex Water: General observations.

*The applicant proposes surface water disposal to SuDS with discharge to local land drainage systems. Therefore we leave the Lead Local Flood Authority to comment on the surface water proposals and flood risk measures.*

*Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.*

*The proposed development is crossed by water mains 350mm 450mm & 600mm dia. with the approximate position being marked on the attached record. There must be no building or structure within a minimum 6m either side of the 450mm & 600mm mains and 5 metres either side of the 350mm water main. Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to the mains for the purposes of maintenance and repair. Developer needs to accurately locate and plot the line of the water main and ensure that the*

*easement strip is clear from structures and obstruction and that surface levels over the main are not reduced or significantly increased. Subject to engineering agreement and application, it may be possible to divert a main at the developer's cost. Please see <http://www.wessexwater.co.uk/Developers/Supply/Building-near-a-water-mains/> for further guidance and contacts.*

*On water supply, the outline scheme proposed can be implemented in accordance with Section 41 of the Water Industry Act 1991.*

Wiltshire & Dorset Fire and Rescue: recommendations and advice.

*At this stage of the planning application Wiltshire Fire & Rescue Service is required to make comment relating to section B5 of Approved Document B. Essentially, this relates to the provision of reasonable facilities to assist fire fighters within the building and to enable fire appliances to gain access to the building.*

*Complying with these requirements, in advance of the formal Building Regulations consultation process, will assist during that process and are made without prejudice to it.*

- Access and Facilities for the Fire Service - Consideration is to be given to ensure access to the site, for the purpose of fire-fighting, is adequate for the size and nature of the development.*
- Fire Safety Legislation - Once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005. Further information can be found on the Wiltshire Fire & Rescue Service website, where published guides are available to download.*
- Water Supplies for Fire Fighting - Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.*

*Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may become so during the formal Building Regulations consultation process and are made without prejudice to that process.*

- Domestic Sprinkler Protection - A core objective of the Wiltshire Fire & Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon.*

*Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed.*

*The following information may be of interest to you:*

- Sprinklers work from a standard main, although a 32mm connection is required*
- Are inexpensive to install, particularly in a new building*
- Do not activate by accident causing unwanted damage*
- Only operate through individually activated heads, not the whole system*
- Are not unsightly as they fit flush to the ceiling behind a flat cover*
- Cause less water damage in a fire than normal fire fighting operations*

- *Significantly reduce fire and smoke damage*
- *Commercial Sprinkler Protection - The nature of the proposal gives reason for this Authority to strongly advise the consideration of an appropriate sprinkler system for these premises.*

*There are ten good reasons to install automatic sprinkler systems:*

- *In the UK, there has never been a fire death in a building with sprinklers*
  - *Installation cost is minimal in a new build (approximately 2-5%)*
  - *Maintenance costs are low and sprinkler systems are designed to last in excess of 50 years*
  - *Fire damage can be reduced by 90% compared to a similar, unprotected building*
  - *The chances of accidental discharge due to a manufacturing fault is 1 in 16,000,000 heads*
  - *The likelihood of accidental damage causing a discharge is 1 in every 500,000 heads*
  - *Installation of a sprinkler system may allow the relaxation of other passive fire safety measures*
  - *Insurance costs may be significantly reduced*
  - *Sprinklers will control a fire with significantly less water than full fire service intervention*
  - *Greatly reduced business disruption due to a fire and improved recovery from it.*
- *Sprinkler Protection in Schools - In February 2007 Jim Knight MP, Minister for Education and Skills, stated all new and refurbished schools should be subjected to a risk assessment to decide whether sprinklers should be installed. It is his opinion only the very lowest risk schools would not be fitted. This measure has been put in place to counteract the growing problem of fires in schools, which is currently costing the economy in the region of £100m per year.*

*A partnership between the Department for Education and Skills, Chief Fire Officer's Association and the Building Research Establishment has developed a risk assessment toolkit, which is designed to assist designers and project management teams in carrying out this risk assessment. Copies of the toolkit have been sent to all Education Authorities and fire and rescue services.*

*Wiltshire Fire & Rescue Service is able to take an active part in the process, which will require data supplied by us.*

National Grid: Informatives.

Wiltshire Wildlife Trust: WWT owns both Biss Wood and Green Lane Wood Local Nature Reserves. In 2015 WWT raised a holding objection for the following (summarised) reasons:

- Development likely to have a very significant detrimental effect on the wildlife that occurs in the woods and on WWT members' quiet enjoyment of the nature reserves;
- This is due to the impact of change from the relative rural isolation of the woods, to an 'urban fringe' situation with additional human pressure (recreation and uncontrolled supervision of dogs, cats, people, etc.);
- And, in combination impact with recent development at Land East of Trowbridge;
- Net gains in biodiversity are not fully outlined in the Green Infrastructure and Biodiversity Strategy, and the establishment of coherent ecological networks that are

more resilient to current and future pressures is not proven. The Wiltshire Green Infrastructure Strategy has not been completed;

- The site is in close proximity to a significant maternity roost associated with the Bath and Bradford on Avon Bat Special Area of Conservation (SAC);
- The provision of green infrastructure and a visitors facility would not truly provide net-biodiversity gain when balanced against the identified impacts;
- Principle of a visitor facility supported – but a firm commitment on the part of the developer is required;
- Mitigation proposals are unsecured. No terms for a legal agreement and for on-going management and staffing. Precedent set by failure of adjacent Nature Park to be handed over to WWT in accordance with that development's S106 agreement.
- Concerns over impact of YWARR on Biss Wood.

WWT's 2015 response concludes with the following statement:

*Wiltshire Wildlife Trust remain committed to future dialogue with the Council and the applicant, in order to fully establish and confirm the extent and appropriateness of any mitigation measures, required to fulfil the principles of sustainable development in relation to this planning application.*

At the time of writing this report WWT had not provided a more recent response. However, since 2015 dialogue between Wiltshire Council, the Applicant and WWT has taken place in respect of appropriate mitigation and management. Accordingly the Appropriate Assessment is based upon an Agreement between WC, the Applicant and WWT, (*“Agreement with Wiltshire Wildlife Trust over mitigation and monitoring to offset the effects of recreational pressure on bats (dated 10 March 2017)”*, (attached at annex 3 to this report).

In summary the “Agreement” commits the applicant and WWT to the following –

- Establishment of a Steering Group to ensure the timely delivery of mitigation, monitoring and remedial measures during and post construction;
- A timetable for all green infrastructure planting before the first reserved matters application is submitted, and secured by relevant planning conditions/S106;
- The Section 106 will secure:
  - Long term management of nature park extension and Green Infrastructure landscape works
  - Provision and reasonable maintenance of the Ecological Visitors Facility
  - Replacement of capital works
  - Remedial works
- Appointment of a full time equivalent warden;
- A fence and robust thorny planting along the sides of Green Lane and Biss Woods to prevent unauthorised access routes being opened up;
- WWT to amend its Management Plan(s) for Green Lane and Biss Wood to include the following commitments:
  - Unsupervised informal fires (not burning of brash etc. from routine management), camp building, BBQs will never be tolerated as part of the management plan.
  - Amenity and educational use of the woodlands will be recorded and kept under review to provide data on all potential sources of human disturbance. If bat monitoring suggests human disturbance could be contributing to impacts, remedial strategies will be reviewed with the Steering Group or Wiltshire Council Ecologists, implemented and monitored.
  - Where monitoring demonstrates boxes are vulnerable to being lost, alternative roost designs and locations will be agreed with the Steering Group or Wiltshire Council Ecologists.

- Car parking currently available to WWT members will not be increased above existing levels, although the location may change from the existing site off the A350. Specific car parking and toilet facilities will not be provided to facilitate informal recreational access.
- Funds obtained from the applicant and rent charges on properties will be ring-fenced for delivery of the agreed measures.
- The applicant will provide a Compliance Ecologist on approval of the first reserved matters application for the duration of the construction period.

The finer detail of this “Agreement” is the subject of the on-going dialogue between the applicant and WWT.

## 8. Representations

The application was publicised by way of site notices, newspaper adverts and neighbour letters. The application generated representations from 29 interested parties, including RSPB, CPRE and the Woodland Trust.

### Representations against (x23) –

- Loss of ‘greenfield’. ‘Brownfield First’ approach required, particularly as Trowbridge has brownfield sites.
- Over-development; max. building height too high. Unsuitable indicative layout.
- Trowbridge has insufficient facilities (inc. surgeries, schools, social services, car parks) and road capacity to support this scale of development. New residents will out-commute to other towns for work, etc., as car biased development.
- No requirement for further commercial development.
- Loss of wildlife – notably in River Biss corridor. Loss of wildlife species. Loss of trees/hedgerows. Harmful to Bechsteins bats colony in Biss Wood as a consequence of recreational and other pressures; Biss Wood should have SAC status. Business park unsuitable as ecology buffer so close to protected species due to size/height of buildings, light pollution, noise, security, etc.. Bat ‘hop-overs’ not proven to work.
- Harmful impact on ‘isolated’ character of ancient woodlands (Biss Woods). Much vandalism of woodland in this area as a consequence of other nearby developments.
- Disturbance to / development in flood plain will lead to flooding elsewhere.
- Loss of prime agricultural land.
- Increased traffic as a consequence of the development will not relieve congestion, notably at Yarnbrook. Road bridge required over railway.
- Pollution (noise, smell, etc.) from additional traffic and commercial development.
- Speeding traffic causes noise and vibration related disturbance in West Ashton Road.
- No need for relief road; meaningless without Westbury by-pass.
- Additional landscaping / tree-planting required.
- Improved pedestrian access required via railway under-bridges.
- No strategy for public transport provision.
- It will be more dangerous for vehicles exiting from properties close to proposed roundabout on A363 than presently in view of proximity of proposed roundabout. Road-about in this location is a compromised design in view of proximity to railway line. Mitigation required to limit impact of noise/disturbance to nearby houses here. Traffic calming required on A363 between new roundabout and Hungry Horse roundabout to reduce flows here. Concerns over potential flooding here.
- Rurality of nearby scout camp must be maintained, with mitigation as necessary; required 200m visibility splay at entrance to scout camp on A350 must be maintained; removal of traffic signals at West Grafton and Stoney Gutter junctions will make exiting scout camp site more difficult. No indication given for future uses of land either side of relief road. A new access to the camp site from West Ashton Road would provide solution (for scouts



and Biss Wood volunteers). Further mitigation of scout camp required – bund, tree works, fencing, etc.. Open land between Green Lane Wood and Biss Wood requires protection.

- 'S106 land' between Green Lane Wood and Biss Wood has still not been handed over to the Wildlife Trust, this indicative of a lack of commitment to wildlife interests by developers.
- The quality of provision offered by Larkrise Community Farm (LCF) would be directly affected and the ambiance of a practical working farm be completely diminished if surrounded by housing, highways, pollution and noise. The new road would bring much more traffic closer to the LCF having a detrimental effect in terms of pollution and noise on animal stock and general wildlife in and around the area toward Biss Wood. It would also create safety problems due to the increase in traffic and access to the site; and security problems in view of the proximity of the proposed housing. Pavements/footways would be necessary alongside West Ashton Road.

CPRE objection as follows –

*CPRE Wiltshire objects in principle to the development of greenfield sites before the supply of brownfield sites has been exhausted. For that reason, we resisted the inclusion of greenfield land to the south-east of Trowbridge, including the Ashton Park site, in the Wiltshire Core Strategy as a strategic development site.*

*We acknowledge, as stated in the NPPF (para. 52), that "The supply of new homes can sometimes be best achieved through planning for large-scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities", and support the view that local planning authorities, with the support of their communities, should consider whether such larger-scale developments provide the best way of achieving sustainable development. "In doing so", para. 52 continues' "they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development". We can see no evidence of such careful consideration in the application documents.*

*The Planning Statement from Pegasus says (para. 1.7) that the material considerations in this case — the NPPF and environmental, economic and social impacts of the development — have been assessed comprehensively by the E.S. and demonstrate that, for permission to be granted, appropriate mitigation would have to be secured through planning obligations or conditions.*

*Accordingly, we reserve our comments on all matters other than highways and access until a full planning application is presented.*

*We strongly support the eventual development of a western Westbury bypass. The provision of the Yarnbrook/West Ashton Relief Road and associated highway infrastructure, the downgrading of part A350 with associated landscaping and highway works, the provision of access points as in the Planning Statement para. 3.2 (southern vehicular access from proposed Yarnbrook/West Ashton Relief Road; two access junctions from West Ashton Road ; two access junctions from Soprano Way), and cycleway improvements to West Ashton Road would be useful contributions to that end.*

Representations in support (x4) –

- Beneficial to Trowbridge, notably the planned secondary school.
- Relief road will bring benefits to Yarnbrook. Relief road should be delivered early in programme.

- Will there be self-build opportunities?
- Support for mixed uses across site, but relief road will require early delivery.
- Requirements to accommodate bats are disproportionate.

The RSPB has made the following general comments:

*Referring to the Green Infrastructure Parameter Plans on page 195, the only major issue we have with the bullet points listed under section 12.105 relate to the locations and models of bird boxes, we would like to make the following comments and recommendations.*

*The latter are all retrofitted to external features and with one or two exceptions are difficult to position in a new development before the GI has begun to mature. The exceptions are the cups for house martins and swallows and the sparrow terrace, in our experience the latter is seldom used by more than one pair and in general sparrows seem to favour swift boxes if they are available.*

*Swallows only occupy cups in open sided buildings and house martins under eaves and barge boards, both species can cause problems due to "fouling", as a consequence some new residents find them a nuisance, whilst we hope this will not be the case, we believe it is sensible to allow the latter to choose them as an optional extra otherwise they may well be removed at the first available opportunity.*

*The boxes recommended for garden birds have a limited life span, need ongoing maintenance and are also easily removed or vandalised, we would suggest that these are left to the discretion of the new residents as well !! Provision for the species that are accustomed to nest in the cavities traditionally found under the eaves of older buildings is simply achieved with the use of "swift boxes" these will be occupied by house sparrows and starlings as well as swifts, blue tits, great tits and over wintering wrens. Bat Conservation advise us that they are also favoured by crevice roosting bats, they will be a permanent, low maintenance feature for the life time of the building and their inclusion is generally considered good practice as required by the NPPF. ....*

*We note that a Landscape and Ecological Management Plan or similar will be prepared for the Reserved Matters Application .....*

## **9. Planning Issues**

The main issues to be considered in this case are firstly the principle of the proposal; and then, assuming the principle is accepted, the impact of the specific proposal on detailed matters, including ecology, landscape and visual amenity, highway safety (including rights of way), heritage assets, flood risk and other utilities, supporting infrastructure and public services (schools, health facilities, recreation facilities, affordable housing, etc.) and residential amenity in general.

