

# AGENDA

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**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 22 March 2023

**Time:** 10.30 am

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

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

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

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

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## **Public Participation**

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

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

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

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 64*)

To approve and sign as a correct record the minutes of the meetings held on 22 February 2023 and 2 March 2023.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

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

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

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

### **Questions**

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

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

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

6 **Planning Appeals and Updates** (*Pages 65 - 66*)

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/2022/03315 - Land off Melksham Road, Holt** (*Pages 67 - 94*)

Outline planning application for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access.

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

## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 22 FEBRUARY 2023 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Stewart Palmen (Substitute)

#### **Also Present:**

Cllr Nick Botterill, Cllr Tony Jackson, Cllr Antonio Piazza, Cllr Horace Prickett and Cllr David Vigar

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#### 11 **Apologies**

Apologies for absence were received from Councillor Sarah Gibson, who was substituted by Councillor Stewart Palmen.

#### 12 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 January 2023 were presented for consideration, and it was,

#### **Resolved:**

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

Councillor Adrian Foster requested that additional training on the Housing Land Supply (HLS) and National Planning Policy Framework (NPPF) be provided to councillors. Andrew Guest (Head of Development Management) responded that they would organise training to align with a relevant planning application in the near future.

#### 13 **Declarations of Interest**

Councillor Stewart Palmen declared an interest concerning item 7b, as he was a trustee of St. James' Trust, who owned the land. He was advised that he should leave the room for the debate and vote on the item in question, due to the nature of this Other Registerable Interest.

#### 14 **Chairman's Announcements**

The Chairman announced the [appeal for the Westbury Incinerator](#) had been allowed the previous day.

15 **Public Participation**

The Chairman noted the rules for public participation.

16 **Planning Appeals and Updates**

The Chairman noted that an appeals report was included with the agenda.

Revisiting the appeal for the Westbury Incinerator application, Members sought detail as to the costs involved. The officer advised that there were partial costs, but the specific figure was uncertain. Officers were digesting the lengthy report on this and could provide an update at a future meeting.

17 **Planning Applications**

The following planning applications were considered.

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

**Public Participation**

Graham Hill spoke in objection to the application.

Steve Wylie spoke in objection to the application.

Peter Mills spoke in objection to the application.

Darren Parker (agent) spoke in support of the application.

Lance Allen of Trowbridge Town Council spoke in support of the application.

Andrew Guest (Head of Development Management) outlined the late representations received which had been circulated to the Committee. Councillor Sarah Gibson had sent a representation pertaining to items 7a, 7b and 7c, and this was read to the meeting. Councillor Gibson questioned the urgency for housing provision in the area, and raised the matter of a potential archaeological issue, stating that a pre-consent investigation may be needed. She also posited that the application was a breach of Section 194 of the NPPF and various core policies, disagreed that the three sites did not warrant an overarching masterplan and questioned the secondary school provision. In response, the officer explained that these sites, as WHSAP allocated sites, were factored into the housing delivery figures and there would be a detrimental impact if they were not considered as predicted trajectories of housing delivery could be affected.

The Campaign to Protect Rural England (CPRE), had sent a representation relating to item 7c regarding archaeology on site and a possible Roman Villa that may be present.

Mr Francis Moreland had sent a representation relating to item 7d. This would be dealt with under that item.

The officer then presented the report on item 7a, which recommended that the Head of Development Management be authorised to grant planning permission, subject to the completion of a planning obligation / Section 106 agreement as detailed in the agenda pack for application 18/10035/OUT, Land South of Church Lane, Upper Studley, Trowbridge (H2.4) for the outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).

The officer explained that this was the first of three applications for sites in the vicinity which were all adopted in the Wiltshire Housing Sites Allocations Plan (WHSAP). All three of the applications had a specific policy under the WHSAP. A number of representations had expressed concern that they should be master planned or considered as one. This was not the opinion of officers, who felt that they should all be addressed separately and did not require a single masterplan. The Committee report and planning inspector for the WHSAP had explained this. However, schemes coming forward should have regard to other proposals in the development pipeline to ensure that they were not mutually exclusive or prejudicial to each other. Each application had its own masterplan and was supported by its own suite of surveys and reports. Cumulative impact assessments were undertaken where necessary, such as for Highways or Ecology.

The officer ran through the presentation slides for the cumulative aspects and for item 7a as published in agenda supplement 2.

The officer explained that bat mitigation plans were in place and that there would be a biodiversity net gain due to off-site biodiversity provision. 17 of the 55 dwellings were to be affordable housing, and the application would be supported by financial contributions towards education, highways improvements, pedestrian and cycle links, public art and waste management.

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

It was clarified that the percentage of social housing was 33%. Members queried the current figure for the Council's 5-year HLS. The officer quoted a figure of 4.7 years' supply. He explained that this site's trajectory was expected to supply 45 units between 2026-2028, the Upper Studley site to supply all 55 units between 2023-2026, and the Southwick court site 80 units between 2026-2028. It was explained that if these sites were not granted permission, then this may affect the 5 year HLS figure when it was reassessed in April. Although the figures would remain in the calculation as they were allocated sites, delivery would be delayed which could affect the figure. The officer clarified that some of the houses being discussed, specifically in Southwick Court, would take longer to deliver which is why he had not mentioned them in the figures quoted above.

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

Councillor David Vigar, the local division Member for Trowbridge Grove, spoke in objection of the application. He raised the issue of the cumulative aspect of the sites, drainage issues, the impact on highways, the environment, and on education. Councillor Vigar also asserted that the Bat Mitigation Strategy had not been fulfilled, and that current figures did not suggest a consistent demand for housing supply.

The officer responded that the cumulative impact on highways had been considered and been deemed acceptable by Highways Officers, and that the Conservation Officer suggested that the impact on heritage need not be considered cumulatively, likewise with drainage.

Councillor Tony Trotman proposed a motion that the committee approve the application as per the recommendation which was seconded by the Chairman.

Issues raised during debate included the shape of the site, where a section of land not included. The officer explained that it was likely because that land was under different ownership. Concerns were raised that the sites should be considered as one, but the officer asserted that the application must be considered on its own and that the application stood up to scrutiny. Final details regarding the bat corridor would be set in the reserve matters application, but it would need to comply with the WHSAP policy.

Members expressed sympathy with objectors, however some expressed support on the basis that the inspectors have approved the site allocation and Trowbridge Town Council supported it. Others expressed a desire for deferral until a cumulative impact assessment had been wholly undertaken, especially regarding possible flooding. Some felt that the flooding assessments did not align with anecdotal evidence but expressed an inclination to trust the officers that the mitigation strategies were satisfactory.

At the conclusion of the debate, the motion went to the vote and it was;

**Resolved:**

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

**S106 matters –**

- **Affordable housing – at 30%**
- **Education – Requirement to be confirmed at reserved matters. Based upon up to 55 homes as follows:**
  - **£122,654 for early years,**
  - **£300,128 for primary and**
  - **£252,340 for secondary.**



- The formulae for re-calculations at Reserved Matters are as per the Education S106 Methodology.
  - All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.
  - The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
  - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
  - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- **Open space – to be confirmed at Reserved Matters stage based upon:**
    - 1 dwelling = 34.93m<sup>2</sup> public open space and 1.77m<sup>2</sup> equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
    - If, once calculated, the requirement does not meet the minimum for a LEAP (400m<sup>2</sup>) that Trim Trails are proposed instead of a LAP (100m<sup>2</sup>) if required.
    - A sports contribution calculated at £236.00 per dwelling is required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrook Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.
  - **Ecology**
    - £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.
    - Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.
    - Provision and management of off-site Biodiversity Provision into perpetuity.

Off-site Biodiversity Provision must be described as Floodplain wetland mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS

Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

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

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

- **Highways - £40,949 for sustainable transport as follows:**
  - **A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.**
  - **Bus stop shelter – Whiterow Park - £12,571**
  - **Church Lane works – pedestrian/cycle improvements - £10,000**
  - **Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)**
  - **Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)**
  
- **Waste - £5,005**
  
- **Arts contribution is 55 x £300 = £16,500:**

## **CONDITIONS**

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

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

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

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

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

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

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

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

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

**REASON:** To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the

development has made necessary, in accordance with the overall proposal and good planning in general.

5. The development hereby permitted shall make provision for the following –
  - (i) Up to 55 dwellings
  - (ii) At least 3.12 ha of public open space, including the Ecology Corridor and the Lambrok Stream Ecology Corridor

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the "Concept Masterplan' (JPW1108-004 Rev C) dated Mar 2022, the 'Parameter Plan' (JPW1108-003 Rev K) dated Jan 2022, the 'Parameter Plan Notes' (JPW1108-003 Rev I 210930), the 'Habitat Creation and Management Plan' (JPW1108-005) dated Jan 2022, the 'Conceptual Drainage Strategy' (DO1 Rev A) dated 29/09/2021, the 'Pond Cross Sections' (DO2 Rev A) dated 29/09/2021, and the Design and Access Statement dated 17/10/2018.

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

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

**REASON:** To clarify the terms of the planning permission.

7. Prior to the commencement of development details of a Surface Water Mitigation Scheme in accordance with the principles set out in the Flood Risk Assessment (RPS for Parry-Land off Church Lane, Upper Studley, Trowbridge, BA14 0HS, October 2018, Ref: RCEF65635-002R and RPS, RE: EA'S response to FRA supporting planning application Land South of Church Lane, Upper Studley, Trowbridge, Ref:RCEF65635-0035L, 4 July 2019) shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the location and size of the proposed attenuation pond, with allowable discharge rate set at 4.9 l/s. Any requirements for compensatory storage must also be specified. The development shall be carried out in accordance with the Flood Risk Assessment and the approved Surface Water Mitigation Scheme, and in addition there shall be –
  - no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change; and
  - The mitigation measures specified in the FRA and the Surface Water Mitigation Scheme shall be fully implemented

prior to any first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the Surface Water Mitigation Scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

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

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

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles

- the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
- A Traffic Management Plan (including signage drawing(s))
  - Routing Plan
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

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

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

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

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

**INFORMATIVE**

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

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

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

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

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

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

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

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

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

The LEMP will include:

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

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

**REASON:** To ensure the long-term management of landscape and ecological features retained and created by the development, for



the benefit of visual amenity and biodiversity for the lifetime of the scheme.

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

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

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

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

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

17. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will

be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

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

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

19 **20/09659/FUL - Land off Frome Road, Upper Studley, Trowbridge (H2.5)**

Public Participation

Graham Hill spoke in objection to the application.

Norman Swanney spoke in objection to the application.

Andrew Stone spoke in objection to the application.

Tom Sheppard (agent) spoke in support of the application.

Richard Westwood (St. James' Trust) spoke in support of the application.

Lance Allan (Trowbridge Town Council) spoke in objection to the application.

*Councillor Palmen left the meeting for this item due to the interest which he had declared earlier.*

Ruaridh O'Donoghue (Senior Planning Officer) presented a report which recommended that the Head of Development Management be authorised to grant planning permission, subject to first completion of a planning obligation / Section 106 agreement and subject also to the planning conditions listed within the report and in supplement 1 (which contained some corrections to the conditions) for application 20/09659/FUL, Land off Frome Road, Upper Studley, Trowbridge (H2.5), for the erection of 50 dwellings and associated access and landscaping works.

The officer mentioned that the applicants were keen for the Committee to acknowledge their commitment to providing all 50 homes as net zero carbon, however this was not something that the planning authority were presently able to control so was not reflected within the planning balance.

The officer went on to explain how the site in question was currently surrounded by existing residential developments to the north and east, Frome Road and Southwick Country Park to the west, and Lambrok Stream to the south. The site was comprised of open agricultural land most recently used as a small holding. Heritage assets near to the site were detailed. The officer explained that this was a full matters application and that 30% of the scheme would be affordable housing.

The officer took the Committee through the presentation slides for the application as published in agenda supplement 2. These included layout; ecology mitigation; the landscape masterplan; elevations; street scenes and access.

The application complied with relevant policies and with the H2.5 WHSAP masterplan. Consultees had raised no objections, and the Highways Officer supported the scheme subject to a financial contribution to the Trowbridge Transport Plan.

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

In response to questions on affordable housing, it was explained that housing associations preferred the affordable housing to be grouped together and that the Housing Enablement team would have looked at what the most sought-after type of housing was, which was what would be included in the affordable housing element of the proposal.

Members queried whether it would be possible to add a pedestrian crossing on Frome Road for this site and whether a secondary access was required. Officers explained that the site was not big enough to warrant an emergency secondary access and that a pedestrian crossing had been considered by the Highways team for site H2.6, but that there was only demand for a refuge island. The team had considered the applications cumulatively. There was funding allocated from this application to the Trowbridge Transport Plan which could involve a pedestrian crossing, however it may not be possible. The main draw from the site was Trowbridge, however there was also a need to access the country park. Members asked for advice as to whether a condition or informative could be added requiring that there be a pedestrian crossing. Officers felt that it was best that this be dealt with via the proposed funding contribution, but that an informative could be added.

Members went on to enquire about who owned Lambrok Stream, which ran along the South of the site. The planning officer stated that he was not sure but usually the landowners bordering a stream would part own it. Any alterations to the stream would be governed by the Environment Agency.

Members queried whether pavements were proposed. The officer confirmed there would be pavements, although there would be a small strip with no pavement, as it was not possible to provide the full 2-metre-wide pavement in all places.

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

The unitary division Member, Councillor David Vigar (Trowbridge Grove) spoke in objection to the application, pointing to potential problems caused to the amenity of occupants, schools and transport. He was also concerned regarding the offsite biodiversity provision. He suggested that the cumulative impact of the previous application, combined with this one, was already beginning to show.

The officer responded to the public participation and local Member comments. He asserted there was a difference of opinion concerning the WHSAP policy between officers and residents, which was a matter for the Committee to consider. Affordable housing was addressed at each site on an individual basis. Consultees had no objections (subject to conditions). Unlike the previous application, this was a full application, not an outline, so the agreed 30-metre buffer for bats would be expected. He further explained that there was no detrimental impact to reasonable conditions of existing occupants and that under planning policy there was no right to a view. The money being provided to address the loss of biodiversity on site was explained. It would be used to purchase land elsewhere and manage it for 80 years to provide biodiversity. The bat-project officer would oversee that site.

Councillor Tony Trotman proposed a motion that the committee approve the application as per the officer recommendation, with an informative that the officers seek to utilise the Section 106 funds to install a safe crossing for pedestrians on Frome Road. The final wording of the informative would be delegated to officers. This was seconded by the Chairman.

Members then debated the motion. Members discussed in detail the off-site biodiversity provision and the officer further explained how that process worked. He also confirmed that the land would be within the yellow zone defined in the Trowbridge Bat Mitigation Strategy, so the biodiversity the site provided would be in the local area.