The ES, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

### Principle

The Wiltshire Core Strategy sets out a 'Settlement Strategy' (Core Policy 1) and a 'Delivery Strategy' (Core Policy 2) for new development across the county. Proposed development

which complies with the Settlement and Delivery Strategies will be sustainable in the overarching context of the Wiltshire Core Strategy.

The Settlement Strategy identifies four tiers of settlement – Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. With the exception of the Small Villages, each settlement has a defined boundary. Inside the boundaries new development which fulfils the defined purposes of the settlement will be acceptable as a matter of principle; outside of the boundaries, and so in the ‘countryside’, there is effectively a presumption against new development which should otherwise be inside.

Within the Settlement Strategy Trowbridge is identified as being a Principal Settlement. Core Policy 1 explains that Principal Settlements “... are strategically important centres and the primary focus for development”; and that their purpose is to “... provide significant levels of jobs and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self-containment”.

Core Policy 29 of the Wiltshire Core Strategy sets out the specific ‘Spatial Strategy’ for the Trowbridge Community Area. It confirms that over the plan period (2006 to 2026) approximately 7,000 new homes will be provided in the Area of which about 5,860 will be at Trowbridge town. These will include “... an area for strategic growth to the south east of the town (Ashton Park) ...” where 15 ha of employment land and 2,600 houses will be delivered.

In its broadest terms the planning application – for 13.6 ha of employment land and up to 2,500 dwellings – is considered to comply with Core Policies 1, 2 and 29 and, as such, is acceptable as a matter of principle. The marginal shortfall in proposed housing numbers is in view of the application site not taking in the entire land allocation (for ownership reasons); the separate ‘live’ applications for c. 91-121 dwellings at land north of Drynham Lane and within the remainder of the allocation largely makes up the difference. The slight shortfall in proposed employment land is primarily as a consequence of the revisions to the master plan arising from the recommendations of the Appropriate Assessment following due process under the Habitat Regulations described earlier. This said, additional employment would be provided beyond the specific employment area in any event, notably in the local centres.

Core Policy 29 requires delivery in accordance with the Ashton Park Urban Extension (APUE) development template which is also part of the Core Strategy. It sets out specific infrastructure requirements, and each of these is assessed in the following topic-based sections of the report. A section will cover the detailed design of the proposed road; but in terms of its principle, the template sets out a requirement for the development to be ‘in line’ with the emerging Trowbridge Transport Strategy (eTTS). The eTTS sets out a list of planned schemes for Trowbridge, and this includes the Yarnbrook and West Ashton Relief Road. It follows that because the planning application incorporates a relief road it complies as a matter of principle with the eTTS (and, by association, the APUE development template).

### Ecology

Core Policy 50 of the WCS requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features will be retained, buffered and managed favourably in order to maintain ecological value, connectivity and functionality in the long term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to

ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem networks. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy. Major developments must include measures to deliver biodiversity gains.

The APUE development template sets out six ecology requirements for the land allocation. These are for –

- *100m woodland/parkland buffer between all ancient woodland, including Biss Wood and Green Lane Wood, and built development.*
- *Bat roost sites, foraging habitat and flight lines within, and in the vicinity of the site to be identified, retained and protected in the long-term, including sensitive lighting.*
- *Applications will be screened for potential impacts on the Bath and Bradford on Avon Bats SAC [Special Area of Conservation]. Any appropriate assessment must conclude 'no adverse effects'.*
- *Surveys for other relevant protected species and habitats required prior to development.*
- *The riparian corridor along the River Biss should be enhanced to create a mosaic of wetland and species-rich grassland habitats.*
- *The site is in a woodland Strategic Nature Area; landscaping includes a high proportion of woodland planting, particularly where this provides enhanced ecological connectivity to Biss Wood. Contributions towards opportunities for woodland creation in the landscape setting of the site where possible.*

The application is accompanied by an Environmental Statement. Its ecology chapter considers existing baseline conditions, the likely significant effects of the proposed development (both singly and cumulatively) and mitigation measures. On baseline conditions it records the nearest European site as Salisbury Plain Special Area of Conservation (SAC), (5.2 km to the south-east), with populations of bats within the local area linked to the Bath and Bradford on Avon Bat SAC (7.8 km to the north-west). Closer to the application site it records statutory ecology designations at Picket and Clanger Woods SSSI (Site of Special Scientific Interest) and Green Lane Wood LNR (Local Nature Reserve), with non-statutory designations and ancient woodlands at Biss Wood LWS and WWTR. As Natural England has indicated that Green Lane Wood LNR and Biss Wood LWS are being considered for statutory designation (that is, as SSSI(s)), for the purposes of the ES the Bechstein's bat population within these areas has been assessed as being of conservation significance at a regional to national level. Other designations are also recorded further afield.

The ES survey of the site itself records it as being dominated by arable land and agricultural grassland, considered to be of negligible-low ecological value. Areas of low to moderate ecological value include some pasture and field margins, marshy grassland, ruderal vegetation, hedgerows, trees, scrub, watercourses, ditches and a pond; whilst the River Biss corridor is considered to be of moderate to high ecological value.

Surveys of protected species found a range of bat species which commute in the locality, including across the route of the proposed relief road; and low numbers of dormice, otter, water vole and other mammal and bird species. A colony of great crested newts was observed close-by.

The ES concludes that those designations further afield, including Salisbury Plain SAC, are unlikely to be affected by the proposed development, singly or cumulatively with other developments. Those national and local designated sites close to the site may be affected

by additional recreational pressure arising from the increased human population (both singly and cumulatively with other developments). However, with appropriate mitigation (which in the case of the application site includes the creation of significant areas of green space, purpose-designed to be both attractive for recreation and wildlife), and the provision of a wildlife visitor facility and full-time warden, the ES concludes that the effects on the designations would not be significant adverse, and this is agreed.

A similar conclusion is drawn with regard to the effects on fauna (excluding bats which are discussed in greater detail below). Inevitably given the large area of new build involved, there would be some change to the balance of species the site supports. However, given that much of the land to be developed is presently in intensive agricultural use, and because the development would provide large areas of open and un-developed space (including areas secluded from recreational activity, and designed and planted for the benefit of fauna), and as there is further extensive arable and pasture land to the south and east in any event, the ES concludes that the effects are of minor to moderate beneficial significance at the local and regional level. Again, this is agreed.

In terms of the APUE Development template, the proposal, therefore, satisfies the fourth, fifth and sixth bullet points referred to above.

Bats –

The Bath and Bradford on Avon Bats SAC is designated for its nationally important populations of Bechstein's bats, greater horseshoe bats and lesser horseshoe bats. The proposed development is located some distance from this designation meaning that any adverse effects (both singly and cumulatively with other developments) would be in relation to those bats commuting between the SAC and the wider breeding woodlands. The ES initial assessment concludes that, without mitigation, the effects on foraging and commuting bats from the completed development would be, at the regional to national level, of major significance, adverse and permanent.

The ES identifies the main potential effects of new development on roosting bats in the following terms:

- Minor losses in roosting potential (from loss of trees);
- Potential disturbance to roosts from lightspill;
- Degradation of off-site woodlands through anthropogenic disturbance;
- Direct disturbance and potential for killing / injury of bats, as well as roost loss, through vandalism of boxes or camping fires in off-site woodlands; and
- Reduction in the permeability of landscape reducing movement of bats between off-site woodlands.

In addressing these, the ES states that losses in roosting habitat would be mitigated through the provision of bat boxes on retained and new trees. Potential disturbance from light-spill would be addressed by ensuring key habitats of value to bats are unilluminated and maintained as 'intrinsically dark' areas / corridors. Mitigation in respect of anthropogenic disturbance and increased recreational pressure would be through the provision of other more desirable recreational opportunities for residents within the new development itself (e.g. the nature park extension and river corridor / related circular walks) and by connectivity to existing accessible green infrastructure elsewhere in and around Trowbridge.

Direct disturbance through vandalism and unauthorised access to breeding woodlands would be managed by physical restriction (buffers, bunds, ponds, fences, etc.) and

separation (keeping residential development away from the woodlands). A warden would also be funded, and education material provided to residents.

The ES identifies the main potential effects relating to the potential loss, degradation or fragmentation of bat foraging habitats as –

- Minor losses in foraging habitat (hedgerows and treelines, grassland);
- Degradation of retained on and off-site habitats as a result of land use change (e.g. potential pollution, run-off, etc.);
- Recreational pressure;
- Fragmentation of retained new and off-site habitats (reduced permeability of the landscape).

Proposed mitigation to address these effects includes retaining key foraging and commuting habitat such as the River Biss corridor, hedgerows and woodland; enhancement of retained habitats; creation of replacement/new habitat (including formation of a 100m buffer around Biss Wood, to include planting, etc. attractive for bats); ‘prickly’ barriers in appropriate locations to discourage ‘off-piste’ recreation by residents and an attractive network of recreational opportunities elsewhere; fronting of houses on to green corridors to achieve passive surveillance; and management of woodlands and new habitats to maintain their suitability (by a warden / Wiltshire Wildlife Trust).

With particular regard to the potential fragmentation, or severance, ‘effect’, the ES focuses on the relief road and Biss River bridges which form critical parts of the planning application and which offer potential barriers to commuting bats. The ES notes that as a general rule mitigation for the ‘barrier effect’ of roads should act to maintain the functionality of the commuting feature and, therefore, ensure permeability of the road for bats.

The ES examines in great detail the different ways in which permeability has been maintained in other situations – via over-passes (that is, bridges for bats), under-passes, or vegetated links / ‘hop-overs’ (that is, vegetated crossing points along the road, formed by tall vegetation/trees on either side of the road with interlinking or converging canopies). Ultimately it concludes that over-passes would not be suitable for the proposed road here, this on the basis of the relatively small scale of the road, the surrounding land-form, and inconclusive research on their effectiveness. The mitigation set out is, therefore, to provide underpasses and hop-overs.

Surveys of the site have confirmed that there are 11 points where bats presently cross the line of the proposed roads (mainly on the line of existing hedgerows). Of these, 7 would be maintained through the provision of underpasses under the new road, and the others by way of hop-overs. The ES quotes a recent scientific study on underpasses which concludes that they are more likely to be successful than over-passes, but that the height is a critical factor to this; the study recommends approximately 3m for woodland adapted species, such as Bechstein’s bats. In view of this the underpasses for the relief road are proposed to be 3m in height (by 5m in width). The knock-on effect of this height requirement is that the road in places (specifically between roundabouts R3 and R2) would be on an embankment c. 4.5m above existing ground levels. With due regard to existing ground undulation and with suitable landscaping on its slopes, a raised line for the road is not considered unreasonable; this is considered in greater detail in the Landscape section of the report. The ES provides a fully detailed specification for both the underpasses and hop-overs.

Regarding the proposed bridges over the River Biss, the ES confirms that these are acceptable from an ecological standpoint as river bridges are known to be effective in allowing bats to pass beneath.

Subject to implementation of the mitigation measures the ES concludes that the residual effects on foraging and commuting bats from the completed development would be at the local / regional level, of minor significance, beneficial and permanent.

#### Air quality and ecology –

The ecology chapter of the ES cross-references to the air quality chapter. It notes that, in the main, increases in pollution (NOx, N) are very minor (and based on a 'worst case scenario' without consideration of forecast reductions in vehicle emissions), and so are of minor to moderate significance, adverse and permanent at a national level. Mitigation is proposed which has the effect of making these 'effects' negligible, and so accordingly acceptable. This is considered in greater detail in the Air Quality section of this report, below.

#### Habitats Regulations Assessment –

The UK is bound by the terms of the EC Habitats Directive (and EC Birds Directive and the Ramsar Convention). Under Article 6(3) of the Habitats Directive, an 'appropriate assessment' is required where a plan or project is likely to have a significant effect upon a European site, either individually or in combination with other projects. This Article has been interpreted as meaning that any project is to be subject to an appropriate assessment if it cannot be proven, beyond reasonable scientific doubt, that there is no significant effect on that site (a precautionary approach), either alone or in combination with other plans or projects. The aim of the Habitats Directive is to conserve natural habitats and wild species across Europe by establishing a network of sites known as Natura 2000 sites (referred to as European sites).

Further to this, Article 6(4) states that where an appropriate assessment has been carried out and results in a negative assessment (or in other words, any proposed avoidance or mitigation measures anticipated are unable to reduce the potential impact so it is no longer significant) or if uncertainty remains over the significant effect, consent will only be granted if there are no alternative solutions, and there are imperative reasons of over-riding public interest (IROPI) for the development and compensatory measures have been secured.

In this case the Bath and Bradford on Avon Bats SAC is the 'European site', and the effects of the proposed development on it without mitigation are 'significant effects', as confirmed by the Environmental Statement. Consequently Wiltshire Council, as 'competent authority' for administering the Habitats Directive, has screened the proposed development (the process to identify the likely impacts of the project on the European site) and undertaken an appropriate assessment having regard to the mitigation options. The outcome of this appropriate assessment is that Wiltshire Council (as 'competent authority') is satisfied that the proposed mitigation options can avoid adverse effects PROVIDED that the safeguards stipulated in the appropriate assessment are secured by condition or S106 agreement, whichever is the more appropriate. Without prejudice to all other material planning considerations, planning permission can, therefore, be given without prior necessity under the Habitats Directive to assess alternative solutions and without reference to imperative reasons of over-riding public interest. The full appropriate assessment is attached as an annex to this report. The assessment has had regard to the Environmental Statement.

#### Ecology conclusions –

Mitigation measures in respect of ecological designations are proposed in order to minimise potential adverse effects from increased recreational pressure and reduced air quality, including provision of extensive and multi-functional green infrastructure linking the proposed

development to other areas of green space in the wider surrounds, as well as an extension to the Green Lane Nature Park and a site for a visitor facility. Further mitigation in the form of a full time warden(s) and access management are also proposed.

Mitigation and enhancement measures in respect of habitats and fauna at the site are also proposed, including new wildflower grassland, scrub, trees and ponds as part of an extensive area of green infrastructure throughout the development. These habitats will provide significant benefits to a wide varietal of faunal species. Measures are also proposed to avoid effects resulting from construction activities, anthropogenic effects and lighting.

In addition to large scale habitat creation and enhancement, specific mitigation measures in respect of bats and other relevant species are also proposed. These take the form of underpasses and vegetated hop-overs to facilitate movement across the proposed relief road, sensitive lighting design including dark corridors, and contributions to off-site habitat management.

Following mitigation, it is considered that the proposed development would result in enhancements to the existing ecological interests of the site, the effects being overall minor to moderate beneficial significance at the local to regional level.

Given effective implementation of mitigation proposals, residual effects on the populations of bats linked to the Bath and Bradford on Avon Bats SAC would be non-significant, to minor beneficial.

### Landscape

Core Policy 51 of the WCS relating to 'landscape' states that new development should protect, conserve and where possible enhance landscape character, with any negative impacts mitigated as far as possible through sensitive design. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. Proposals will need to demonstrate that the following matters in particular have been taken into account and landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

Core Policy 52 relating to 'green infrastructure' requires new development to make provision for the retention and enhancement of green infrastructure networks, and ensure that suitable links to the network are provided and maintained. It requires open spaces to be provided in accordance with open space standards and measures to be put in place for their long term management.

Core Policy 57 provides more general development control standards, requiring new development to, in particular, respond positively to existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its setting. It also requires the retention and



enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

The application site is not within or covered by any statutory or non-statutory landscape designation.

The impact of the development on the landscape must be considered with due regard to the site's allocation for development in the Wiltshire Core Strategy. The APUE development template within the WCS sets out three specific landscape requirements for the site as follows:

- *Conserve and enhance the landscape setting of Trowbridge by screening visually intrusive urban edges using landscape infrastructure of native species;*
- *Existing hedgerows to be retained and repaired and new hedgerow trees of large native species e.g. oak, should be planted to restore the clay vale landscape character;*
- *Existing woodland should be conserved and managed to maximise ecological, historic and landscape value.*

The template also sets out two green infrastructure requirements:

- *Provision of a destination play area;*
- *Provision of multifunctional green infrastructure corridor along the length of the adjacent River Biss, linking the development with the town; to provide sustainable links, informal recreation, flood mitigation, enhanced biodiversity and strengthened landscape character.*

The Environmental Statement accompanying the planning application includes a 'Landscape and Visual' chapter which considers the impacts of the proposed development on the character of the landscape and on visual amenity in general at key receptors, or viewpoints.

Landscape character -

In relation to landscape character, the ES chapter sets out baseline conditions - these include an assessment of the broad topography, which in view of it being uncomplicated and relatively level, and so not requiring substantial re-modelling, is assessed as of 'low sensitivity' to change; an assessment of water features including the River Biss, which are noted to be key defining characteristics with high susceptibility to development and so of overall 'high sensitivity'; an assessment of the public rights of way, which as a recreational resource are considered to have high value and high susceptibility to development, and so overall 'high sensitivity'; and an assessment of trees and hedgerows, which are considered to have an overall 'medium sensitivity'. The existing land use, which is overwhelmingly agricultural and to a greater extent intensely farmed and managed, is considered in the ES to be of low landscape value, although its susceptibility to development is high meaning that the overall assessment is that it is of 'medium sensitivity'.

Within the Wiltshire Landscape Character Assessment (2005) the application site is identified as being within the 'Rolling Clay Lowland' character area – "a largely peaceful, rural landscape". However, the sites proximity to existing urban developments to the north and north-east (which in some cases post-date the WLCA), and other built infrastructure including the railway line and White Horse Business Park to the west and the existing A350 and West Ashton and Yarnbrook settlements to the south-west, have given the immediate landscape around most of the site an urban/semi-urban 'feel'. This in turn has impacted on the rurality and tranquillity of the site. The ES, therefore, concludes that the overall

sensitivity of the landscape character of the site is 'medium'; medium landscapes are defined as –

“Areas that exhibit positive character but which may have evidence of past alteration to / degradation / erosion of elements or features resulting in areas of more mixed character. Potentially sensitive to change in general; again change may be detrimental if inappropriate but it may require special or particular attention to detail. ...”.

This assessment of the overall landscape character is agreed. Specifically, it is acknowledged that this is not a 'high' qualifying landscape, and so it is not essential for it to be conserved for its own sake; and nor is it a landscape that is necessarily or particularly sensitive to change in general, although this subject to appropriate design and detailing of planned change.

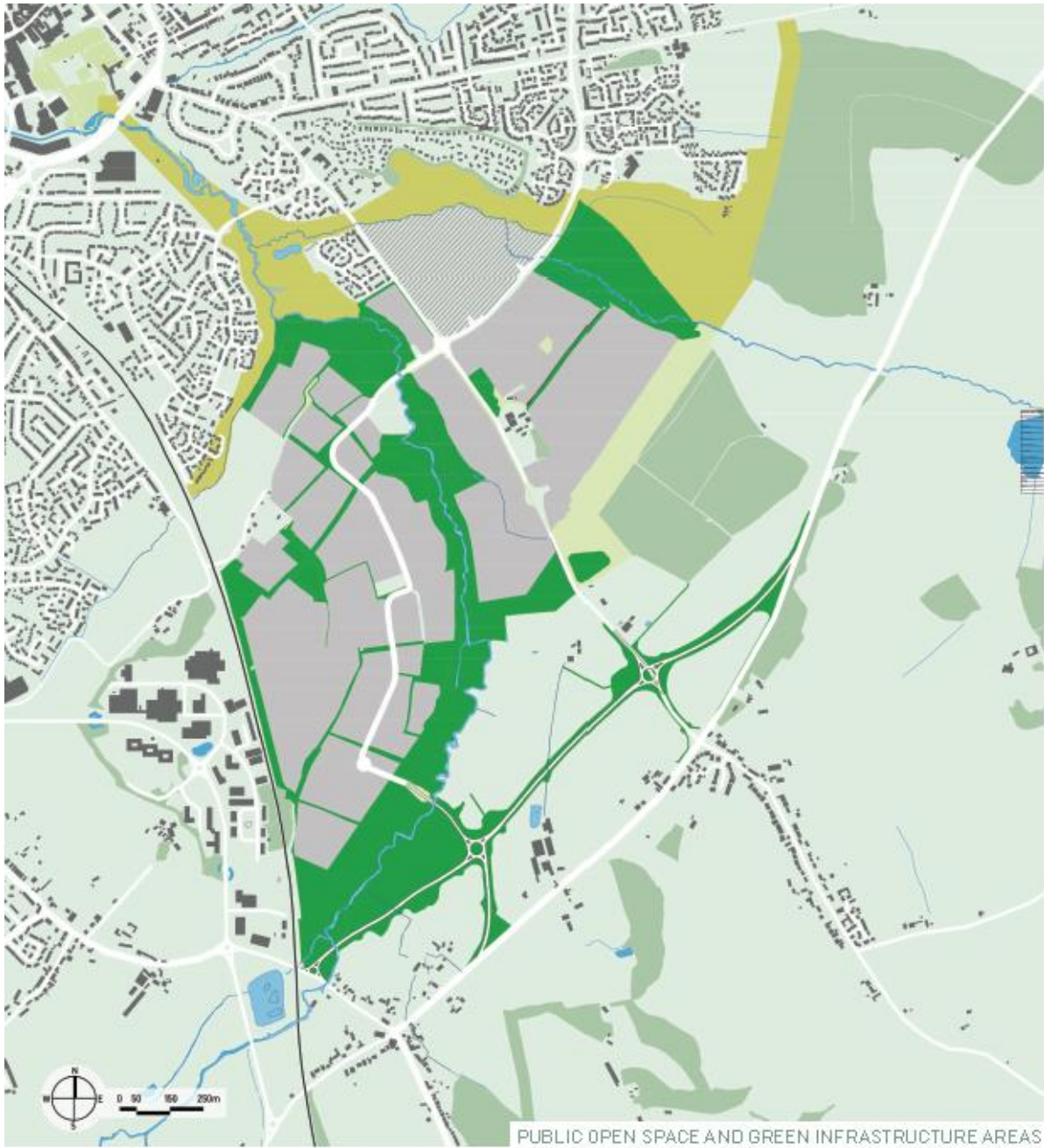
With this assessment in mind the proposed development has been designed with particular attention being paid to maintaining or enhancing key landscape features (such as the Biss River corridor), and retaining and/or providing green space and infrastructure. The Design and Access Statement says the following:

*Landscape design is a key component for creating a successful development at Ashton Park. The green spaces are an integral part of the place and create a strong landscape structure across the site. The new green infrastructure has been a driving factor in the creation of new routes and spaces within the masterplan and the landscape helps to further define the public and private space whilst adding colour and seasonal interest to the residential environment. ....*

*The proposed development at Ashton Park has the potential to create attractive areas which support active recreation and leisure pursuits which will include:*

- *Biss Meadows County Park – proposals intend to extend the existing Country Park to provide a key destination for leisure and recreational activities.*
- *Creation of informal and formal areas of open space for passive and active recreation;*
- *Children's play areas which may include formal play equipment or areas that encourage natural play;*
- *Opportunity to protect Biss Wood and help conserve its ecological value; The potential exists to significantly enhance and support conservation and biodiversity interests by retaining existing important habitat features such as trees, hedgerows and the River Biss Corridor.*

*Creation of new habitats such as ponds, marshes, woodland copses, grasslands and wildflower meadows can significantly enhance the ecological value of the site. In addition, new habitats can be used to enhance the connectivity between existing key features to maximise species migration throughout the site.*



***Public Open Space & Green Infrastructure Areas framework plan***

Retention of the majority of the existing landscape features on the site such as trees and hedgerows would limit the effects of the proposed development on the character of the wider landscape and the site itself. Although there would be some loss, notably at points of access, these losses would be mitigated by new planting within the open spaces that form the green infrastructure framework.

The site benefits from a high degree of physical and visual enclosure provided by substantial boundary hedgerows and tree belts. The planned retention of these together with the screening and filtering effect of landform and vegetation in the intervening landscape between the site and wider receptors would help to restrict and/or soften views. This fulfils the requirements of the three landscape requirements set out in the APUE development template.

## Visual impact -

In terms of visual impact, an 'in the field' assessment of the site set out in the ES indicates that the wider zone of visibility is relatively restricted. A combination of landform, vegetation (in the form of field boundary hedgerows, trees and woodland blocks) and existing built form associated with the nearby urban areas between 'receptors' and the site act to screen and filter many potential views of the site from outside.

In the main, the proposed development is considered to have mainly negligible or moderate effects on long distance views of the site from further afield. Closer views into the site – from, for example, the nearby A350 and the railway line, would be more affected although this is accepted in view of the scale and nature of the proposal. Likewise, views from roads and public rights of way within the site itself would be inevitably affected.

Overall the ES concludes that, except for views from the existing public rights of way that pass through the site, there would be no significant visual effects arising from the proposed development, including with mitigation in place. The significance of the effects on the internal rights of way would reduce over time as new landscaping matures. Landscape mitigation measures, including retained existing hedgerows and tree belts around the site's boundaries, would integrate the development into the surrounding landscape and provide screening and/or softening when viewed from the surrounding landscape. Again, this satisfies the requirements of the APUE development template.

## Lighting –

The ES considers the effects of lighting, stating the following –

*Lighting across the Application Site would be compliant with relevant standards and guidance, including those published by the British Standards, Institute of Lighting Engineers and the Health and Safety Executive.*

*The incorporation of high quality lighting systems, well designed and located, together with considered operating procedures would serve to reduce visible 'sky glow', light spill and minimise glare so as to avoid adding to the existing cumulative effect of lighting on the wider Trowbridge area.*

*After mitigation it is considered that there would be an overall minor effect from the lighting associated with the Proposed Development on those receptors within the wider surrounding landscape.*

These statement and conclusion are agreed. The specific lighting scheme can be controlled by planning condition, in the interests of both the landscape and ecology.

## The Relief Road –

The Yarnbrook and West Ashton relief road would in isolation have a measureable impact on the landscape in view of its size and route (effectively through 'open' countryside detached from the other development areas), and the necessity for it to be raised in part to accommodate the bat under-passes. However, as the principle of providing the road on this approximate route is already agreed as part of the Wiltshire Core Strategy, and because the articulation is limited to c. 4.5m max with opportunities for landscaping, it is not considered that the effects would be adverse.

## Agricultural land classification –

The NPPF states at paragraph 112 that “*local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to higher quality*”.

According to the Soils and Agriculture chapter of the ES the majority of the agricultural land within the application site is Grade 3b, and so is not the “best and most versatile agricultural land”. Approximately 23 ha is Grade 3a – that is “best and most versatile”, albeit at the lower end of the range.

On the loss of the agricultural land the ES concludes as follows:

*“There is little that can be done to mitigate against the loss of the agricultural land or the effects of the loss on agricultural businesses. However, land at Ashton Park is representative of land quality in and around Trowbridge .... . Accordingly any development of a similar scale on the northern or eastern edge of Trowbridge is likely to involve the loss of some Grade 3a and 2 land”.*

Applying the NPPF ‘test’, on balance the economic and other benefits arising from the proposed development are considered to outweigh the loss of the agricultural land, this having regard to the quality of agricultural land in general across the county *and* the allocation of the site in any event.

### Transport and Access

Core Policies 60 to 66 of the Wiltshire Core Strategy relate to transport matters in general. Notably Core Policy 60 states that the Council will use its planning and transport powers to help reduce the need to travel, particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within the county. This will be achieved by:

- i. planning developments in accessible locations*
- ii. promoting sustainable transport alternatives to the use of the private car*
- iii. maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community*
- iv. promoting appropriate demand management measures*
- v. influencing the routing of freight within and through the county*
- vi. assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.*

Core Policy 61 refers to the need for robust transport assessments. It states that appropriate contributions will be sought towards sustainable transport improvements, and travel plans will be required. Core Policy 62 states that new development should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. Core Policy 64 sets out demand management measures, referring to matters including parking standards.

Core Policy 66 refers specifically to the ‘strategic transport network’. With particular reference to the ‘A350 corridor’ the explanatory notes with the policy state the following:

*The function of the strategic transport network is primarily to cater for the efficient movement of inter-urban and long-distance trips. In doing so, the strategic transport network can support the vision and objectives of the Core Strategy.*

*The A350 corridor links five major towns in the west of the plan area including the Principal Settlements of Chippenham and Trowbridge. The corridor is made up of the A350 national primary route between the A303 and M4, and the rail line between Warminster and Chippenham.*

*A number of sections of the A350 primary route carry the highest volume of traffic and HGV movements on the county's non-trunk road primary routes. Because of its strategic importance, and the locally significant traffic growth that has occurred in the last 10 years, the route will be selectively improved to maintain and enhance journey time reliability. The proposed improvements to the A350 primary route, including those at Yarnbrook/West Ashton where journey times are unreliable, will provide significant relief and environmental benefits, particularly for local residents, and the improved standard of provision of this road will aid the employment growth at Chippenham, Melksham, Trowbridge, Westbury and Warminster. ....*

Accordingly Core Policy 66 states that improvements will be progressed to the A350 national primary route at Yarnbrook/West Ashton, subject to sufficient mitigation measures to ensure protected wildlife is protected (as referred to, and addressed, earlier in this report). Cross-references to other Wiltshire Council strategic plans, including the Wiltshire Local Transport Plan and the Emerging Trowbridge Transport Strategy, are made in the 'Planning Policy' section of this report.