At the conclusion of the debate, it was,

**Resolved:**

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

**S106 matters –**

- **Affordable housing – 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.**
- **Education –**
  - **Early Years Contribution – 7 places totalling [£122,654] with timing of payment of contribution TBA [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
  - **Primary Education Contribution – 14 places totalling [£262,612] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
  - **Secondary Education Contribution – 10 places totalling [£229,400] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
    - **All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.**
    - **The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.**
    - **Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.**
    - **A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.**
- **Open space – A leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground.**
- **Biodiversity - Biodiversity Contribution towards Trowbridge Bat Mitigation Strategy – £777.62 x 50 = £38,881.**

**Off-site biodiversity to include planting on local receptor site to deliver off-site biodiversity net gain. Details of scheme planting and subsequent maintenance regime to be agreed by the Council prior to first occupation of the development.  
£232,537 BNG contribution.**

- **Highways -**

- A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
- Bus stop shelter – White Row Park - £11,429
- Waste Collection Services- £5,050
- Public Art Provision - £15,000 based on £300/dwelling.

## CONDITIONS

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

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

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

### Design and Planning:

- 721\_B\_Design and Access Statement\_A3
- 721-01\_\_Location Plan\_A3
- 721-06\_C\_Planning Layout\_A2
- 721-07\_B\_Building Height Key Plan\_A2
- 721-08\_B\_Affordable Housing Key Plan\_A2
- 721-09\_A\_Boundaries & Enclosures Key Plan\_A2
- 721-10\_B\_External Material Finishes Key Plan\_A2
- 721-11-01\_B\_Site Sections\_A1
- 721-11-02\_A\_Site Sections\_A1
- 721-12\_B\_Street Scene\_A0
- 721-100\_B\_External Materials Schedule\_A3

### House Types/ Garages:

- 721-30-01\_\_AT2 & CR3\_A3
- 721-30-02\_\_AT2 & CR3\_A3
- 721-30-03\_\_AT2 & CR3\_A3
- 721-31-01\_\_SP2\_A3
- 721-31-02\_\_SP2\_A3
- 721-32-01\_\_HN3\_A3
- 721-32-02\_\_HN3\_A3
- 721-33-01\_\_HO3\_A3
- 721-33-02\_\_HO3\_A3
- 721-33-03\_\_HO3 DA\_A3
- 721-33-04\_\_HO3 DA\_A3
- 721-34-01\_\_CR3\_A3
- 721-34-02\_\_CR3\_A3

- 721-35-01\_\_TH3\_A3
- 721-35-02\_\_TH3\_A3
- 721-36-01\_\_HA4\_A3
- 721-36-02\_\_HA4\_A3
- 721-37-01\_\_SH4\_A3
- 721-37-02\_\_SH4\_A3
- 721-38-01\_\_PB4\_A3
- 721-38-02\_\_PB4\_A3
- 721-39-01\_A\_1B2P 50 & 2B3P 61 & 4B6P 108\_A3
- 721-39-02\_A\_1B2P 50 & 2B3P 61 & 4B6P 108\_A3
- 721-40-01\_A\_1B2P 50 & 2B3P 61\_A3
- 721-40-02\_A\_1B2P 50 & 2B3P 61\_A3
- 721-41-01\_A\_2B4P 68\_A3
- 721-41-02\_A\_2B4P 68\_A3
- 721-42-01\_\_3B5P 83\_A3
- 721-42-02\_\_3B5P 83\_A3
- 721-43-01\_A\_Garages\_A3
- 721-43-02\_A\_Garages\_A3

**Engineering:**

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long.Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)
- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)

- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1\_500)

**Supporting Information:**

**Landscape -**

- 721\_\_Landscape Visual Appraisal\_A4
- 161-801\_E Illustrative Landscape Plan
- 161-ID-G101\_F Landscape Strategy
- 161-001\_M Landscape Plan
- 161-201\_G Planting Plan 1 of 3
- 161-202\_G Planting Plan 1 of 3
- 161-203\_G Planting Plan 1 of 3
- 161-401 Trees in soft under 20cm girth
- 721\_B\_Landscape Planting Schedules\_A1
- 721\_A Landscape Management Plan\_A1
- 721\_\_Landscape Cumulative Impact Assessment\_A4
- 161-TECH NOTE-001\_Landscape Cumulative\_v2
- 161-804\_C Coordinated Strategy Masterplan
- 161-805\_C Coordinated Strategy Supporting Diagrams

**Arboriculture -**

- 721\_\_AIA+AMS+TPP\_A4 (Arboricultural Implications Assessment/ Arboricultural Method Statement/ Tree Protection Plan) (July 2022)

**Urban Design -**

- 721\_\_Building for a Healthy Life Assesment\_A4

**Ecology -**

- 721\_\_Extended Phase 1 Ecological Survey Report\_A4
- EMP (Ecological Mitigation Plan) (May 2022)
- CEMP\_Biodiversity\_Upper Studley\_v6.0 (Construction Ecological Management Plan)
- EclA\_Upper Studley\_v6.0 (Ecological Impact Assessment)
- LEMP\_Upper Studley\_v6.0 (Landscape Ecological Management Plan)
- Upper Studley\_Defra Metric v2.0 (February 2022)



- Upper Studley\_Defra Metric v2.0\_No Offsite (February 2022)
- HRA\_Upper Studley\_v1.0
- Masterplan\_Ecology\_H2.4-H2.5-H2.6\_v4.0 (May 2022)
- 721-16\_\_The Grove Illustrative Landscape Enhancements\_A3

**Lighting -**

- 721\_\_Lighting Impact Assessment\_A4 (February 2022)
- 721\_\_Street Lighting Calculation MF0.87
- 721\_\_Street Lighting Calculation MF1
- 721\_\_Street Lighting Strategy Summary MF0.87
- 721\_\_Street Lighting Strategy Summary MF1

**Drainage -**

- SRT-BWB-EWE-XX-RP-EN-0001\_S2\_P2.0\_FRA (Flood Risk Assessment)
- SRT-BWB-EWE-XX-RP-EN-0002\_HMSN\_S2\_P1.00 (Hydraulic Modelling Summary Note)
- SRT-BWB-HDG-XX-RP-CD-0001\_S2\_P1.0\_SDS (Sustainable Drainage Statement)
- CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)

**Archaeology -**

- Historic Environment Desk Based Assessment\_A4
- Heritage Cumulative Impact Assessment\_A4
- Written Scheme of Investigation\_A4 (June 2022)
- Archaeological Evaluation Summary

**Acoustic -**

- M2201 Frome Road R01b - Noise Assessment

**Highways -**

- 721\_\_Transport Statement\_A4 (February 2022)

**Planning -**

- 721\_\_Planning Statement\_A4
- 721\_\_Application Form\_A4
- 721\_\_CIL Form 1 - Additional Information\_A4
- 721\_\_Notice Served\_A4

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

- 3** The development hereby approved shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of the following relevant measures:
- An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - A description of management responsibilities;
  - A description of the construction programme;
  - Site working hours and a named person for residents to contact;

- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
  - A Traffic Management Plan (including signage drawing(s))
  - Routing Plan
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.

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

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

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

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

- 4** Notwithstanding the submitted details, no development shall take place on-site until details of the estate roads, footways, footpaths (including surfacing of public footpaths), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved by the Local Planning Authority. The development of a phase shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

**REASON:** To ensure that the site highway and transport infrastructure is constructed in a satisfactory manner.

- 5** No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

**REASON:** This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

- 6** The development shall be implemented in accordance with the foul drainage detailed design in accordance with the Drainage Strategy Rev D received on 17th June 2022 and associated list of drawings (below) received 2nd December 2022. No dwelling shall be first occupied until the associated approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2
- 721-142-3 Rev D Drainage and Levels - Sheet 3

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

- 7 The development shall be carried out in accordance with the submitted flood risk assessment, dated December 2017 (ref: SRT-BWB-EWE-XX-RP-EN-0001\_FRA, version P2) and the mitigation measures it details, including ground floor finished floor are set at 41.03m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

**REASON:** To reduce the risk of flooding to the proposed development and future occupants.

- 8 The soft and hard landscaping for the development shall be implemented in accordance with Landscape Plan 161-001-M and Planting Plans 161-201-G & 161-202-G & 161-203-G received on 27th May 2022.

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

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

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

- 10 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protection measures outlined in Appendix 2 of the Arboricultural Implications Assessment and Tree Protection Method Statement by Tree Maintenance Limited and dated August 2020 have been erected in accordance with the approved details.

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

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

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

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

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

**REASON:** To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

- 11 Natural play areas for the development shall be implemented in accordance with Landscape Plan 161-001-M and 161-ID-G101\_F Landscape Strategy received on 27th May 2022.

**REASON:** To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 12 Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** to demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

- 13 The development will be carried out in strict accordance with the following documents:
- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).
  - Lighting Impact Assessment. (Illume Design, 22/02/2022).
  - Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
  - Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).
  - Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).

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

- 14 The development shall be implemented in accordance with the site-specific CEMP\_Biodiversity\_Upper Studley\_v6.0 (Construction Environmental Management Plan) received on 27th May 2022. All approved features noted on the plan at Pages 29 & 30 shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. An ECoW will be appointed.

**REASON:** to protect protected species and existing retained habitat for the duration of the construction process and to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

- 15 The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- 16 The development shall be implemented in accordance with the external lighting details contained within 721\_\_Lighting Impact Assessment\_A4 received 17th March 2022 and 721\_\_Street Lighting Strategy MF0.87 & 721\_\_Street Lighting Strategy MF1 received 30th October 2020. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

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

**Mitigation Strategy.**

- 17** On completion of the required remedial works specified in Chapter 7.6 of the Geo-Environmental Report submitted as part of the application, the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

- 18** Prior to first occupation all works shall be completed in accordance with approved drawing 18048-GA01. Illustrated visibility splays serving each access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

**REASON:** In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61..

- 19** Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall be submitted to and approved by the Local Planning Authority. The details shall include footway/cycleway infrastructure that maximises the width of appropriate surfacing available within Highway extents, with an absolute minimum of 2m and wherever possible complying with LTN 1/20. Where an absolute minimum of 2m width cannot be achieved a scheme of mitigation shall be provided that may include pedestrian crossing facilities of Frome Road and or carriageway narrowing or realignment. Prior to first occupation of the development, the footway and associated works shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

**REASON:** To provide safe and convenient access to surrounding settlement in the interests of highway safety and Core Strategy Policy 61 and 62.

- 20** The footpath and cycle provisions shall be implemented in accordance with drawings 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2, and 721-141-3 Rev E External Works Layout - Sheet 3 all received on 2nd December 2022. The approved details shall be maintained as such in perpetuity.

**REASON:** In pursuit of sustainable transport objectives.

- 21** No dwelling shall be occupied until the parking space(s) together with the access thereto (including from the Frome Road), have been

provided in accordance with the approved plans. They shall be maintained as such in perpetuity.

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

- 22** Prior to occupation, each dwelling shall have their boundary details implemented in accordance with 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2 & 721-141-3 Rev E External Works Layout - Sheet 3 received on 2nd December 2022 and 721-151 Rev A - External Works Details - Walls, Fences and Railings received 27th May 2022. The approved boundary conditions shall be retained and maintained as such at all times thereafter.

**REASON:** To prevent loss of privacy to new properties and overlooking from existing properties on Spring Meadows, which are elevated above the site.

- 23** Prior to occupation, each dwelling shall have their waste collection details implemented in accordance with the list of drawings (below) received 2nd December 2022. The approved details shall be maintained as such in perpetuity.

List of drawings;

- 721-141-1 Rev E External Works Layout - Sheet 1
- 721-141-2 Rev E External Works Layout - Sheet 2
- 721-141-3 Rev E External Works Layout - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

**REASON:** To ensure that waste collections will function in accordance with the requirements of policies CP3 and WCS6.

- 24** No burning of waste or other materials shall take place on the development site during the construction phase of the development.

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

**INFORMATIVE:**

The S106 financial contributions for 'Highways' are to be used for projects relating to the Trowbridge Transport Strategy, and specifically to improve pedestrian and cycling infrastructure along the Frome Road corridor. In this regard priority is for the contributions to be used to provide a formal pedestrian/cyclist crossing place over the Frome Road in a suitable position which is as close to the red line boundary of the application site as possible, if this is feasible.



*The meeting was adjourned from 13:20 - 13:35 for a short break.*

*Councillor Palmen re-joined the meeting at 13:35.*

20 **20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge, Wilts (H2.6)**

Public Participation

Graham Hill spoke in objection to the application.

Simon Tesler spoke in objection to the application.

Geoff Whiffen spoke in objection to the application.

Nick Matthews (agent) spoke in support of the application.

Lance Allan (Trowbridge Town Council) spoke in objection of the application.

Ruaridh O'Donoghue (Senior Planning Officer) presented a report which recommended that the Head of Development Management be authorised to grant planning permission, subject to first completion a planning obligation / Section 106 agreement and subject also to the planning conditions listed within the report, for application 20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge, Wilts (H2.6). Which was for outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.

The officer highlighted some corrections as follows:

In Section 3 (site description and location) it stated that, in archaeological terms, the site appears to represent water meadows from the post medieval period.

The officer clarified that it was only land to the west of the Lambrok where historic water meadows may have been present i.e., not where the housing development was going.

In section 9.6, the final paragraph on page 194 of the agenda pack concluded on the heritage balance by stating that the substantial public benefits outweigh the harm to heritage assets. It should be noted that great weight was to be given to the less than substantial harm identified. As written in the report it reads as though this is an even balance however, the 'great weight' means it is a tilted balance in favour of conserving the asset.

In section 11 on page 207, the planning balance appears to solely rely on paragraph 11d of the NPPF. However, requested it was recorded that it should also state that the proposal complies with the development plan as a whole, as per the requirements of s38(6) of the Planning and Compulsory Purchase Act 2004.

Condition. No. 6 should be deleted as it was recommended by officers that the decision not be issued until trial trenching occurred.

The officer then proceeded to detail the application which concerned 18.8 acres in Southwick Parish as part of an outline application. There were several Rights of Way (RoW) running across the land which would remain. The land was classified as grade 3 agricultural land. Southwick Court Farmhouse was located adjacent to the site and was Listed at grade II\* along with its gatehouse and bridge over moat. The site lay within the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy.

The officer took the meeting through the slides for the application as published in supplement 2. These included photographs of the site, the indicative layout, green infrastructure plan, lighting parameters plan, site access and emergency access.

The application met with core policies and subject to conditions, there would be no increased flood risk. He concluded by saying that as no significant harm had been identified which outweighed the benefits of the application, he recommended approval.

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

Details were sought on the viability of alternative access to the site, the officer explained that it had been considered but the residential road identified was not deemed suitable and access from the north was not viable because of conflicting land ownership.

Councillors sought further detail on the archaeological, flooding, landscaping, and bridge-building elements of the application, with many expressing discomfort with the lack of information at their disposal concerning these important factors.