The APUE Development Template sets out the following Transport related infrastructure requirements:

- *Provision of transport infrastructure in line with the Emerging Trowbridge Transport Strategy;*
- *Improvements to the rights of way identified in the Infrastructure Delivery Plan.*

In relation to the first of these requirements, the proposal, by incorporating the Yarnbrook and West Ashton relief road, is in accordance as a matter of principle. The proposal would fulfil the objective of the Emerging Trowbridge Transport Strategy, which is ... "To maintain and, where feasible, improve the performance of the A350 strategic road corridor". The second bullet point is considered later in this report.

With particular regard to understanding 'performance', the planning application is accompanied by a Transport Assessment and related addendum, and the ES has a 'Transport and Access' chapter. The TA addendum accompanies the revised master-plan and takes into account Wiltshire Council's updated Trowbridge 'SATURN' Traffic Model<sup>2</sup>. The TA Addendum explains the evolution in the following terms:

*An update to the Trowbridge SATURN traffic model was undertaken by Atkins on behalf of Wiltshire Council to support the A350 Yarnbrook and West Ashton Relief Road outline Business Case (OBC) to the Swindon and Wiltshire Local Transport BODY (SWLTB).*

*The original 2009 base year SATURN model was re-validated using traffic counts undertaken in 2014. The re-validated 2014 base year model provided the basis for developing future year forecasts allowing for traffic growth and committed development. Atkins produced model forecasts for the 2026 assessment year for scenarios both with and without the proposed Ashton Park development as follows:*

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<sup>2</sup> To assess the impact of the predicted demand for road use, the interactive simulation and assignment model SATURN (Simulation and Assignment of Traffic to Urban Road Networks) was used. ... SATURN is a tactical transport model that estimates the traffic volume on each link of a road network assuming a fixed trip matrix.

- 2026 Without Scheme – without Ashton Park development and without the A350 Yarnbrook and West Ashton Relief Road
- 2026 With Scheme – with Ashton Park development and with the A350 Yarnbrook and West Ashton Relief Road

*The ‘2026 with Scheme’ model produced by Atkins did not however represent the latest revisions to the Ashton Park masterplan ... Further modelling was therefore undertaken by PFA Consulting to revise the ‘2026 With Scheme’ model to reflect the latest masterplan which included relocation of the employment area.*

*[The] TA Addendum provides the results from this new modelling to establish the traffic impacts of this proposed development at Ashton Park in both the weekday AM and PM peak hours. It is an update on that previously in the original TA produced in April 2015”.*

The TA and Addendum have been analysed by the WC Highways Team and its conclusions agreed. Notably, the analysis demonstrates that in terms of overall network performance, the additional traffic generated by the proposed development at Ashton Park can be mitigated by the proposed infrastructure, which includes the relief road. The TA comments, “Network wide average journey times can be seen to be broadly similar ‘with’ Ashton Park than would be the case ‘without’ Ashton Park in both the AM and PM peak hours”.

In relation to more ‘local’ major corridors (specifically, A350 between A350/A361 roundabout (south of Semington) and A350/A363 Yarnbrook; A361 between A350/A361 roundabout (south of Semington) and A361 County Way/Bythesea Road roundabout; and A363 between A350/A363 Yarnbrook and A361 County Way/Bythe sea Road roundabout), the analysis shows that journey times are not adversely affected by the proposed development. Indeed, the 2026 ‘with’ Ashton Park scenario shows a marginal improvement in journey times in comparison to the ‘without’ Ashton Park scenario along the first of the routes (the A350 corridor).

The TA Addendum also analyses the capacities of the new junctions in the proposed development. The outcome is that they will have sufficient capacity to accommodate the 2026 ‘with’ Ashton Park scenario in both the AM and PM peak hour time periods.

The conclusions of the TA are, therefore, agreed. Notably that:

*“Outputs from [the] updated traffic modelling demonstrate that the additional traffic generated by the proposed development at Ashton Park alongside the Yarnbrook & West Ashton Relief Road will not have an adverse impact on the operation of the surrounding highway network. Network wide journey times and journey times along key corridors for the 2026 ‘With’ Ashton Park scenario were found to be broadly similar to the 2026 ‘Without’ Ashton Park scenario in both the weekday AM and PM peak hours.*

*Junction capacity assessments of the proposed new roundabout junctions on the Yarnbrook & West Ashton Relied Road and site access roundabouts on West Ashton Road demonstrate that the preliminary junction designs have sufficient capacity to accommodate the predicted traffic flows derived from the updated SATURN traffic model representing the 2026 ‘With’ Ashton Park Scenario in both the AM and PM peak hour modelled time periods”.*

Transport Environmental Assessment –

The ES references the TA and TA addendum in its summing-up. It observes that during the construction phase the effects of traffic will be adverse, but relatively short-term and manageable. During operation the development would give rise to an inevitable increase in

travel demand, but the proposal offers a range of measures to accommodate this – to encourage walking, cycling and public transport, and the delivery of the relief road. Overall the ES concludes on ‘transport’ that the residual effect of the proposed development is likely to be minor adverse, or beneficial where mitigation measures have wider benefit.

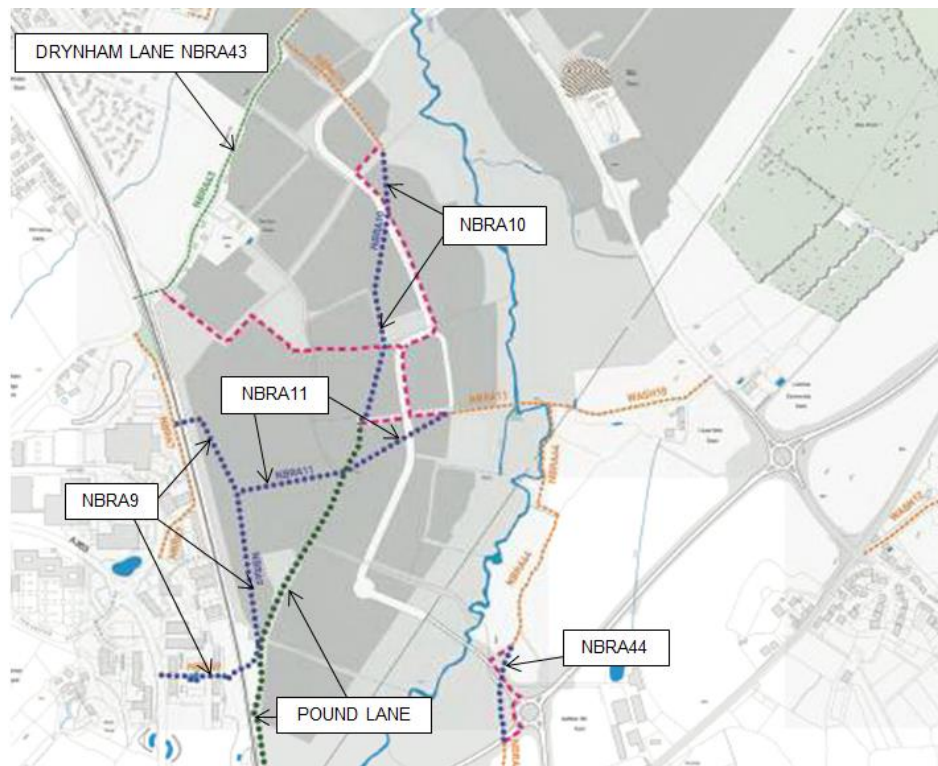
#### Rights of way –

There are various public rights of way in and around the application site. They are affected by the proposal in the following ways (and as illustrated in the following plan):

- Pound Lane (unclassified road): route not affected; use of under-bridge by motor vehicles to cease other than for access;
- NBRA10 (footpath, which is the continuation of Pound Lane): proposed diversion to fit layout;
- Drynham Lane (by-way NBRA43): route not affected; general use of under-bridge by vehicles to cease other than for access, this in view of proposed additional pedestrian/cycle use;
- NBRA11 (footpath): proposed diversion / extinguishment to fit layout; remove connection to NBRA9;
- NBRA9 (footpath): proposed extinguishment, principally to remove ‘at-level’ crossings of railway line.

[All of the above proposals are required to enable the rights of way to ‘fit’ the proposed layout and/or to remove the ‘at-level’ footpath crossings of the railway line *and* to provide alternatives. Increased use of the at-level crossings as a consequence of the proposed development is considered by Network Rail to pose potential risks].

- NBRA44 (footpath): proposed diversion.



#### **Rights of Way**

*[orange and green: route not affected; blue: to be diverted or extinguished; red: new or diverted routes]*



The WC Rights of Way Officer raises no 'in principle' objections to these proposals, subject to the separate legislative processes being followed for stopping-up, diverting and/or removing motorised vehicular use rights. The outcome of these processes cannot be predicted.

Likewise, Network Rail raises no objections subject to the diversions being implemented. In the event of the separate legislative processes not achieving extinguishment / diversion of the footpaths then alternatives may need to be considered to achieve safe crossing of the railway. A condition to cover this eventuality is recommended accordingly.

On the actual proposed extinguishment of NBRA9 and part of NBRA11, and without prejudice to the other processes required to action the extinguishments, the proposed new routes do offer suitable alternatives. Although the new routes are longer (this when directly compared with the lengths of paths to be extinguished), in reality users of the new routes would not lose out as connectivity with the wider footpath network beyond NBRA9 and NBRA11 via the new routes would remain comparable. The new routes would also be both attractive and safe for users, in particular in terms of avoiding the 'at-level' crossings of the railway.

#### Pedestrian / Cyclist improvements –

In addition to the benefits arising from the relief road for road traffic, the proposal also offers benefits for pedestrians and cyclists by providing footways and/or cycleways adjacent to roads, this where land ownership allows. Notably this includes alongside West Ashton Road for most of its length; presently there are few cycleways/footways alongside this road.

A short length of West Ashton Road cannot be so provided in view of the relevant land being outside of the applicant's control. This resulting 'break' should not be seen as reason to object to provision elsewhere. Notwithstanding comments made by a parish council, it is not within Wiltshire Council's remit to insist and/or force delivery of infrastructure on another party's land.

#### Heritage Assets

Core Policy 58 (ensuring the conservation of the historic environment) of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance the historic environment.

Paragraph 132 of the NPPF states that when considering the impact of 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. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that, in particular, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 135 continues that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgment made.

Historic England defines significance as “*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*”. Setting is defined in the NPPF as “*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*”.

There are no designated heritage assets within the application site. Within close vicinity there are some listed buildings, notably Long’s Park Castle, the Church of St John the Evangelist, buildings at Rood Ashton Park and Drynham Lane Farmhouse. Slightly further afield, Trowbridge Town Centre supports further listed buildings and conservation areas. The proposal would cause no harm to these designated assets and/or have a neutral impact only. Likewise, the impact on the settings of these assets would be no greater than neutral, this in view of the localised circumstances of the settings and/or the lack of inter-visibility.

There are non-designated heritage assets close to the application site – notably the Biss Farm complex of dwellings and farm-buildings, other vernacular cottages and farmsteads (at Yarnbrook in particular), and The Lodge and other older dwellings at West Ashton. Applying the paragraph 135 ‘test’, on balance the impact of the proposal on the assets at Yarnbrook and West Ashton is considered to be either neutral or beneficial. At Yarnbrook there would be sufficient separation to ensure the setting of these assets is maintained; and at West Ashton, the ‘de-cluttering’ and down-sizing of the existing highly-engineered A350 junction would improve the setting of the nearby older buildings.

On Biss Farm, this complex presently ‘reads’ as a farm surrounded by farmland. These circumstances would change in that much of the surrounding farmland would be developed for housing and employment purposes. However, it is not considered that this change would undermine the significance of the original farm complex, which would remain within its own relatively large and open curtilage, and which would maintain an open aspect to its front, this provided by the proposed school grounds on the opposite side of West Ashton Road. The main farmhouse itself, which is a large and attractive natural stone building, would continue to dominate the ‘street scene’, as was always the case. On balance, the change to the setting of Biss Farm would not, therefore, adversely affect its significance as a non-designated heritage asset, and the benefits arising from the proposed development tip the balance in its favour.

Regarding potential below ground heritage assets, the WC Archaeologist recommends a condition requiring a written programme of archaeological investigation and mitigation to be provided and implemented.

### Flood risk and other services

Flood risk -

The application site includes land within Flood Zones 1, 2 and 3. The flood zone 2 and 3 areas lie within the River Biss and related tributary corridors (including Stourton Brook), as shown on the policy map extract at the start of this report.

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 of the NPPF states, “*The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding*”.

Paragraph 102 of the NPPF states, “*If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.*

Core Policy 67 of the WCS refers specifically to flood risk, and effectively favours housing development in Flood Zone 1 over areas of higher risk (Flood Zones 2 and 3). The policy requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The APUE development template has the following specific requirements in relation to flood risk—

- *SFRA Level 2 Assessment required to ensure that the proposed development, including associated infrastructure, does not unacceptably encroach within the flood zone and to inform the sequential test. Flood Risk Assessment required to ensure that development is not encroaching within Flood Zones 2 or 3.*
- *Flood mitigation must be provided, including an appropriate sustainable drainage scheme that improves existing capacity.*
- *Offline flood storage features must be incorporated into a wetland system to reduce current and future flooding risk downstream in Trowbridge as a consequence of the proposed development.*

The ES includes a chapter relating to hydrology, drainage and flood risk, and this itself includes a site-specific Flood Risk Assessment. The Flood Risk Assessment is a comprehensive document which considers all potential sources of flooding, including from rivers, from rainfall (on the ground surface and rising ground water), from overwhelmed sewers and drainage systems, and from reservoirs, canals, lakes and other artificial sources. It is also informed by information held by the Environment Agency, and in the wider Strategic Flood Risk Assessment and Surface Water Management Plan.

The majority of built development in the proposed development is restricted to areas at low risk of flooding (that is, within Flood Zone 1), with the only structures proposed within the ‘floodplain’ (Zones 2 and 3) being the two road bridges over the River Biss and their associated earthworks, and a footbridge. The public sports pitches would be located within Zones 2 and 3; however, as they would maintain the open form of the land, and as they would not involve any changes to levels, they are a compatible land use within these zones as confirmed by national Planning Policy Guidance. It follows that under all of these

circumstances the majority of the proposed built development passes the 'sequential test' and so is acceptable in that regard.

The bridges comprise essential infrastructure, which under the terms of the sequential test should not be located in Flood Zone 3 unless the 'exceptions test' is considered / passed. In this case this essential infrastructure is necessary to provide accesses to the larger part of the site. Mitigation measures are proposed across the entire application site to manage wider drainage and water flows, including that affected by the bridges. On balance the wider sustainability benefits of the overall development to the community are considered to outweigh the flood risk, and so exceptionally the bridges are considered to be acceptable.