Members queried whether another informative would be appropriate to ensure a controlled pedestrian crossing, to which the Highways Officer responded that there was a condition relating to the design of the access road that could be amended to include a full assessment of a possible pedestrian crossing.

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

Councillor Horace Prickett, local Division Member (Southwick) spoke in objection of the application. Councillor Prickett expressed concern over the lack of information regarding the archaeological details of the site.

Councillor David Vigar, neighbouring division member (Trowbridge Grove) spoke in objection to the application, voicing similar opposition towards the applicant's approach to the archaeology of the site. Councillor Vigar expressed the view that due to the dig being carried out as such short notice and the vast number of objections, the most appropriate action for the Committee to take was either to refuse the application or to defer it until an archaeology report could be fully undertaken.

The planning officer responded to points raised in public participation and by local Members stating that although this was an outline application, the parameter plans shown would have to be adhered to. If there was important archaeology discovered on site, permission would not be given.

The Chairman proposed a motion that the Committee refuse the application, against officer recommendation, as he was not happy with the impact on Frome Road, he felt that the access was too small and would be better located elsewhere. He was also concerned regarding the amount of detail being left to the reserve matters application, as he felt it was hard to make a decision based on what was before the Committee. The archaeological factors were a further concern, which needed to be resolved prior to a decision. The effect on the nearby heritage asset was also an issue. The Chairman felt that the application failed to comply with the following policies:

- CP1, Settlement Strategy
- CP2, Delivery Strategy
- CP51, Landscape
- CP57, Ensuring High Quality Design and Place Shaping
- CP58, Ensuring the Conservation of the Historic Environment
- CP60, Sustainable Transport
- CP61, Transport and Development
- CP64, Demand Management
- NPPF 194, relating to proposals affecting heritage assets
- NPPF 201, related to potential impacts

Councillor Pip Rigout seconded the motion to refuse. She was very concerned about the lack of information and would not want to grant permission while she had so many concerns and there was much that was not clear from the outline application.

Issues raised during debate included the effect on the 5 year HLS figure if this application was refused. It was clarified by officers that the number of houses would stay in the equation as it was an allocated site, however the anticipated delivery date would change, shifting backwards, meaning that it may well be outside the 5 year delivery period, so refusal would affect and reduce the 5 year HLS figure.

Some Members suggested a deferral rather than a refusal, stating that they would be far more inclined to grant permission to a full application rather than an outline application depending on the outcome of various archaeological tests.

Others agreed with the Chairman and felt that the negative environmental and heritage impact of the application would be unlikely to change after a deferral, and so voiced a view to refusing it.

Members sought advice from planning officers regarding the robustness of the proposed motion. Officers recommended the removal of the reference to CP1

and CP2 as the land was allocated under the WHSAP, so the principle of development and the issues in those policies had already been considered. Likewise, removal of CP60 was recommended. The motions proposer and seconder were happy with those amendments, final wording of the reasons for refusal would be delegated to officers.

At the conclusion of the debate, it was;

**Resolved:**

**That the application be REFUSED planning permission.**

**REASONS:**

- 1. Core Policy 58 of the Wiltshire Core Strategy requires new development to protect, conserve and where possible enhance the historic environment. Core Policy 57 seeks a high standard of design in all new developments; the policy further requires applications for new development to be accompanied by appropriate information to demonstrate how the proposals will make a positive contribution to the character of Wiltshire, specifically, through ... (i) enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced; and (vi) making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. Core Policy 51 requires development to protect, conserve and where possible enhance landscape character; and more particularly requires proposals to demonstrate that (v) landscape features of cultural, historic and heritage value have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.**

**The Southwick Court Farm complex lies to the south of this application site. It comprises a Grade II\* Listed moated medieval manor house and Grade II\* Listed gatehouse and bridge, and related traditional farmyard buildings (some of which have been converted to other uses), all of which are situated at the centre of a system of fields and water meadows historically associated with the complex.**

**The outline planning application proposes to construct a road across the field which lies to the north of the Southwick Court Farm complex. Being in outline, the planning application provides insufficient detail of this access road to enable a full and proper assessment of the extent of the acknowledged 'less than**

substantial harm' it would cause to the significance of the Southwick Court Farm complex and its setting and the contribution the setting makes to the significance, and in view of this it is not possible to rationally 'weigh' the harm against the public benefits of the proposal as required by the National Planning Policy Framework (paragraph 202). The proposal is, therefore, contrary to the National Planning Policy Framework. It is also contrary to the Core Policies of the Wiltshire Core Strategy referred to above by not demonstrating and/or proving a "high standard of design" and "an appropriate development" within its context, and not demonstrating and/or proving that a landscape containing features of historic and heritage value would be conserved.

2. Core Policy 58 of the Wiltshire Core Strategy requires new development to protect, conserve and where possible enhance the historic environment. The historic environment is defined as including (i) nationally significant archaeological remains. Paragraph 194 of the National Planning Policy Framework states that where an application site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The application site lies in area where there is potential for significant archaeological remains. Although the application is accompanied by a desk-based assessment, this is not considered to be sufficient in the context of the potential. The application's failure to include a field evaluation is, therefore, contrary to the National Planning Policy Framework (paragraph 194). It is also contrary to the Core Policy of the Wiltshire Core Strategy referred to above by not adequately demonstrating that the proposal would protect potential archaeological remains.

**INFORMATIVE:**

This reason for refusal may be addressed by carrying out the necessary trial trenching in accordance with a written scheme of investigation to be first approved by the County Archaeologist.

3. Core Policy 60 of the Wiltshire Core Strategy supports and encourages the safe and efficient movement of people and goods within and through Wiltshire. This will be achieved by (ii) promoting sustainable transport alternatives to the use of the private car. Core Policy 61 requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The proposal, by reason of the lack of a formalised pedestrian and cycle crossing facility on the Frome Road, would have potential implications for how occupiers of the development would choose to

travel, the lack of a facility being a disincentive to travel by foot and bicycle, so leading to increased car dependent travel. This is contrary to the sustainable development objectives of the above Core Strategy policies.

4. The proposal does not make provision for essential infrastructure made necessary by the planned development – specifically, affordable housing, education facilities, recreation/open space, essential highway works, waste collection facilities, ecology mitigation, air quality improvements and public art. This is contrary to Core Policy 3 ('Infrastructure Requirements'), Core Policy 43 ('Providing affordable homes'), Core Policy 50 ('Biodiversity and geodiversity'), Core Policy 55 ('Air Quality') and Core Policy 61 ('Transport and new development') of the Wiltshire.

**INFORMATIVE:**

This reason for refusal may be addressed by the completion of a legal agreement (a 'S106 agreement'), in the event of an appeal.

*Note: At the meeting of the Strategic Planning Committee on [2 March 2023](#), the Committee re-considered the reasons for refusal for this application, following officer advice. The reasons detailed above are the final reasons for refusal. These were clarified at that meeting, and minor amendments to the reasons the Committee originally provided were agreed. Full details can be seen in the minutes of that meeting.*

*The meeting was then adjourned from 15:30 – 15:40 for a short break.*

*Councillors Newbury and Clark left the meeting at this time.*

21 **PL/2022/01367 - Land off St George's Road, Semington, Melksham**

Public Participation

Francis Moreland spoke in objection to the application.

Chirs Beaver (agent) spoke in support of the application.

Dr William Scott – Semington Parish Council, spoke in objection to the application.

Jemma Foster (Senior Planning Officer) presented a report which recommended that permission be delegated to the Head of Development Management to grant full planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report, and subject to the conditions outlined in the report, for PL/2022/01367 - Land off St George's Road, Semington, Melksham, for a residential development of 18 Dwellings with associated works including vehicular access and parking.

The officer highlighted the late representation from Francis Moreland who felt that Wiltshire Council could demonstrate a 5 year HLS based on the Drynham Lane Trowbridge Appeal Decision and how other south west authorities

calculate their housing land supply figures. In particular the inclusion of windfall sites. An officer from Spatial Planning had prepared a response which was read at the meeting as follows:

*“The NPPF allows for an inclusion of a windfall allowance within its anticipated housing land supply, subject to matters that are set out in NPPF 71. The Council include such an allowance within its five-year housing land supply and supply over the medium and long term. The Council review the factors that affect delivery from windfall sites as part of its annual review of housing land supply. Such factors, including the approach set out in the development strategy and historic delivery, will vary between authorities. As such, the method for calculating future windfall for one authority (such as that for Cotswold District Council as quoted by Mr Morland) is not necessarily directly transferable to that for Wiltshire. Any revisions to the windfall allowance within the housing land supply position will be documented in updates to the Council’s annual Housing Land Supply Statement.”*

The officer explained that the reason for this relatively small application being brought to Committee was because it involved a departure to the policies of the statutory development plan.

The officer took the Committee through the presentation slides for the application, highlighting that the application was in a gap between already existing houses and others that were currently being built. The houses were of a similar design to those currently being developed to the North and would be carbon neutral.

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

In response to questions the officer confirmed the developer was the same for this site and the houses already being developed to the North. There was no benefit to the developer to putting in the applications separately, affordable housing figures had to meet regulations on both sites individually. However, figures could be rounded down for each application.

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

Councillor Jonathan Seed, the local division Member (Melksham Without West & Rural) spoke in objection to the application. He expressed the opinion that it was extraordinary that the Committee was being asked to consider an application clearly in breach of the Council’s own policies. He also emphasised that since Semington Parish Council had been largely supportive of previous planning applications, it would be wise to pay heed to and respect their opposition to this application.

In response to public participation the officer stated that the Council had to use the 5 year HLS figure as it was published. It was not known if or when proposed changes to the NPPF would be adopted.

Councillor Trotman proposed a motion that the Committee accept the officer recommendation to approve the application as detailed in the agenda. The matter of the 5-year HLS did not sway him and he felt that the application seemed to be a natural infill of a gap, which rounded-off the village. He deemed it a good plan, especially factoring in the carbon-efficient houses. Councillor Sheppard seconded Councillor Trotman's motion.

During debate the poor condition of the single-track road to the site was raised. The officer responded that highways officers had twice considered access to the site and had deemed it acceptable.

Members also discussed the 5 year HLS and whether Semington had a Neighbourhood Plan in place. It was confirmed that whilst a plan was being developed, it had not been adopted and was not at a point where it could be given weight. Councillors further reflected on the importance of neighbourhood plans.

At the conclusion of the debate, it was;

**Resolved:**

**To defer and delegate to the Head of Development Management to grant full planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report, and subject to the conditions set out below –**

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

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

**2 Construction works involving activities audible at the edges of the site shall be restricted to the following times:-**

- (a) Mondays - Fridays 07:30 – 18:00hrs**
- (b) Saturdays 08:00 – 13:00hrs**
- (c) Not at all on Sundays or Bank and Public Holidays.**

**No burning shall take place on site.**

**REASON: In the interests of the amenity of the area.**

**3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.**



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

**4 No dwelling hereby approved shall be first occupied until its associated access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**REASON: In the interests of highway safety.**

**5 No dwelling hereby approved shall be first occupied until its windows serving the en-suites and bathrooms have been glazed with obscured glass only to an obscurity level of no less than level 3. The windows shall thereafter be maintained with obscured glass in perpetuity.**

**REASON: In the interests of residential amenity and privacy.**

**6 No development shall commence above slab level until details of how nest and roosting places for building dependent species such as swifts will be incorporated into the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.**

**REASON: In the interests of enhancing the local and natural environment.**

**7. No development shall commence on site until a programme of archaeological work to demonstrate that the development hereby approved has been carried out in accordance with the approved Written Scheme of Investigation (submitted to Wiltshire Council on 22nd August 2022) has been submitted to and approved in writing by the Local Planning Authority.**

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

**8. No development shall commence on site until a Drainage Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Construction Management Plan shall include monitoring of, and measures to retain the existing vegetation across the site, together with drainage arrangements during the construction phase. The development shall be carried out at all times in accordance with the approved details.**

**REASON: To ensure that the site can be adequately drained during the construction phase.**

**No work shall commence on site including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The**

Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase as recommended in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) including but not necessarily limited to:

- a) Ecological protection areas/buffer zones and tree root protection areas around retained hedgerows and trees including details of specification of physical means of protection, e.g. temporary fencing.
- b) Mitigation strategies for protected/priority species, such as reptiles, amphibians, nesting birds, badger and hedgehog.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

10 No development shall commence on site including site clearance until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall specify the design and location of features required as mitigation as outlined in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) and required by the Biodiversity Net Gain Preliminary Design Stage Report prepared by All Ecology (July 2022) the including, including but not exclusively:

- a. New hedge planting in the public realm including protective measures and buffers.
- b. Enhancement of retained hedges.
- c. Protective measures and buffers for retained hedge at the northern boundary.
- d. Hedgehog paths through any solid fences.
- e. Integral bird swift boxes and bird homes.
- f. Reptile/ amphibian hibernaculum.
- g. Integral bat boxes.
- h. Hedgehog homes.

The LEMP shall also include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development including but not limited to:

1. Retained and new hedges and trees.
2. Attenuation basin/ pond and associated aquatic vegetation and wetland meadow grassland.
3. Wildlife corridor.
4. Wildflower meadow.
5. Native and non-native hedgerow planting.

The LEMP shall also include a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets and detail of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

11 No external light fixture or fitting shall be installed at the application site unless its details are first submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate compliance with Section 4 of the Walkover Survey report prepared by All Ecology (November 2021). The light fixture or fitting must be installed as approved and maintained as such thereafter.

**REASON:** To avoid inappropriate illumination of habitats used by bats.

12 The development hereby approved shall be carried out in accordance with the drainage strategy reference 877-ER-01 dated 10<sup>th</sup> November 2021 received by the Local Planning Authority on 18<sup>th</sup> February 2022.

**REASON:** To ensure the site satisfactorily drains and does not lead to flooding elsewhere.

13 Prior to the occupation of the 18<sup>th</sup> dwelling the fence and gate to be erected around the 'Wildflower Corridor'/'Wildlife Meadow' at the rear of units 10-13 shall be completed. Thereafter this area will remain private and inaccessible to the public, with access only for maintenance purposes.

**REASON:** To ensure the future protection of the wildlife corridor and wildlife habitats.

13 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any part of the development or in accordance with a programme to be first agreed in writing by the local planning authority,

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

All hard landscaping (which shall include all elements of the 'Play Trail' and the 'Self-binding gravel path' and related bench and log seating) shall also be carried out in accordance with the approved details prior to the first occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

- 18th February 2022 877: 01 (location plan), 07 (Maintenance Area Management Plan), 10 (HT Floor plans and elevations), 11 (PB floor plans and elevations), 12 (CR floor plans and elevations), 13(HN floor plans and elevations) 14 (AG floor plans and elevations), 15 (2B4P floor plans and elevations), 16 (2B4P D Floor plans and elevations), 17 (3B5P floor plans and elevations) BIP (Boundary Identification Plan), 155 (External works, drives, kerbs, pavers)
- 2nd March 2022 877: 151 (External works details – walls, fences, railings),
- 21st June 2022 877: 08 rev A (street scenes), 122 -1 (drainage details), 141 Rev B (external works layout), 142 Rev A (drainage layout), 148 -1 &148-2 (swept path analysis), Planning materials Schedule, Semington Material Board,
- 5th August 2022 877: 05 Rev B (Planning layout), 09 (boundary identification plan), 50 Rev B (ecological parameters plan), 21/498/02D (detailed landscape Plan)

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

**Informatives:**

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

2 In order to discharge the archaeology condition above, the work is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be met by the applicant.