With specific regard to mitigation measures, the Flood Risk Assessment refers to a proposed sustainable drainage strategy for the site. The FRA states the following:

*"A sustainable drainage strategy, involving the implementation of SUDS, is proposed for managing the disposal of surface water runoff from the proposed development on the site.*

*As the use of infiltration devices is not appropriate for the majority of the site flow balancing methods are proposed, comprising a system of swales and on-line ponds/detention basins, in order to attenuate surface water runoff to greenfield runoff rates with discharges to the local watercourses and ditch system.*

*The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account. ....*

*By limiting the development rate of runoff to the mean annual peak runoff ... for any return period up to the 100 year event, including an allowance for climate change, the proposed development would reduce flood risk overall compared to existing greenfield rates".*

With particular regard to the bridges and related access roads, the FRA states the following:

*"Access road crossings of the watercourse would be at least 600mm clear of the 1 in 100 year + climate change flood level. Any floodplain storage lost due to roads within the floodplain would be compensated. A hydraulic flood model and sensitivity analysis has been undertaken to demonstrate that the proposed flood storage compensation areas are appropriate. ...."*

Separately the ES concludes that the potential effects of the proposed development on hydrology, drainage and flood risk during its construction and operation are 'minor adverse' to 'moderate adverse' and 'minor beneficial' to 'negligible' respectively; and these can be mitigated in any event through design, management control (e.g. Construction Environmental Management Plans) and physical works.

At the time of writing the Environment Agency and the WC Drainage Engineer are maintaining holding objections which are essentially in view of what they consider to be a lack of clarity in the Flood Risk Assessment's hydraulic modelling to demonstrate no increase in flood risk as a consequence of amendments made to the application during its processing. This is reflected in the recommendation for the planning application which is to approve subject to these holding objections being removed.

Foul water –

In relation to foul water the APUE development template has the following requirements –

- *New infrastructure to link the sewage treatment works or appropriate on-site provision.*
- *Provision of on-site sewers and financial contributions towards off-site works to mitigate against the impact of this development.*

In response the Flood Risk Assessment states the following:

*“A Statement of Common Ground between Wessex Water and Ashton Park Trowbridge Ltd and Persimmon Homes Ltd was prepared in June 2013 in present of the identification of Ashton Park, Trowbridge as a strategic allocation within the Wiltshire Core Strategy. ....*

*At a meeting on 25 February 2015 Wessex Water confirmed that its town wide modelling exercise had demonstrated that there is sufficient capacity within the existing sewerage network to accommodate the flows from the development ....”*

The FRA provides strategic level detail of where foul sewers will run within the site and where connections will be made to the wider network. The finer detail can be a matter for planning conditions.

Other utilities –

On other utilities APUE development template has the following requirements –

- *Capacity improvements to water supply and waste networks to serve the development.*
- *Reinforcement of the electricity network and primary sub-station to serve the development.*
- *Connection to existing low or medium pressure gas mains to serve the development.*

These are matters for agreement between the relevant utility companies and the applicant.

#### Residential amenity

Core Policy 57 requires new development to have regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants; and seeks to ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution.

Regarding existing occupiers, there are a number of residential properties in relatively close proximity to the site – notably, at Biss Farm, Drynham Lane, Yarnbrook and West Ashton. At this mainly outline stage the relationship between existing and proposed development is not fully known. This said, it can reasonably be assumed that the outlook from adjoining properties will change, but with careful design at the reserved matters stages there should be no reason for the privacy of these properties to not be safeguarded, this particularly in terms of over-looking/over-shadowing/etc..

Regarding the relief road and new roads in general, the noise chapter in the ES states the following:

*“Road traffic on the roads within and surrounding the Proposed Development and along the proposed relief road would change as a result of the occupation and occupation of the completed scheme. The assessment of noise levels associated with the operation of the relief road indicates that the new road would provide an overall benefit to residents within Yarnbrook and West Ashton.*

*Elsewhere, the assessment of road traffic noise levels indicated that the additional road traffic would result in negligible adverse noise effects, with increases of less than 3 dB(A). Whilst permanent, this level of increase would not be discernible under normal listening conditions and no adverse significant effects have therefore been identified”.*

WC Public Protection has raised some concerns over possible disturbance to the proposed new dwellings from railway noise. However, it is satisfied that this can be addressed through detailed design (estate layout / garden orientation, mechanical ventilation in houses, etc.), and so this does not amount to a reason for objecting to the development per se. Design / layout can also deal with potential conflicts between the residential elements and the employment land, the schools and the local centres. These are all matters for the reserved matters applications stage.

Notwithstanding the above comments concerning road noise, in a number of areas close to established development ‘absorptive acoustic barriers’ (fences) are proposed in any event.

Potential disturbance at the construction stage would be short term only, and can be managed via Construction Environmental Management Plans.

#### Air quality

Core Policy 55 of the Wiltshire Core Strategy states that development proposals, which by virtue of their scale, nature or location, are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity; this having regard to the Air Quality Strategy for Wiltshire and, where relevant, the Wiltshire Air quality Action Plan.

The Environmental Statement includes a chapter on air quality which examines the potential for significant effects during both the construction and operational phases on human health and ecology.

Human health -

With regard to human health the ES concludes as follows –

*“Baseline conditions in the study area show acceptable air quality with respect to the air quality objectives set out to protect human health. The proposed development will generate additional road traffic on local roads, and will involve a realignment of a section of the A350 road, which could lead to significant air quality effects at existing residential properties. In addition, construction activities may lead to the generation of dust and fine particles which have the potential to affect existing nearby properties.*

*The assessment of construction dust effects has concluded that, with appropriate mitigation in place, the air quality effects will be negligible.*

*The assessment of operational air quality effects has concluded that the effects of road traffic emissions generated by the proposed development will also be negligible.*

*Although the overall air quality effects of road traffic emissions are negligible, the proposed development will lead to some increases in air pollutant concentrates at a number of existing residential properties. However, by contrast, properties located close to the A350 in the villages of West Ashton and Yarnbrook are predicted to experience an improvement in air quality with the proposed development in operation, as a result of the realignment of the road.*

*The assessment has also identified that air quality at the application site is of acceptable quality for residential development”.*

The ‘appropriate mitigation’ for construction dust would be a Construction Environmental Management Plan (wheel washing, etc.). On operational effects, the ES notes that measures to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction of more stringent emissions standards at the national (and European) level. It follows that the ‘negligible’ consequences of the proposal are, in any event, the worst case scenario. But, WC Public Protection further seeks ‘green’ infrastructure within the development (for electric vehicle pick-up, etc.), and a condition is recommended accordingly.

Ecology -

Regarding ecology, the ES concludes as follows –

*“Baseline conditions in the study area show poor air quality with respect to the air quality critical levels and critical loads set out to protect sensitive ecological habitats. Baseline concentrations of nitrogen oxides and baseline deposition fluxes of nutrient nitrogen and acid nitrogen exceed the relevant critical levels and critical levels at a number of nearby ecological designations, including the Picket and Clanger Wood SSSI.*

*The assessment of air quality effects on these sensitive ecological sites has focussed upon the addition of road traffic emissions brought about [by] the proposed development.*

*The assessment has concluded that there is potentially significant adverse air quality effects at Picket and Clanger Wood, Green Lane Wood, and Biss Wood, and potentially significant beneficial air quality effects at Flowers Wood and Woodside Wood, resulting from the operation of the proposed development.*

*In order to mitigate the potentially significant adverse effects, a suite of mitigation measures are proposed, including ecological enhancements, and measures to encourage sustainable transport and reduce the development-related traffic generation.*

*With mitigation in place, it is judged that the overall air quality effects of the proposed development are negligible”.*

As with the human health assessment, the reference in the ES to the assessment being a worst case scenario is relevant – measures to reduce pollutant emissions from road traffic are being delivered via national/European emission controls. The mitigation referred to – to address the identified significant effects on particular woods – includes the green transport initiatives (improvements to walking/cycling networks, new bus routes/stops, travel plans, etc.), and specific ecological enhancement measures (specifically, the creation of new areas of habitat and green infrastructure).

Overall, the impacts on air quality as set out in the ES air considered to be acceptable, this in view of the mitigation that is proposed, and which has the effect of making the ‘effects’ negligible in any event.

#### Supporting infrastructure and public services

Core Policy 3 of the Wiltshire Core Strategy requires all new development to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from it. Where relevant this must be in accordance with other policies of the Strategy – in particular,

CP43 & CP45 relating to affordable housing, CP62 relating to highways and transportation, CP52 and 'saved' HC34 relating to open space, and HC37 relating to provision of education.

Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations ('S106 agreements'), this not least in terms of delivery of essential infrastructure. It further states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Guidance further states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

The Community Infrastructure Levy (CIL) provides a separate mechanism for delivering non-site specific infrastructure as set out in the Infrastructure Delivery Plan.

The APUE development template sets out specific requirements for the site. Of these, matters which may be addressed by planning condition include the following:

- Phasing details;
- Flood mitigation, including an appropriate sustainable drainage scheme that improves existing capacity;
- Offline flood storage features incorporated into a wetland system;
- New infrastructure to link to the sewage treatment works;
- Provision of on-site sewers and off-site works;
- Capacity improvements to water supply and waste networks to serve the development;
- A sustainable energy strategy;
- Reinforcement of the electricity network and primary substation to serve the development;
- Connection to existing low or medium pressure gas mains to serve the development;
- Provision of elements of transport infrastructure in line with the Trowbridge Transport Strategy;
- Provision of 'destination play area', other play areas and incidental open spaces;
- Provision of multifunctional green infrastructure corridor along the length of the River Biss;
- 100m woodland/parkland buffer between all ancient woodland, including Biss Wood and Green Lane Wood, and built development;
- Landscape management / enhancement;
- Delivery of employment land;
- Delivery of local centres;
- Public art.

And, matters which may be addressed by planning obligation include the following:

- 30% affordable housing with suitable mix;
- Two new primary schools on sites of 1.8 ha. Primary financial contribution of £9,509,390 (2017) (based on 2,500 dwellings, adjusted accordingly depending on final numbers);



- One new secondary school on site of 5.24 ha. Secondary contribution of £8,463,708 (based on 2,500 dwellings, adjusted accordingly depending on final numbers);
- ‘Early Years’ education contribution of £3,863,313 or on-site provision (based on 2,500 dwellings, adjusted accordingly depending on final numbers);
- Health / dental care contribution of £1,108,500 (2015 figure), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;
- Provision of elements of open space (equipping/phasing/maintenance contributions/etc.);
- Provision and implementation of Ecological Management Plan(s), including ecology visitor facility, provisions for monitoring implementation of the development and related ecology plans, warden/warden facilities, etc. (this in association with the Wiltshire Wildlife Trust with whom a standalone agreement would also be required);
- Provision of elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
  - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
  - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or otherwise, subject to the timescales set out by the HIF and LEP;
  - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;
  - Provision of travel plans for the separate land uses on the site;
  - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;
  - Implementation of all made legal orders relating to highways and transport issues associated with the site;
  - Contingency Plan for planned diversion of public footpaths NBRA9 and NBRA11;
  - Design and provide a wayfinding scheme aligned to the phasing of the development;
  - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
  - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities.

### Other Matters

Responses from interested parties are largely addressed in the preceding paragraphs. However, some specific points require further comment:

- Regarding the existing access to Biss Wood and the scout camp from the A350, an additional plan has been provided by the applicant showing that the required visibility splay here would continue to be provided. WC Highways does not consider that the proposed changes to the road network hereabouts would pose a greater hazard to users of this access.

- Regarding Larkrise Community Farm, its wider setting would change as a consequence of the proposal, although generous green ‘gaps’ between it and the new development would remain, so safeguarding its ‘farmyard’ character. WC Highways does not consider that the proposed development poses a hazard to the continued use of the vehicular access to the Farm.
- Outstanding issues around the final implementation of the Leap Gate 106 are the subject of on-going discussions between the parties involved, and do not amount to reasons to delay the determination of this planning application.

## **9. Conclusion**

As a matter of principle the proposal complies with the Core Strategy – and, specifically, its Settlement and Delivery Strategies, and the Strategy for the Trowbridge Community Area and its related ‘development template’ for the Ashton Park Urban Extension (APUE). It is considered that sufficient information has been provided on the environmental effects of the proposal to enable the LPA to determine whether or not outline planning permission should be granted. The application and the accompanying Environmental Statement demonstrate that matters of acknowledged importance – including ecology, highway safety, heritage, drainage, air quality, amenity and infrastructure requirements – have all been properly taken into account, and that the proposal adequately accommodates these and/or provides sufficient mitigation.

For these reasons the application is recommended for approval, subject to the holding objections relating to drainage detail being first addressed and applicant first entering into a Section 106 agreement with Wiltshire Council.

## **RECOMMENDATION**

**Having taken into account the environmental information, it is recommended that, subject to the holding objection from the Environment Agency being addressed and removed, the Strategic Planning Committee authorises the Head of Development Management to grant planning permission, this subject to the following ‘legal agreements’ being first entered into:**

- 1. an obligation under Section 106 of the Town and Country Planning Act 1990 between the applicant and Wiltshire Council requiring provision of the following:**
  - **30% affordable housing with suitable mix;**
  - **Two new primary school sites of at least 1.8 ha each. Primary education financial contribution (of £9,509,390 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) completion of two schools;**
  - **One new secondary school site of 5.24 ha. Secondary contribution (of £8,463,708 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers);**
  - **‘Early Years’ education contribution (of £3,863,313 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) or on-site provision;**

- Health / dental care contribution of £1,108,500 (2015 figure, to be adjusted for indexation), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;
- Elements of open space (equipping/phasing/maintenance contributions/etc.);
- Ecological mitigation, to be set out in a Biodiversity Management Plan covering the management, mitigation, monitoring and enhancement of all habitats and species affected by the development during the pre-construction, construction and operational phases, both within the application boundary and on land owned by Wiltshire Wildlife Trust. To include –
  - Provision of, and/or provision of funding for, a Steering Group to oversee implementation of the Biodiversity Management Plan;
  - Provision of, and/or provision of funding for, visitor facility, and related land transfer arrangements;
  - Provision of ecology Green Infrastructure, related maintenance/long term management contributions, ecological monitoring including remedial works triggered by monitoring and related land transfer arrangements;
  - Provision of, and/or provision of funding for, full time wildlife warden, and mechanism for his/her perpetual funding;
  - Agreement that no public access will be allowed through the agricultural land identified for employment use other than to areas which have been developed for that purpose. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75% of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.
  - Financial contribution towards the cost of monitoring implementation and maintenance of mitigation, with bond or other means of security secured against non-delivery and/or non-maintenance of mitigation.
  - Provision for revision of the Green Lane and Biss Woods Management Plan to incorporate requirements arising from the Biodiversity Management Plan and the Habitats Regulations Assessment (including Appendix 2).
- Elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
  - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
  - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or in entirety, subject to the timescales set out by the HIF and LEP;
  - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;

- Provision of travel plans for the separate land uses on the site;
  - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;
  - Implementation of all made legal orders relating to highways and transport issues associated with the site;
  - 'Contingency Plan' for planned diversion of public footpaths NBRA9 and NBRA11;
  - Design and provide a wayfinding scheme aligned to the phasing of the development;
  - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
  - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities contribution.
2. A legal agreement between Wiltshire Wildlife Trust and Wiltshire Council to achieve implementation and maintenance of ecology mitigation measures relevant to the Trust via a revised Management Plan for Green Lane and Biss Woods covering the following:
- To provide an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein's bats through maintenance of the structure and function of the habitats within the plan area;
  - To incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan;
  - To define the operating constraints for the ecological visitor centre and car parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein's bats;
  - To set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed;
  - To set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter;
  - To include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein's bat use;
  - To recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures;
  - To anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures.

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

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

**And, subject to the following planning conditions including any subsequent changes agreed with the Head of Economic Development & Planning -**

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

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

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

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

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

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

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

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

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

- (i) At least 13.6 ha of land for employment purposes (Class B1, B2 and/or B8 uses);
- (ii) Two separate sites of at least 1.8 ha each and two separate 14-class primary schools thereon, and a single serviced site of at least 5.24 ha for a secondary school;
- (iii) Two separate sites of at least 1 ha and 0.2 ha respectively for two separate 'local centres'; in combination the local centres to provide suitable premises for a mix

of convenience shops and small other shops (Class A1 uses), financial and professional services (Class A2 uses); 'food & drink', 'drinking establishments' and 'hot food & takeaway' uses (Class A3, A4 and A5 uses); if/as required, community facilities and/or 'early learning' facilities (Class D1 uses); and residential units in the form of 'flats above shops' (Class C2 and C3 uses).

- (iv) Sites for public open space to be sited, laid-out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6.35 ha of formal sports pitches with pavilion / changing rooms, at least 1.2 ha of 'designation play' area, at least 44.4 ha of major open space or country park (to include an Ecological Visitors Facility), at least 14.4 ha of natural and semi-natural open space including structural planting, and at least 0.9 ha of allotments;
- (v) An 'Ecology Visitors Facility'; and
- (vi) Up to 2,500 dwellings (Class C2 and/or Class C3 uses) of which no more than 315 (including within the 'local centre') are to be provided on the north-east side of West Ashton Road.

'The scale of the development', 'the layout of the development', 'the external appearance of the development' and 'the landscaping of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above substantially in accordance with the 'Indicative Masterplan' (drawing no. A.0223\_77-01 Rev AC) dated 20/04/17, the parameters plans ('Land Use Parameter Plan' no. A.0223\_18-1N, 'Access & Movement Parameter Plan' no. A.0223\_17-2G, 'Building Heights Parameter Plan' no. A.0223\_19-1L and Green Infrastructure Plan no. A.0223\_16-1M) (including inset plans A.0223\_105A and A.0223\_72-01C)), and the Design & Access Statement (A.0223\_26-2T dated April 2018).

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

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

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

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

[For the purposes of this condition 'infrastructure' is defined as the schools, local centres, open space, and ecology visitors centre; and the 'means of access' to the site including the entire Yarnbrook & West Ashton Relief Road and its related new

roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2)].

6 Before any other parts of the development hereby approved are commenced the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of detailed schemes for 'advance ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -
  - (i) a scheme for strengthening of the hedgerow alongside West Ashton Road to the south-west corner of Biss Woods with thorny planting and fencing, and provision for future maintenance;
  - (ii) schemes for the 100m buffer between Biss Woods and the employment land and between the employment land and the east of West Ashton Road housing land, to include landscaping with appropriate impenetrable fencing and hedge planting and provision for future maintenance in accordance with Figure 6.2 of the ES Addendum Volume 1;
  - (iii) a scheme for the Attenuation pond based on Figure 6.1 of the ES Addendum Volume 1, creating a barrier to pedestrian access between the Green Lane Nature Park Extension and the east of West Ashton Road residential area to include landscaping, fencing and provision for future maintenance;
- (b) The implementation and completion of all of the above schemes as approved and continuing maintenance thereafter in accordance with the maintenance elements of the schemes.

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

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

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

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

- P480/100 Figure 6.5 Rev F (Yarnbrook & West Ashton Relief Road Sheet 1 of 4) dated 18/08/17
- P480/101 Figure 6.6 Rev G (Yarnbrook & West Ashton Relief Road Sheet 2 of 4) dated 18/08/17 (as amended through an email from Aspect Ecology (AB to LK) dated 2/3/18)
- P480/102 Figure 6.7 Rev F (Yarnbrook & West Ashton Relief Road Sheet 3 of 4) dated 28/07/17
- P480/103 Figure 6.8 Rev E (Yarnbrook & West Ashton Relief Road Sheet 4 of 4) dated 18/08/17
- P480/104 Rev D (Central Roundabout (R4) Access on West Ashton Road) dated 18/08/17
- P480/105 Rev E (Northern Site Accesses & Cycleway Provision) dated 08/09/17
- P480/106 Figure 6.4 Rev F (Yarnbrook & West Ashton Relief Road Overview) dated 18/08/17
- P480/107 Rev E (Northern Junctions & Cycleway Provision Overview) dated 08/09/17
- P480/108 Figure 6.9 Rev B (Typical Section H-H through Relief Road with Elevation of Culvert) dated 07/07/17
- P480/109 Rev C (West Ashton Road Northern Cycleway Improvements) dated 09/09/17
- P480/110 Figure 6.10 Rev E (Yarnbrook & West Ashton Relief Road. Possible Planting Along Existing A350) dated 18/08/17
- P480/111 Rev C (Typical Section Through Relief Road (Roundabout R1-R2)) dated 18/08/17
- P480/112 Rev F (Primary Highway Works Plan) dated 08/09/17
- P480/113 Rev C (Access Junctions Swept Paths) dated 18/08/17
- P480/26 Figure 6.11 Rev D (Yarnbrook & West Ashton Relief Road Indicative Bridge General Arrangement) dated 18/08/17
- P480/41 Figure 6.12 Rev D (Yarnbrook & West Ashton Relief Road Southern Access Bridge General Arrangement) dated 18/08/17
- P480/51 Figure 6.13 Rev A (Northern Access Bridge General Arrangement) dated 02/04/14
- P480/114 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P480/115 Rev B (Highway Long Sections Sheet 2 of 4) dated 07/07/17
- P480/116 (Highway Long Sections Sheet 3 of 4) dated 04/14
- P480/117 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P843/08 Rev A (Biss Wood Scout Camp Site Access Visibility) dated 02/01/18
- P480/118 (Yarnbrook and West Ashton Relief Road. Minor amendment to R1 to access Paddock) dated 25/01/18

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



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

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

- Green Infrastructure and Biodiversity Strategy (September 2017);
- ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;
- ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.

The details themselves shall include where relevant the following:

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape and ecology features.

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

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

drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

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

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

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

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

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

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

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

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

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

- 12 Where a particular Phase or sub Phase of the development includes a play area(s), before 50% of the dwellings in that Phase or sub Phase are first occupied (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of a scheme for the laying out and equipping of the play area(s), to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment; and
- (b) The laying out and equipping of the play area in accordance with the approved scheme.

REASON: To ensure that the play areas are provided in a timely manner in the interests of the amenity of future residents.

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

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

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

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

REASON: In the interests of highway safety.

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

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

16 No development shall commence within any particular Phase or sub Phase of the application site until:

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

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

REASON: The application contains insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

17 No development hereby approved shall commence in any Phase or Sub Phase of the development which includes land either adjacent to the railway line or adjacent to the 'green corridor' alongside the railway line until details of measures to safeguard the amenities of future occupants of the development within the Phase or Sub Phase from potential noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The Development shall then be carried out in accordance with the approved details.

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

18 The application is supported by evidence which demonstrates that the potential for significant concentrations of contaminants to be present within the application site is low. However -

(a) If, during any Phase or sub Phase of the development, any evidence of historic contamination or likely contamination is found, the developer shall immediately cease work within the Phase or sub Phase and contact the Local Planning Authority in writing to identify what additional site investigation may be necessary; and -

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

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

- 19 Prior to the commencement of any Phase or sub Phase of the development which includes or affects public rights of way NBRA43, NBRA30, NBRA10, WASH16, NBRA11, NBRA44 and/or NBRA12 within the site, detailed schemes for the improvement of these rights of way (including, widening and/or re-surfacing) and a programme for implementing the improvements shall be submitted to the local planning authority for approval in writing. Thereafter the development shall be carried out strictly in accordance with the approved improvements and the programme.

REASON: Improvements will be required to these public footpaths as a consequence of the additional use they will endure as a result of the development. The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

INFORMATIVE: The Design & Access Statement indicates that parts of public rights of way NBRA9, NBRA10, NBRA11 and NBRA44 may be re-routed. No works affecting these rights of way and/or no stopping-up of these rights of way may commence unless or until a stopping-up or diversion order has come into effect, unless the LPA agrees to a temporary closure or re-routing of the rights of way. The applicant must apply separately to Wiltshire Council for such an order, and it cannot be presumed that the granting of this planning permission will automatically be followed by the making of the order. If Wiltshire Council makes an order and any objections to it cannot be resolved, the matter will be referred to the Secretary of State for determination. The Planning Inspectorate will make the determination on behalf of the Secretary of State.

- 20 No later than first occupation of 90% of the dwellings in any part of a Phase or Sub Phase of the development through which public rights of way NBRA11 and NBRA9 pass, a report comprising an assessment of past and present use of these public rights of way where they cross 'at level' the railway line and, if/as necessary, a scheme of measures to ensure their continued safe operation together with a related programme for their implementation, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out if/as necessary in accordance with the approved scheme of measures and the related programme for its implementation.

REASON: To ensure the continued safe operation of the at-level railway crossings.

INFORMATIVE: The need for this condition may fall away in the event of these public rights of way being first stopped-up or diverted.

- 21 Prior to first occupation of the first 150 houses on the development hereby approved, a Public Art Strategy shall be submitted to the local planning authority for approval in writing. The Strategy shall set out how public art will be provided as part of the development, and a programme for this. Thereafter the development shall be carried out in accordance with the approved Strategy and programme.

REASON: To achieve a high quality living environment in the interests of amenity, and to accord with policies CP3 and CP57 of the Wiltshire Core Strategy.

- 22 No development shall take place within individual Phases or sub Phases of the development until a site specific Construction Environmental Management Plan, or Plans, (CEMP(s)) for that Phase or sub Phase, or an overarching CEMP for the entire application site, has been submitted to and approved in writing by the local planning authority. The CEMP(s) must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The

plan(s) should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Public Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Construction traffic routing details.
- Ecology mitigation measures to cover –
  - protection of retained habitats;
  - creation of new habitats including provision of bat boxes;
  - management and monitoring of created and retained habitats (until taken over by management company or WWT);
  - precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation;
  - monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs, habitat structure / composition of woodland in Biss and Green Lane Woods, bat use of underpasses);
  - testing and adjusting lighting, in accordance with monitoring results';
  - compliance procedures.
- And with particular regard to the Yarnbrook & West Ashton Relief Road the following specific ecology mitigation information –
  - Long and cross sections for each underpass based on site surveyed; measurements showing the relative positions of hedgerows, existing ground levels, earthworks and underpass;
  - The timetable of works required to complete the culvert works having regard to seasonal ecological and planting constraints;
  - The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.
  - A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new planting.

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

A report prepared by the Ecological Clerk of Works certifying that the required ecology mitigation and/or compensation measures identified in the CEMP(s) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the first planting season following this, whichever is the sooner. Any approved remedial works shall then be carried out under the strict supervision of a professional ecologist following that approval.

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

- 23 A Landscape and Ecological Management Plan, or Plans, (LEMPs) for the 'River Biss Corridor', the '100m buffer' between Biss Woods and the employment land, the 'Green Lane Nature Park Extension', the 'Attenuation pond ... creating barrier to pedestrian access', other barriers to control access to Biss Woods, dark corridors through the mixed use development, and the Yarnbrook & West Ashton Relief Road shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP(s) shall include the following information:

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

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

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

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

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

- 24 No development in any particular Phase or sub Phase of the development shall commence on site until a scheme for the discharge of surface water from the Phase or sub Phase, incorporating sustainable drainage details, and any related programme for delivery, has been submitted to and approved in writing by the Local Planning Authority. The development within the Phase or sub Phase shall not be first occupied until surface water drainage has been constructed in accordance with the approved

scheme and related programme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in any Phase or sub Phase in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 25 No development shall commence on site (save for the construction of the Yarnbrook & West Ashton Relief Road) until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer and any off-site works, and any related programme for delivery have been submitted to and approved in writing by the Local Planning Authority. The details shall be substantially in accordance with the 'Proposed Foul Water Drainage Arrangements' set out in the Flood Risk Assessment by PFA Consulting dated September 2017. No dwelling shall be first occupied until the approved details have been implemented in accordance with the approved plans and related programme.

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

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

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

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

Where lighting is proposed in ecologically sensitive areas (such as the 'dark corridors' for bats) the lighting details and related scheme shall ensure minimum impact on the ecological interests of these areas and accord with:

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

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

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

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



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

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

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

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

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

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

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

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

with the programme and maintained thereafter.

REASON: In the interests of safeguarding other ecological interests.

**REPORT FOR STRATEGIC PLANNING COMMITTEE**

<b>Date of Meeting</b>	14 July 2021
<b>Application Number</b>	15/04736/OUT
<b>Site Address</b>	Land south east of Trowbridge
<b>Proposal</b>	Outline planning application for mixed use development comprising: residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class E ('Business' only), B2, and B8); two local centres (Classes E, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.
<b>Applicant</b>	Ashton Park Trowbridge Ltd & Persimmon Homes Ltd
<b>Town/Parish Councils</b>	NORTH BRADLEY / TROWBRIDGE / WEST ASHTON
<b>Electoral Divisions</b>	SOUTHWICK – Cllr Horace Prickett TROWBRIDGE PAXCROFT – Cllr Mel Jacob
<b>Grid Ref</b>	386358 157356
<b>Type of application</b>	Outline
<b>Case Officer</b>	Andrew Guest

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

In April 2018 the Strategic Planning Committee resolved to grant planning permission for this application subject to completion of legal agreements to secure the necessary mitigation from the developer for the development, including the provision of affordable housing and ecological measures. Unfortunately, it has not proved possible to complete the main section 106 agreement before now due to ongoing discussions about viability and the changing situation regarding the protection of bats that has seen the Council adopt the Trowbridge Bat Mitigation Strategy since the original meeting.