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

## 22 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 4.30 pm)

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

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## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 2 MARCH 2023 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

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 Elizabeth Threlfall and Cllr Robert Yuill

#### **Also Present:**

Cllr Nick Botterill, Cllr Gordon King, Cllr Ashley O'Neill and Cllr David Vigar

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#### 23 **Apologies**

Apologies were received from Councillor James Sheppard.

#### 24 **Declarations of Interest**

Councillor Christopher Newbury declared a non-pecuniary interest in agenda item 6a during that item. Councillor Newbury stated that he was a friend of the landowner, who was not the applicant, and that he was a Member of Wiltshire Council who were also listed as a landowner.

The planning officer clarified that Wiltshire Council were not the applicant and that they were listed as a landowner due to owning some of the highways verges, so there was no conflict on that aspect.

Councillor Newbury's interest was a non-disclosable interest, which did not preclude involvement by the Member.

#### 25 **Chairman's Announcements**

There were no announcements by the Chairman.

#### 26 **Public Participation**

The procedures for public participation were detailed and noted.

#### 27 **Planning Appeals and Updates**

There was no planning appeals update report in the agenda.

The Chairman stated that there would be an update from Ruaridh O'Donoghue (Senior Planning Officer) regarding the reasons for refusal on agenda item 7c,

20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge, Wilts (H2.6) from the [Strategic Planning Committee meeting held on 22 February 2023](#).

The officer explained that planners had been working on the reasons for refusal for the above item and there were some slight amendments to the policies quoted by the Committee in that meeting, it was therefore considered necessary to get the Members approval on the changes in order to issue the refusal notice. The officer read out the full reasons for refusal he had prepared, and hard copies were also circulated to Members.

The first amendment involved the level of harm to the designated heritage asset, Southwick Court, a grade II\* listed medieval manor house close to the application site. Members had quoted National Planning and Policy Framework (NPPF) paragraph 201, which refers to substantial harm. The officer did not believe that substantial harm could be relied upon as a reason as it would be difficult to argue. Paragraphs 89, 90 and 91 from the inspectors report on the Wiltshire Housing Site Allocation Plan (WHSAP) clarified why. The officer detailed planning guidance on the high bar for substantial harm. The conservation officer response to the application stated that there was 'less than substantial harm' but within the higher levels of that category. Therefore, it was felt that paragraph 202 of the NPPF would be a more defensible reason for refusal, as this referred to less than substantial harm to a designated heritage asset. The lack of detail in the application to be able to assess the less than substantial harm against the public benefit made this a viable reason for refusal.

There were some clarifications regarding the Highways reasons for refusal. The Highways Officer had referred to lack of lighting as a potential highways safety consideration. However, officers were reluctant to include this within the highways reason for refusal, as the introduction of lighting alongside the access road and path would introduce fundamental issues for ecology and heritage. This would seemingly conflict with the WHSAP. So, they referred to the lack of a formalised crossing facility in the Frome Road.

The final reason for refusal added by planning officers was a standard reason to take account of the lack of agreed section 106 at the time of the decision. This was necessary to provide mitigation to the impact of the development.

The Chairman highlighted that the main concern for him was which paragraph from the NPPF was used, paragraph 201 (substantial harm to the heritage asset) or paragraph 202 (less than substantial harm to the heritage asset). He had not been comfortable with the conclusions in the inspectors report on the WHSAP. However, he did not want to go against the inspector's views and therefore was content to accept the amended reasons for refusal, even though he felt this had softened them slightly.

Members discussed the amended reasons for refusal and some technical questions were answered by the officer. It was confirmed that if the application went to appeal, it would be defended by officers, but it may be necessary to outsource some aspects of the defence to consultants.



At the conclusion of the discussion the Chairman proposed that the amended reasons for refusal (which can be seen in full in the minutes for the [Strategic Planning Committee meeting on 22 February 2023](#)) were accepted. This was seconded by Councillor Tony Trotman, and it was,

**Resolved:**

**To approve the amended reasons for refusal.**

28 **Planning Applications**

The following planning application was considered.

29 **PL/2021/06112 - Land at Forest Gate, Pewsham, Chippenham, SN15 3RS**

Public Participation

Jeanine Willard spoke in objection to the application.

Richard Badham spoke in objection to the application.

David Price spoke in objection to the application.

Harry Lopes spoke in support of the application.

Jim Cook spoke in support of the application.

Peter Capener spoke in support of the application.

Councillor John Barnes, representing Calne Without Parish Council, spoke in support of the application.

Jonathan James (Senior Planning Officer) presented a report which recommended that planning permission be granted, subject to conditions, for application PL/2021/06112, Land at Forest Gate, Pewsham, Chippenham, SN15 3RS, for the development of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including customer cabin, customer substation, DNO substation and equipment, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting and associated works.

Attention was drawn to late representations received, which included 2 letters of objection relating to the loss of agricultural land and the impact on the landscape, both of these points were covered within the committee report. There had also been late representations received regarding a lack of notifications to interested parties that the application was due to be considered at Committee, that there was no planning consent for the cable route to the national grid and no consultation with the Dorset and Wiltshire Fire and Rescue Service. The final 2 points were also covered in the Committee report. Regarding the lack of notification, the officer stated that the agenda was published 5 clear working days ahead of the meeting, in accordance with regulations.

Key details regarding the application were given. The application had been through many revisions and further details submitted through the process, all of

which had been consulted upon. The site lay between Pewsham and Derry Hill and the land was agricultural and was at present used for growing crops. The site is approximately 400 metres from the Derry Hill conservation area. There were a number of public Rights of Way (RoW) bordering the site, these would remain available under the proposal. There was also an oil pipeline crossing the site which required a buffer.

The officer ran through the presentation slides for the meeting detailing the proposed layout of the solar panels; the planting plan; ecology details; photographs of the area; photomontages including how the site would look over time; the highways access and construction traffic route and accesses to the site.

It was explained that the solar panels were fixed modules with storage units dotted across the site. The panels were positioned away from boundaries where possible. The planting plan would provide enhanced biodiversity and the landscape officer had not raised any objections. Bat boxes would be provided across the site and boundaries would be raised to allow for the passage of small animals, any existing habitats were to be afforded protection.

The officer stated that the Committee report clearly set out the issues to be considered and the case for why the application was recommended for approval, such as the public benefits gained by the provision of a renewable energy scheme which could power 13,000 homes, saving 20,000 tonnes of carbon and the ecological benefit. It was felt that these benefits outweighed any less than substantial harm to the nearby heritage assets. Any concerns regarding highways issues were mitigated with conditions. Overall, the negative cumulative impacts were outweighed by the significant benefits.

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

In answer to questions the officer described the responses to the application which included 155 objections, 229 letters of support and was detailed on page 5 and 18 of the agenda report. The officer could not say whether representations of those who lived closest to the site were for or against the application without doing an in-depth analysis. It was speculated that more objections came from near neighbours. However, there were some supporters that lived locally.

It was also clarified that there was a large boundary between the canal path and the solar panels which would be natural grassland and meadows.

In response to questions regarding the flood risk, which some Members felt was far higher than that quoted in the report, the officer explained that the drainage team had considered the application and felt that subject to conditions it would be acceptable.

How the construction traffic route would be enforced was queried, the officer stated that the applicant would need to encourage drivers to use the route.

Access points were also questioned, the officer posited that the application and plans were detailed and that the access points gave enough visibility in both directions. It was highlighted that the construction phase was temporary and that there would likely be banksmen involved to help manage the construction traffic.

How Core Policy (CP) 42 regarding standalone renewable energy installations should be interpreted was queried, including whether objectors views should carry more weight. Officers explained that the starting point was support and then one went on to find impacts, and consider whether they were acceptable, or could be mitigated.

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

The unitary division member, Councillor Ashley O'Neill, then spoke regarding the application. Councillor O'Neill highlighted that reflection may be required on internal processes, to ensure that division members were advised on when applications were due to come before the Committee, as he had not been. Regarding the application itself Councillor O'Neill highlighted the passionate views on both sides and stated that key issues for the Committee to consider were the landscape and visual impact, especially due to the close proximity to some residential settings. There would also be harm caused to heritage assets. This needed to be weighed up against the public benefits of the application. His assessment of representations received was that supporters tended to come from a wider geographic area and objectors tended to live closer. He hoped that the Committee would have a robust debate on all the considerations.

Councillor Tony Trotman opened the debate, highlighting that in general he was in support of solar farms, but in this instance he was against the application. He therefore proposed that it should be refused, as he felt it did not comply with:

- CP1, Settlement Strategy
- CP2, Delivery Strategy
- CP42, Standalone renewable energy installations, in particular point 7, residential amenity
- CP50, Biodiversity and Geodiversity
- CP51, Landscape, in particular points 1, 2, 5 and 6
- CP57, Ensuring High Quality Design and Place Shaping
- CP58, Ensuring the Conservation of the Historic Environment

Final wording of the reasons for refusal would be delegated to officers. This was seconded by the Chairman.

A debate followed where Highways issues were raised as a concern, as access onto the A4 from the site would be difficult and dangerous. However, this was not added to the motion to refuse, as it was not felt it could be defensible. The construction traffic route was a concern to some. Others felt that this route was

better than routes for previous solar farms which had been approved by the Committee.

Food production was discussed, as the site could be used to produce food crops, which was becoming ever more important in order to provide food security. Some Members felt this was very important. Others stated that as the site was grade 3B agricultural land, it was unlikely to produce crops and more likely would be used to produce hay, and that the proposal would increase biodiversity and improve the quality of the land. Some stated that the Committee had approved previous solar farm applications where the land was of a higher quality, so there was a lack of consistency.

Core Policy 42 was also discussed, in particular point 7 - residential amenity. Some felt that there was mitigation and therefore it would be hard to argue that residential amenity was severely impacted. Others felt that residential amenity, particularly visual amenity, clearly would be severely impacted. Whilst Members in support felt sympathy with the small number of people directly affected, they had to weigh up the public benefit against any negative impacts.

Landscape was raised as a major concern by some Members, as it would take 15 years before any trees planted effectively screened the site. They felt that the locally distinctive character of settlements and their landscape settings, and the heritage value of the landscape itself should also be considered. The coalescence of the 2 built environments was also raised as a concern.

It was highlighted in debate that Wiltshire had overdelivered on solar farms and was far above the delivery target, so applications should be thoroughly scrutinised.

At the conclusion of the debate, a recorded vote was requested by the requisite number of Members on the motion to refuse planning permission as described above. The vote was as follows:

For the motion (4)

Cllr Howard Greenman  
Cllr Christopher Newbury  
Cllr Tony Trotman  
Cllr Elizabeth Threlfall

Against the motion (6)

Cllr Ernie Clark  
Cllr Adrian Foster  
Cllr Sarah Gibson  
Cllr Carole King  
Cllr Pip Ridout  
Cllr Robert Yuill

Abstention (0)

Therefore, the motion to refuse planning permission was not passed.

*Councillor Newbury left the meeting at 4.22pm, due to a prior appointment.*

Councillor Sarah Gibson proposed a motion to approve planning permission as per the officer recommendation, this was seconded by Councillor Adrian Foster.

Councillor Foster asked for officer advice as to whether a construction traffic management plan could be included as a condition. Officers explained that condition 11 (page 47 of the agenda) covered this. Members requested an additional measure be added to that, to deal with the management of traffic entering and leaving the site during the construction phase and if possible, to limit the times of day that construction traffic could enter and leave the site. It was also requested that the applicants should be encouraged to start the majority of planting of trees and shrubs as soon as possible.

Officers highlighted that there was an existing construction management plan, and a lot of the points being raised by Members would be covered by this. The suggestion was that wording of the final resolution be delegated to officers. They would take away the points raised by Members and either ensure that they were already included in the construction management plan, or that a new plan should be submitted to incorporate the points raised. The proposer and seconder of the motion accepted this suggestion.

At the conclusion of the debate, the motion to approve was put to the vote and it was;

**Resolved:**

**To grant full planning permission subject to the conditions set out below:**

**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 permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations,**

security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

**REASON:** In the interests of amenity and the circumstances of the use and to ensure the long-term management of landscape and ecological features retained and created by the development and in the interests of the significance of the heritage assets and their setting.

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

- Site location plan 264801/P002 6 October 2022
- Site location plan 264801/P004 6 October 2022
- PV Layout plan EDR1004-100 Rev H, 16 December 2022
- Forest Gate Planting Plan 264801-TOR-XX-XX-P-L-93-001 Rev W, December 2022
- Fixed tilt array details EDR1004-203 13 September 2022
- 40ft (12.2m) Central inverter substation details EDR1004-206 Rev D 6 April 2021
- 53ft (16.2m) Battery storage system details EDR1004-207 Rev E 12 April 2021
- Customer substation building details EDR1004-210 Rev C 6 April 2021
- Distribution network operator container details EDR1004-211 Rev C 6 April 2021
- Customer cabin details EDR1004-212 Rev C 6 April 2021
- Fence and gate details EDR1004-214 Rev C 13 April 2021
- Security camera plan EDR1004-215 Rev G 26 May 2021
- Maintenance road details EDR1004-216 Rev A 6 April 2021
- Fence and hedge details EDR1004-217 Rev B 13 April 2021
- Spare part container EDR1004-222 6 April 2021
- No-dig road details EDR1004-230 Rev A 29 April 2021
- Eastern site access General arrangement 800.0024.001 Rev C 3 September 2021
- Eastern site access Tracking 800.0024.002 Rev D 3 September 2021
- Eastern site access Visibility 800.0024.003 Rev C 3 September 2021
- Western site access General arrangement 800.0024.004 Rev B 3 September 2021
- Western site access Tracking (unchanged) 800.0024.005 Rev C 3 September 2021
- Western site access Visibility splay 800.0024.006 Rev A 3 September 2021

- Site access tracking Tractor and trailer 800.0024.007 Rev A 13 April 2022
- Biodiversity management plan – 10 October 2022
- Construction Traffic Management Plan 800.0024/CTMP/7 9 May 2022
- Biodiversity net gain calculation Metric 3.1 – 15 December 2022
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree
- Protection Plan 8325, Revision C October 2022
- Environmental Statement, 4th addendum including technical appendices, December 2022
- ES Technical Appendix A1 Heritage Assessment, June 2021 (resubmitted October 2022)
- ES Technical Appendix A2 Geophysical Survey Report, December 2020 (resubmitted October 2022)
- ES Technical Appendix A3 Cable route Heritage appraisal, January 2022 (resubmitted October 2022)
- ES Technical Appendix A4 Trial trenching evaluation, December 2021 (resubmitted October 2022)
- ES Technical Appendix B1 Landscape and visual assessment, October 2022
- ES Technical Appendix C1 Full Ecological Assessment, 15 December 2022
- ES Technical Appendix C2 Phase 2 Bat and Great Crested Newt, 13 October 2022
- ES Technical Appendix C3 Breeding Bird Survey, June 2020 (resubmitted October 2022)
- ES Technical Appendix C4 Biodiversity Management Plan, December 2022
- ES Technical Appendix C5 Preliminary Ecological Assessment of cable route, January 2022 (resubmitted October 2022)

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

4. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme. The scheme shall respond to the following conditions raised: -

- The applicant should provide calculations to establish the site greenfield runoff rate and the storage volumes required using a 1% (1 in 100 year) plus 10% climate change rainfall event. The scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates unless evidence is submitted that demonstrates that site or environmental conditions make these measures unsuitable.

- The applicant should demonstrate proposed flow/exceedance paths and any additional surface drainage features on the PV layout plan.
- No development shall commence until details are provided of how these assets at high risk of pluvial flooding will be protected to ensure the safety of anyone attending the site. This should include a more detailed plan of the area at high risk of pluvial flooding. Alternatively, all proposed construction should be located outside of these potential flood areas.
- No development shall commence on site until details of the connection to the watercourse are confirmed and how these might be impacted by the increase in runoff resulting from climate change.
- No development can proceed until water quality has been addressed in line with the following assumptions:
  - As solar panels are not listed in the SuDS manual, the pollutant loads for commercial roofs (lower end values) should be used for the solar panels.
  - The pollutant loads for low traffic roads should be used when considering the access roads around the site.

**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.

5. No development shall commence within the area indicated by application PL/2021/06112 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 to enable the protection of any matters of archaeological interest.

6. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of development until tree protective fencing has been erected in accordance with the details set out in the “Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (October 2022) by Hayden’s Arboricultural Consultants.

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 practice.

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

No concrete, oil, cement, bitumen or other chemical shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first operation or the completion of the development, whichever is the later.

**REASON:** The tree protection fencing is required to be placed on site before any development, site clearance or machinery is brought on to site in order to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

7. 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 agreed 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 in accordance with the Requirements and Recommendations section of the submitted Full Ecological Assessment prepared by Wychwood Biodiversity (17/10/2022), and within the Avoidance section of the Biodiversity Management Plan prepared by Wychwood Biodiversity (17/10/2022). These will include 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) Reasonable avoidance working method statements for protected/priority species, such as nesting birds, amphibians (great crested newts), reptiles, bats and dormice.

- c) Working method statements where minor works are required within the hedgerow buffer.
- d) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- e) 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.
- f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- g) 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:** The matter is required to be agreed with the Local Planning Authority before development commences in order to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

8. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP 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:** The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

9. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary

treatment works, a Monitoring Strategy for the Biodiversity Management Plan hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority.

The Monitoring Strategy shall include, but not necessarily be limited to, the following information:

- a) A scheme of monitoring focused on the key aspects of the Biodiversity Mitigation and Enhancement Plans;
- b) Details of a timetable to establish a monitoring baseline on completion of the development at the start of the operational phase
- c) A timetable for regular reporting for the lifetime of the development (in years 1, 3, 5, 10, 25, 40);
- d) Details of the body or organization responsible for implementation of the Monitoring Strategy, with any change to this body or organisation to be notified to the local planning authority within three months of such a change.

The Monitoring Strategy shall be implemented in full in accordance with the approved details for the entire operational lifetime of the installation.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

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

- a) Forest Gate Planting Plan. DWG TOR-XX-XX-P-L-93-001. Rev W. Terence O Rourke (12/2022).
- b) Forest Gate Biodiversity Management Plan FINAL\_041022. Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- c) Diagram #001 Ecology Map Overview. Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- d) Diagram #002 Map of avoidance and reduction measures (Appendix B). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- e) Diagram #003 Map of Mitigation Measures: Establishment (Appendix C). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- f) Diagram #004 Map of Mitigation Measures. Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- g) Diagram #005 Ecology Map: 4.5m Buffer (only). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- h) Diagram #006 Ecology Map: 10m Buffer (only). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).

**i) Biodiversity Metric 3.1 (15/12/2022).**

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

**11. Notwithstanding the submitted Construction Traffic Management Plan and prior to the commencement of any development or preparatory works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Management Statement, together with a site plan, which shall include the following:**

- a) Detailed Site logistics arrangements;**
- b) A description of management responsibilities, to include communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc. ;**
- c) A description of the construction programme;**
- d) the parking of vehicles of site operatives and visitors, including parking for delivery vehicles to avoid parking and congestion on the public highway;**
- e) loading and unloading of plant and materials;**
- f) storage of plant and materials used in constructing the development;**
- g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- h) wheel washing facilities;**
- i) measures to control the emission of dust and dirt and noise mitigation during construction;**
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- k) measures for the protection of the natural environment, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase;**
- l) Site working and delivery hours, including delivery schedules, and a named person for residents to contact;**
- m) details of traffic routing signs, both at the site accesses and along the construction route;**
- n) pre-condition photo survey of the section of highway of the A4 London Road which would serve as access to the sites. Copies of the pre-condition survey and a post condition survey following completion of construction shall be supplied to the local planning authority.**

**shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission**

of the Local Planning Authority. There shall be no burning undertaken on site at any time.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order 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

**12.No development shall commence on site until visibility splays for the eastern access (adjoining the bus stop) have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 120 metres to the north and south from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

**REASON:** In the interests of highway safety.

**13.No development shall commence on site until visibility splays for the western access (field 4 on the layout plan) have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160 metres to the north and 120 metres to the south from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

**REASON:** In the interests of highway safety.

**14.The development hereby permitted shall not be first commenced until the access track between the public highway and the site compound has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.**

**REASON:** In the interests of highway safety.

**15.No development shall commence on site until details of the proposed width of the access tracks, including passing bays, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON:** In the interests of highway safety.

**16.No construction or operational artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.**

**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 and in the interests of conserving biodiversity.**

**17.Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.**

**REASON: In the interests of preserving the character and appearance of the area.**

**18.Landscape Planting shall be undertaken in accordance with the Forest Gate Planting Plan TOR-XX-XX-P-L-93-001 Revision W and maintained as such thereafter.**

**All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development 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.

**19.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.**

**Informatives:**

**21.Informative**

**Wilts and Berks Canal Trust (WBCT) has an agreement with the landowner to gain access into the section of canal through the land, the subject of this application and requests that, if the application is consented that access for restoration and maintenance purposes by WBCT shall be provided.**

**22.Informative:**

**There is a risk that protected species (great crested newts / reptiles/ dormice/ bats) could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation in line with the recommendations made in the Full Ecological Assessment prepared by Wychwood Biodiversity (2022) and as advised the contracted ecologist. If these species are unexpectedly found during the works, the applicant is advised to stop work and follow advice from the contracted ecologist.**

**23.Informative:**

**A photographic pre-condition highway survey to be carried out to the section of highway of the A4 London Road which would serve as access to the sites, and copies of pre and post condition survey to be supplied to Wiltshire Council. The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.**

**24.Informative:**

**The work is to be carried out following the standards and guidelines for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA) and the standards and guidelines for Strip, Map and Record excavations as set out by the Chartered Institute for Archaeologists (CIfA). 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.**

**25.Informative:**

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.

**26.Informative:**

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.

30 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 4.30 pm)

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

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



**Wiltshire Council  
Strategic Planning Committee  
22<sup>nd</sup> March 2023**

There are no Planning Appeals Received between 10/02/2023 and 10/03/2023 relating to Decisions made at Strategic Committee

Planning Appeals Decided between 10/02/2023 and 10/03/2023 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/05464/WCM	Freeth Farm Quarry, Compton Bassett, Calne, Wiltshire	Compton Bassett	Review of minerals planning conditions - Application for determination of conditions for mineral site	SPC	Written Reps	Approve with Conditions	Dismissed	27/02/2023	Appellant applied for Costs - <b>REFUSED</b>
16/05708/WCM	Freeth Farm and Calne Quarries, Compton Bassett, Calne, Wiltshire	Compton Bassett	Construction of a quarry field conveyor to transport excavated soft-sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm	SPC	Written Reps	Approve with Conditions	Appeal Withdrawn	07/03/2023	Appellant applied for Costs – <b>WITHDRAWN</b>
20/06775/WCM	Northacre Energy from Waste Facility, Stephenson Road, Northacre Trading Estate, Westbury, BA13 4WD	Westbury	Amended energy from waste facility to that consented under Planning Permission 18/09473/WCM	SPC	Inquiry	Approve with Conditions	Allowed with Conditions	21/02/2023	Appellant applied for Costs - <b>APPROVED</b>

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 March 2023
<b>Application Number</b>	PL/2022/03315
<b>Site Address</b>	Land off Melksham Road, Holt
<b>Proposal</b>	Outline planning application for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access
<b>Applicant</b>	Gladmans Developments Ltd
<b>Town / Parish</b>	HOLT
<b>Electoral Division</b>	HOLT – Cllr Trevor Carbin
<b>Type of application</b>	Outline Application
<b>Case Officer</b>	David Cox

### Reason for the application being considered by Committee

On 25 January the applicant lodged an appeal against the local planning authority's failure to determine this application within the statutory timeframe (a 'non determination' appeal). The consequence of this is that the decision will now be made by a Planning Inspector and not the local planning authority.

The local planning authority will remain a relevant party in the appeal process, and accordingly must still make a 'decision' in relation to the planning application. The decision will be the authority's reason(s) for either defending the appeal or its reason(s) for not defending the appeal. The decision cannot be the final grant or refusal of planning permission.

The application has been called-in for committee determination by the local Electoral Division Member, Cllr Trevor Carbin, in view of planning policy considerations, and the scale of the development, visual impact upon the surrounding area, relationship to adjoining properties and environmental/highway impact.

This application is before the Strategic Planning Committee because the proposal involves a departure from the policies of the statutory development plan. The recommendation is to delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for a single technical reason relating to the failure of the application to provide/complete a mechanism to deliver essential infrastructure made necessary by the development. The recommendation is to not present other reasons relating to the principle of the development or matters of planning detail.

## 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation which is –

**To delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for the following technical reason –**

**The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development are delivered, these being affordable housing, recreation/open space, education facilities, refuse collection facilities, and highway works / sustainable transport improvements. This is contrary to Policies CP3, CP43, CP45, CP51, and CP52 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009) and paragraphs 8, 34, 56, 64 and 92 of the NPPF.**

### **INFORMATIVE:**

**This ‘reason for refusal’ may fall away in the event of a suitable mechanism – such as a S106 planning obligation – being agreed and secured as part of the appeal process.**

The application has generated objections from Holt Parish Council. It has also generated an objection from Broughton Gifford Parish Council. A total of 234 third party representations have been received – 232 objections and 2 supports.

## 2. Report Summary

The key determining planning issues are considered to be:

- Principle of development
- Impact on the landscape and spatial context of Holt
- Highway and traffic impacts
- Drainage and flood risk
- Archaeology
- Heritage Assessment
- Impact on neighbouring amenity
- Ecology
- Section 106 Legal Agreement

## 3. Site Description

The site is an open field covering approximately 3.75 hectares, located on the eastern side of the ‘Large Village’ of Holt. Melksham lies approximately 3.6km to the east/north-east. The land is in equestrian use linked with West Wilts Equestrian Centre, with show jumps evident.

The site is generally flat with the lowest point being 49 AOD in the south-west corner rising to 54 AOD on the eastern boundary. There is a Public Right of Way (HOLT56, shown as the dotted green line on the below

map) crossing the south-eastern corner of the site. The site is bound to the north by the B3107 (Melksham Road), to the east by other fields in equestrian use, to the south by agricultural fields/pasture land and to the west by the built up area of Holt.

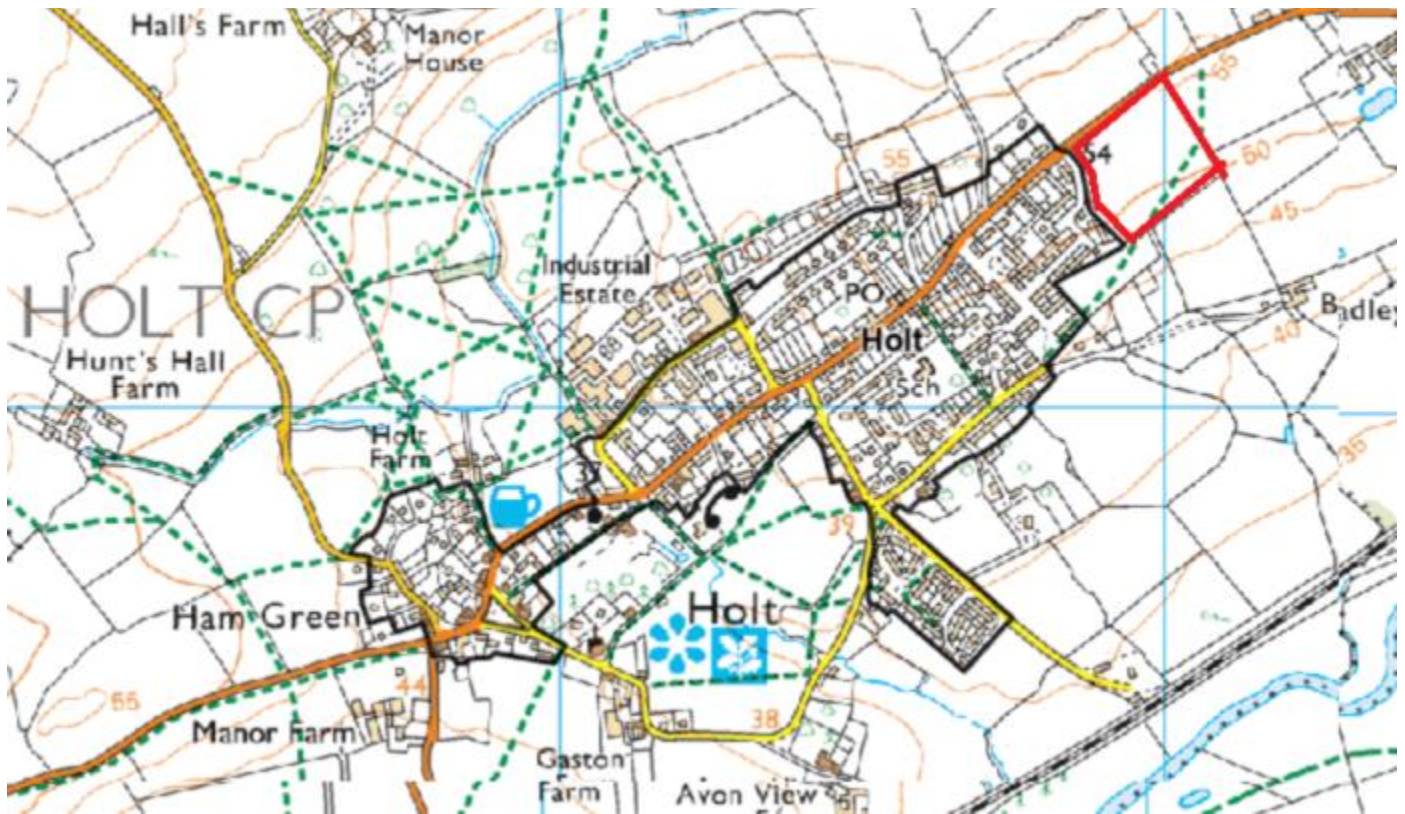
The site is surrounded in part by field hedging; however, in places this is not complete and, therefore, clear views are possible into the site from a number of points.