The original resolution required the provision of 30% affordable housing on the site. The viability of this level has been the subject of much discussion with both the Council and the applicant undertaking viability appraisals. To move matters forward and to safeguard/realise allocated public funding intended to ease early delivery of aspects of the development, the Director of Place & Environment is recommending that the original resolution by the Committee is amended to approve subject to completion of legal agreements, to include provision of a minimum of 20% affordable housing within the first 500 units, a minimum of 25% affordable housing within the next 500 units, and a minimum of 30% affordable housing within the remaining units; and subject to conditions, including some amended conditions. This level is agreed by both the Council and the applicant to be achievable.

As this remains a strategic development on a site allocated in the Wiltshire Core Strategy, is of significant scale, and is to be potentially partly supported by public funding, the final decision

on the recommended amendment remains a matter for the Committee to determine and not a matter for 'delegated powers'.

### **Purpose of Report**

The purpose of the report is to update the Committee on where the application has reached, and to consider the recommendation that the original resolution is amended to approve subject to completion of legal agreements, to include provision of a minimum of 20% affordable housing provision within the first 500 units, a minimum of 25% affordable housing provision within the next 500 units, and a minimum of 30% affordable housing provision within the remaining units.

All other conditions remain either as, or largely as, the original Committee report, with subtle changes only to some to address changes in legislation and/or for delivery, necessity or precision reasons.

The full 2018 Committee report is attached as annex 1 to this report.

### **Background and Report Summary**

The Committee is reminded that this is an outline planning application with all matters reserved except access. For the purposes of the application the 'access' includes specific points of access to the planned urban area *and* the entire proposed Yarnbrook and West Ashton Relief Road (YWARR) and associated works. It follows that full details of the YWARR accompany the application.

The Committee is further reminded that the application proposes to erect up to 2,500 dwellings on 57.4 ha of the site and employment development on 13.6 ha. It also proposes two primary schools and a secondary school, and two local centres and public open spaces (to include formal sports pitches (6.35 ha), 'destination play' area, equipped children's play space, 'major open space' and 'country park' (including an ecology education facility), other natural and semi-natural open spaces, and allotments) and the YWARR.

The proposed YWARR comprises a new approx. 1.8km section for the A350, notably by-passing the existing West Ashton traffic-signal controlled crossroads. Wiltshire Council has a broad objective to improve the A350 strategic road corridor through Wiltshire. Consequently, the Core Strategy includes a requirement for the new strategic growth at south east Trowbridge to facilitate delivery of strategic improvements to the A350, particularly at Yarnbrook and West Ashton where the existing junction arrangements are over capacity.

The YWARR element of the planning application will inevitably be costly to deliver. The Core Strategy recognises that the improvements to the A350 will have a wider benefit to the town and the strategic road network and confirms that responsibility for the improvements will be shared between the developers and Wiltshire Council. Thus – and on the basis of a shared approach – the cost of the improvements will be met by the developers of Ashton Park and through a forward-funding 'grant', care of the Homes England Housing Infrastructure Fund (HIF).

The HIF is a government capital grant programme intended to 'unlock' new housing on sites with complex infrastructure requirements. The fund provides marginal viability funding and forward funding where the costs of putting in infrastructure and building homes are great. The forward funding in this case would be eventually repaid by the developers to Wiltshire Council, for Wiltshire Council to then use on affordable housing projects. The fund is subject to 'use by' deadlines.

On viability in general the applicant has stated that even with the HIF funding viability is unachievable if the development is required to be fully policy compliant (notably Core Policy 43 expects provision of at least 30% affordable housing within the 30% affordable housing zone, which includes Trowbridge). To back this, a Viability Assessment (VA) has been prepared by the applicant. The VA has been subjected to independent scrutiny, the outcome of which is disagreement between the applicant's assessor and the independent scrutineer. To summarise, the applicant's VA concludes that viability would be achievable, or be closer to being achievable, with a reduction in affordable housing provision – to c. 11.1% rather than the 30% required by policy. Notwithstanding this, the applicant is agreeable to affordable housing provision being as set out in the recommendation. The independent scrutineer concludes that viability can be achieved with a higher percentage of 26%, plus a review mechanism. The applicant's VA and the independent review report are attached as annexes 2 and 3 respectively.

The proposal remains EIA development. The circumstances of the site and the proposal have not changed meaning that the Environmental Statement which accompanied the application in 2018 remains relevant. Likewise, the extant Appropriate Assessment decision under the Habitat Regulations remains relevant.

## Planning Issues

The acceptability of the development as a matter of principle is established by the extant resolution to approve, subject to legal agreements being completed, from April 2018. Circumstances have not changed to lead to a different outcome on the principle. Likewise, all matters of detail also remain acceptable and unchanged.

Since the decision in 2018 much time and effort has been spent negotiating the terms of the legal agreements. Some matters have taken longer to resolve than was originally anticipated – notably those relating to the delivery of ecology mitigation and associated land transfers and management. The public funding care of the HIF funding stream has been able to accommodate the time taken. However, it remains subject to an end 'use by' date.

## Viability

On viability in general, the applicant has provided the viability assessment (VA) and addendums. It concludes that the development is not viable based on a fully policy compliant proposal; it sets out what it considers to be the break-even point of viability, factoring in the public funding. Key paragraphs from the applicant's VA and addendums, including the methodology used, follow –

### 4. VALUATION METHODOLOGY

4.1 *The Structure of my Residual Appraisals produces a Residual Land Value<sup>1</sup> (RLV) which is then compared with an adopted Benchmark Land Value<sup>2</sup>. If the RLV exceeds the Benchmark Land Value, a surplus is generated and the scheme can be deemed "Viable". However, if the RLV is less than the Benchmark Land Value, a deficit is produced and the scheme should be considered "Non-Viable".*

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<sup>1</sup> RLV is the value of the land that remains after any, and all, deductions associated with the cost of developing, maintaining or reselling the land.

<sup>2</sup> BLV is the value of a site in its existing use.

4.2. *The issue of what is deemed to be an appropriate Benchmark Land Value for inclusion within viability studies is at present a highly topical subject. Planning appeal decisions and government guidance dictate that one has to ignore the amount that is actually paid for a development site and instead adopt an appropriate Benchmark Land Value (BLV).*

And the conclusions from the VA (updated to take account of the withdrawn LEP funding and discussions with the independent scrutineer, and set out the VA Second Addendum), are as follows –

## 2. UPDATED CONCLUSIONS

2.1. *As can be seen from the below summary table, all other inputs remaining unchanged, the aforementioned amendments have had the effect of increasing the ‘break even’ level affordable housing from 8.8% to 11.1% (245 dwellings of which 145 are Affordable Rent and 100 are Shared Ownership):-*

Tab	Scenario	RLV	BLV	Surplus/ Deficit	Viable/ Non-Viable
1A	<b>30.0% Affordable</b> <i>Policy Position</i>	£20.504m	£44.762m	<b>-£24.258m</b>	<b>NON-VIABLE</b>
1B	<b>20.0% Affordable</b>	£31.903m	£44.762m	<b>-£12.859m</b>	<b>NON-VIABLE</b>
1C	<b>11.1% Affordable</b>	£44.824m	£44.762m	<b>£61,814</b>	<b>VIABLE</b>

Notwithstanding the VA's conclusion that break-even occurs at 11.1% affordable housing provision, the applicant is agreeable to providing the affordable housing in the terms set out in the recommendation – that is, a minimum of 20% affordable housing provision within the first 500 units, a minimum of 25% affordable housing provision within the next 500 units, and a minimum of 30% affordable housing provision within the remaining units, with no review mechanism.

The independent review of the applicant's VA comes to a different conclusion. The review concludes as follows –

### 21. Conclusions

*Following a response to my initial ‘stage reports’ dated 15 February 2021 and 26*

*March 2021, I have carried out a detailed revised analysis as set out in this report.*

*A good deal of the inputs into the financial viability modelling are agreed and have*

*been adopted in my assessment. The principle areas of divergence remain in regard to BLV, and finance calculation (including expenditure and income profiling).*

*As detailed in the viability assessment results outlined above, I am of the*

*opinion*

*that the scheme is not financially viable when contributing fully to planning policy*

*required s106, including 30% on-site affordable housing, comprising 395 units for*

*affordable rent, and 267 units as shared ownership. My analysis of a planning policy compliant scheme yields a residual land value in the region of £24, 438, 000, and therefore a significant deficit of circa £3, 957, 000 against a target BLV of £28, 395, 000.*

*In the light of this finding, I have sought to ascertain the level of s106 that could*

*in my opinion be supported by the proposed scheme. My conclusions are detailed in my appraisal summary attached at appendix B to this report. In my opinion, the scheme achieves a financial balance when contributing fully to financial s106 contributions, however with a lower on-site affordable housing contribution of 572*

*units, split as 340 for affordable rent, and 232 for shared ownership. This assessment assumes maintenance of your Authority's target split of unit types as*

*far as possible and amounts to a 26% proportion of the total housing provision in*

*the scheme against a planning policy requirement of 30%.*

The Independent assessor's recommendation includes the following statement -

*Given the financial viability conclusions as detailed in this report; should your Authority be minded to grant permission on the basis of a reduced s106 contribution, we would recommend that a review clause is inserted into any agreement to allow for staged reviews of viability during the life of the scheme. This would potentially allow further contributions up to a maximum of planning policy compliance should market conditions improve, and/or costs are mitigated.*

### National Planning Policy Framework & Guidance

In general, government guidance on viability advises that where up to date policies have set contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It continues that it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. In this case it is accepted that there are particular circumstances that justify a standalone VA – specifically, the unique infrastructure here in the form of the YWARR and the complex ecology protection measures.

Key statements from Planning Practice Guidance are as follows –

*How should site promoters engage in viability assessment in plan making?*

*Plan makers should engage with landowners, developers, and infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage.*

*It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks, and ensure that proposals for development are policy compliant. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies. It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.*

And ....

*How should viability be reviewed during the lifetime of a project?*

*Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.*

*Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.*

### The 'Planning Balance'

As is evident from the applicant's VA and the scrutiny review, there is a wide gap between the conclusions of the assessors. The applicant concludes that the break-even point is at c. 11.1% affordable housing provision whereas the independent scrutineer sees it at c. 26%. The applicant's is agreeable to providing 20% affordable housing provision in the first 500 units, 25% provision in the next 500 units, and 30% provision in all remaining units. Core Policy 43 (Providing Affordable Housing) normally expects at least 30% provision, although with an allowance for viability.

Ashton Park is the largest allocated site in the Wiltshire Core Strategy, anticipated to deliver c. 2,600 homes and c. 15 ha of employment land, and related essential infrastructure including schools, community hubs, open spaces and the improvements to the A350 c/o the YWARR. The applicant's planning application covers the larger part of the allocation – for up to 2,500 of the homes, all of the employment land, the schools (including a secondary school) and the A350 improvements. The A350 improvements will have wider strategic benefits beyond just Ashton Park; the schools, and notably the secondary school, will also have wider beneficial consequences – for example, helping to reduce cross-town traffic within Trowbridge. It follows that Ashton Park is a very important site, both in terms of the quantum of development it is planning to deliver and the knock-on benefits to the surrounding local and wider communities.

The delivery of Ashton Park is proving to be a slow process. Complex planning issues have delayed the planning permission, notably relating to ecology. The disagreement on viability is now adding further to the delays. The consequence of this is that the anticipated benefits of the development are not being realised. In the short term the delays put at risk the HIF funding which itself is intended to assist in addressing viability; and in the longer term the delays also



present potential issues for the supply of housing in the wider housing market area. These are important material considerations to be weighed in the planning balance.

With the above in mind – notably the stalemate situation reached in the viability assessments which is now further delaying the development – it is considered appropriate in this instance to agree to the different approach for the delivery of the affordable housing across the site (an approach which is not strictly in accordance with the Core Strategy’s affordable housing policy, but which will still deliver appropriate levels of affordable housing), this to expedite a planning permission. The applicant’s agreement to staged provision of the affordable housing at the percentages set out would still deliver c. 26% affordable housing overall, albeit with lower numbers in the earlier phases of the development. Accordingly, this is considered to be a reasonable and appropriate approach under the circumstances. No review mechanism would be used; instead the fixed, higher levels of affordable housing would be achieved in later phases of the development c/o the staged increases in fixed percentages (at 500 units, 1000 units, etc.).

In terms of the effects of this change, it would still deliver a minimum of 670 affordable houses in a 2,500 unit scheme across the overall site; as alluded to above, this equates to 26.8% provision which is around the viability level calculated by the independent assessor in any event. In addition, the HIF forward-funding would also be returned to Wiltshire Council, for its re-use for the delivery of further affordable housing.

The recommendation to the Committee is, therefore, to grant planning permission, subject to the requirement for affordable housing being changed to 20% provision in the first 500 units, 25% provision in the next 500 units, and 30% provision in all units thereafter.

In addition, in the event that the application does not now progress in a timely manner in terms of the completion of the S106 agreement, then the recommendation to the Committee is also that the application should - only in these circumstances - be refused planning permission by the Head of Planning Services using delegated powers, this in view of its failure to comply with local and national planning policy on matters relating to the delivery of essential infrastructure.

## **RECOMMENDATION –**

**Having taken into account the environmental information, the recommendation is to amend the April 2018 decision of this Planning Committee as follows –**

**That the Strategic Planning Committee authorises the Head of Development Management to ....**

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

1. an obligation under Section 106 of the Town and Country Planning Act 1990 between the applicant and Wiltshire Council requiring provision of the following:
  - minimum 20% affordable housing provision in the first 500 units; minimum 25% affordable housing provision in the next 500 units; and minimum 30% provision in all units thereafter;
  - Two new primary school sites of at least 1.8 ha each. Primary education financial contribution (of £9,509,390 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) completion of two schools;

- One new secondary school site of 5.24 ha. Secondary contribution (of £8,463,708 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers);
- ‘Early Years’ education contribution (of £3,863,313 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) or on-site provision;
- Health / dental care contribution of £1,108,500 (2015 figure, to be adjusted for indexation), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;
- Elements of open space (equipping/phasing/maintenance contributions/etc.);
- Ecological mitigation, to be set out in a Biodiversity Management Plan covering the management, mitigation, monitoring and enhancement of all habitats and species affected by the development during the pre-construction, construction and operational phases, both within the application boundary and on land owned by Wiltshire Wildlife Trust. To include –
  - Provision of, and/or provision of funding for, a Steering Group to oversee implementation of the Biodiversity Management Plan;
  - Provision of, and/or provision of funding for, visitor facility, and related land transfer arrangements;
  - Provision of ecology Green Infrastructure, related maintenance/long term management contributions, ecological monitoring including remedial works triggered by monitoring and related land transfer arrangements;
  - Provision of, and/or provision of funding for, full time wildlife warden, and mechanism for his/her perpetual funding;
  - Agreement that no public access will be allowed through the agricultural land identified for employment use other than to areas which have been developed for that purpose. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75% of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.
  - Financial contribution towards the cost of monitoring implementation and maintenance of mitigation, with bond or other means of security secured against non-delivery and/or non-maintenance of mitigation.
  - Provision for revision of the Green Lane and Biss Woods Management Plan to incorporate requirements arising from the Biodiversity Management Plan and the Habitats Regulations Assessment (including Appendix 2).
- Elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
  - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
  - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or in entirety, subject to the timescales set out by the HIF and LEP;
  - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or,

secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;

- Provision of travel plans for the separate land uses on the site;
  - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;
  - Implementation of all made legal orders relating to highways and transport issues associated with the site;
  - 'Contingency Plan' for planned diversion of public footpaths NBRA9 and NBRA11;
  - Design and provide a wayfinding scheme aligned to the phasing of the development;
  - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
  - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities contribution.
2. A legal agreement between Wiltshire Wildlife Trust and Wiltshire Council to achieve implementation and maintenance of ecology mitigation measures relevant to the Trust via a revised Management Plan for Green Lane and Biss Woods covering the following:
- To provide an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein's bats through maintenance of the structure and function of the habitats within the plan area;
  - To incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan;
  - To define the operating constraints for the ecological visitor centre and car parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein's bats;
  - To set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed;
  - To set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter;
  - To include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein's bat use;
  - To recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures;
  - To anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures.