In terms of planning constraints, there are no landscape or heritage designations that cover the site. There are no TPOs on the site and the field is entirely located within Flood Zone 1, and with no mapped surface-water related concerns. The site is located outside of the defined limits of development for the Large Village of Holt and, therefore, in planning policy terms is in the open countryside.



**Site Location Plan**

The image below shows the limits of development of Holt (black line) and the extent of the application site (red outline).



*The red outline of the application site in relation to Holt*

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

14/12109/OUT - Development of up to 98 dwellings with associated landscaping and open space (Outline application) – Refused for in April 2015 for the following reasons –

- 1 The site is located in open countryside outside the limits of development defined for Holt in the Wiltshire Core Strategy. The proposal would therefore conflict with Core Policies 1, 2, 7 and 48 of the Wiltshire Core Strategy (Adopted January 2015) which seeks to properly plan for sustainable development of housing sites in Wiltshire.
- 2 The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified Limits of Development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or Neighbourhood plan. This strategy is supported by the Wiltshire Core Strategy Inspector and the Secretary of State in several appeal decisions and the site has not been brought forward through either of these processes.
- 3 The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside and with policy CP51 of the Wiltshire Core Strategy.



- 4 The proposal by reason of the inadequate conflicting information in regard to facilitating a robust assessment of surface water drainage and flood risk assessment are contrary to policies CP 3 and CP 67 of the Wiltshire Core Strategy (Adopted January 2015) and the National Planning Policy Framework 2012.
- 5 There is not enough evidence to support the conclusions in the Desk-Based Assessment carried out at the site. Further evaluation is necessary which has not been supplied to date of determination. The Council is therefore unable to properly assess the impact on any potential archaeological remains on the site which would be contrary to paragraph 128 of the NPPF.
- 6 The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, open space, recreation and cemetery provision) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009), Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework.

## 5. The Proposal

The application is for outline planning permission to erect of up to 90 dwellings (including 40% affordable housing), with a vehicular access point off Great Parks. All matters are reserved except access.

Nonetheless, the application includes the following illustrative masterplan –



This is only an indicative layout but for ecology reasons (discussed later in the report) the areas of development would be limited to the general areas identified in the masterplan.

The initial scheme proposed structural landscaping on both northern and eastern boundaries of the application site. However, following discussions between the applicant and the Council's Urban Design and Landscape Officers, the structural planting along the northern edge has been removed with only trees and hedge planting to fill in existing gaps. The reasons for this are discussed later in the report.

The application is supported by the following documents –

- Site Location Plan
- Development Framework Plan 4363\_102\_J
- Design and Access Statement (4363\_01\_G)
- Planning and Affordable Housing Statement
- Statement of Community Involvement
- Waste Audit Assessment
- Preliminary Ecological Appraisal
- Ecological Impact Assessment (February 2023)
- Ecology Parameters Plan
- Transport Assessment
- Transport Technical Note 1 (P21085/TN1) (Dated August 2022)
- Transport Technical Note 2 (P21085/TN2) (Dated December 2022)
- Travel Plan
- Flood Risk Assessment (two parts)
- Landscape and Visual Impact Assessment (4363/02C) and (addendum) dated 12 October 2022
- Arboricultural Assessment
- Site Investigation Contamination Report
- Noise Assessment
- Air Quality Assessment
- Heritage and Archaeology Assessment
- Social Economic Benefits Statement

## 6. Planning Policy

### National Context:

National Planning Policy Framework 2021 (NPPF)  
Planning Practice Guidance (PPG)

### Local Context:

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP3 – Infrastructure Requirements; CP7 – Spatial Strategy for Bradford on Avon; CP43 - Providing Affordable Homes; CP45 – Meeting Wiltshire's Housing Needs; CP50 - Bio-diversity and geodiversity; CP51 – Landscape; CP52 – Green Infrastructure; CP55 - Air Quality; CP57 – Ensuring High Quality Design and



Place Shaping; CP58 – Ensuring the conservation of the historic environment; CP60 – Sustainable Transport; CP61 – Transport and New Development; CP64 – Demand Management; CP67 – Flood Risk

### Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

### Saved Policies for the West Wiltshire District Local Plan

U1a - Foul Water Disposal; U2 - Surface Water Disposal; U4 - Ground Source Protection Areas; I1 - Implementation

### Other:

- The adopted 2017 Holt Neighbourhood Plan
- Housing Land Supply Statement – Base date: April 2021 – published April 2022
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- Wiltshire Landscape Character Assessment – Open Clay Vale 12B
- West Wiltshire District Landscape Character Assessment – C2 Semington Open Clay Vale
- Wiltshire’s Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire’s Community Infrastructure Levy – Funding list

## **7. Consultation responses**

Holt Parish Council – Initial comments received on 13 June 2022. Objection for the following reasons –

### ***Conflict with WC core strategy and Holt Neighbourhood Plan***

*The Wiltshire Local Development Scheme (November 2021) sets out the principal documents comprising the development plan for Wiltshire. Those with a direct bearing on this application are the Wiltshire Core Strategy (WCS), the Wiltshire Housing Site Allocations Plan, and the Holt Neighbourhood Plan.*

*The Holt community has, through our Neighbourhood Plan (made January 2016, and current for the period 2016-2026), determined where the development boundaries of the village lie. The boundary has been reviewed and is up to date. The proposed development lies outside the settlement boundary.*

*Core Policy 1 of the WCS is clear that for Large Villages “Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan” (paragraph 4.15). No subsequent development plan document addressing a boundary change exists, and indeed the Wiltshire Housing Site Allocations Plan (adopted February 2020) reaffirms the existing boundary (paragraph A.27). The proposed site is in open countryside outside the limits of development for the settlement. This is in clear contravention of Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or neighbourhood plan. The made Holt Neighbourhood Plan, Housing Objective 3 seeks to “Ensure that the settlement boundary and green*

spaces within it are protected". Policy H3.1b makes clear that new development "will not involve the outward extension of the settlement boundary of the village".

In their application, Gladman Developments Ltd argue that the development should be allowed on the grounds of unmet housing need in Wiltshire. However, the proposed development fails to meet any of the exception policies set out in Core Policy 2 of the WCS (paragraph 4.25). As a nonexcepted development, the application, in effect, attempts to circumvent the legally established mechanisms for housing allocation.

### **Adverse impact on the character and appearance of the village**

The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside. This is further emphasized in CP51 of the WCS. This proposal is ribbon development increasing the length of what is already a long narrow settlement by approximately 13%.

### **Unsustainable pressure on already stressed infrastructure**

The proposal would increase the population of Holt by c. 250 people (c. 12%). This would adversely impact the already stressed infrastructure, especially:

- Traffic along the B3107
- Parking within the village (too far for the average person to walk)
- School places – Holt Pre-school is at capacity as are certain year groups in Holt Primary School.
- Access to doctors – local surgeries are struggling to cope with numbers now.

### **Highways & Traffic**

The traffic assessment and highway improvement proposals in this application are inadequate. We comment as follows from local knowledge confirmed by the opinion of many in the village.

- Pre-pandemic physical vehicle counts of movement on the B3107 always registered in excess of 10,000 movements per working day with heavy flows at peak times, and a large proportion of HGV.
- The junction of B3107 and Great Parks is narrow with poor visibility at the point where traffic is failing to slow down, or speeding up, at the entrance/exit of the village. Significant improvement to this junction would be required with a full-scale roundabout being considered.
- The proposed site entrance from Great Parks would inevitably increase traffic through the rest of ,Great Parks and Little Parks which are unsuitable for this purpose.
- The proposed travel plan suggests that cycling would be a chosen method of transport to Bradford on Avon, Melksham and Trowbridge. These routes are often winding, narrow and without verges, with heavy traffic flows. Cycling is only an option for the very brave.
- The proposal also suggests that there are walking routes to the East on the B3107. The road is narrow and, in places without verge, making walking extremely dangerous.

- Walking routes into the village from the proposed site are on footways in very poor condition, which are frequently blocked by parked vehicles due to the lack of kerbs, the narrow roads and the traffic volume. Improvements to this whole route are required to make it safe for pedestrians.

- The village shop and recreation ground are in the centre of the village, and the two village pubs are approximately a mile away. This will inevitably lead to additional traffic and pressure on already difficult parking

Village surveys have always shown that traffic and parking are the major concern of villagers.

### **Holt has met its share of new housing – The proposal is unsustainable**

The NPPF defines sustainable development, as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Holt Neighbourhood Plan set its vision for the future of the community from 2016. Since then, actual development has been as follows:

- Six individual dwellings completed and occupied.
- The Tannery brownfield development of 44 dwellings, which will all be occupied by the end of 2022.
- Firlawn - conversion of existing brownfield buildings to 8 dwellings under construction.
- Star Ground development of 10 affordable homes on a rural exception site approved subject to s106 with two more planned subject to approval.

The Wiltshire Core Strategy sets out clear targets for housing development in the County. Holt is one of the three Large Villages in the “remainder” of the Bradford on Avon Community Area. The Strategy sets a need for a further 76 houses to be provided by the BoA remainder by 2026. Holt will have provided 68 houses by 2026 which is 89% of the requirement for the whole area.

Wiltshire Council conducted a rural housing needs survey for Holt in 2020. This showed a need for affordable housing that will be fully met by the Star Ground development. There is clearly no justified, sustainable need in this community for a further 40 affordable homes as proposed in the Gladman development. Any such excess provision would be in clear contravention of Policy CP43 of WCS and H1.2.c of the Holt Neighbourhood Plan which both call for evidenced need to be demonstrated:

“This Plan supports the provision of affordable housing in Holt on the following basis:

a) the first option for meeting evidenced need within Holt to be the inclusion of such housing within the development of the Tannery site in line with Policy H1.1 criterion d).

b) if additional need within Holt is subsequently identified, the development of the second part of the Jephson site, Star Ground off Station Road shall be considered.

c) other development sites will be expected to meet any affordable housing requirements in line with Core Policy 43 of the Core Strategy and up to date and evidenced local housing needs.”

### **Specious application**

This application is exploiting known inadequacies of current planning rules, whereby presumption is weighted in favour of development when a council falls short of meeting its 5 year land supply target. This has recently been recognised by the Secretary of State and new proposals to change this are planned. Furthermore, the figures on WC land supply fall short of target by a very small amount (4.72 years vs. 5 years), and in any

event are now some 14 months old. Our understanding is that under such circumstances, substantial weight is given to strategic policies and local Neighbourhood plans.

Further objection received on 13 November 2022 –

*Minor alterations to the Landscape and Visual Impact Assessment do not alter our view that this proposal, through its scale and location, conflicts with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside. This is further emphasized in CP51 of the WCS. This proposal is ribbon development increasing the length of what is already a long narrow settlement by approximately 13%.*

*We note the changes to the Great Parks/B3107 junction proposed in the Transport Technical Note. However, these do not fully address our issue from local knowledge that speeding is a problem in this area. A full sized roundabout would be required at this junction. At paragraph 2.8.3 the applicant accepts that the B3107 is unsuitable for cycling between Bradford on Avon and Melksham via Holt and proposes a s106 contribution of £100,000 towards delivery of a suitable cycling route. As the existing carriageway is too narrow to add a cycleway and the distance involved is 5 miles this provision would be extremely expensive. Either this provision should be raised to a realistic sum or the monies be diverted to improvement of general road safety in the village.*

*As it stands, this proposal remains unsustainable in terms of the NPPF and should be refused.*

#### Broughton Gifford Parish Council – Objection

*The council is concerned with traffic increasing through the village. This is already a significant problem for Broughton Gifford and the council recently undertook significant traffic calming measures through the village.*

*There is also very great concern about the 'infilling' between both Broughton and Holt. This application threatens the distinction between the two villages.*

*The roads simply cannot cope with such an increase in cars; potentially upward of 200 cars. The B3107 is already very busy, especially during school drop off and pick up when cars often park on the double yellow lines in place causing gridlocks. This will dramatically worsen for both Holt and Broughton Gifford which is also suffering with traffic issues.*

#### Wiltshire Council Spatial Planning Officer – Comments

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

*The application proposes the construction of 90 dwellings on what is currently agricultural land outside the limits of development at Holt. The site's access point will be off Great Parks, in the form of a T-junction.*

*The application is in outline form with all matters other than access reserved for subsequent determination. As such, it is only necessary to consider the principle of the proposed development through this planning policy response. Other policies of the development plan considered relevant to the proposal will be addressed by specialist Council consultees, such as ecological, drainage and heritage matters.*

*Planning history on the site includes a previous outline application 14/12109/OUT for 98 dwellings. This application was refused by Wiltshire Council for 6 reasons. These reasons, alongside how this application*

seeks to address these reasons are set out in section 2.2 of the Planning and Affordable Housing Statement submitted. Most notably for the principle of development, the application conflicted with Core Policy 1, 2, 7 and 48.

### **Wiltshire Core Strategy**

*In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). In this regard, the settlement strategy is set out in Core Policy 1. Holt is defined in Core Policy 1 as a Large Village. The policy states 'Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services, and facilities.'*

*The supporting text further outlines 'At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries.' Furthermore; 'Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application). Development outside the settlement boundary will be strictly controlled.' The application consists of 90 homes outside of the settlement boundary.*

*Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development. Proposals outside the limits of development will not be supported unless they arise through a subsequent DPD, community led development documents, such as Neighbourhood*

*Plans or are in line with one of the exception policies, set out in paragraph 4.25. The site does not meet the criteria outlined in the relevant exception policies (CP44 – Rural exceptions sites and CP48 – Supporting rural life).*

*Core Policy 2 anticipates that approximately 42,000 new homes will be delivered over the plan period 2006 to 2026, with 595 being directed to Bradford on Avon and 185 within the wider Community Area. The latest Housing Land Supply Statement (published April 2022) shows that 137 homes have been completed, with 94 identified as being deliverable by 2026, leaving the indicative remaining requirement at -46. As such, the proposal to deliver a further 90 homes at Holt would take this exceedance to -136.*

*Also of relevance to the consideration of this proposal is Core Policy 7 which deals specifically with Bradford on Avon Community Strategy which aims to deliver a modest and sustainable level of development.*

### **Holt Neighbourhood Plan**

*Holt Neighbourhood Plan (Made January 2017) includes a housing objective which aims to 'provide a limited amount of new housing to meet local needs.' A planning application for 40 homes at the Tannery Site, an allocation within Holt Neighbourhood Plan (Policy H1.1), was approved in 2019. A Planning application for 10 affordable homes at the second part of the Jephson site, Star Ground off Station Road (also supported in the Neighbourhood Plan in relation to an option in case of further need – Policy H1.2) was submitted in 2021.*

*Policy H2.1 refers to high quality standards of sustainable design and states all new development will: 'be of a scale and size to fit with existing housing (as opposed to commercial buildings) within the village'.*

*Policy H3.1 refers to infill housing. Although this application would not be seen as infill housing, it is clear from the policy which states development 'will not involve the outward extension of the settlement boundary*

*of the village' that the Neighbourhood Plan echoes Core Policy 1 and 2 in that limited amount of Development should be allowed within the settlement boundary.*

*Having regard to the above policies, it is considered that the proposed development would not accord with the strategy and pattern of development anticipated by the WCS. It is a large greenfield site outside of the settlement boundary of a Village. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.*

### **5 Year Housing Land Supply**

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

*It should be noted that;*

*i) although the Wiltshire Core Strategy (WCS) is over 5 years old, this does not render the plan out-of-date and is still the starting point for determining planning applications.*

*ii) the current Local Housing Need figure (1,981 dwellings per annum) is broadly similar to the sum of the housing requirements for the three HMAs in the adopted policies of the WCS (2,055 dwellings per annum). This indicates that the housing requirement in the WCS continues to effectively represent the current housing need for Wiltshire.*

*Paragraph 11 (d) and footnote 8 of the NPPF state that where an LPA cannot demonstrate a 5YHLS of deliverable sites, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In this scenario officers will need to give careful consideration to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.*

*The extent of the 5-year housing land supply shortfall and the potential for the proposal to deliver housing in the current 5-year period to help remedy the current shortfall should also be taken into account in the balancing exercise.*

*Paragraph 14 of the NPPF makes special provision for areas with 'made' Neighbourhood Plans. For areas with 'made' Neighbourhood Plans officers will need to factor the criteria in paragraph 14 into the 'tilted balance' when considering the appropriate weight to assign to the most important policies.*

### **Conclusion**

*The proposal is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Holt Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.*

*However, this must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.*

Wiltshire Council Highways Officer – No objection subject to conditions and s106 contributions

Wiltshire Council Housing Officer – No objection subject to s106 agreement on tenure mix, unit size mix and minimum size and design standards.

*Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site Affordable Housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the Bradford on Avon Community Area. Based on the proposed scheme of 90 residential units, there would therefore be a requirement to provide 36 affordable units on the site.*

Wiltshire Council Education Officer – No objection subject to s106 contributions

Wiltshire Council Landscape Officer – No objection subject to conditions

*The application proposes the development of 90 new houses on a green field to the east of the village of Holt. The site sits outside the current Settlement Boundary of Holt in the Open Clay vale 12b as noted in the Wiltshire LCA whose condition is declining, strength of landscape character is moderate, and needs conserving and improving. Forces for change noted in the WLCA are:*

*'Loss of hedgerows boundaries and particularly mature hedgerow trees, plus poor management of remaining hedgerows...*

*...Pressure for further expansion of settlement and new development threatening the character of the small villages and scattered farmsteads.'*

*The WLCA notes as broad management objectives:*

*'Retain and manage the hedgerow network and nurture new hedgerow trees...*

*...Consider developing guidance for built development to ensure both future construction and changes to existing buildings are designed to integrate with the existing character and structure of settlements.*

*Consider screening views to intrusive urban edges through planting new woodland.'*

*Whilst the Neighbourhood Plan does not highlight this site as an area of opportunity the sites already highlighted in the neighbourhood plan are currently being developed. I would note the Neighbourhood plan encourages the development of allotments for residents and this should be included in the masterplan.*

*The LVIA notes the main impact to be to the PRow HOLT 56 that runs through the site, noted to be 'moderate adverse' at year 15. I would agree with this assessment along with the impact to existing housing that have views over the site along Great Parks also noted as 'moderate adverse' after 15 years. The edge of Holt along the settlement boundary is characterised by the views of existing housing along Great Parks road with limited screening vegetation giving a generally 'built edge' to the settlement boundary here. From a landscape*

*visual impact perspective further housing whilst it will impact the views of existing residents along Great Parks would not substantially alter the landscape characteristics of the settlement boundary on the eastern edge of Holt.*

*I am pleased to see the substantial structural landscaping proposed around the boundary of the site which will do much to provide a much stronger vegetated boundary to this edge of Holt and am also pleased to note the area of PoS being used as a central focus on the masterplan design.*

Wiltshire Council Urban Design Officer – Comments

*The newly included Accommodation Schedule is not quite SHMA-compliant as there are equal proportions of market 4 beds and market 3 beds, but resolving this would not require less space per house, not more space, so it's a tolerable error at this stage.*

*Still no comment from applicant on whether equipped play will be LAP or LEAP. Appears to be space for both. As far as I can see, the nearest equipped play area for children older than toddlers is beside the Bowls Club, a 15min/1.3km walk from the site. Fields in Trust guidance is that play space should be within 480m, so I suggest that provision must be secured on THIS site, with the appropriate 20m buffer shown, just to be sure that there is space. I assume there is a significant cost difference of LAPs and LEAPS when agreeing s106.*

*Allotments – I don't see any Open Space officer response so cannot tell that they supported the proposals. A lack of response / objection doesn't mean the plan is OK and other officers (i.e. myself) can point out obvious questions; The West Wiltshire POS calculator indicates that 318sqm of allotment provision are required to be created for 90 new homes. There are currently no allotments (i.e. for potential expansion) in the area showing on the GIS map and I cannot think that why new allotments should be put on other greenfield land no one involved has control over, when THIS land is already being proposed for change and does appear to have capacity to accommodate some within the gross area. Presumably their financial contribution would be the same either way, but planning it now ensures it happens, and perhaps a condition just has to state the provision is expected to be onsite, unless otherwise agreed with the relevant officer.*

*I stand by my recommendation that a condition on any permission should reference the DAS and the principles agreed within it. I have used a fairly standard one before for Outlines such as this. It is common knowledge that the indicative layout within the DAS is only one way to develop the site, but it is important and is common practice to link that drawing to a permission when a specific Amount and indicative mix is being secured. A suitably worded caveat could be included in the condition to deal with potential for a different approach to access IF adjacent land comes forward later on, but its probably not necessary since its understood that at REM other constraints / opportunities may arise and can be discussed then.*

Wiltshire Council Ecology Officer – No objection subject to conditions

Wiltshire Council Environmental Health Officer – No objections subject to conditions

Wiltshire Council Public Open Space Officer – No objection subject to s106 contributions

Open Space- 3,143.52 sq.m = £107,999.24

Play - 159.30 sq.m = £22,939.20

Sports - 2124.00 sq.m =£21,240.00



Wiltshire Council Drainage Officer – No objection subject to conditions

Wiltshire Council Archaeology Officer – No objection

Wiltshire Council Rights of Way Officer – No objection

*There is around a 100m section of path on HOLT56 between an old hedgerow and a wooden panel garden fence which we would like to see improved; ideally we would ask for tarmac however we would accept upgrading to a hoggin path. We would also like to replace 4 stile along HOLT56 with kissing gates. The cost of the hoggin path upgrade would be approx.. £5,400 and the kissing gates are £500 each so a total of £7,400.*

Wiltshire Council Waste Officer – No objection subject to conditions and s106 contribution of £9,090.

Wiltshire Police Crime Prevention Officer: General comments for reserved matters applications.

*Play areas and spaces around the pumping station need better natural surveillance*

Wessex Water – No objection

## **8. Publicity**

The application was advertised by a site notice and 8 individually posted neighbour notification letters to residents on Great Parks.

A total of 234 comments have been received with 232 objections and 2 letters of support.

### Objections:

- *Contrary to Wiltshire Council and Holt Neighbourhood Plan policies*
- *This will further elongate the village around the busy B3107*
- *Extra housing has already been built in the village*
- *The village will not cope with the extra traffic (predicted to be 200 vehicles)*
- *The nearest shop is 1 mile away, people will drive*
- *Public transport has not improved*
- *Holt's infrastructure cannot cope with this*
- *Traffic is a nightmare in the village*
- *What's different to the last application that was rightly refused?*
- *The village went through the trouble of making a neighbourhood plan. This drives a coach and horse through a well developed plan*
- *Drainage and sewerage concerns*
- *Nothing more than a money making exercise*
- *Gladman's is a company that doesn't have village interests in mind*
- *This development will take years to complete and will cause considerable distress and disruption*

### Support:

-This development would be a major asset to the economy of Holt  
*This development does not appear to adversely impact the local environment, or history. Holt will remain surrounded by the green countryside we all enjoy even with this development. As for the infrastructure issue, this is very much a "what came first, the chicken or the egg?" question.*

*Therefore considering the downsides are slight, and the massive housing shortage we face in this country (and the huge difficulties it is causing young people), I'd welcome the addition of more homes to the village.*

## **9. Planning Considerations**

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

### **9.1 Principle of Development**

#### 9.1.1 The 'tilted balance'

The Wiltshire Core Strategy (WCS) sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. WCS Core Policy 1 defines the Settlement Strategy, and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy (and the Bradford-on-Avon Community Area at Core Policy 7) Holt is defined as a 'Large Village'. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside.

WCS Core Policy 2 defines the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Holt – and further states that housing should not be permitted outside the limits except in the few circumstances explained at paragraph 4.25, none of which apply in this case.

Furthermore, WCS Core Policy 2 also states that the limits of development (and new housing outside the limits) may only be altered through the identification of sites through a site allocations DPD or a neighbourhood plan. This application site is not identified in either the Council's WCS or Wiltshire Housing Sites Allocation Plan (Feb 2020), nor within the 2017 'made' Holt Neighbourhood Plan. Therefore, there is a conflict with WCS policies CP1, CP2 and CP7 and the Neighbourhood Plan.

However, the Council is at the present time unable to demonstrate a 5-year supply of deliverable housing land, and this is a significant material consideration. According to the most up to date Housing Land Supply Statement (dated April 2022 (base date: April 2021)), the number of years deliverable supply is 4.72 years. This means that the 'tilted balance' flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged; it states the following –

***"For decision taking this means: .....***

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

**d) Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:**

*i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must, therefore, be treated as being out of date. This does not mean that the policies carry no weight, but rather that the NPPF expectation 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*) has effect. And the effect in this case is – in the context of there being no identified adverse impacts outweighing the benefits of the development in terms of it delivering housing – that planning permission should be granted. The other non-‘impacts’ of the development are discussed later in the report.

Regarding the relevance of the Holt Neighbourhood Plan, paragraph 14 of the NPPF provides further commentary concerning Neighbourhood Plans, stating the following –

*In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

*a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made: .....*

The Holt NP was made in 2017 meaning that it became part of the development plan more than two years ago. It follows that in accordance with paragraph 14, the Holt NP cannot significantly and demonstrably outweigh the benefits of the proposed development in supplying housing.

### 9.1.2 Quantum of housing

In its explanatory notes at paragraph 4.15, the WCS states –

*“At large villages settlement boundaries are retained and development will predominately take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application).”*

The proposal is for 98 units which is higher than the “fewer than 10” referred to in the explanatory notes. However, in a number of relatively recent appeal cases for sites adjacent to other Large Villages, Inspectors have allowed developments of more than 10 dwellings in any event. These cases include;

- St. George’s Road, Semington (APP/Y3940/W/19/3236860) - 20 units;
- Sutton Benger (APP/Y3940/W/21/3285458 & APP/Y3940/W/22/3292118) - 21 and 24 units (total 45 units);
- Webbs Court, Lyneham (APP/Y3940/W/22/3299290) – 56 units;

- Green Farm, Lyneham (APP/Y3940/W/20/3253204) – 200 units.

Notably, in APP/Y3940/W/22/3292118 the Inspector stated –

*“However, paragraph 4.15 does not form part of any CS policy and the use of the word “predominantly” indicates that this is not a firm requirement. As such, the failure of the development to comply with the terms of paragraph 4.15 is afforded limited weight.”*

The Green Farm decision is considered to be somewhat of an outlier example but does demonstrate that higher numbers of dwellings have been allowed adjacent to Large Villages. It should also be noted that the Green Farm Inspector considered that the 5-year housing supply shortfall at the time of the appeal (at 4.56 years) was a ‘significant’ shortfall.

Objections have also been received regarding the Bradford-on-Avon Community Area already having more housing than previously allocated in the WCS, and that the Holt Neighbourhood Plan has allocated sites for development. However, and as already referenced, in order to benefit from a lesser 3-year supply of housing in a neighbourhood plan area, the neighbourhood plan must be less than two years old. The Holt Neighbourhood Plan was made in 2017, and therefore well before this two-year limit. Therefore, Holt is subject to the 5-year housing supply requirement, with housing need to be considered at a County-wide level and in accordance with the NPPF.

The WCS indicative requirement of new housing development for the Bradford-on-Avon Community Area has been exceeded through completions and commitments. However, planning inspectors have generally given any localised exceedance less weight than the overall 5-year housing land supply shortfall. This has been experienced in cases at;

- Chilvester Hill (APP/Y3940/W/16/3275477)
- Green Farm, Lyneham (APP/Y3940/W/20/3253204)
- Sandhole Lane (APP/Y3940/W/21/275352)
- Filands Road (APP/Y3940/W/21/3278256)
- Park Road (APP/Y3940/W/21/3289757)
- Whychurch Farm (APP/Y3940/W/22/3290305)

So, to sum up on the quantum consideration and locally met need for housing, neither are likely to amount to sustainable reasons for refusing planning permission in this case.

### 9.1.3 Relevance of 2015 decision

The earlier planning application relating to the site (14/12109/OUT) was refused for six reasons. The key difference between the current application and the earlier refusal is that the Wiltshire Core Strategy had just been adopted at that time, and the Council could demonstrate a 5-year supply of housing. Core Policies CP1, CP2 and CP7 could, therefore, be given full weight with no necessity to apply the ‘tilted balance’. Furthermore, aspects of the Core Strategy – including providing more than the community area based indicative housing requirements and not extending developments outside of Large Villages or allowing major applications at Large Villages – had yet to be tested at appeal.