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

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

**Or in the event that the S106 is not now completed in a timely manner and in the above terms, to authorise the Head of Planning Services to then - in these circumstances - REFUSE planning permission for the following reason –**

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

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

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

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

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

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

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

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

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

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

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

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

- (i) At least 13.6 ha of land for employment purposes (Class E ('Business' only), B2 and/or B8 uses);
- (ii) Two separate sites of at least 1.85 ha each and two separate 14-class primary schools thereon, and a single serviced site of at least 5.24 ha for a secondary school;
- (iii) Two separate sites of at least 1 ha and 0.2 ha respectively for two separate 'local centres'; in combination the local centres to provide suitable premises for a mix of convenience shops and small other shops, community facilities, 'early learning' facilities and 'food & drink' premises (Class E), 'drinking establishments' (Class A4) and 'hot food & takeaway' uses (Class A5);
- (iv) Sites for public open space to be sited, laid-out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6.35 ha of formal sports pitches with pavilion / changing rooms, at least 1.2 ha of 'designation play' area, at least 44.4 ha of major open space or country park (to include an Ecological Visitors Facility), at least 14.4 ha of natural and semi-natural open space including structural planting, and at least 0.9 ha of allotments;
- (v) An 'Ecology Visitors Facility'; and
- (vi) Up to 2,500 dwellings of which no more than 315 (including within the 'local centre') are to be provided on the north-east side of West Ashton Road.

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

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

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

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

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

[For the purposes of this condition 'infrastructure' is defined as the affordable housing, schools, local centres, open space, and ecology visitors centre; and the 'means of access' to the site including the entire Yarnbrook & West Ashton Relief Road and its related new roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2)].

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

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

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

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

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

(b) The implementation and completion of all of the above schemes as approved and continuing maintenance thereafter in accordance with the maintenance elements of the schemes.

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

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

(i) A scheme for a circular pedestrian footpath route which will be at least 3km in length and link the Green Lane Nature Park with the River Biss (with minimal use of roads). The scheme will include details of the footpath - its width, surfacing materials, fencing and signposting.

- (ii) a scheme for the laying out and equipping of the 'Biss River Corridor' and enhanced planting between Biss Woods and the River Biss and the Green Lane Nature Park Extension, to include landscaping, boundary treatments and provision for future maintenance, where relevant in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD);

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

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

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

- P480/100 Figure 6.5 Rev F (Yarnbrook & West Ashton Relief Road Sheet 1 of 4) dated 18/08/17
- P480/101 Figure 6.6 Rev G (Yarnbrook & West Ashton Relief Road Sheet 2 of 4) dated 18/08/17 (as amended through an email from Aspect Ecology (AB to LK) dated 2/3/18)
- P480/102 Figure 6.7 Rev F (Yarnbrook & West Ashton Relief Road Sheet 3 of 4) dated 28/07/17
- P480/103 Figure 6.8 Rev E (Yarnbrook & West Ashton Relief Road Sheet 4 of 4) dated 18/08/17
- P480/104 Rev D (Central Roundabout (R4) Access on West Ashton Road) dated 18/08/17
- P480/105 Rev E (Northern Site Accesses & Cycleway Provision) dated 08/09/17
- P480/106 Figure 6.4 Rev F (Yarnbrook & West Ashton Relief Road Overview) dated 18/08/17
- P480/107 Rev E (Northern Junctions & Cycleway Provision Overview) dated 08/09/17
- P480/108 Figure 6.9 Rev B (Typical Section H-H through Relief Road with Elevation of Culvert) dated 07/07/17
- P480/109 Rev C (West Ashton Road Northern Cycleway Improvements) dated 09/09/17
- P480/110 Figure 6.10 Rev E (Yarnbrook & West Ashton Relief Road. Possible Planting Along Existing A350) dated 18/08/17
- P480/111 Rev C (Typical Section Through Relief Road (Roundabout R1-R2)) dated 18/08/17
- P480/112 Rev F (Primary Highway Works Plan) dated 08/09/17
- P480/113 Rev C (Access Junctions Swept Paths) dated 18/08/17
- P480/26 Figure 6.11 Rev D (Yarnbrook & West Ashton Relief Road Indicative Bridge General Arrangement) dated 18/08/17
- P480/41 Figure 6.12 Rev D (Yarnbrook & West Ashton Relief Road Southern Access Bridge General Arrangement) dated 18/08/17
- P480/51 Figure 6.13 Rev A (Northern Access Bridge General Arrangement) dated 02/04/14
- P480/114 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P480/115 Rev B (Highway Long Sections Sheet 2 of 4) dated 07/07/17
- P480/116 (Highway Long Sections Sheet 3 of 4) dated 04/14

- P480/117 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P843/08 Rev A (Biss Wood Scout Camp Site Access Visibility) dated 02/01/18
- P480/118 (Yarnbrook and West Ashton Relief Road. Minor amendment to R1 to access Paddock) dated 25/01/18

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

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

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

- Green Infrastructure and Biodiversity Strategy (September 2017);
- ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;
- ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.

The details themselves shall include where relevant the following:

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape and ecology features.

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

- location and current canopy spread of all existing trees and hedgerows on the land;



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

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

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

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

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

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

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

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

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

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

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

12 Where a particular Phase or sub Phase of the development includes a play area(s), before 50% of the dwellings in that Phase or sub Phase are first occupied (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:

- a) The submission to the local planning authority for approval in writing of a scheme for the laying out and equipping of the play area(s), to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment; and
- b) The laying out and equipping of the play area in accordance with the approved scheme.

REASON: To ensure that the play areas are provided in a timely manner in the interests of the amenity of future residents.

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

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

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

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

REASON: In the interests of highway safety.

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

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

- 16 No development shall commence within any particular Phase or sub Phase of the application site until:

- (a) A written programme of archaeological investigation for the Phase, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contains insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

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

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

- 18 The application is supported by evidence which demonstrates that the potential for significant concentrations of contaminants to be present within the application site is low. However -

- (a) If, during any Phase or sub Phase of the development, any evidence of historic contamination or likely contamination is found, the developer shall immediately cease work within the Phase or Sub Phase and contact the Local Planning Authority in writing to identify what additional site investigation may be necessary; and -
- (b) In the event of unexpected contamination being identified, all development within the relevant Phase or sub Phase of development shall cease until such time as an investigation has been carried out and a written report submitted to and

approved in writing by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

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

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

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

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

- 20 Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way NBRA9 and/or NBRA11 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:

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

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

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

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

- 21 Prior to first occupation of the first 150 houses on the development hereby approved, a Public Art Strategy shall be submitted to the local planning authority for approval in writing. The Strategy shall set out how public art will be provided as part of the development, and a programme for this. Thereafter the development shall be carried out in accordance with the approved Strategy and programme.

REASON: To achieve a high quality living environment in the interests of amenity, and to accord with policies CP3 and CP57 of the Wiltshire Core Strategy.

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

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Public Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Construction traffic routing details.
- Ecology mitigation measures to cover -
  - protection of retained habitats;
  - creation of new habitats including provision of bat boxes;
  - management and monitoring of created and retained habitats (until taken over by management company or WWT);
  - precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation;
  - monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs, habitat structure / composition of woodland in Biss and Green Lane Woods, bat use of underpasses);

- testing and adjusting lighting, in accordance with monitoring results';
  - compliance procedures.
- And with particular regard to the Yarnbrook & West Ashton Relief Road the following specific ecology mitigation information -
    - Long and cross sections for each underpass based on site surveyed; measurements showing the relative positions of hedgerows, existing ground levels, earthworks and underpass;
    - The timetable of works required to complete the culvert works having regard to seasonal ecological and planting constraints;
    - The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.
    - A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new planting.

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

A report prepared by the Ecological Clerk of Works certifying that the required ecology mitigation and/or compensation measures identified in the CEMP(s) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the first planting season following this, whichever is the sooner. Any approved remedial works shall then be carried out under the strict supervision of a professional ecologist following that approval.

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

23 A Landscape and Ecological Management Plan (LEMP), or individual Plans, (LEMPs) for the 'River Biss Corridor', the '100m buffer' between Biss Woods and the employment land, the 'Green Lane Nature Park Extension', the 'Attenuation pond ... creating barrier to pedestrian access', other barriers to control access to Biss Woods, dark corridors through the mixed use development, and the Yarnbrook & West Ashton Relief Road shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the relevant element of the development to which the LEMP or LEMPS applies. The content of the LEMP(s) shall include the following information:

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

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

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

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

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

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

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

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

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

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

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

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

Where lighting is proposed in ecologically sensitive areas (such as the 'dark corridors' for bats) the lighting details and related scheme shall ensure minimum impact on the ecological interests of these areas and accord with:

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

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

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

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

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

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

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

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



environmentally acceptable manner and proposals for the transport of waste created during the development process.

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

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

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

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

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

REASON: In the interests of safeguarding other ecological interests.

- 32 With the exception of the Yarnbrook and West Ashton Relief Road, no development in any Phase or Sub Phase of the development hereby approved shall commence until a scheme for water efficiency relevant to all the buildings within the Phase or Sub Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter no building within the Phase or Sub Phase shall be first occupied until the water efficiency measures relevant to the building have been installed and are operational in accordance with the approved scheme.

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

INFORMATIVE: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

- 33 With the exception of the Yarnbrook and West Ashton Relief Road, no development hereby approved shall commence until a scheme setting out a strategy for the control / removal of Himalayan balsam has been submitted to and approved in

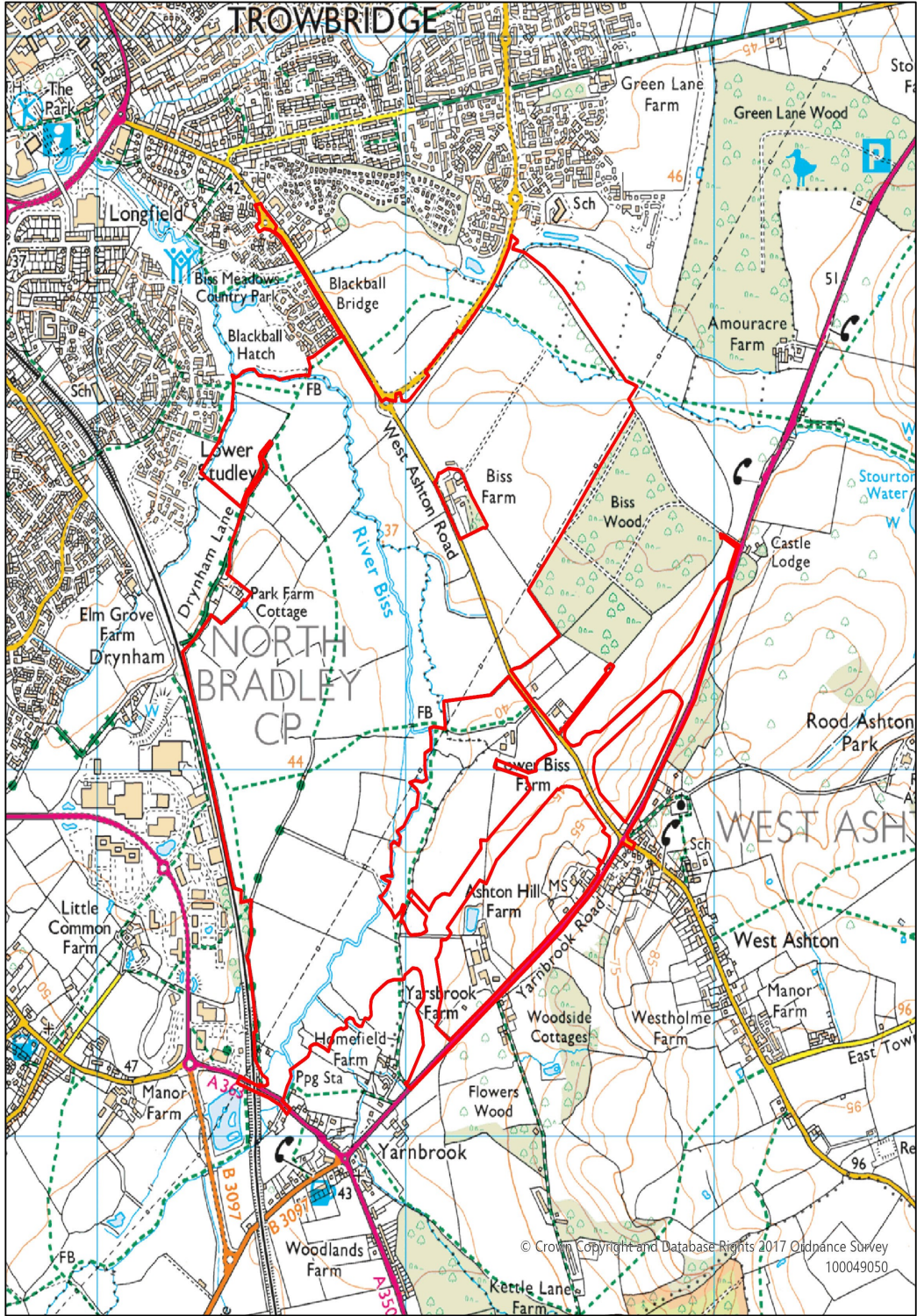
writing by the local planning authority. The scheme shall include a programme for the implementation of the strategy. The strategy shall be implemented in accordance with the approved scheme and programme.

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

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**INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).



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