The other 2015 reasons for refusal related to matters of detail – specifically, visual/landscape impact, archaeology and drainage. In the current application, there are no substantive objections from any of the

key statutory consultees, including WC Drainage, WC Landscape and WC Archaeology. It follows that these earlier reasons for refusal could now not be sustained, and accordingly the ‘tilted balance’ remains tilted in favour of the proposal. The delivery of housing to assist the shortfall in 5-yls in a location which is adjacent to a settlement and where there would be no harmful effects complies with the NPPF as a matter of principle, and it is this which now makes the current proposal acceptable sustainable development.

#### 9.1.4 Principle of development – conclusion

As set out above, the Council does not currently have a 5-year supply of housing, and accordingly WCS Core Policies CP1, CP2 and CP7 cannot be given full weight. In the context of a lack of any detailed objections from statutory consultees, the NPPF ‘tilted balance’ favours the application as “any adverse impacts of granting permission” cannot demonstrably outweigh the benefits, the main benefit being the supply of housing, including 36 affordable units.

#### 9.2 Impact on the landscape and spatial context of Holt:

The previous landscape related reason for refusal in application 14/12109/OUT stated the following –

*“The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside and with policy CP51 of the Wiltshire Core Strategy.”*

In the current application fewer dwellings are proposed resulting in the development being further away from the boundaries of the site. This allows for larger ‘buffers’ on the northern and eastern sides of the development to accommodate more structural landscaping in these areas.



**2014 illustrative plan**



**Proposed illustrative plan**

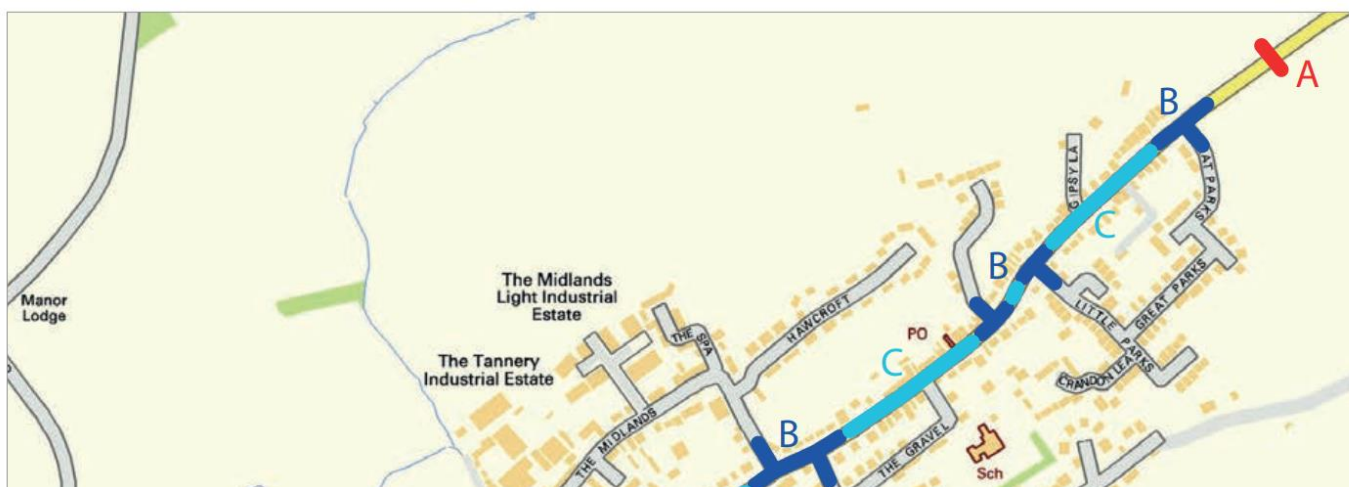
The application site boundary with the B3109 is characterised by a mixture of low/gappy hedgerows and mature trees and hedgerows. In summer the trees and mature hedgerows provide an immediate and

reasonably dense screen although views are still afforded where there are gaps. On approaching Holt from Melksham it is not immediately clear where the existing edge of the settlement is due to this existing landscaping.

The proposed landscaping on the northern side of the site has been changed from more structural planting - which would have largely screened the development – to just infilling of the gaps with additional trees and hedge plants. This would help soften the impact of the proposal, but not completely hide it. The intention of the proposed development is to create an attractive place to live and, so not completely screen it from view when coming into the village.

The Holt Neighbourhood Plan refers to proposals for traffic improvements which include “formal gateway feature” at ‘A’, as shown in the snip image below. It is not known if this is a specifically chosen location but ‘A’ is estimated to be approximately 100-120m away from the ‘Great Parks’ junction (which is approximately half the length of the northern boundary of the application site). If a new ‘gateway’ is to be introduced along the B3107, then it is considered that the proposed development would contribute to the ‘character of place’ of Holt by being visible to a certain extent, and so be part of the ‘gateway’, enhancing it through the proposed northern boundary landscaping.

### Suggested proposals for traffic improvements



The Council’s Landscape Officer has no objection to the proposal, agreeing with the conclusions of the Landscape and Visual Impact Assessment. Notably, that the main impact would be on the HOLT56 public right of way. The Landscape Officer also agrees that the impact on the views from HOLT56 over the application site would be ‘moderate adverse’ after 15 years. The Landscape Officer further concludes that *“From a landscape visual impact perspective whilst further housing will impact the views of existing residents along Great Parks, it would not substantially alter the landscape characteristics of the settlement boundary on the eastern edge of Holt.”*

The Parish Council and various third party’s objections also state that it is inappropriate to extend the linear extent of the village by 13%. However, Holt’s spatial character is already long and linear connected closely to the B3107. It is submitted that this proposal would in actuality be in-keeping with Holt’s existing linear character by virtue of being closely related to the B3107 and not extending deep into the open countryside to the south. The application site is 185m deep from the B3107 and would not extend as far to the south as some other parts of the village.

Therefore, it is submitted that the previous landscaping reason for refusal has been addressed, and that there is no sustainable visual or landscape reason for refusing now.

### **9.3 Highway and traffic impacts**

The application is accompanied by a Transport Assessment which addresses the impact of the proposal on the adjoining highway network. This shows that there will not be an unacceptable impact in highways safety terms. The Council's Highways Officer agrees with these conclusions. The proposed site access complies with current standards. In view of this there is no highway safety objection to the application.

A lot of the objections relate to high traffic levels, especially around school drop off and collection times. Any children from this development would be able to walk from Great Parks and into Little Parks with safe use of pavements. At the junction with The Common parents would have to cross the road to reach another pavement on The Common to then cross the road again at 'The Gravel' to then access the school gates. This would constitute an approximate 650m walk from the application site to the primary school which would take approximately 8-10 minutes even taking into account having to cross over roads. It is not considered that this would be an unduly difficult undertaking, and at least in this context the site is sustainably related to the primary school (and pre-school).

The applicants are also proposing to make a new footpath along Bradley Lane, which is accessed via a tarmac path from Little Parks. This would allow for a full footpath access into the back of the school from Bradley Lane, and provide not only a second walking choice from the development but offer a betterment to existing residents in the area as well.

### **9.4 Drainage and flood risk**

The fourth reason for refusal in application 14/12109/OUT was due to inadequate and conflicting information relating to surface water drainage and flood risk assessment. The current application addresses this care of an updated flood risk assessment which satisfies the Council's Drainage Officer. Whilst the Drainage Officer has sought further information and calculations, this can be addressed by condition. It is, therefore, considered that the earlier reason for refusal has been overcome and does not now amount to a reason for refusing planning permission.

Regarding foul water, a pumping station is proposed (shown indicatively in the southern corner on the masterplan) to pump foul water to the foul drain on Melksham road.

### **9.5 Archaeology**

The fifth reason for refusal in application 14/12109/OUT was related to there not being enough evidence to support the conclusions in the Desk-Based Assessment carried out at the site, and that further evaluation would have been necessary.

The further work has now been undertaken to the satisfaction of the Council's Archaeology Officer, and therefore, this reason for refusal has been overcome and cannot now amount to a sustainable reason to refuse planning permission.

## **9.6 Heritage Assessment**

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 Listed buildings or their setting (S16) and to the desirability of preserving the character and appearance of conservation areas (S72).

In this case the site is located just less than 450m away from the Holt Conservation Area. Given the intervening modern housing and infrastructure that exists between the development site and the Conservation Area there will be no intervisibility. As such, it is not considered that there would be an impact to the setting of the Holt Conservation Area or its significance as a designated heritage asset. In terms of the NPPF tests, it follows that there would be no harm to the conservation area.

The nearest Listed building to the site is Oxen Leaze Farm which is Grade II. The Listed building is located 250m away from the development site with intervening hedging and topography. Furthermore, its principal elevations have a north-south orientation and so direct views towards the site would not be afforded. On this basis it is considered that the proposal would not have a significant impact upon the setting of the Listed building or its special interest. In addition to this, modern equestrian buildings lie within the immediate setting of the dwelling. No other Listed buildings are considered to be affected by the proposal given the significant separation distance and the intervening modern built form between them and the proposal site. In terms of the NPPF tests, it is concluded that no harm would be caused to Listed buildings.

## **9.7 Impact on neighbouring amenity**

The scale, layout and external appearance of the proposal are 'reserved matters' for future applications which would then take into account the impact on neighbouring amenity. This said, there is no reason why a neighbourly development could not be achieved based on the indicative master-plan, for both existing and new residents.

## **9.8 Ecology**

The application is supported by an ecological appraisal which identifies two trees having roosting potential for bats. These trees are proposed to be retained and flight corridors are to be protected and retained as set out in the Ecological Parameters Plan.

Reptile surveys identify a small population of slow worm and grass snake on site. Measures to avoid risk of killing or injuring reptiles as well as enhancement measures would be subject to conditions in the event of planning permission being given.

The applicant has also submitted sufficient evidence to demonstrate biodiversity net gain, which would also be secured by condition.

## **9.9 Section 106 Legal Agreement**

Core Policy 3 states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the



Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are that contributions must be:

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

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposal. The applicant has agreed to provide these:

#### Highways

£100,000 towards cycling or go towards development of an off-road cycle route between Holt, Melksham, and Bradford on Avon;

£5,000 towards cycle signage

£15,00 towards PT (extra journeys within the existing timetable)

£7,500 Travel Plan monitoring fee (£1500 pa over 5 years); and

£3,000 towards the advertisement (TRO) of the bus stop set down area.

#### Public Rights of Way

CP52 states "*Development shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD. It is therefore considered that a contribution for nearby Public Rights of Way improvements is justified - £7,400.

#### Affordable Housing

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site Affordable Housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within this Community Area. Based on the proposed scheme of 90 residential units, there would therefore be a requirement to provide 36 affordable units on the site. To meet current demonstrable need the Affordable Housing units should be provided with a tenure mix of 60% (22 units) Affordable Rented, 25% (9 units) First Homes and 15% (5 units) Shared Ownership.

The Council's Housing Officer has also provided further comments in relation to the Parish Council's objection. A Rural Housing Needs Survey was completed in 2020 which (alongside other credible needs evidence i.e. Wiltshire Council's current Housing Register statistics) supported the Rural Exception Site of 10 Affordable Housing units to come forward/be delivered at the Star Ground off Station Road, Holt. This was a WCS CP44 - *Rural Exception Site* where only affordable housing is provided. These affordable homes have now been built out by Stonewater Housing (Registered Provider). The Holt Neighbourhood Plan supported this site to come forward as no Affordable Housing had been secured (due to a viability exercise) on the Tannery site in Holt.

This application is not a Rural Exception Site (CP44) but is a site being dealt with under CP43 and, therefore, allocations would be made to these Affordable Housing units in line with the Council's adopted Allocation Policies & Procedures relating to this policy should permission be granted. This means it would take account of local connection first when allocations are made but then would cascade out to the surrounding Parishes/Bradford on Avon and Melksham etc. This is therefore fully compliant with Policy H1.2c of the Holt Neighbourhood Plan.

The Council's Housing Officer has also checked the Housing Register and can confirm that there are applicants seeking housing in Holt and in the surrounding Parishes. Therefore, the provision of 36 Affordable Housing units on this site would help contribute to this need.

### Education

Early years provision - £175,220 but notes; *"However, Holt Preschool cannot be expanded and the contribution would not be sufficient to create a new setting. Therefore, the only way to provide the places needed would be to use the contributions in neighbouring Bradford on Avon (BOA) where they can be combined with other S106 contributions towards the development/expansion of Early Years provision in BOA that supports the village of Holt. (However, it should be noted that provision in BOA would not be within 2 miles walking distance of the development site)."*

Primary School – *"Holt VC can accommodate the expected pupil product of the proposed development within current capacity and forecasts, without the need for expansion. As a result, we have no requirement for a developer contribution towards the 24 places that this development would generate a need for."*

Secondary School - £389,980 *"There is no spare capacity available across the Trowbridge secondary schools. We therefore require a full developer contribution towards the provision of the 17 places that this development generates a need for."*

### Refuse

A contribution of £9,090 (£101 per dwelling x 90) 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.

### Recreation and Open Space

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

The proposal does include an area of public open space which is to be managed by a management company, and this is considered to be appropriate in the context of the policies. The site should also be large enough to accommodate on site children's play area and a contribution to Holt recreation ground is also sought.

Open Space Required for 90 dwellings -3,143.52 sq.m = £107,999.24

Play 159.30 sq.m = £22,939.20

Sports – 2124.00 sq.m = £21,240.00

### Management Company

The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after.

## 10. Conclusion

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, permission should be granted in any event.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land; at the time of preparing this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.72 years. With this recognition the strategic policies of the Core Strategy must be considered out of date, and so the tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst the proposed development lies outside of the Holt 'Large Village' boundary and so conflicts with the strategic level policy requirements (CP1 & CP2), this report shows that there are no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would help provide economic benefits by providing work for construction professionals, increase economic activity within Holt and contributions towards off site infrastructure through S106 contributions and CIL.

As already set out, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for growth would bring. The proposal would relate well to the spatial form of Holt using an existing residential road that does not access directly onto the B3107.

Fundamentally the site would make an important contribution to the current identified housing need in Wiltshire without causing other demonstrable harm.

But the above said – and in view of the appeal against non-determination that has now been lodged – it is necessary for an objection to be proffered to the Planning Inspector relating to the failure of the proposal to secure a mechanism to ensure that essential infrastructure made necessary by the development is delivered. It is important to note that this is a technical objection only which could fall away if a mechanism is put in place as part of the appeal process, such as a S106 planning obligation.

**To delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have refused planning permission for the following technical reason –**

**The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development are delivered, these being affordable housing, recreation/open space, education facilities, refuse collection facilities, and highway works / sustainable transport improvements. This is contrary to Policies CP3, CP43, CP45, CP51, and CP52 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009) and paragraphs 8, 34, 56, 64 and 92 of the NPPF.**

**INFORMATIVE:**

**This 'reason for refusal' may fall away in the event of a suitable mechanism – such as a S106 planning obligation – being agreed and secured as part of the appeal process.**



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